

ORDER OF THE DAY

TUESDAY, 18th MARCH, 1975

1. STATE OPENING OF THE LEGISLATURE (SEE PROGRAMME)

RESUMPTION OF THE HOUSE

2. PRIVATE MEMBER'S QUESTION:-

MR. CLAUDE M. HILL (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE  
D.V. WATLER, O.B.E., J.P. FIRST OFFICIAL MEMBER

UNDER THE CINEMATOGRAPH RULES, 1964 MADE BY THE AUTHORITY WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE ASSEMBLY, UNDER SECTION 1 (j) THE AUTHORITY SHALL MEET QUARTERLY ON THE FIRST TUESDAY OF EACH QUARTER OR AT SUCH OTHER TIMES OR FREQUENCY AS THE GOVERNOR MAY DIRECT. WHEN IS IT EXPECTED THAT THE AUTHORITY WILL MEET SINCE IT HAS NOT MET WITHIN THE LAST YEAR?

3. PRIVATE MEMBERS' MOTIONS:-

- (i) TO BE MOVED BY MR. G. HAIG BODDEN (CONSTITUENCY OF BODDEN) TO  
BE SECONDED BY MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN)

WHEREAS due to the fact that the population of the Eastern Districts is increasing, it requires increased medical services to cope with it

BE IT RESOLVED that the Medical Clinic at Bodden Town be staffed with a duty Nurse in residence there, and that this be done within the next ensuing thirty-day period.

- (ii) TO BE MOVED BY MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN)  
TO BE SECONDED BY MR. G. HAIG BODDEN (CONSTITUENCY OF BODDEN TOWN)

WHEREAS due to the fact that certain films are being shown in the various cinemas of the Island which are considered as not reflecting the moral and social standard of this community, and as at present there appears to be a law on the statue book incapable of coping with this problem BE IT RESOLVED that a Committee be set up to consider this problem and treat it with urgency, consisting of the Attorney-General, as Chairman and three members of the Legislative Assembly with powers to co-opt the services of up to four persons from the general public, such persons to have no vote and to report back to the Legislative Assembly its findings and suggestions for change.

- (iii) TO BE MOVED BY MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN)  
TO BE SECONDED BY MR. JOHN JEFFERSON (CONSTITUENCY OF WEST BAY)

WHEREAS it is public knowledge that boys and girls under the apparent age of 21 years, are being sold alcoholic liquors against the present Liquor Licensing Law

AND WHEREAS the consumption of alcohol is becoming a menace to society; BE IT RESOLVED that Government take steps to have the Police Department inspect all Licensed premises at regular intervals in an effort to correct this breach of the Law;

AND BE IT FURTHER RESOLVED that Government take steps to stop the illegal sale of alcoholic beverages in places where the proprietors have no license to sell spirituous liquors; and that in the George Town area steps be taken to stop this illegal distribution of liquor which is so very prevalent.

4. GOVERNMENT BUSINESS:

BILLS:-

- |                                      |                            |
|--------------------------------------|----------------------------|
| (i) THE CORONER'S LAW, 1975          | -first and second readings |
| (ii) THE COURT OF APPEAL LAW         | -first and second readings |
| (iii) THE JUDICATURE LAW, 1975       | -first and second readings |
| (iv) THE GRAND COURT LAW             | -first and second readings |
| (v) THE IMPRISONMENT LAW             | -first and second readings |
| (vi) THE CRIMINAL PROCEDURE CODE LAW | -first and second readings |

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, C.B.E. - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

Hon. D.V. Watler, O.B.E., J.P.  
Hon. G.E. Waddington, C.B.E., Q.C.  
Hon. Trevor Foster

Hon. B.O. Ebanks

Hon. W.W. Conolly, O.B.E., J.P.

First Official Member  
Second Official Member  
Third Electoral District  
Lesser Islands (Member  
for Lesser Islands co-  
ordination and information)  
First Electoral District,  
West Bay (Member for  
Social Services, Education  
Health and Labour).  
Sixth Electoral District,  
East End (Member for  
Tourism, Lands and Natural  
Resources, MRCU. and  
Surveys).

ELECTED MEMBERS

Mr. John Jefferson  
Miss Annie H. Bodden  
Mr. Claude Hill  
Capt. A.A. Reid  
Mr. James M. Bodden  
Mr. G. Haig Bodden  
Mr. Carddock Ebanks

First Electoral District,  
West Bay.  
Second Electoral District,  
George Town.  
Second Electoral District,  
George Town.  
Third Electoral District,  
Lesser Islands.  
Fourth Electoral District,  
Bodden Town.  
Fourth Electoral District,  
Bodden Town.  
Fifth Electoral District,  
North Side.

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FIRST MEETING OF THE (1975) SESSION OF THE LEGISLATIVE ASSEMBLY  
TUESDAY 19th MARCH, 1975

SEE PROGRAMME FOR STATE OPENING

PRAYER: REV. DR. A.N. BANKS: Let us pray.

Almighty and Everlasting God our Heavenly Father, we pray for this Legislative Assembly on this opening day, we know that all wisdom and power come from thee. And we pray that each Member may turn to thee for special guidance and strength, that all may be done according to thy will. At this time we remember Good Friday and Easter so close now. We remember how thy Son had to pay that supreme sacrifice of his life, that we might be able to enjoy a fuller and more meaningful life. We pray Almighty God that each Member of this Assembly may always be willing to sacrifice of themselves, that the good of the whole people of these islands may be served. We ask our blessing for our Sovereign Queen Elizabeth, to the Queen's Mother, for Phillip Duke of Edinburgh, for Charles Prince of Wales, for all the Royal family. Bless and strengthen all who rule over the Commonwealth, especially His Excellency the Governor of these islands, the Executive Council, and Members of this Legislative Assembly here assembled, bless and strengthen them, that all may be done in thy name. Amen.

MR. PRESIDENT:

Pray be seated.

Honourable Members of the Legislative Assembly we are assembled to inaugurate the third Session of the House during the current electoral period of four years. The course is half run and both the Executive Council and the Assembly have fallen into a regular rhythm in despatching their business. They have an output which is creditable and both discharge in full their duty to the electorate to examine critically the policies and legislation under which the future of the country is being shaped.

I believe that a Throne Speech should be forward-looking, particularly as it follows closely the admirable summary of progress during 1974 presented by the Honourable Financial Secretary in his Budget Address last November.

Nevertheless before charting our future course, I shall, like a prudent mariner, endeavour to use the sextant, the log and the Nautical Tables to see exactly where we are positioned in March 1975.

It will be convenient to review briefly progress under the seven portfolios under which the various departments and subjects are administered.

Communications, Works and Public Transport

Although a number of sizeable and minor projects were completed in 1974, the major thrust in this portfolio was concentrated upon the preliminary work, and the core of constructional effort, required to ensure the inauguration or completion of large-scale projects in 1975. The pharmacy/stores building at the Cayman Islands Hospital, now being temporarily used as an in-patient ward, was completed to high standards. A clinic has also been completed in North Side. Twelve new classrooms and a Home Economics block were added to the Cayman Islands High School and additional classroom facilities were added to the Cayman Brac High School and an infant block completed at the East End Primary School. A new air-freight shed was completed at the Owen Roberts Airport, and the police were brought up to standard with radio and other essential equipment. The laboratory/equipment building for the Natural Resources Study was also completed by June 1974.

I shall touch later on the projects which have not yet come to fruition in reviewing the programme for 1975 and future years.

### Tourism, Lands and Natural Resources

The four-pronged investigation of the Natural Resources Study began in May, inaugurating scientific study of reefs and coastal littoral, marine biology, oceanography and natural history. At the end of the year a most useful conference was held including all the scientific advisers and those locally engaged on the project to determine whether the Study will produce the answers required by the Government and whether some aspects of the Study should be given further emphasis. It was concluded that the investigation was going well.

The work of the Mosquito Research and Control Unit continued, unfortunately without the co-operation of the mosquito which shows a remarkable adaptability to whatever kind of insecticide the Unit can throw at them. Because of this, a programme of larviciding with oil was planned for 1974 but proved abortive because of the oil crisis. The Unit was accordingly thrown back on insecticides and to improve the effectiveness of aerial spraying a Thrush Commander aircraft was purchased during the year. In addition, as this campaign is expensive and absorbs about five per cent of our recurrent budget, longer-term solutions are being sought by physical controls. A fully-qualified Civil Engineer was recruited in 1974, a Hy-Mac 880C excavator was purchased for ditch-digging and a brush-cutting device obtained to reduce the costs of casual labour on vegetation control.

A new Head of Department of Agriculture, renovation of office buildings, a small increase of staff, and not least the enthusiasm and interest of many Cayman farmers have, under the direction of the Member concerned, given the kiss of life to this very important sector of the economy. Important new developments in hydroponics, mechanised farming, and efficient cattle-farming and egg production by long-established local entrepreneurs have broadened the base upon which the industry can be expanded.

Tourism was similarly give new emphasis by the inauguration of the Department of Tourism in 1974 when the Tourism Law and Regulations were enacted and made. All tourist facilities with more than six beds are now subject to annual inspection and licensing. Promotional programmes have been revised and a Reservation Service has been established in Miami to facilitate the placement of hotel bookings by travel agents. This is proving popular and successful. Only one major tourist facility, Victoria House, was opened during the year. While the number of tourists increased to 53,140, a 16 per cent improvement over 1973, hotel occupancies dropped from 53.5 per cent to 49.5 per cent, and there was some falling off in bookings during the second half of 1974 continuing into January when figures were down 7.7 per cent over January 1974.

The Cadastral Survey has made good progress and at the end of 1974 a total of 5,200 parcels had been surveyed, covering a total of 15,000 acres. Cayman Brac, East and Central, had been completed and all of West Bay and George Town, South and Central.

The Lands and Survey Department dealt during 1974 with 1,002 transfers of land at an estimated value of CI\$4 million, and there were 309 charges valued at approximately CI\$12 million. The Department has also prepared 1/2500 topographical maps for the western area of Grand Cayman which are available to the public.

### Health, Education and Social Services

In addition to the buildings already mentioned, the former Secondary Modern School buildings have been refurbished and a Teacher's Centre housed in the upper storey. This will provide much-needed refresher courses for teachers. A unit for the deaf has been established on the same site. The Cayman Islands High School has benefited from the expansion of facilities and now houses 87 per cent of the secondary school population in Grand Cayman, with a current roll of 1,161 and a staff of

77 teachers, excluding the new Principal and his supporting administrative staff. Anyone visiting the School cannot fail to be impressed with its organisation, the calibre of teaching and the attentiveness of the pupils. This is also true of our primary system. Tribute must also be paid to the private schools which are catering for 37 and two-third per cent of the primary school population.

The Public Health Services have been improved not only by the provision of new buildings but by modernising the public health legislation and providing additional medical, nursing and other trained staff. The ratio of staff to population compares favourably with other countries of the region and also in relation to 1,400 persons admitted as in-patients in 1974 and to 40,000 out patient attendances at hospitals and clinics. Good progress was made with the training of Caymanians in medicine, nursing, radiography, medical technology, physiotherapy and health services, with the accent on improving preventive and public health services which in the long run can cut the costs of essential curative facilities. The Department is also responsible for garbage collection, which has been improved: 47,000 cubic yards were collected in 1974 and a welcome start was made in removing derelict motor-cars, of which 450 were collected for disposal.

One of the most important developments over the last year has been the inception of the Cayman Islands National Council of Social Services after sterling work by the Steering Committee set up to get it off the ground. This embraces Churches, Service Clubs, Sports Clubs, voluntary agencies and Government representatives with social welfare interests. Its Executive Committee, under an active and enthusiastic Chairman, has launched the Council's activities with imagination and keenness. The Probation and Welfare Department was strengthened during the year and those in need have, in appropriate cases, had contributions augmented by 100 per cent while needy children are being provided with free lunches in Government Schools.

#### The Lesser Islands and Information

The aspirations of the people of Cayman Brac to cut a road to the Bluff were finally met with Government and private assistance, and the road is progressing across the island. The reconstruction of Cayman Brac airfield has been held up through lack of crushing plant for the fill required, but a teacher's cottage has been partly completed and an extension to the High School finished.

The airport at Little Cayman was closed to DC3 traffic on the 31st of December because of the inadequacy of fire-fighting equipment and some hazard of aircraft from vegetation. Services by twin-engine light aircraft were brought into operation to preserve the important communications link with Cayman Brac. Meanwhile, fire-fighting equipment has been purchased and so soon as this is on-site and the necessary clearance of trees has been effected the airport will again be opened for DC3 traffic.

The Information Service has continued to serve the press, to deal with requests for information from members of the public both here and overseas, and to produce the Annual Report and similar documents. Delays in getting the Annual Report printed overseas - the 1973 Report has not yet been received - and the need to encourage the local printing of the 1974 Report which is at an advanced stage of preparation.

#### Legal and Judicial

Twenty-six laws were enacted 1974. The Department is still short of an Assistant Attorney General and has been under considerable pressure. In the Judicial Department, a new Clerk of Courts was appointed and steps are being taken to bring the subordinate staffing up to full strength. The Laws under which the Grand Court and Magistrates Court operate are anachronistic and these have been overhauled and re-drafted.

The first six of eleven Bills come before the Assembly at this Session.

#### Finance and Development

The Financial Secretary's Budget Address gave a full account of financial and economic progress and outlook for 1974 and 1975, and I shall not re-cover the same ground. I nevertheless mention the loan of approximately CI\$3.2 million made available by a consortium of six local banks to cover the financing of the new Administration Building and the Roads programme. Despite heavy expenditure within the provision of the 1974 and Supplementary Estimates and recession in the countries with which we do business, 1974 closed with a surplus, which speaks both for the standards of financial control and the fact that the Cayman Islands are riding well in the financial seas of the current time. At the end of 1974 there were 186 banks and trust companies licensed, 33 being Class A licences; 5,948 companies were on the Register - 3,726 Ordinary companies, 2,050 Exempt and 164 Foreign. In the development field a great deal of hard preparatory work was achieved towards the production of the draft Development Plan. A new Director of Planning was appointed and two highly-qualified United Nations Advisers joined the Financial Secretary's team.

#### External Affairs, Police, the Civil Service

The decision has been taken to remain an Associate in the European Economic Community, or Common Market. This will make the Cayman Islands eligible for a further source of aid funds, although on what terms and to what amount is not yet clear. The decision to withdraw can be reached after 5 years' Association if this is not to our advantage. There is a concomitant obligation to restructure the Customs Tariff over a period to accord to other EEC countries the same terms as apply to the United Kingdom but this can be engineered so as to cause no less of revenue and to take account of our special relationship with the United States of America and Canada.

The Police Force opened its new Headquarters during 1974. British Technical Assistance funds allowed the appointment of a training officer, a traffic officer and the inception of a Special Branch, and it is encouraging that there has been a substantial recruitment of Caymanians into the Force for the first time for several years. Much remains to be done to upgrade and modernise the Force, but there is little doubt that standards have risen during the period under review. With provision in the Estimates for a Prison Officer, the first steps have been taken to separate the Prison Service from the Police. This has already been done with the Immigration Department which is now responsible - albeit still occupying office accommodation in the Police Administrative Building - to the Chief Secretary.

The Civil Service, faced with increased volume of work and pressure of business as the economy expands, increased from an establishment of 556 to 620 at the beginning of 1975. Some 64 officers are serving from the United Kingdom, including those on Technical Assistance terms, and approximately 100 are recruited from elsewhere in the Caribbean. A successful four-week course has been run for middle management on principles and practice of management, and various improvements have been made in registry procedures and the structure of five separate Government departments. A United Nations Adviser in Public Administration has been of considerable help in planning and implementing these programmes.

#### Visits, Ceremonial and Staff Changes

Two visits by Her Majesty's Ships, the Survey Ships FAWN and FOX, were working visits which rendered valuable assistance to the Natural Resources Study. The United States Coastguard Vessel STEADFAST visited George Town in December and the French Patrol Vessel ARCTURUS paid a courtesy visit last week.

The Governorship of the islands changed during the year, Mr. K.R. Crook leaving on the 26th of July and my own arrival taking place on the 28th of August. This Assembly was honoured by the



by the presentation of a Mace in November by the Bank of Nova Scotia and The Bank of Nova Scotia Trust Company. Ambassadorial visits included the German and United States Ambassadors from Jamaica, and visits from the Foreign and Commonwealth Office included MR. E.N. Lamour, Assistant Under-Secretary of State; Mr. E.A. Bennett and Mr. P.C. Duff.

Senior appointments included Mr. A.K. Wright, Development Adviser; Mr. P. Stokes, Principal of the Cayman Islands High School; Mr. M.B. Griffiths, Civil Engineer Mosquito Research and Control Unit; Mr. Linford Pierson, Deputy Financial Secretary; Mr. K.L. Saxena, National Accounts Adviser; Dr. J. Jackman, Director of Agriculture; Mr. R. Dunlop, Director of Broadcasting. Since the Assembly last met the Honourable Attorney General, Mr. G. Waddington QC, was awarded the CBE by Her Majesty the Queen.

### The Private Sector

The Cayman Islands are one of the last bastions of free enterprise in the developing world and this is not something that we tolerate, but something that as a Government we positively encourage. During the year, like other countries, we have experienced both failures and successes. The most serious was the placing of the Interbank Group of companies into voluntary liquidation last September. This was potential consequence to the offshore banking industry, of damaging effect to the local economy and a disaster for the many investors, large and small, who were attracted by the high rates of interest that the Sterling Bank and International Bank offered. While the end of the story has not been written, the offshore finance operations do not appear to have suffered significant damage and, despite some unemployment who have since been largely absorbed, the effects on the local economy have not so far been as great as was first feared. Some companies have undoubtedly had major re-financing problems to face, and at the middle management level a number of individuals were unable to find alternative jobs locally. At the time of the collapse the Government was endeavouring to recruit a qualified Bank Inspector and has not yet been able to find an officer with the requisite experience. Candidates are now under consideration but are not prepared if necessary, to wait for someone with the calibre and the preparedness of bank inspection necessary to measure up to the size of his task. It is evident, too, that the Companies Law and, in particular, the winding up provisions need modernising and precedents are being studied with this in view.

Apart from the growth in bank and company registrations already mentioned, the Kirkconnell and Merren supermarkets have been opened, greatly improving the quality of retail business in the capital. Caledonian Farms have taken over Caribbean Farms. They have also expanded their horticultural activities in North Side and they have imported pigs and sheep to expand the side of the business concerned with animal husbandry. Mariculture, as well as surviving financial problems, has made important improvements in feeding the turtle which could apparently bring the product to optimum size several years earlier than by using existing methods. This is being scientifically evaluated and the company's marketing policies have also been reviewed. In the field of communications, Cable and Wireless made good progress with the new telephone exchange and Southern Airways were granted flying rights between Miami and Grand Cayman in October.

With these cross-bearings, I hope that the Honourable members present will agree that our position is sufficiently firm to chart out way in the future.

1975 will be a year of significant achievement.

Before the end of this month, I hope that the tender for the George Town Port Development will be awarded. This may need some tightening of our belts. The cost of the main port will be in the region of CI\$3.5 million, and we shall not learn until later this month the extent to which Caribbean Development Bank will assist. It would be

prudent, of the cost. In addition, the desirable northern extension which when added will provide three acres of storage space and wharves - 6-7 acres would be the ideal - will cost about C\$700,000. It would be commonsense to have this done at the same time as the main project. Lastly, if the port is to be run at maximum efficiency, the current administration block ought to be replaced and the cost is estimated at a further C\$400,000; the Financial Secretary is discussing the separate financing of this self-contained project from British Aid Funds.

This will be the largest Government project in our history. It has been well-designed but cannot be regarded as lavish. Five companies of international repute have competitively bid for the job. The cost is high, but is not beyond our capacity and every means of securing further loan assistance on most favourable terms and conditions will be explored when the exact commitment is known. It is a solid gilt-edged investment and there are, we believe, cogent economic reasons for its construction. In the same way as we have taken a bold lead in the standard and durability of our public buildings, so I believe that as a marine country we should set an example for efficiency in port handling and operations in this part of the world.

The new Administration Building will be completed by the end of July and will house not only the complex of Government operations now in the West Wind Building but also a number of other Government departments.

The new broadcasting studios are making good progress but the inception of the service will depend upon the supply of equipment, the first of which is expected in a few weeks' time. The station will have an output of 10,000 watts and will be able to reach Southern Florida, North Jamaica, Cuba and some Central American countries. While this will help to accentuate the Cayman Islands' place on the map, much more importantly it will allow a steady dissemination of local and world news each day to all our citizens.

Work on the 28-miles road programme has already started and hot asphalt pavement will be laid from the West Bay Town Hall to the cemetery then from the George Town cemetery along School Road to the road junction of Tropical Gardens. The plant will then move to Bodden Town and work back to George Town from the Pease Bay cemetery. Sheddon Road, Edward Street, Cardinal Avenue, Fort Street and South Church Street are included in the George Town programme.

A Water and Sewage Study began in October 1974 and a report will be made by August. This will establish the adequacy of underground water supplies and their location, consider other sources of supply and the economics of piped water for the capital and other settlements, and recommend safe and efficient means of sewage disposal when this is advisable.

Phase 2 of the Plan for the development of the Owen Roberts Airport includes a new terminal building with ancillary facilities. The need is pressing and if the job is to be done properly it will be costly.

We cannot, however, Honourable Members, do everything at once. With the heavy commitment for the port, a commitment for Cayman Brac airport, a possible supplementary estimate for the roads programme, we may have to consider the priorities of other sectors, particularly if, as we expect, the provision of piped water and sewage in George Town is considered urgent on health grounds. Additional sources of aid may ease the problems of priorities and we may be able to proceed gradually on several fronts rather than go quickly to complete one of the remaining large projects at the expense of another. Such decisions are the essence of good government with which this country is fortunately well-endowed.

In the field of Education and Public Health, 1975 will see completion of the new in-patient ward at the Cayman Islands

Hospital and clinics at West Bay - a joint Jaycees/Government project - and East End will be added to that opened at North Side this month. Improvements will also be made to dental and laboratory facilities and the hospital kitchens. More importantly, health care services will be improved and greater accent given to preventive health programmes. A library/resources centre and a sports hall and improved sports pitches are to be added to the High School; a modern infant block will be built at the West Bay Primary School and land will be acquired for a playing field for the East End Primary School. Again, turning from bricks and mortar to policy, the Certificate of Secondary Education examination will be introduced this year, which is designed to satisfy the needs of a large proportion of school-leavers. The country owes a debt to the Welsh Joint Education Committee for conducting this examination on behalf of Government. Further educational and recreational courses will be introduced under the umbrella of a Community College on the Cayman Islands High School site in September of this year.

Under the Honourable Warren Conolly's portfolio, the report of the Natural Resources Study will be completed by the end of the year. During June and July a team of scientists from the University of Cambridge, sponsored by the Royal Society, will carry out an intensive study of Little Cayman and studies on wild life and mangrove will also be undertaken during the year. The report of the Natural Resources Study will also determine what further basic scientific studies should be undertaken from academic sources to fill in the gaps in knowledge which still remain. The Mosquito Research and Control Unit will concentrate on identifying the areas of Grand Cayman where intensive mosquito breeding takes place and on controlling them by physical or spraying techniques. Physical control measures will be stepped up by the purchase of a further Hy-Mac 880C excavator. In Agriculture, the possibility of an abattoir and a market where farmers' produce can be sold will be examined, and the Director plans to establish a small farm to conduct experiments on a semi-commercial scale and to produce planting material for sale to farmers and the general public. By the end of 1975 the Cadastral Survey will have completed all work on Cayman Brac and Little Cayman and all of Grand Cayman west of the Frank Sound/North Side Road. In Tourism, a close watch will be kept on the number of tourist arrivals and every effort will be made to consolidate and, if possible, improve the Department's success in attracting a flow of visitors during the lean summer months.

In the Lesser Islands the cross-island road across the Bluff on Cayman Brac will be continued and the civic centre will be constructed as soon as the source of funds has been fully determined. The impediments to the renovation of the airfield are being studied with the intention of completing this project by the end of the year. While the Government has received no further approaches by the promoters of the proposed oil terminal on Little Cayman, it has engaged consultants who will be able to make a rapid analysis of any proposition as soon as it is received.

In recent years legislation has appeared before the Assembly largely as it was drafted, or because of a particular need. The Assembly can only be expected, meeting four times a year, to process so much legislation and it is important that this should be programmed so that low priority bills do not take precedence over more urgent legislation. Annexed to the circulation version of this Address is a list of projected legislation according to the priorities attached to Bills by the Honourable Members of Executive Council. I hope that this will be useful to Honourable Members as a guide to a guide to future business for this Session. I might add that it is rare with such programmes to fit in all the legislation which is listed. This, coupled with the printing of Bills in The Gazette and the reasonable requests of Honourable Members to have the minimum seven days' notice required by Standing Orders, should greatly facilitate the business of the House.

The Attorney General has agreed to be Chairman of a Committee which I have established to examine the whole question of

establishing the Cayman Islands as a port of registry. This is the culmination of a long period of examination by the Government and accords with the spirit, if not the precise text, of a recent motion introduced in this House.

Under the Financial Secretary's portfolio the most important event of the year is understandably the production of the draft Development Plan. I had hoped that this could have been available for Members before this Meeting but reproduction difficulties will not allow its presentation before about the 2nd of April. It will be introduced to members of the general public shortly afterwards and the Development Adviser, Director of Planning and other officers who have helped the Planning Authority with its production will mount a public exhibition and explanation to enable citizens to find their way about a long and complex document and to enable them to put any objections to the independent Tribunal in accordance with the Law. No development plan is perfect: none will please everyone in all details: none is immutable. But I hope with the mechanism for public comment and assessment of public criticism by the Tribunal that this House will be able, at its next meeting, to debate the draft Plan with a clear indication by the public at large whether it is suited to the country's needs.

Police administration will be improved by the construction of three new stations at East End, North Side and Bodden Town, and modest expenditure of CI\$6,000 will refurbish the present Attorney General's Chambers as a recreation hall for the police in George Town. The decision to place new police stations before the provision of a vessel for the police has been taken after detailed consideration of the priorities, and in the knowledge that the British Government has agreed to make Technical Assistance funds available for the recruitment of an officer with specialised experience to establish an anti-drug squad under the aegis of the Criminal Investigation Department. He should be at post in the next six months. The provision of a police vessel will be reviewed against the success of this new section in controlling the drug traffic which is the concern of all Members of the House.

In the private sector, the Government's capital development programme should go some way to offset a decline in private sector construction with the completion of the Canadian Imperial Bank of Commerce building and the two new supermarkets. Planning permission has also been given for two tourist blocks of condominiums and for the Cayman Golf and Country Club at Omega Bay. The Mitchell's Creek Garden project is again to go ahead and individual house construction is proceeding at slightly less than the tempo of the past four years. We are blessed with a dynamic private sector, and I do not expect 1975 to be different from past years. There will be new ideas, new investment and no doubt new landmarks on George Town horizons before the year ends.

So much for the plans and policies for the twelve months that lie ahead. But can we make long-term forecasts about the weather? Inflation, as measured by the Consumer Price Index, was running at full tide a year ago and the index had risen in January 1974 22.5 per cent over a twelve month's period. In the next six months the percentage rise was 9.33 per cent, and for the latter six months was 7.65 per cent. The annual rate has dropped to 17 per cent but more importantly the percentage rise, comparing the last six months with the preceding six months, has dropped by two per cent. The highest rises have taken place in the Fuel and Transport & Communications groups of the Consumer Price Index, due largely to increases in price of petrol and propane gas. Taxi fares, telephone charges and newspapers have also increased during the period. The rise in the price of commodities over the last six months has been held to 8 per cent. With the countries who are our main suppliers concentrating on the problems of inflation, we may hope that this trend will continue. We should not, however, passively accept our fate and decisions will shortly be taken on the important report by Dame Elizabeth Ackroyd on consumer prices. To avoid further speculation on one recommendation, I

observe that there is no intention by the Government in the foreseeable future to introduce income tax.

This brings me, however, to the general relationship between Government revenues and expenditure, and to the high cost of providing free services. At present revenue is buoyant, but it comes from a very limited number of sources, and we depend each year largely on natural increase to provide the additional expenditure added to the budget each year. This rate of growth will not be maintained indefinitely: nor can the narrow bank of revenue sources, for example the Customs Tariff, sustain ever-increasing rates without hardship to maintain areas of the population. Educational services are free: medical services are heavily subsidised by the state: payments to the old and the needy will undoubtedly deserve review: the recurrent costs of maintaining communications, public buildings, the cost of mosquito control, pensions for the civil service - which has a high age/youth ratio - will climb, perhaps at a higher rate than the revenue to support them at current rates of charge. While the going is good, the responsible duty lies with the Fiscal Committee to explore ways and means of tapping new revenue and on the Finance Committee of reducing expenditure by whatever means will hurt the population least.

I referred earlier to the Nautical Tables. These are useless if they are not up-to-date. Many of our procedural tools of the trade are anachronistic. The Standing Orders of this House are happily at an advanced stage of preparation and will come before Honourable Members during this Session. The Public Service Commission Regulations badly require modification to allow some delegation to Heads of Departments in respect of junior staff and the Permanent Secretary (Establishments) on various minor matters of public service affairs. The Civil Service has increased five-fold since the original Regulations were made and requires to be treated in accordance with modern personnel practice. The General Orders for the Civil Service require re-writing, upon which a start is being made, and the Financial Secretary has also under study a Finance Control and Audit Law with Financial Instructions applicable to departments. All these matters will be given specific attention in the ensuing twelve months.

Lastly - and I make the observation personally and without in any way committing the Executive Council - I am left to speculate if the time has not come to examine whether some form of local administration would now be appropriate, particularly for George Town, but also at their option for the other areas. Local administration is never most effective when it is undertaken centrally and the involvement of a local community in its own particular affairs can lead to dramatic results. Small elected councils could be assigned the modest poll tax collected, other revenues now being collected in the area, and could have funds now spent centrally allocated to them for the supervision of services in their areas. Town Halls, cemeteries, public parks, perhaps clinics, upkeep of minor roads and footpaths, garbage collection, marketing, licensing of dogs, cleanliness of public places, could be brought within the control of the local community and Councils would be able to make bye-laws on their matters. One of the main advantages is to make Government less remote to the citizen and to allow the small problems often of great local importance to be given the prominence which, through pre-occupation with national issues, have sometimes to be afforded low priority by the central administration. The introduction of such a system would require discussion with the populace, legislation, and careful planning but it would not be difficult, without commitment, to find someone with the requisite experience to explore the possibilities further if Members felt that this was worthwhile.

It remains for me to thank all Members to the House, the Clerk and the Serjeant-at-Arms for their unfailing courtesy and assistance in helping me to adjust to my new duties. I also feel it is fitting to acknowledge the unstinted work by Members of the Executive Council in shaping and deciding policies for which they are individually and collectively responsible. Despite some misunderstanding of their role, as the Member system is relatively new here, I can testify from previous

experience that the Council is working as well as a Cabinet as the Assembly is as the Parliament of the country. Your constitution, Honourable Members, is in a robust and healthy condition. I acknowledge, too, the efficient work performed by the civil service in the past year, and the endeavours of the Churches and the many service organisations who are doing so much for the community.

I pray that under Divine guidance, Honourable Members will be imbued with the wisdom which has characterised their direction of the country's affairs in the past, and that the Caymanian people, whom Her Majesty many number as amongst the most loyal and lovable of Her Subjects, will continue to prosper as they so deserve to do.

LEGISLATIVE PROGRAMME - 1975 ONWARDS

A. First priority - Bills to be introduced to the first Meeting of the Legislative Assembly in 1975:

The Judicature Bill  
The Juveniles Bill  
The Coroners Bill  
The Court of Appeal Bill  
The Criminal Procedure Code Bill  
The Grand Court Bill  
The Imprisonment Bill  
The Penal Code Bill  
The Poor Persons (Legal Aid) Bill  
The Succession Bill  
The Summary Jurisdiction Bill  
The Public Service Commission (Amendment) Bill

B. Second priority - Bills to be introduced to the second Meeting of the Legislative Assembly in 1975:

The Radio Bill  
The Post Office Bill  
The Public Entertainment Bill  
The Divorce Bill  
The Animal and Plant (Importation) Bill  
The Conservation Bill  
The Bank and Trust Companies Regulation (Amendment) Bill  
The Insurance Bill  
The Finance (Control and Audit) Bill  
The Currency (Amendment) Bill  
The Motor Drivers Indemnity Bill  
The Education Bill  
The Minimum Wages Bill

C. Third priority - Bills to be introduced to the Legislative Assembly in the second half of 1975:

The Institute of Accountants Bill  
The Port Authority Bill  
The Police Bill  
The Registration of Shipping Bill  
The Advocates Bill  
The Evidence Bill  
The Limitation Bill  
The Powers of Attorney Bill  
The Perpetuities Bill  
The Trustee Corporations Bill  
The Mutual Funds Bill  
The Stock and Share Brokers Bill  
The Trade Marks and Patents Bill  
The Accountants and Auditors Bill  
The Business Names Registration Bill  
The Cheques Bill  
The Contracts Bill  
The Sale of Goods Bill  
The Water Supply Bill

D. Fourth priority - Bills to be introduced after 1975:

The Age of Maturity Bill  
The Public Transport Bill  
The Poor Persons Relief (Amendment) Bill  
The Clubs Bill  
The Public Nuisances Bill  
The Pensions (Amendment) Bill  
The Charitable Trusts Bill  
The Telephone (Amendment) Bill  
The Architects and Civil Engineers Bill  
The Archives and Public Documents Bill  
The Employment Bill  
The Weights and Measures Bill  
The Inheritance (Dependants' Provisions) Bill.

MR. CRADDOCK EBANKS: Mr. President, Honourable Members, visiting Distinguished Guests, Ladies and Gentlemen. Am I just being honoured <sup>with</sup> the privilege of having something to say, or just to be heard? No, I feel that I am honoured and privileged to be the First Elected Member from the Members of this Honourable House to have the opportunity to extend a vote of thanks to you Mr. President on behalf of Members of this Honourable House, for your first Throne Speech on behalf of the Honourable Members and the people of the island on the whole.

Mr. President, I am sure you have spent many hours on the masterpiece of document that you presented to us as your Throne Speech. You have given us a true picture of both sides of the ship, 1974 and 1975, as you see it. Even though there may be some stormy waters from time to time over the next nine months, as we meet to carry out our duties to the affairs of our country. I am sure Mr. President with your knowledge, wisdom and guidance, and with the help of these able bodied Elected Members we will keep the ship on her even keel.

Mr. President again on behalf of this Honourable House, I say thank you for your Throne Speech. But Mr. President before sitting down, I would like to take the opportunity to make a formal motion that the Throne Speech be delayed for debate until Friday the 21st. I thank you very much.

MR. JOHN JEFFERSON: Mr. President I second that motion.

QUESTION PUT: AGREED.

PROCESSION LEAVES CHAMBER

CLERK: THIS HONOURABLE HOUSE IS NOW SUSPENDED FOR TWENTY MINUTES.

MR. PRESIDENT: Please be seated - Proceedings are resumed. We proceed with Private Members' Questions.

QUESTIONS

MR. CLAUDE M. HILL, THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER (CHIEF SECRETARY).

UNDER THE CINEMATOGRAPH RULES, 1964 MADE BY THE AUTHORITY WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE ASSEMBLY, UNDER SECTION 1 (j) THE AUTHORITY SHALL MEET QUARTERLY OR THE FIRST TUESDAY OF EACH QUARTER OR AT SUCH OTHER TIMES OR FREQUENCY AS THE GOVERNOR MAY DIRECT. WHEN IS IT EXPECTED THAT THE AUTHORITY WILL MEET SINCE IT HAS NOT MET WITHIN THE LAST YEAR?

ANSWER; A MEETING OF THE CINEMATOGRAPHIC AUTHORITY WILL BE HELD ABOUT THE END OF THIS MONTH. THE DATE OF HOLDING THE FIRST MEETING OF THE AUTHORITY IN ANY YEAR IS DEPENDENT ON THE RECEIPT OF APPLICATIONS AND THE INSPECTION OF THE PREMISES TO DETERMINE WHETHER THEY ARE IN A SAFE AND SANITARY CONDITION?

THE AUTHORITY LAST MET ON THE 24th APRIL, 1974, TO CONSIDER THE APPLICATIONS FOR THE YEAR 1974.

THE AUTHORITY MEETS DURING THE FIRST QUARTER IN ANY YEAR AND DURING THE OTHER QUARTERS IF THERE IS ANY MATTER TO BE DEALT WITH BY IT.

MR. CLAUDE HILL: Mr. President, I would like for a supplementary question Sir, in regards to the Authority of the Cinematographic Law. Has there not been an application before the Board in regards to cinematographic permission over the past nine months say?

HON. D.V. WATLER: I am not aware of what the Member is getting at



HON. D.V. WATLER (CONT'D): at in this respect of any application before it.

MR. CLAUDE HILL: Mr. President, I will try to explain it a little more clearly to him Sir. The matter arises in his answer to my question here, that there is no matter of business before the Board in that time when the Law requires for once every quarter for a meeting. And I am aware of the fact that there was an application before the Board.

HON. D.V. WATLER: Mr. President and Honourable Members, I'm wondering whether the Member's referring to an application by someone from the Eastern District, because that was to use the Town Hall, if that is the one he's thinking of; and permission had to be had from the Authority that governs the Town Hall, whether they would allow it to be used.

MR. CLAUDE HILL: Mr. President, if I am permitted Sir, I would like to let it be a little clearer. The application was for the party in question to build and also to operate, whether it was Town Hall or not.

HON. D.V. WATLER: Any application to build a cinema would go before the Planning Board. It's not the Authority that grants the permission for erection of a building.

MR. JOHN JEFFERSON: Mr. President, with your permission Sir, may I ask the Member responsible if the Cinenatographic Board sees any need, present or future for the censorship for films in these islands.

HON. D.V. WATLER: Mr. President I think there is a Motion coming before the House in respect of the feeling of the House regarding the showing of films, and I think it might be more appropriate that we debate that at that time.

MISS ANNIE H. BODDEN: Mr. President, with your permission I should like to ask the First Official Member if in his opinion the only duty of the Board is to see that the premises are clean, and not the pictures also.

HON. D.V. WATLER: Mr. President and Honourable Members, the Board grants permission for places to be licensed to show the films. The law also covers that the premises should be inspected in order to see that their sanitary conditions are in order, and that due precaution is taken in respect to the fire fighting equipment within the building.

MR. CLAUDE HILL: Mr. President if I'm permitted one other question I would like to ask - Has the Board acted on the Law in the past?

HON. D.V. WATLER: Yes, as far as I'm aware.

MR. PRESIDENT: If there are no further supplementary queries, I shall move on to next item on the agenda - Private Members' Motions.

PRIVATE MEMBERS' MOTION  
STAFFING OF MEDICAL CLINIC AT BODDEN TOWN

MR. G. HAIG BODDEN: Mr. President, Honourable Members, I beg leave of the House to deal with the Private Members' Motion standing in my name, in regards to the staffing of the medical clinic at Bodden Town.

MR. JAMES M. BODDEN: I second Sir.

MR. PRESIDENT: If there's no objection the Honourable Member may proceed with his motion.

MR. G. HAIG BODDEN:

Mr. President, Honourable Members, after hearing the Throne Speech this morning, one might wonder if I would still dare to ask for additional medical services. I do dare to do so, because although the Throne Speech did have a long tabulation of achievements in the medical services, the fact remains that as far as the Eastern Districts are concerned there is a big lacking in medical services. So what we're seeking is not really increase medical services, but seeking a reinstatement of services which we enjoyed twenty five years ago. We're asking that our services in these districts come up to par with what we had a long time ago. We want a service that is comfortable in quality and extent to what we enjoyed twenty five years ago.

Let me take you back in time to that good era when we enjoyed a full time nurse who was resident in Bodden Town, and who visited North Side and East End at regular intervals. At that time the government doctors were willing and able to make house calls. But today our medical services have become so plastic and so computerised, that house calls are a thing of the past. Although I heard in this morning's Throne Speech that the ratio of employees in the medical service compares favourably with the population, and although I also hear that the nursing staff has been increased, there seems to be a shortage when it comes to the Eastern Districts. Bring the patient to the hospital is the cry we hear, regardless of the condition, regardless of the surrounding circumstances. It doesn't matter whether the person is aged, ill in bed, suffering head injuries, prematurely giving birth to a child, suffering from infectious or contagious diseases, the only cry we hear is bring the person to the hospital.

Today we have a far greater need for a full time resident nurse than ever before. I need not go into the reasons why we need a nurse, that was understood by government many years ago, but to touch lightly upon it. We have today many more accidents, we have many more people in need of first aid, and then today it seems that when a person is sick, he needs prolonged treatment. Even a common cold cannot be cured without a series of medications. Many times a person will have to have injections requiring the person to go to the hospital every day for many weeks, and so the need exists for a qualified person resident in the centre of the island to administer these medications.

Sometime early last year the people of Bodden Town threatened a march, because they had become so dissatisfied with the services. The First Member from Bodden Town and I were able to placate these people, and so avert the calamity of another march, by promising them that we would use every effort to get a full time nurse. We went about it through the regular channels. We had promises, empty promises I must say. We were told that by the 31st May, the Bodden Town Clinic would be staffed, but when the time came we found out that it would only be on a part time basis. We are not satisfied with part time services, because people cannot choose the time when they will get sick. You get sick when it comes upon you, regardless of the hour of the day, or whether it's a Thursday the nurse visits the district or not, so we must have full time services. Last year we were given certain assurances that these services would be improved, and would be put upon a regular basis, but as I mentioned earlier, there were empty promises. While I must admit there has been a little improvement, it couldn't get any worse, there had to be some improvement. It has not measured up to our expectations, it has not come anywhere near filling the gap, it is not as good as it was in the past, it is not what we were promised. It is not what could be afforded, and it is not what we deserve, and the people are dissatisfied with it.

I heard a very encouraging statement in the Throne Speech, and I am hoping that one of these days that statement can be implemented. The setting up of Local Councils to deal with matters that the local people consider important, matters that would ordinarily be overshadowed by their national issues. Perhaps when this is done, the

MR. G. HAIG BODDEN (CONT'D): cry of the local people with regard to the medical services can be heard. It is true that there has been some work done in providing the buildings. We know that North Side was very fortunate to get a <sup>good</sup> clinic. This clinic was started for an expensive rest room, and through the courageous efforts of the member from North Side, it was converted into a clinic, and it was decided to sight the latrine in a less conspicuous place.

In Bodden Town we are fortunate to have a clinic which was built some years ago, and I'm glad to see that West Bay is now getting a clinic, and the good people of East End will also have a clinic. But the point I'm making here is, that there was a clinic in Bodden Town long before any of these other districts, long before there was a clinic in West Bay, we enjoyed the services of a full time nurse. Now what has happened to our medical services that Bodden Town and the other <sup>eastern</sup> districts are not serviced by a full time nurse, when there's a full time nurse in West Bay, in a place that has recently been given the services of a clinic. What has happened to lessen the image and the needs of the people of Bodden Town and the other Eastern Districts. Why is it that West Bay now has full time services which we enjoyed twenty years ago, and we do not have the services? Why is it when the population of Bodden Town which was stagnant for hundreds of years has now mushroomed, and today with the amount of people from outside that have settled in Bodden Town, we have a population almost doubled what it was five years ago. why is it we're being treated in this manner.

I mentioned that a few years ago we were given the services of a nurse, the first male nurse I had ever seen, a nurse that was a disgrace to the oath that nurses take. And I don't want to really talk about Public Servants, but it is a fact that this nurse had to be removed, since that time we have not had a nurse. What we want and what we need is a fully qualified nurse working full time, living in Bodden Town as that is perhaps the central spot, travelling to East End regularly, to North Side regularly. The services of such a nurse would be a bone to the people from North Side and East End that have to travel many miles to get the services of a doctor. Just imagine when a person has to get an injection, it means that person must travel many miles, lose the whole day because we have failed to provide the qualified person that could do this job.

Something was mentioned in the Throne Speech about putting the emphasis on the preventive side of medicine, and if this is to be done, it cannot be done unless a qualified person is resident in an area where that person knows the people, where that person understands the problems, and can give advice, and can help to educate the public.

To sum the reasons why I feel we must have a nurse that is fully qualified and is working full time. One, people do not choose the time when they will need medical assistance. People cannot afford to spend a whole day to come to George Town to receive slight medications which could better be given in their own district. What about the life saving aspects in cases of emergencies, when proper First Aid might save a life? When proper travel arrangements of the injured person might save a life, are all these things ignored? What about education in public health matters? What about the poor communications that exist between the districts? What about the long distances that the sick must travel just to get a blood pressure reading done? We have suffered long, and we've waited long. We have been put off by every imaginable excuse that could be given. Today we're asking that this matter be looked into, not for the well being of the two Members from Bodden Town, because I can assure this House, I have never had the good fortune of spending a day in a hospital, and I look forward to continued health. But there're many people that are not so fortunate, and there are many people that need the services of a qualified nurse. And all we're asking is, that government

MR. G. HAIG BODDEN (CONT'D): treat this matter as a priority, and they see that the last section of the Resolution be carried out - that the medical clinic at Bodden Town be staffed with a nurse and that it be done shortly.

MR. CLAUDE HILL: Mr. President, Honourable Members I rise to support Private Members' Motion in regards to the staffing of the clinic in Bodden Town.

It is a fact that buildings are being placed in various districts of this island as clinics, and most of the time they're closed. In this day and age when we claim to be progressing, advancing, one stops to think if we are. Twenty years <sup>ago</sup> as the member said, I fully remember Bodden Town had a staff nurse residing in Bodden Town and available to the Eastern Districts in general, North Side, East End, Savannah and would even bring a patient to a doctor in Town if the need arose.. It is a fact that if the Medical Department claim they have no nurse available to be placed as a resident nurse in Bodden Town, let us here hear it, or any part of the island, let us hear it, we want to know we are looking after our people - the underprivileged, people who cannot hire a car, or who haven't had a friend who would take him to a doctor. When they go to the hospital he still has to see a nurse before he's admitted, and told whether he's sick enough to see a doctor. I stood right in this Chamber and brought that matter in the last meeting. I have seen quite a bit of changes at our present hospital.

With regards to the Honourable Member whose portfolio it has come under, he has done a remarkable job in the past, since he has taken this over; and it's no use of us standing here, or sitting here and arguing a point when something is not done. Talking puts you nowhere if action does not take place. I thank you Sir.

HON. B.O. EBANKS: Mr. President, I was happy to hear the note on which the mover of this motion ended his contribution, because if I am to take what was said as it was said, I don't think we have very much argument about this motion, except for a few inaccuracies which I would like to correct. I can give the assurance that I think I can save any blood pressures from rising over this motion, and the possible cause of bringing a nurse or medical officer into this Chamber.

Now reference was made to the Throne Speech in which it was said that emphasis is being placed on preventative medicine rather than curative medicine, and the fact that clinics are operating in the districts, the fact that the Public Health sector of the medical service is stronger now than it has ever been add tests to government's efforts and achievements in this direction.

The member mentioned that he would like to see the service which was enjoyed twenty five years ago reinstated. Twenty five years ago it is possible that they did have a nurse resident in Bodden Town for the Eastern Districts, twenty five years ago we had one doctor also resident in the island. There was also some mention of a Thursday visit to the districts, and I don't know what time in history the member was speaking about, But I have <sup>here</sup> a schedule of the Public Health nursing service for Bodden Town and Eastern Districts, from January through April 1975. And every day of the month from Monday to Friday save one Thursday on which the doctor and his team visits the clinic in West Bay, a Public Health team accompanied by a doctor on three Thursdays of the month, is in the Eastern Districts. On every Monday of the month and on every Wednesday of the month, in other words three times per week the clinic at Bodden Town is manned from 9 - 12 a.m. And in the afternoons the team pays home visits to shut-ins, and persons who are unable to get to the clinic. In addition the Bodden Town School, and Savannah School, the North Side School, the East End School are visited as well as the clinics in North Side and East End. Now having said this, I have said this to prove that the Eastern Districts are not without service. And

HON. B.O. EBANKS (CONT'D):with regard to the unfortunate male nurse which the member referred, I would like to say that I had no part in recruiting that particular nurse. I must also put the records straight, that I personally have never been approached on the matter of putting a nurse in the Bodden Town clinic, although I have seen this Resolution on the Order Paper for some time.

The question was asked why a nurse at West Bay and not at Bodden Town. May be the answer to this will be the answer to the whole problem. I think that if one enquires they will find that the nurse at West Bay came into the district, took up residence, and offered to be employed in that capacity. We have not been able until now to recruit a fully qualified nurse, and I'm glad to hear that the member is insisting on a fully qualified nurse, because we probably could have sent him a makeshift prior to this, but we do not believe in making excuses, or fooling people. And it is not an easy task to find someone in this day and age to go into a district to be on twenty four hour call seven days a week, twelve months to the year, with but a short break. But as I said, if the motion is to be in the vain that the mover sought to wind it up, I have no quarrels with it, because it is government's intention to endeavour to find a resident nurse for the Bodden Town clinic. And in fact we have a State Registered Nurse who is also a certified Midwife, and qualified public health nurse, who has just not too long returned from Public Health training. Who has intimated that upon completion of her leave she will be prepared to consider the assignment in the Bodden clinic.. Unfortunately there is more to it than that, the dwelling section of the Bodden Town clinic needs rehabilitation before anyone could be asked to go in there and live. And while this will be treated with utmost despatch, I am unable to give an undertaking in number of days at this point, when this work can be completed. Because of this it is unlikely that the nurse would be able to move into the clinic prior to taking her leave, and it is likely that she would not be taking up the assignment until completion of her leave. But if the motion can be accepted, that government will put a resident nurse in the Bodden Town district as early as possible, or that it be treated as a priority item, I am willing to accept this Resolution without any further debate. But I am unable to give an undertaking that the request will be done within the next ensuing thirty day period as specified in the Resolution. But having read the mover, I don't think that the difference in wording here, once the assurance is given that this will be done with despatch, and at our earliest convenience, that this will bring too much debate.

MR. PRESIDENT: Is the Honourable Member moving formally an amendment to the motion?

HON. B.O. EBANKS: Yes Sir I would formally move that the resolve section of the motion be that - Be it resolved that the medical clinic at Bodden Town be staffed with a duty nurse in residence there and that this be done within the earliest possible period of time.

HON. G.E. WADDINGTON: I beg to second that motion.

MR. PRESIDENT: Such a motion may be moved without notice, under Standing Order 23, and we therefore continue with the debate on the amendment.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I rise to support this motion, It is very necessary to have in a district a proper nurse, and one who is available at all times.

Sometimes during the early part of this year there was a very sick patient in Bodden Town, who needed to have injections and quite regularly. I have a friend who is a nurse, and who resides at Bodden Town, and who for one month gave continued free serve to that patient.

MISS ANNIE H. BODDEN (CONT'D): Now I daresay she could have been paid as far as relatives of the person was concerned, but she doesn't have a work permit, and she gladly gave her services free. On most occasions as I understood, if this patient needed an injection she would have to come to George Town, or vice versa, a nurse would have to be sent from George Town to administer an injection. This was not possible, and consequently this good lady would have suffered had it not been for the services of this kind registered nurse.

Now I'm not saying this to advocate for any job for this nurse, get that straight please, because the four weeks that she attended this patient, I paid her every day as my secretary. So I'm saying the need is there, and I cannot agree that we should let sick <sup>people</sup> suffer. In my way of thinking, after your soul salvation is secured, the next step is to protect your health. Some people say education, we can exist without education, but we cannot exist without good health. And I feel that every effort should be taken to secure the services of a fully qualified nurse, and I suppose I'll have to add midwife at that, to assist the people of the Eastern Districts. They deserve it, not all of us are able to get to George Town, or to another district at our convenience. We have to go when we can, and I would strongly advocate that we do not trifle with this matter, but the services of a nurse to do duty in the Eastern Districts be secured as early as possible, and as early as possible should not mean the end of this year. Thank you Sir.

MR. JAMES M. BODDEN:

Mr. President, Fellow Members of this House, I apologise for us having to bring this motion to this House, because I am sure that people wonder why it has to be done.

Mr. President, I personally have written over a year now two letters on this particular subject along with many more to the particular member involved, and I don't know whether the mails are that bad or not, but I have not yet received a reply. Besides that Mr. President, this Honourable Member himself had <sup>just</sup> admitted to this House that he has seen the motion standing in our name for approximately six months here at the Assembly, and as the Member responsible for it, he could have spoken to us and said, well sometimes within the next six months, we will find you a nurse. I have also spoken to his counterpart in the Civil Service on many occasions, and it really was from him Mr. President that we received the assurance that by May 31st of last year our clinic would have been staffed. So that is the background behind this Mr. President. And as I said, I am sorry to admit to this House as well as to this country that the members of this House including myself cannot get along any better. But although my colleague from Bodden Town and myself are very easy people to get along with, and are used to having to go on bended knees, we are once more coming in that position.

Mr. President no one can argue the fact that the Eastern Districts including Bodden Town does have a population size at the present time that would warrant the staffing of this clinic. Mr. President the confidence alone that can be created into the people who live in these districts by knowing that there is someone qualified that can take care of some of their problems, would really help the entire area. This has been the custom over a great many years. I am forty four years of age, and I speak subject to correction of my memory, but I think from the time I came to knowledge the Bodden Town clinic has been in operation. Now if it was not necessary to have a clinic, and to have it staffed over these many years, why is it it was built in the first place. I am sure that the population of the Eastern Districts is as large as the population of West Bay, and I believe that the clinic in West Bay is staffed by two nurses. I am glad for one thing and that is to see that West Bay is one more time is following the example of Bodden Town, by having a clinic properly staffed.

MR. JAMES M. BODDEN (CONT'D): Mention was made of the nurse who fills the position in West Bay, because she lives in that district. To my knowledge in the Bodden Town district we have at least one fully qualified nurse who resides there. Another member had just told us of another one, may be it might even be some more. But I cannot believe that this government with

all the powers at its disposal must wait fifteen months, and then another promise of in due course on top of that to find a qualified nurse to put in Bodden Town. Now we have been waiting for nearly a year and a half, and we are not prepared to wait any longer. We have a motion asking that this be dealt with within the next thirty days, and if it must go down to defeat on that Mr. President, then we are prepared to stand here and let it go to defeat. But I will remind this House, that the next time we bring this motion back, we will be bringing it back with hundreds of signatures on it from the Eastern District, and if we lose it here we will send it some other place.

We suffer from people becoming too important, too glorified in themselves, this we have been suffering from particularly for the last two years, and when I see this Mr. President it brings to mind the words of the world's greatest statesman, Sir Winston Churchill when he was commenting about Sir Stafford Cripps, and he said, "there but for the grace of God goes Cripps". Too long has our government agencies been used as political tools, since you have been here Mr. President you have displayed a great interest in our people, and I hope and trust from the bottom of my heart that this is complete genuineness on your part. And being it is genuine I hope that you can assist us in seeing that the Bodden Town clinic is properly staffed, and that arbitrary decisions are not made about it in the future.

We have been promised as I said a while ago that come end of May 1974 it would have been staffed. If we had waited until the next session, it would have been the end of May 1975, and it is still not properly staffed. We had been told more or less in blunt words that we must be satisfied with what we have. Mr. President, I am certain that the members of this House hearing the argument my colleague and myself are making today with the backing of our people can be assured that we are not satisfied. What has been happening in the Bodden Town district with not having a clinic properly staffed, and as most of you are aware, the people in the Bodden Town district usually live to a good old age. I do not know whether it is the sea breezes or certain minerals in the water or what it is, but we are fortunate in having a lot of old people in the Bodden Town district. And it is not easy for these people to endure the sickness and suffering, and also have to endure the expense of coming to George Town just to get a finger bandaged. This has been in the past bringing quite a bit of strain on the other nurses who live in that district, and we are not getting the attention for the people that we should be getting. Now we are seeking the indulgence of this House, and the help of the members that in the very near future, within the next thirty days that the Bodden Town clinic will be properly staffed. Too many empty promises have come to us in the past for us to accept an amendment that would endeavour to correct this situation. So Mr. President we heartily seek the assistance of every member of this House in helping us to get this motion passed, that this clinic will be staffed within the next thirty days. I cannot believe that it is that difficult to find a nurse. The Honourable Member who spoke on this a few minutes ago, I think put forward a very good argument in our favour, when he said that the clinic in West Bay only has to be visited by a doctor team once a month. But the Bodden Town clinic has to be visited three times a month by the Public Health team with the doctor. That means Mr. President, that the people in West Bay by having one or two fully trained staff nurses are getting better attention than the people in the Eastern Districts are getting, because we have to have the doctor three times as much as they do. So with that simple note I crave the indulgence of this House, and ask that we get support remembering that no one knows when he's going to be sick, it's like the Bible said, about no man knoweth the day or the hour

MR. JAMES M. BODDEN (CONT'D): in the coming of the Lord. Well that coming of the Lord Mr. President could also have applied to the coming of sickness, nobody knows the day or the hour. Thank you Sir.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, I don't intend to say very much on this motion, because if I should start debating my entire feelings in connection with this motion I will undoubtedly cover more ground than most members would expect today. But it is the fact that if the Eastern Districts would have lived on promises over my time of being in this House as an Elected Member, if half of those promises had been filled, and it was changed into currency, this government wouldn't have to think about inflation or hard times either. But so many of these promises must go down the drains, go in the waste basket, they go in the dump pile. It was treated like it doesn't make much difference. We're treated like any time would be convenient, any time would do. When we had over many years one doctor to serve the whole island and two or three nurses probably, along many lines we got many services than we're getting today. I will remember one doctor in particular regardless of the hour of the day, regardless of the hour of the night he was called, "I will be there." But call one now, "I'm not coming, I'm to a party, I ain't leaving, I ain't coming."

I went once to call a doctor for a sick woman, a big argument arose out of it, why didn't you bring her - I don't think in my opinion she should travel. They decided to send a nurse to the district of North Side, and the nurse did report that if the woman had been moved before having first aid, she wouldn't have reached Town. I could go on and name a number of those occasions that I have got in arguments with doctors trying to help the sick and needy in the Eastern Districts. And to make my story short Mr. President because in another few days I trust I will cover every territory in this island, in this government, the people arising from your Throne Speech this morning. But I give my whole support to this motion, and the time has come if we just don't stand up and face some things, and say that it's now or never, we will still go on into the promissory book with the cheque never signed, that we will get what we were promised. So I support this wholeheartedly, and I hope within the next thirty days that we find a nurse to establish into the Bodden Town area, for the benefit of the Eastern Districts. I thank you Sir.

HON. TREVOR FOSTER: Mr. President, Honourable Members, I've listened to the debate offered on this motion, and I must say that I wholeheartedly sympathise with the sentiments as uttered by each Member. It brings me back to remember the many years of suffering we had in the Brac. But I would like to add one bit of consolation to it, at least you have a connecting road to George Town, we didn't have any, we just stayed and suffered. However I feel certain that after the Members have seen the schedule which the Member has presented, but which you did not quite understand at that time, you will have been convinced that the Member and the department has definitely been working towards filling this necessity in the districts. But I might add that these things don't happen overnight, we've had the same problem in the Brac with nurses coming, not satisfied, leaving, not being able to get a replacement, and it's very easy to find the fault, but it's a little bit harder to amend it.

The Member made reference to not getting on in the House. I can't help but say that may be if the Member would try to get on better with the other Members in not casting such remarks, may be the operation of this whole thing would work out better. It seems to me like at times we all get against stone walls here, and nobody is willing to give and take - I think this is necessary. On the other hand you've even better off than we were, your clinic was built, we had to go and start building ours ourselves. Now I would like to add that may be a suggestion to your problem is, if you would get your people interested and do like us, start refurbishing the clinic, and then say to government, now look we've



HON. TREVOR FOSTER (CONT'D): done our share, you're going to do yours. As I said before I can understand the problem, but surely Members should be able to understand that everything cannot be done overnight, and I feel certain that the Member in charge will cooperate in every manner that is possible, but I feel also that it would be unfair to tie his hand and limit him to a certain time. Because if within the thirty days it isn't done, the same Members will be back saying, why wasn't it not done within the thirty days, and if it's impossible, it's impossible. So what I would like to suggest, that a compromise be made, and I am certain that the department will do everything possible to get the clinic in operation, and staffed as quickly as possible. I thank you Sir.

MRS. A.A. REID: Mr. President and Honourable Members, it gives me pleasure to vote on this motion this morning, because it's the first time since I've been here that we've got them over-powered over there. Even if the Second Elected Member for West Bay doesn't vote on it, we still have them licked.

Mr. President there's not much use of my making any long speech, I think you've heard quite a bit of rhetoric over it already. And it reminds me of a little girl in a bank a few years ago in Jamaica, when I apologised to her for having to renew a letter of credit for machinery from Italy so often, because of the Italians going on strike. She said no big thing, nothing to worry about. It's no big thing, so I go along with the motion, I support it Sir.

HON. W.W. CONOLLY: Mr. President and Members, I had no intention of prolonging this debate, of course the first part of the motion included the Eastern Districts of which I represent East End. But in the Resolve section is, that the medical clinic at Bodden Town be staffed with a duty nurse in residence there, and that this be done within the next ensuing thirty day period.

Now Mr. President I'm sure Members have heard a lot about what the service was in the Eastern District twenty and twenty five years ago. I believe if anybody in this Chamber can speak of personal knowledge of the services we had in those districts I can, and I think I can say so without any contradiction that the service we are getting today is by far better than what we have ever had. I remember the day when we had the nurse in Bodden Town that was employed for the Eastern Districts, but having one person in Bodden Town and there was a call in Savannah - it's not the first time that I've gone to Bodden Town to look for that nurse, and I found myself winding up in George Town taking a private nurse from there. I can tell the dates, and I can tell the instances when this has occurred.

Now it is true that I'm not against Bodden Town's clinic being staffed, I think if we have a clinic in Bodden Town it should be staffed. But the emphasis that has been placed on the service to the Eastern Districts, I do not think that by staffing the Bodden Town clinic will add much to our benefit in East End and North Side. Because <sup>once</sup> we have to come to Bodden Town, and there's no guarantee that the nurse is going to be at the clinic twenty four hours a day, and once a person is in a car already the usual thing is to drive on to the hospital. This has been the common occurrence, and I think that this is the reason why the medical department has been so anxious, and why the Member has been going overboard to provide clinics in East End and in North Side. Surely West Bay has one nurse or two nurses or three nurses that may be the case, West Bay is a very large district, and I am not jealous if any district has a good service, I would like every district in this island to have the good service. But of course I think the Member was a bit misunderstood when he said that the doctor only had to go to West Bay once a month, and he had to go to Bodden Town three times. I think one of those days' visit was in East End, one in Bodden Town, and one in North Side. So of the three days, the doctor

HON. W.W. CONOLLY (CONT'D): takes one in East End, one in Bodden Town, one in North Side, and he also goes to West Bay one day. As I see this, and as far as I'm aware the situation in the Eastern Districts is not any worse from a health point of view that it was twenty five years ago, even though the population has increased. It is not saying that because the population has increased that the health of the community is <sup>going to</sup> deteriorate, I don't think that that holds truth altogether, and I am certain that the medical facilities, which is being provided now is much better than what was provided these twenty or twenty five years ago. And again I should take issue with the point, that when we had one doctor we got better service. I'm not here to grind any axes for the doctors, but if I have heard correctly in this morning's address by His Excellency the Governor, it was stated that in 1974 over one thousand four hundred patients were admitted to the hospital in George Town, and over forty thousand out-patients were treated. Would somebody just check back and see twenty or twenty five years ago how many people were admitted, how many were <sup>people</sup> treated. We cannot be unkind and unfair in our remarks, and I feel today, that we have made great strides in our medical development in these islands, and I hope that it continues, and I'm sure it will continue under the careful and well planned programme that has been projected.

Now surely Members it seems to be unfair at this stage of the game to bring a motion demanding that a nurse be stationed at the Bodden Town clinic within thirty days, when there has been no evidence adduced this morning that there are nurses available to begin with. Secondly I am not sure whether the establishment in our present year's Estimates has been geared for this additional body. I am not sure whether the financial provisions were made. And last but not least, nurses I'm sure are in great demand. I heard from one speaker that there is a nurse, a well qualified nurse who doesn't have a work permit, but is doing secretarial work. May be this person could be sought, may be this person may be available, I don't know. But surely when we stand up here and demand in the face of the situation as presented by the <sup>Honourable</sup> Member responsible for Medical Services, I think it would be unfair, and while as he said he has no great objection to the Resolution, as far as the Resolution stood, he could not support it, and surely he is in a much better position from any of us in knowing the physical means of putting this in action. And I would have thought that the amendment as offered by him coincides very good with the last statement made by the mover of this Resolution, when he said, and that this be done shortly. If the Member has given the assurance that this will be done, and certainly the Member was not at a loss, he has been investigating, he knows the availability of the nurses, he knows the programmes, and he has given the assurance that there will be a nurse stationed at the Bodden Town clinic in a very short time. I take it that to put a motion, and to approve a motion here demanding <sup>a</sup> specific time on placing a nurse is too much a great demand, because it might not be physically possible so to do, we have to be considerate, and we have to be reasonable. I feel like the emphasis placed on the lack of the service has not been altogether justified because there is a service at the present time; and the service I can assure you even though a nurse was stationed there twenty five years ago, the service that we have today is much advanced, even though that particular person did a wonderful job, but it would be humanly impossible for one person to take care of all of these three districts at the same time.

I support the amendment that has been moved by the Honourable Member, and I would hope that Members view this in the same light as I do.

MR. JOHN JEFFERSON:

Mr. President I rise to speak to this motion. I for one want to echo the notes that medical services in these islands have greatly improved. I feel that there is a need in the various districts for clinics where people can get special care, and care <sup>that</sup> necessarily doesn't have to go to the hospital, certainly this takes a load off of our present

MR. JOHN JEFFERSON (CONT'D): hospital. But Mr. President when we look back in the years of the past, and say that the services are not as good, we wouldn't be able to justify that kind of claim. I can remember in my short life time, years ago when we had one doctor in the island, some time the doctor would be at East End yesterday, and people were needing him in West Bay or George Town that particular day. But sometimes it was two or three days before the doctor could get around to the various needs, well I'm saying that the medical services have improved. I wholeheartedly agree with the member in the fact that I believe that there is an urgent need to see that at least one doctor at the hospital is made available to calls. Certainly we could look on the other side and say well even that particular side of it is far better off, because at least there are private doctors that are available to people at present. Yet Mr. President I don't see any reason why with the number of bodies at the hospital that there can't be discretion, and in special instances these doctors would go on call to the various places. I don't believe that we can shut up anybody, and I don't believe anybody brought to this territory must ever accept the fact that they're able to shut themselves away in any cell, and be able to say exactly what they will do, and what they won't do. But I believe that great care even in this has been exercised.

I know of a case early this year when I wanted the doctor, and I didn't feel the person was in a position to go to the hospital. I called the doctor, and also the Member, I got in touch with the Member I asked to use his influence if possible to be able to obtain the service of a doctor to our district - in the case where a lady was quite sick. And within a period of fifteen or twenty minutes I was able to meet that doctor at the Town Hall and take him to the place where I wanted him to go. I'm saying all that to say this, that things aren't near as bad as they use to be. The medical services are being improved, the health of the island is being look after, I think the doctors calling on the schools, the various visits in the districts, all adding to the fact that our people are getting the best medical care they've ever gotten in these islands.

I support the fact that when we build clinics, certainly they should be staffed. Of course the point made is that a lot of times these people aren't available. Well, if I was the man doing the motion, as far as I'm concerned I would say that if I felt I needed a nurse, I would say I would support the fact that a nurse be made available in the clinic until such time as a fully qualified nurse was able to take up residence. In other words, as far as I'm concerned once the services was needed, well we take the best we have until we can get far better. But the idea of being able to say thirty days, I don't believe I want to say that. But I want to say this, I believe that every care and every thought and every effort must be made to be able to see that this service is provided.

I feel today that when I was elected as a representative for the district of West Bay, and even though I was elected by the people of West Bay, yet when I sit in this Chamber and begin to debate any bill in this House, I was not only thinking of the people of West Bay but I was thinking of the people of the Cayman Islands. And the legislations that we bring forward are legislations that will be as effective in West Bay or East End or North Side or the other Islands, anywhere else on this territory. So Mr. President I very much feel that every effort should be made to staff this place as early as possible, and to make sure that there are no suffering. And I want to also say that I am proud that a good beginning has been made in the medical field, and I'm looking forward to even more improved services. Thank you very much,

MR. PRESIDENT:

Does the Honourable Mover wish to reply?

MR. G. HAIG BODDEN:

Mr. President and Members of this House, the Member responsible for Health accepts the motion in principle, but does not like the thirty day period. In treating him the same way, I like his amendment but I'm not going along with it. Because there seems to be a lack of communication, when I say something it is not understood, and when I understand something it is not what they meant. So because of this lack of communication I have to put forward my motion and stick by it. I've told this story to illustrate the point on communication before, but as it is very relevant to this particular motion, I think I ought to repeat it.

We had the case with the man who came home and found a note saying his wife had left him, taking everything, this story will deal with our communication problem here. All that was left was his siamese cat, and he took special care of it, but unfortunately he had to go off on a trip; he left his brother-in-law in charge of the cat, and when he was away he found out he would be prolonged in his absence. So he called home and told his brother-in-law to take care of the cat, to let him know how the cat was. The brother-in-law said "your cat is dead." The man said, "you mean to say the cat is dead and you tell me just like that." He said, "could you not have said the first day I called that the cat is on the roof, the second day I called, the cat fell off the roof, and the third day I called infection set in and I had to take him to the vet. but you say the cat is dead; but he said that's all history, tell me how is my mother. He said your mother is on the roof."

So when we say that this thing should be done, and should be done expeditiously, and we set a time limit, the thirty days does not really mean anything. All that is trying to do is to fix a time in which this can be done. We had a classic example in the Land Development Law, that law should not function without a Development Plan, which should have come before this House within one year after the inception of the law. If my figures are correct, four years have passed and that Development Plan has not yet come.

MR. PRESIDENT:

I think the Honourable Member is getting very far from the subject.

MR. G. HAIG BODDEN (CONT'D): And I'm just saying Mr. President that the thirty day period need not worry the Member, because if he cannot comply with this in thirty days, there are no penalties attached to it, he could take another thirty days, and another thirty days. But if we remove the thirty days we would have taken the teeth out of the Resolution, because we have been told on many occasions that it is government's intention to staff the clinic at Bodden Town. What we are really asking is that they look at it now.

I will not amend the motion, it doesn't seem worthwhile bringing a watered down motion. If the motion is worth bringing, it is worth bringing as forcibly as we can bring it. Any member who wants to vote for it will have to think up some other reason other than the thirty day period. The motion has been accepted by the member responsible for health, that means we have won our case, the way the vote goes not really matter. This thing has been exposed, it has been communicated so that they get the message, and this is all I want. Whether the votes go "Aye" or they go "Nay", it really does not matter.

The Member in Executive Council from East End told us that no evidence has been adjudged that a nurse is available. I wonder if he does not believe the Member responsible for health, who said that a nurse is available, a nurse who is now on leave, and a nurse that can be approached might even be offered this particular assignment. So it is not right for a Member to say that no evidence has been adjudged, we didn't have the evidence but it was forcibly adjudged by the Member for

MR. G. HAIG BODDEN (CONT'D): health. The few little arguments against this motion are very hollow indeed. The Member for Health talked about the working of preventative medicine, and how that would reduce the need for a nurse at the clinic in Bodden Town. But he didn't tell us why it didn't reduce the need, or eliminate the need for two nurses in West Bay. He also could not tell us why there is a need for a full time service in West Bay, and not in Bodden Town, here again a matter of communication. And there is one thing I would like to clear up, and that is that I did not say that Thursday was the only day, or that the visits were once a week. I full well know what the schedule is, in fact I pat myself on the back, that when I bring a motion I do the home-work before I bring the motion.

Of other matter that needs to be clarified is this of personally approaching a Member to get something done. There is only one word for that, send the fool a little further. If you send a letter to one man, and he shares the desk in the same room with another man, our communication system in government is so bad, that he can't pass on the letter. A stranger would be that much if he received the wrong letter. Mr. President, Members the motion is seeking for the proper staffing on a full time basis of the clinic in Bodden Town, and I would seek the support of the Members for this. I thank you.

QUESTION PUT: AYES AND NOES. AYES.

HON. B.O. EBANKS: Could we have a division on this Sir.

DIVISION

AYES

Miss Annie H. Bodden  
Mr. Claude Hill  
Mr. James M. Bodden  
Mr. G. Haig Bodden  
Mr. Craddock Ebanks  
Capt. A.A. Reid

6

NOES

Hon. D.V. Watler  
Hon. G.E. Waddington  
Hon. Trevor Foster  
Hon. B.O. Ebanks  
Hon. W.W. Conolly

5

MR. JOHN JEFFERSON Abstained from voting

MR. PRESIDENT: The result of the division is 6 votes in favour and 5 votes against. Therefore the question that the words of the question stand as in the original motion is carried.

QUESTION PUT: AYES AND NOES. AYES.

MR. PRESIDENT: At this point I'll suspend the sitting until half past two this afternoon.

HOUSE SUSPENDED  
HOUSE RESUMED

MR. PRESIDENT: Please be seated. Proceedings are resumed.

MR. JAMES M. BODDEN: Mr. President, Honourable Members of this House, the next Order of Business that we have is a motion which I have placed before this Honourable House, which is being Seconded by my colleague from the Bodden Town district. In bringing this motion to the House we are not in any sense of the word trying to become moralists.

MR. JAMES M. BODDEN (CONT'D): Because we well recognise the fact that morals cannot be legislated, but we must remember the country as a whole does look to the Members of this Assembly for guidance. We wish to make it quite plain that this motion was placed before the House several months ago. At that time due to the lack of time of that particular meeting, we requested that we should withdraw this motion.

The past Governor of this island, when we made a presentation to him of about six Members of this House, was very much against anything being done in regards to the change of the Cinematographic Law. His idea was, and was quite forcibly put to us that just because a film was being shown a person didn't have to go and see it. That argument in my estimation bears but very little bit of weight, because if we pursue that further we can easily see with that reasoning we would not even need a Drug Law, because most people believe that it is not necessary to resort to the use of drugs. But we must remember that what is good for a country that has a lot of entertainment to offer their people cannot really be good for a small island like this. And there's very little bit of entertainment so we will have to do our very best to see that we give the public the best that can be given them.

The public at large has been very much insensed in the past few months over the type of films particularly the racial type of films that are being shown in this island. These are the things which in our estimation can really be of much more hurt to the country than even let's say a sex film. Because for centuries this island has enjoyed a way of living which people throughout the entire world have craved from us, in wishing that they had such a system. It has always been strictly on merits of the individual concerned. There is no doubt in my mind but that this particular law does need some change. Under the present system if you should wish to make a complaint against a particular scene in a film, or the entire film the person would first have to carry himself as a private individual before a Justice of the Peace, there lodge a complaint, and have it go to the courts. Again all human minds differ, and the judge in the particular case could readily determine that the picture is not of an obscene nature, which means the person who has carried the complaint is then liable to a civil action in the courts which conceivably could go against him and cost him a lot of money. But this morning the Throne Speech was delivered to us, and in the Throne Speech at the back of it is quite a long list of pending laws that will be coming before this House for debate. We noticed that in the next meeting of this House, which will probably be within the next three months, we have on the agenda <sup>public</sup> The Entertainment Bill, and I imagine at that time this bill will be thoroughly dealt with. I am quite willing at this time to entertain a counter motion to ours requesting that a committee be set up to report back to this House at the next sitting, when we deal with this particular bill. So with that submission I will sit down and handle the rest of the debate at a later stage. Thank you very much. But before I do that, I would like to crave the indulgence of this House to enter into evidence to the Clerk of the Assembly two petitions which has been circulated to us with various names objecting to the type of films that are being shown. Thank you.

HON. D.V. WATLER: Mr. President is this motion seconded?

MR. G. HAIG BODDEN: Mr. President I second it.

HON. D.V. WATLER: Mr. President and Honourable Members, I don't want to take away from this motion that is before <sup>us</sup> It is true that the films that are being shown here, we have no means of censoring at this time, but we depend on external ratings of these films. But I know that it is a matter that is of great concern to Members. Unless it is <sup>that</sup> I could crave to amend this Resolution in one way, not to take away <sup>from</sup> it, but to broaden if possible, and that is to amend the Resolve section to read:

HON. D.V. WAILER (CONT'D): BE IT RESOLVED that a Committee be set up to consider this problem, and treat it with urgency, consisting of four Members of the Legislative Assembly with powers to call for persons and papers, and to report back to the Legislative Assembly its findings and suggestions for any changes that are considered necessary. And that three Members form the quorum.

The motion was that they wanted three, and that four from the outside, this leaves you wide open. At the same time you wanted the Attorney-General as Chairman of this, but in this case the Members of this Committee if they met on this would be able to bring forward any suggestion they wanted. The Attorney-General is our legal adviser, and it's only once you have decided what you want then the Legal Department comes into play to be able to put in the form for you, and to be able to give you a wider scope by leaving the Attorney-General off, and giving you full scope for your Committee to go in and examine and to recall for person and papers, and bring forward a report as soon as possible. Thank you. Mr. President I beg to move that amendment.

HON. G.E. WADDINGTON: I beg to second that motion.

MR. PRESIDENT: I wonder if the Clerk could read out the motion as amended, so that the House is aware of the exact wording.

CLERK: BE IT RESOLVED that a Committee be set up to consider this problem, and treat it with urgency, consisting of four Members of the Legislative Assembly with powers to call for persons and papers, and to report back to the Legislative Assembly its findings and suggestions for any changes that are considered necessary. Three Members to form a quorum.

MR. PRESIDENT: We should take the debate on the original motion and the amendment together, and the mover of the original motion will have the right to reply; the mover to the amendment of course does not have the right to reply. Debate may now ensue.

MISS ANNIE H. BODDEN: Mr. President and Members of this House I too had left a Resolution with the Clerk to the same effect, only thing I would say that my Resolution was much broader. But I was informed that the Resolution which had priorly been put to the House would come up at this Session, and that my Resolution could not proceed.

Now Mr. President I am not faint, I am I am trying my best to be a good christian moral woman, and I never attain to this stage in old age. All my life, I've tried to live right, and I feel that we are supposedly of christian doctrine that we should set an example. Now personally picture shows do not appeal to me, I couldn't truthfully say that I've seen a picture shown throughout its entirety, I go to sleep. What wakes me up is the trodding of other people getting up, and I have to leave. I have gone to some pictures and I must tell you that the language that I heard there would be language that would hurt the users of such obscene language before the court, and they would fined \$20 or sent to jail. Now I do not feel that we should really tolerate this kind of thing, and I feel that if we are christians, our churches I'm blaming for it, because the Ministers, his Elders, his followers do not take the stand against it that they should.

MISS ANNIE H. BODDEN (CONT'D): Now my Resolution if I'm not in any breach Sir said;

WHEREAS the Cinematography Law Chapter 18 appears to be defective in some respects, inasmuch as cinematographic films of a blasphemous, seditious and/or obscene nature are from time to time kept for public exhibition, and shown in the various theatres or cinemas in the Cayman Islands:

AND WHEREAS according to the Law cited, any person who exhibits any exhibition of pictures or sound effects of a blasphemous seditious or obscene nature shall be guilty of an offence, and shall be liable on summary conviction before the Magistrate to a fine not exceeding fifty pounds, (\$100.00) or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment:

AND WHEREAS it is public knowledge that such pictures are now being shown in various theatres and/or cinemas:

AND WHEREAS complaints have been made concerning this degrading state of affairs; the only response being that the Law is too antiquated:

AND WHEREAS it is high time that such showing of pictures be disallowed:

BE IT RESOLVED THAT THIS GOVERNMENT take immediate steps to revise the present Law, (if it is inadequate to take care of the situation), so that all obscene pictures, using obscene language, racial problems, blasphemous, seditious matters shall be banned, and not allowed to be shown in any theatre or picture house in the Cayman Islands in the future.

Now I have spoken to very eminent lawyers and barristers who agree with me that our law should have taken care of the situation as now exists. But if government feels that the law is antiquated, out of date, needs revising, I will go along that this should be done. Now our island is progressing wonderfully financially but our morals are at its lowest ebb, and I'm saying this with grave grave grave feeling that we must try to uplift the moral standards of the islands. And pictures of the nature that I understand are being shown will certainly put our younger generation to the filth of the earth.

Now personally I will not see any of these pictures, because I have made a vow the only thing will carry me back to the cinema is if my mother and sister were there in the flesh, not their pictures, and of course that will never happen, so I abstain from going. But I feel as the same thing with bar rooms, the picture houses do not walk to the people, the people walk to them. But in this day, <sup>sin</sup> is on the increase, and if we who profess to know better, if we mingle with them, if we abstain from doing what is right we are equally responsible. I heard only this morning that a act of murder supposedly committed at West Bay, that it was an act such as they had seen in a show a week before that; I don't know because I don't go. I know this last picture shown in a certain theatre was according to people who I call women and men of the world, one of the most obnoxious sights they had ever seen. And I feel it shows that our morals are going down, people rather do wrong than right, and it's up to us now to correct this evil. I feel Sir that we would be failing our duty if we allowed such pictures to be shown. I understand it's only those kind that attract for crowds, well



MISS ANNIE H. BODDEN (CONT'D): that shows you how far we are from the right track, then only sin, and I call it sin is allowed to flourish.

Now about these racial pictures, I'm informed by people who go to these places that the racial pictures that are shown are even far worse in effect on the community than these immoral ones. I suppose since time began men and women have been running a racket, and it will continue til Doomsday. But nevertheless I don't think children should be exposed to such sights as I understand are being shown.

Now this week Mr. President I had a visitation from a lady who came to my office with a sixteen year old school girl, who lodged a complaint to me that she had taken her daughter to the doctor, and he had informed her that she would become a mother some time in the year, the putative father being a school boy. I said lady what do you intend or expect me to do? I said you know when I was sixteen years old I didn't know how outside after dark looked, much less to be running around with boys. Now she said some of her neighbours had informed her she should supply her daughter with pills, I said lady are you not ashamed of yourself encouraging your daughter in sin, that's all it amounts to. I said what you're talking about, I'm sixty six years of age, these pills your're referring to I don't know if they inject them into you, you swallow them whole or what, but in any case I would employ you to try put before your daughter better virtues, let her go to Sunday School. I did promise her to write to the Principal, which I don't think I will do.

Now Mr. President it is time we stand up for morals for integrity, except this generation of vipers which seem to be flourishing the world will run our island to destruction. I employ these members of this Legislative Assembly to stand up and have morals put in a place where people have to follow some thing. I see in the press this week that you cannot legislate for peoples' morals, I agree, but at least you can set an example. According to the press you don't need laws for anything, but everything I know of has to be governed by a certain set of laws and rules, and I feel that the cinema should not be any exception to the rules. I employ members if they intend for us <sup>not</sup> to have a generation who know nothing but immorality to stand up now. I may respectfully say Sir that's why the National Council of Social Services cannot get off the ground, because on one hand we are promising what we're going to do for the youth, on the other hand we're dragging them down, and it will never get off the ground until we do better and set better examples. Thank you Sir.

HON. W.W. CONOLLY: Mr. President, I'm not going to speak on the motion, I'm a bit lost at where we are now Sir. But I heard something about a petition to be recorded, I don't know whether that petition has been properly put before the House, secondly we had another motion that I've just heard, counter motion to the one, I don't know....

MR. PRESIDENT: There's a motion and an amendment before the floor, no notice has been given of another substantive motion.

MISS ANNIE H. BODDEN: On a point of order Sir I was just reading what I had to present, not what I was trying to present.

MR. PRESIDENT: That's what I thought.

HON. W.W. CONOLLY: Well, I heard something about a petition to be recorded, I don't know where we are on that score Sir. I don't know where I am now Sir.

MR. JAMES M. BODDEN: Mr. President there's very little bit I can say because it's really not a point of order, but being the mover of this motion I wonder if I could enlighten my friend just a little bit Sir.

MR. PRESIDENT: I don't think it's necessary, what reports to be a petition has been handed to the Clerk, it will have to be examined in accordance to Standing Orders, and if it is acceptable, then a motion can be

MR. PRESIDENT (CONT'D): laid subsequently that it lie on the Table, or that it be debated in the usual way. But I'm not going to deal with it as a petition in the course of this debate.

MR. JAMES M. BODDEN: Mr. President I'd just like to clarify one point Sir. When I put those into submission I crave the indulgence of the House, I did not refer back to the Standing Orders which would have covered them as a petition, I was merely sort of entering them as a reference material Sir. I hope that'll clear the point as far as my benighted friend on the other side is concerned.

MR. PRESIDENT: Right, to clarify matters, we're now debating the substantive motion, and an amendment to the motion has been moved by the Honourable Chief Secretary, duly seconded, which has been read out by the Clerk. That is what we're debating now.

MR. JOHN JEFFERSON: Mr. President, Honourable Members of this Legislative Assembly, I rise today in support of a motion being brought before this House. I quite well appreciate the broadening of it, and let me go on to say this. I feel as far as I'm concerned as an elected representative of the people of these islands that when it comes to issues where as far as I'm concerned they are moral issues, I have no apologies to offer to anybody. I feel that first I have an obligation to my country, to my God, and to my people, and to myself. I know that in our modern societies the feeling that is very widely circulated is that we cannot legislate for the morals of people, and this I agree up to a point, but as far as I'm concerned I have an obligation to my people and to myself, and that is to make sure that as much as humanly possible to make it as easy as possible for them to do the right, and as bothersome as possible to be able to do the wrong.

The feelings among the modern societies today says that we cannot set ourselves up as judges to say what shall and what shall not be seen or done in any modern society. Well I think up until now Mr. President we have been spoken of as being a separate people, in the same sense that we are different. I feel that as far as I'm concerned that where we're at today because we are different. I believe that as far as we are concerned as legislators, that when there are problems created in this territory, it certainly is our responsibility to try to bring a solution to those problems. Therefore if we're responsible to be able to bring solutions then we are doubly induced to be able to prevent certain things from taking place which can create and cause other grievous problems in our society.

Now I'm sure that no member in this House can say and will be able to say as far as I'm concerned truthfully that there's been any legislation brought before this House that I have dealt with it on any personal nature, I never have done that. I've tried to be fair in every respect, I've tried to be unbiased, I've tried to see things for what it's worth, I might not agree with other people, but I feel I'm entitled to be able to speak my own conscience, and I am certainly entitled to be able to say what I think is wrong and isn't wrong.

Now last week there was a certain picture brought to these islands, a picture that has been banned in other territories, and certainly a controversial film that has been exposed to our society. Let me say this without any uncertain terms, I said Mr. President that any society that has to strive on that kind of filth God help them, and I don't believe the people of the Cayman Islands have to strive on that kind of filth. We endeavoured in a very mannerly way to try to bring about a solution to this problem, we summoned many citizens of the island and other people, and we saw the showing of this film, no doubt two or two and a half hours, under the most extreme circumstances. After the showing there was a dialogue between persons and the gentleman responsible for showing it. We left the area feeling very good that something had been accomplished, dealt with it in the very best manner, and that it goes to show that we could rest assured that whenever a situation like this comes up, if proper representation

MR. JOHN JEFFERSON (CONT'D): was made, if we could rest assured that people in responsible positions would adhere and no doubt back up this. Well much to our dissatisfaction we were made to know that the picture was called that particular night, and just because no doubt of the fact that it was a known fact that we were in a position to do an affidavit in the court that it waited until Friday night, Saturday there's no court session, Sunday there's no court session of course, and Monday it would be high and dry because it would be off the island. I'm saying that there is a case for censorship on these islands, I'm saying that we as legislators have a responsibility to our constituents in these islands, to be able to say what shall and what shall not be shown or heard or anything else, or read. I'm not being just one way about this, because I think there're other things also that we have to deal with in relation to the morals of our country.

I saw that film Mr. President as I said under the most extreme circumstances, as far as I'm concerned I was frightened when I thought of the fact that what our youth are going through today, the problems of drugs and other problems. And I felt like crying to think that in addition to all these other things our society is going to be exposed to this kind of thing, make no mistake about it, as far as I'm concerned I feel very strong. I don't feel that the man that comes here and say that we cannot set ourselves up as judges, I'm saying that in certain instances we must be judges because we are elected representatives of the people, and it must be our responsibility to look after what comes into this territory, and to see the influences that it leaves on the people behind.

I believe that if people that are here, and if people come to this territory from Timbuctoo or anywhere else, and feel that we set ourselves up as judges to say what they should and should not, I don't have any apologies to offer to anybody about that. I think we should be able to set ourselves up as judges in certain instances; and I'm saying that in an instance like this that there must be better screening. There must be a board set up that is able to keep tab of films that are coming into these islands, that information can be passed on to the Cinematography Board. Certainly the moving picture world must have a vast amount of things that they could show that would not be demoralising. I know Mr. President that the trend of today regardless of where you're at is to display, and the easiest way to pack these places is through showing sex and violence, make no mistake about it, that's the trend of today. But if that is the trend of today as far as I am concerned they won't see that not with my permission, and I will not be a party to making it easy for anybody to be able to experience these kind of things. I have no quarrels with people personally that bring them in, I'm saying as far as I'm concerned there are certain principles involved, and as far as I'm concerned I feel that I cannot tone down, I cannot sit idly by when I feel that there are principles involved, I must stand up among men and be counted.

Now I'm not playing half way on this field, because as far as I'm concerned I think I've tried in my endeavour with God's help to live a good christian example, not only in my constituency but wherever I have gone. I must be consistent with that Mr. President, whether it's in this House or anywhere else, but particularly here because I have added responsibility to discharge to these people. The movie I saw in last week was the most immoral and degrading, the most immoral and degrading I think that anyone could see being brought to the shores of any country. I was aware that this like in a lot of other things there are a lot of people you won't be popular with, a lot of the public is saying you shouldn't be up there and saying we shouldn't see this and we shouldn't see that, because we're grown people. And this gentleman said we made sure that kids wasn't able to get in to see these things, but there's no guarantee of that Mr. President. The feeling was that even though the strictest measures were taken, but I said what kind of strict measures can you take in this particular place, it was not enclosed at all. And after the positions were all taken up, kids were able to slip in to be around these places, and there were people that were able to say I saw children in that kind of movie. I'm saying that the Cinematography Board as far as I'm concerned, I believe has authority, and could be quite effective, because I'm saying whenever there are controversial things shown that the Board should be able to sit down and see it, as far as they're concerned if they feel it's not to the betterment of this country, then they ought to leave it off.

MR. JOHN JEFFERSON (CONT'D): Mr. President with the problems of youth that we face today, with the trend in the world today to be able to discredit God, to be able to think in terms of the old people as fogies, this has just about destroyed all that was left for a man to hold on to. I believe there must be principles, I believe there must be things that we can give to our young people. I believe we must be able to try our endeavour and God helping us to see that we place at the hands of our youths everything possible to make it easy for them to do the things that are right, and as hard as possible to do the things that are wrong. Mind you I'm not saying that there aren't a tremendous amount and a great percentage of the problems that we face in these islands or anywhere else with youth are not problems that are inherited from their parents. I could well agree with that, there are certainly a lot of parents in our country that are not doing their share as far as the morals are concerned. But they have their responsibility Mr. President, and I have my responsibility, and I am saying that this needs our urgent attention, I believe that a Board should be set up, I believe that screening should be done, and I believe we should be able to say this shall or this shall not come to our shores. I thank you very much.

MR. CLAUDE HILL: Mr. President and Honourable Members, I'll use the words "Let us not be lost." It is a fact that films have been shown in the island which I would say have lowered the standards of the morals of the people and the standard of living. But let us consider these pictures, they come here and they're rated. If you as a guardian or a parent read the publications, and you know well enough if it is rated from "R" rating or whatever rating it may be, and you understand that that rating is not a picture for children to see, why you yourself would go if you cannot take your child with you. It is the parents fault, we here have formed an Authority Board, I am a member of the Cinematography Board, quite a few complaints have come to me in regards to the showing of certain films. I'm not a movie fan, but when one stops to think of what is being shown it leaves the impression that nothing is being done by the Authority.

If the Authority has failed, let us put some teeth in the Law, let us put some claw on to it. Censoring pictures I dare say would help, because it's not censored in many countries in which they are originating from. I am not in favour of immoral pictures, I'm not in favour of pictures which show crime, or anything that is obscene language. We hear on the streets much more obscene language than what is shown in some pictures in this island and nothing done about it. Where is our police force? What are they doing? The Authority is given, action should be taking place from those in authority, and this is the trouble. And the censoring of pictures is quite alright, I am sure it'll be the first place to have a censorship board for pictures - Grand Cayman. If they wanted to let us have it, and put it in this place, start it from this Chamber where laws have been made and is being made.

So much has been said about the Cinema or movies in general. It is quite true as I've stated before they are rated, we read the Paper, it is published in the Paper, if you know it's a vulgar picture don't take your child, don't go yourself, don't expect the Authority to censor it when there is no law given the authority to censor your picture; no more than take the blame when the picture is shown if you complain about it, the law deals with you by taking you before the Justice of the Peace, and have both proprietor operator and everything suspended from showing pictures. It is there in our statute books, why stand here and wastefully talk when the law is already made.

Speaking on censorship, I'm sure we will be con-

fronted  
MR. CLAUDE HILL (CONT'D): with problems. These pictures arriving into the island are on a hired basis, I'm not a fan, but I read, they have to pay for them on arrival here. From the minute that they arrive, or even before you are labelled with it, the operator is labelled with the picture, he has to pay for it. Before you can take that picture to a censor board before it's being shown look how much money would be involved. What would it cost you then to go into a picture hall and see a nice picture? What would it cost you? I'm not in favour of bad pictures being shown here with obscene language. Everyday on the streets I hear words being used, and very few are being hauled into court for using those words.

In regards to the picture that was shown a few days ago; I was invited to see it, I didn't go, as I said I'm not a fan. But on the other hand, I would not like for any of my relatives, or any friend of mine to have attended the picture, and seen what had been shown.

Mr. President in the Resolve section of this motion *it* plainly seeks for a committee to be set up to consider this problem. This problem has been considered repeatedly, and no committee has been set up to do so. I agree that there should be a committee to see into the importation of certain films in this island. I thank you Sir.

CAPT. A.A. REID:

Mr. President and Honourable Members of this House, I support this motion in the Resolve as put forward by the Honourable First Official Member. Had I been changing the Resolve, I would have said that this House appoints now a censorship board. I don't think it's going to bring any hardship on this country, I don't think it's going to drain the resources of it do do so. I know of several men including myself who'd be willing to sit there free of charge. This is the time for us to be realistic. The whole world is in the worse condition, the worse state of affair it has ever been in from violence of all kinds. We have <sup>seen</sup> North America the great country to the north of us, or friends over there, they have portrayed themselves as a violent nation in moving pictures from the time of its inception, and at *the* inception of talking pictures in 1929. Right now I don't remember when moving pictures came in, I believe in 1910. But in 1929 the talking picture came in vogue, and they portrayed themselves as the same violent nation, and it has been worse, and worse and with talking pictures, with the television, it has been added and compounded, and now they are paying for it. The same thing happened in Jamaica and in Trinidad, but in the last four or five years Jamaica banned such pictures. Some of the smartest most hard boiled businessmen of the community got up and spoke about it. Not only the churches, but businessmen, Chamber of Commerce, everybody and they have always had a censorship board. Why shouldn't we have one? Why should we let these people come here and bring pictures to this country to demoralise the place. I can tell you Sir, I went to see "Shaft in Africa" with my good wife, and as the picture started she walked out, but I stayed and I saw it, because I wanted to know what I was talking about, I knew this thing would come to a head. And I heard words, I heard language in that house that night that made me embarrassed. I would have been far more embarrassed had she been sitting beside me. But she walked out as I said, and went over to a friend next door, and stayed there. If any man in this island had got up in the city of George Town, and used that language, any decent person would have called the police and have him arrested. Now I'm not perogative of vista, I'm a sailor, I've been a sailor for fifty years; and I've been around, I've been all over the world, I've seen life and I know what life is. But I say, when you sit down in a picture with your wife, you don't want to hear that language, and that's the moral side of it.

CAPT. A.A. REID (CONT'D): Now the side that worries me most Mr. President is the black and white side of that show. We know what black and white has caused, we know what black power has caused in this Caribbean and in America, it started there first. It has ruined all of them, and we certainly don't want it here. I saw in that picture that night men holding up their fists like that, black men, and you know what that means, that's the starting of things. The minute you see a picture where white and black are involved, and the black is fighting the white men, it's the lesson that they're taking in. Those things couldn't bother somebody of good sound mind, it's like communism, it wouldn't be a good of a communist coming to me to preach communism to me, and get me to upset Cayman for instance, or get me to kick the establishment, he knows damn well I wouldn't have anything to do with it. But there are people whose minds are not matured enough to take that sort of thing. It's like when the PNP told them we were going to give them everything, thousands of people believed it, that they could get things for nothing. And there're a lot of people who believe in fallacies, and I say that we do not want ever again to see black power pictures shown in this country. And we are getting immoral fast enough, we do not want to encourage it on the screen. Don't tell me it hasn't got its effects, because every youngster in this world at some stage of his life between nine and twelve and thirteen is at an impressionable age, and the things he or she sees on that screen are registered, and indelible in their minds. And whatever they see happening in America, they say well we can do it too.

There's no use of my wasting too much time of the House and going on with a million words in a half hour - a rhetoric over it. I say it is time for us not next year, not soon, but now to stop it. Those pictures have no relevance in this country, they do not belong to this country. We are blessed, very blessed indeed that we are about the only island in the Caribbean, perhaps barring Turks Island, which is so small and so poverty stricken that they can't do anything one way or the other. But we're about the only one with some affluence who can say, well we are free of violence, and we have no racial problems. So why should we let it come here, we should think and think deeply, and make sure that we do everything to steer this country on the right course. And Sir that is one of the things I came back <sup>here for</sup> to give this country the last years of my life, to see if it was anything I could do to help it. And violence actually ran me from the country I loved next to the one that gave me birth, and not only me, some of the best sons of Jamaica have ran from that country, because of violence, and it is a pathetic story.

There are a few men in this Chamber today who realise how bad it is, but I lived with it since 1960, and I know what it means. Not even some of the Jamicians who are here realise what it is like today. I know that communism is a result of some of it, but don't forget that black power in America is chiefly the cause of trouble in Jamaica today, and the cause of trouble in the Bahamas; they started it. I was in the Bahamas when they went there preaching it, I was on the wharf one day in Nassau when I heard some American tourist preaching black power to the people. And I happen to know that there're some Jamicians in this country who have said to the people when they hear of this violence up there, "you see that's what happens because we are the bosses up there, that's what you fellows should do here, become the bosses." So let us don't be too complacent, and let us don't encourage it from our own very nice little cinema. Don't let us encourage the black power to come to this country via the one little place of amusement we have, there're decent pictures being shown and we should get them. And Russell Graham in Jamaica has no right to dictate us, he cannot tell us that this is what you get, and this is what you must show, tell him to jump in the lake. I have never <sup>been</sup> so rabid in my life over any matter as I am over this one. And I say that we should set up a board, every other island in the Caribbean today has got a Board of Censorship. What are we going to do? Let this little country with may be fourteen thousand people go to pieces when we know we can control it? I know we can control it, we've only

CAPT. A.A. REID (CONT'D): got to get the guts to to it, and to say to Joe you are wrong, get out that's it. But if everybody is going to say, oh we don't want to hurt Captain So and So's feelings, we don't want to hurt Mr. So and So, sh don't tell him I said so. But that's not me, I can be as causticas is necessary. And I say that that type of picture must end, and it must end not next week, but today. Thank you Sir.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, this motion is straightforward, and I am not going to take but a few brief seconds as it were. To the best of my knowledge I never had any part during my years dealing with laws in the Assembly, to try to bring a law where we could against the morals of people, and I'm not going to attempt that. But if we were to search our law books, our library, we would find that a lot of our laws stand to say we don't permit this, or we don't permit that. Any man or woman in this country got his free will or her free will to go and get drunk if they want, nobody can stop them that's their privilege. But if when you go a little too far with your drunkenness it is dealt with. We got some laws prohibiting the importation of a lot of things to this country. We don't have any law to illegally keep anyone from bringing it in, but when they're caught, it's the law then to deal with them.

Now this motion is asking that consideration should be given to try to control the showing of films in the island - or unhealthy ones we would say. It's the right and the privilege of a man or A woman at age to see or look at what they want to look at, but it doesn't stop there. What we're striving for, even though we got a lot of men and women who will not bow or put themselves in a place to see a lot of these things, and they're far from being christians, but they do feel that even at adult age that certain things can have effect on adult people as well. If the morals of the people of/country are lowered, and the lower the morals get the lower the country goes. And if we are not going to protect primers, the youth of today that we so often refer to as "the men and women of tomorrow," then if we're not going to try to protect their way of life, against the morals that would drag them down before they get to the age of tomorrow, then where will we all end up at tomorrow? It's no reason that some of these films cannot be controlled from being brought in. The tender age are always more anxious to grasp at things that are bad, things that are not good, and it's with regret that so much of our youth - our parents are to be blamed.

A father said to me about two weeks ago, one day, he said, "do you know if my boy got on the bus this morning." I said I couldn't swear, because in the rush sometimes you might not identify - a boy twelve years probably of age now. He said, "he never came home last night." So he didn't even know if he was living the next day. I saw a boy twelve years of age in the Court there a few days ago giving evidence, going home on o'clock, his mother got in some trouble, she's drinking beer - going in school, no. Then it isn't time for us to do something about these organisations with liquor and pictures that are dragging the youth, not the old people like myself, we have already got on the other side of the river, the bridge. But then if we want the island to remain as a part of what it used to be, then let's do something to protect the youth of tomorrow.

Mr. President, I don't think I should say more on this at this time. I give my whole support that not just asking that we do something about this, I am saying Sir, we have to do something about it; we have to do something about it and it's now. And I trust that members will see that this is desperately needed. Not a law to cater with morals, we want something to protect our people against bad morals. I thank you Sir.

HON. W.W. CONOLLY: Mr. President and Members, I'll be very brief on this matter.

MR. G. HAIG BODDEN: On a point of order Mr. President, I think the member has already used his opportunity to speak in this debate.

HON. W.W. CONOLLY: Mr. President I asked a question where we were in the debate. I made no statement on the debate Sir.

MR. PRESIDENT: I think I must uphold that position, the Honourable Member has the right to speak.

HON. W.W. CONOLLY: Mr. President and Members, I'll be very brief in my remarks on this motion before us, and in fact I think we have an amendment that has been proposed by the Chief Secretary. The situation is such that there is no doubt in anyone's mind, it is a certain amount of feelings in the minds of people about the films that are being shown. Now some of this probably is for different reasons, and I suppose that one has to see with the wishes of individual people, they have different opinions, different views on matters. It is just one point that I would like to make, and that is in relation to the emphasis that has been placed on the child's aspect of this. I feel today that if we have a situation in this island where children are being left alone to ramble all over the island, to go to cinema in West Bay or Bodden Town, or East End, without supervision or without permission, then it appears to me like we should be taking a different look at the matter. I feel we should come to grips with this problem, and we should put the responsibility to where it lies, and as far as I'm concerned square down the shoulders of parents.

Now there's no doubt in my mind that this is becoming somewhat out of hand here. Because if one drives the road in the evening time, or early night one can find children without being escorted by parents or grown up\* going towards these cinemas and these theatres. And as I said, I don't think that even if some restriction was put on the importation of these films that the problem would end there. Because if children are allowed to go around as they do wish, one problem would have been solved, there will surely be another one springing up.

Now as I see the Resolve section of this Resolution as it stands, I'm in favour of supporting the suggestion made by the Honourable First Official Member, in as much as this motion before us is a bit restricted. If, and as I said I believe it is a very important point to us, I do feel like we should have a wide cross section of views on this, and to limit the number of persons to four persons from the general, might be a little restrictive. I would think that the committee should be free to call for any number of people that they so wish, and I would support his suggestion, because to have four would be rather restrictive, and as has been suggested that the Honourable Attorney General as the Chairman. This again might be restrictive as far as the legal aspect is concerned, if we have four members from the Legislature, we can always solicit his services as legal advice to the committee, and naturally he's to follow up if legislation is to ensue. So I would just leave these few words in saying that I do support the amendment as suggested by the Honourable First Official Member.

MR. PRESIDENT:

Does the Honourable Mover wish to reply.



MR. JAMES M. BODDEN: Mr. President I must admit that I am just as lost as my friend was a few minutes ago. Because it is not easy for this side of the House to receive two victories in one day. May be I'm counting on too much, because the vote has not yet been taken, but it appears that once more we have won. And I must sympathise with the other side because their faces do look very glum today.

Mr. President my submission will be very short, and I'd like to point out that it is not just one particular film, or one particular theatre, but it includes every one of them, and it includes many films that have been shown in the past. I have heard many complaints by various sections of the community concerning this. We must realise that we are assembled here, not to support the interest of any particular group, we must be free to state our beliefs, whether it effects mother, father, child or whoever it may be. In regards to the office that we occupy, there must never be any personal gain to be attached to the position. But we must always be thinking of the common good for the people of this island, and that is why some of these motions are being brought.

I can quite agree that we are today living in a very permissive society, where we find that the parents of old are not existing anymore, and it is true that we suffer greatly from this, because kids are now doing things that fifty year old men did not do before. But that does not mean that the obligation is not on our shoulder Mr. President, because the way I view it, it's a greater obligation, because just because we may have broken home. Just because for some reason or the other a parent does not take care of his child, it does not mean that we should not be willing to stand here and legislate laws that will help keep that child, and may be keep him from being enticed into a place like this, that he would normally go; if it was hoping that anyone would go to it.

anyhow Mr. President this is a good time to show who will win it, and it is not necessary to speak much longer, and I will close the debate on this particular motion by thanking the members for their support. Thank you Sir.

QUESTION PUT THAT THE WORDS OF THE QUESTION DO STAND AS IN THE ORIGINAL MOTION: NOES

QUESTION PUT ON THE AMENDED MOTION: AYES. THE MOTION WAS PASSED AS AMENDED.

MR. PRESIDENT: Next motion is in the name of.....

HON. D.V. WATLER: Mr. President would it be at this time now to appoint the Committee. Do we have to appoint that now?

MR. PRESIDENT: Certainly, if I can take suggestions from the floor.

HON. D.V. WATLER: I would suggest that the mover of the original motion - First Elected Member from Bodden Town be a member.

SECONDED BY MISS ANNIE H. BODDEN

QUESTION PUT: AGREED

HON. D.V. WATLER: I would think that the best would be for the members on the other side to be members of this committee, rather than any member of the Executive Council, so that you have freedom.

MR. JAMES M. BODDEN: I don't think I could quite agree with that Mr. President, because we must show our impartiality. This Committee should be composed of two members from the Opposition, and two members from the Ruling Party Sir.

MR. PRESIDENT: I still wait nominations.

MR. JAMES M. BODDEN: I nominate Conolly and Foster.

HON. W.W. CONOLLY: Mr. President I beg to decline Sir.

MR. JAMES M. BODDEN: Mr. President I nominate the Honourable First Official Member and the Honourable Second Official Member.

HON. D.V. WATLER: Well Mr. President, in view of what I said, I will have to decline, I'm sorry, because I do think it is better the other side.

MR. JAMES M. BODDEN: Mr. President I will respectfully decline.

MR. PRESIDENT: I don't think we're going to be very far with this today.

MR. JOHN JEFFERSON: Mr. President I nominate Capt. Reid.

SECONDED BY MISS ANNIE H. BODDEN

MR. PRESIDENT: The Honourable <sup>First</sup> Member from Bodden Town has withdrawn. Capt. Reid has been moved and seconded.

QUESTION PUT: AGREED.

CAPT. A.A. REID: Mr. President I nominate the Second Elected Member from Bodden Town as one of the Members.

SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED

MISS ANNIE H. BODDEN: I hereby beg to nominate Mr. John Jefferson as a Member of this Committee.

SECONDED BY ~~x~~ CLAUDE HILL

MR. JAMES M. BODDEN: Mr. President at this time I nominate the Minister who cannot speak for himself, the Honourable First Member of Exco.

MR. PRESIDENT: We will take the Honourable John Jefferson first.

QUESTION PUT: AGREED.

MR. PRESIDENT: That gives us three Members - The Honourable First Member of the Executive Council who has been nominated.

HON. D.V. WATLER: I don't think you will be a little awkward in that the fact that he does operate a cinema, you have to bear that in mind when you're nominating him. This is one reason I wouldn't think that it would be right for him to be.

MR. JAMES M. BODDEN: Mr. President I quite agree with that, but this matter begins to rile me, and I've been in a good mood all day. It

MR. JAMES M. BODDEN (CONT'D): just shows Mr. President how politics can be played in this House. This is a very controversial subject, my colleague and myself from Bodden Town doesn't have to worry how we stand, we will speak out if it affects us, we lose <sup>every</sup> vote in the next election. But we were warned of this, and this is why I did not present my motion in the usual manner in which we usually do this morning. I am sure that members wondered why I was so calm and cool and collective, it is because I had been fore-warned what was going to happen, and that a next bill coming to this House was going to be the bill, and the onus would have been put on this side of the House completely, and it bears out the marl road talk, Mr. President in the attitude I have seen reflected here this afternoon, in every member of the Ruling Party agreeing not to serve on this Committee, and just the Members of this House. As far as I'm concerned Sir, it's a ridiculous situation, and the Members who supported this motion, and who's on this Committee at this time, I would ask them at this time if they would withdraw themselves for standing for election on that Committee. Thank you Sir.

MR. JOHN JEFFERSON: Mr. President I move to nominate Miss Annie Huldah Bodden from George Town.

SECONDED BY CAPT. A.A REID,

MISS ANNIE H. BODDEN: Mr. President everybody knows I stand against these immoral pictures, and anything that is bad, and I don't know too much about moving pictures, but nevertheless I will not renig, I will do my duty, and I will serve. I thank you Sir.

QUESTION PUT: AGREED.

MR. PRESIDENT: I would have four Members for this Committee, but I'll take into account what the Honourable Member for Bodden Town has said, and discuss with Executive Council whether there maybe an addition to the Committee.

We move now to the third motion in the name of Miss Annie Bodden.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I beg to move the Resolution which stands in my name, and which is seconded by Mr. Jefferson from West Bay, and I shall read this.

WHEREAS it is public knowledge that boys and girls under the apparent age of 21 years, are being sold alcoholic liquors against the present Liquor Licensing Law

AND WHEREAS the consumption of alcohol is becoming a menace to Society;

BE IT RESOLVED that Government take steps to have the Police Department inspect all Licensed premises at regular intervals in an effort to correct this breach of the Law;

AND BE IT FURTHER RESOLVED that Government take steps to stop the illegal sale of alcoholic beverages in places where the proprietors have no License to sell spirtiuous liquors; and that in the George Town area steps be taken to stop this illegal distribution of liquor which is so very prevalent.

MR. JOHN JEFFERSON: I beg to second that motion Sir.

MISS ANNIE H. BODDEN: Mr. President, this subject of alcholic drinking of children I will call them under the age of twenty one years, is becoming something that should be stopped. Now it's not the rif raff children as we would term them, the children who have no social background,

MISS ANNIE H. BODDEN (CONT'D): it is every person more or less in <sup>this</sup> modern age who want to be sophisticated.

Now I'm not a frequenter to dance halls, clubs etc., but recently I have stretched my conscience I would say, and gone to a place where a certain entertainment was going on, and I was appalled to see the children of well to do families, boys of seventeen years old I am very sure they cannot exceed that age with their beer bottle in their hand, drinking, girls the same way. Now Mr. President this thing is ridiculous. People say that it's the word "apparent" that destroys the law. Well I have always advocated it should not be "apparent," a person who intends to drink should have some identification concerning his age. We are faced now with drinking, it's becoming ridiculous, see school girls, school boys drinking beer as if it was sugar and water, what we had to drink when we were young. They're drinking this beer in excess, they're becoming drunk. they're getting maddened with liquor, plus the dope which they are using, and our roads are death hazards. Now Mr. President I feel it's time that we take a firm stand against this, and as I've said before it's not what we would call the riff raff children who are doing this, they're children from the most elite families in the Cayman Islands. And I say elite, they are elite society, they have money to burn, and they're drinking rum like it was salvation.

Now Mr. President I feel that the Police Department is not doing their job. I'm a severe critic of the police, when they're doing wrong, I praise them when they do right. But I feel that the police could do better than they are doing. And I would urge that immediate steps be taken to put proper men to inspect these places where liquor is being sold, so as to try and correct this evil. Then there're illegal sale of alcoholic beverages, now that is known to the public. If they are men and women enough to stand up and say we see certain people selling liquor which we know are not licensed. I have in my beautiful sweet district where I lived before which was a paradise, I have a liquor store in the front of me, and illegal distributors at the back. Sometime I call the police, I say will you please come and see certain things that are going on, they'd stand by my gate, "what you want me to do?" I said what I want you to do, it's not what I want you to do, it is what is your duty to do, and that is to go and stop this illegal sale of alcohol.

Gambling is prevalent on Sundays and I'm very sure - I have a yard full of dogs, if I had a five dollar bill and those dogs could talk, as they were one day old I could send them and they could buy a quart of rum, that's how terrible it's becoming, and I feel Sir it's time that we take a stand. I have never drank liquor in my life, now it's not that I couldn't have gotten it if I wanted, but I have promised my God that I will never defile my body, and praise his Holy name, I've kept it up to today. And I have no intention of doing anything that I know is wrong. And liquor drinking is as wrong as the destruction of our bodies. And we who sit idly by, and see teenagers of today drinking liquor/~~sell people distributing liquor~~ who have no license to sell, and we condone it, we are just as responsible. I heard a song on a record not too long ago those who issue the license behold the judgment bars, they're just as responsible.

Well I am not trying to say that we should have a liquor free island, because that would be taking it too far. What I'm saying is this, that we must stop this illegal sale of alcohol, and we must stop teenagers drinking it. Now parents I will agree they have no control over their children; the majority they're allowed to run to and fro on the earth, and they do all kinds of things. Now we who are supposed to be leaders, I'm not too sure that all of us are just what we should be either, we should try to correct this evil. I am saying Sir our churches have failed, because I know Elders in my church which is the United Church out there who would drink just as much liquor as Jim Stick will when they get a chance, and that's not good enough, that is not good enough. They think because they can buy their rum and carry

MISS ANNIE H. BODDEN (CONT'D): it home and drink it, that God never sees it, God sees all our deeds. If I didn't believe that I would do a lot of things that perhaps would be more gain to me, but I live with my conscience. I know I must give an account of evil deeds, and I'm my brothers' keeper, and I feel Sir that we must not ever let it be said of us that we have fallen down. Now I'm asking Sir that:

BE IT RESOLVED that Government take steps to stop the illegal sale of alcoholic beverages in places where the proprietors have no license to sell liquors ( and I will amend this not the George Town are) in the Cayman Islands steps should be taken to stop this illegal distribution of liquor which is so prevalent.

Then the other Resolve section:

That Government take steps to have the Police Department inspect all licensed premises at regular intervals in an effort to correct this breach of the Law.

Now Mr. President I'm not going to criticise the police too severely, but I'm saying this, I had a case in court not too long ago and the accused said. "I was at a certain place, had a few beers, but the police were there drinking more than I did, and because I went outside they came and started some argument. I was arrested brought to jail; I agree that I should not have taken this liquor, but the police were doing the same thing and worse." Now. Mr. President I'm not saying these police should be supermen; if they want their drink, drink it, but I'm saying while on duty that they should not be setting the bad example of drinking and then trying to arrest somebody else who drink.

Now I am exploring these men of this Chamber to use their best efforts to stop this sin which is so prevalent. We know what the Bible says about liquor, wine is a mocker, strong drink is raging, and whosoever is deceived thereby is not wise. We know it also says, righteousness exalteth a nation and sin is a reproach to any people. Well we don't want to be in that category, we want to have an exalted nation, where righteousness is abounding and it is up to us to at least try to curb if not cure this terrible sin which is so existing. Thank you Sir.

MR. JOHN JEFFERSON:

Mr. President and Honourable Members, I'm being consistent I think here we begin by dealing with the morals of our island, and again I have no apologies to offer to anybody in regards to my convictions, my principles. And I feel that it is high time that an effort be made to be able to see that the law is carried out.

Now Mr. President you have been in this territory for just a very short time, I am also assured that no doubt prior to coming in these islands you were aware that the public confidence in regards to law and order not being carried out by the Police Department has been a fact in these islands, and it still exist today as far as I'm concerned.

I see under the back of your speech from the Throne this morning a number of laws which will come before this Legislature this year. I maintain Mr. President without any fear or favour that it is absolutely no use of us going on to bring our laws up to date, and enact legislation that guards for certain things in these islands, unless we have an enforcing agency that is able to enforce the law. Now I know that it is always easy to tear things down, and it's far more constructive to be able to offer solutions. But in regards to this motion brought before us which I have seconded, I see Mr. President there is a dying need to be able to have this law carried out. I don't know if the word "apparent" makes and difference, I don't believe it does. I believe the fact that if we had people that were doing their job, that

MR. JOHN JEFFERSON (CONT'D): it makes any difference whether it was "apparent" or what have you, that certain things would be done.

Now if we are going to be able to hope to survive in this territory, it means that law must be carried out. It means that we must enforce law regardless of who it hurts or who it favours, we have a job to do, and that's what the Police Department is for to enforce the law after it has been made. I wouldn't be shallow enough to say that they aren't competent people in our departments, but my greatest grouse and my greatest complaint Mr. President is the fact that the people in high office if they were doing their job in that department you wouldn't have half the problems that we have today.

WHEREAS it is public knowledge that boys and girls under the apparent age of 21 years are being sold alcoholic liquors against the present Liquor Licensing Law. Every time that we enact a law, every time there's a complaint (just about), the question comes back, well we ~~don't~~ have enough police, we don't have enough to enforce, we can't do everything. Well Mr. President what I am saying it's time that some of these things are enforced, it is time that these things be counted urgent enough in the life of this territory to see that the use is guarded against.

I have had the opportunity of not only working in this territory, but I have had the opportunity of travelling some, and working in another territory. And I can remember sometime ago when I was working in a certain hotel in Canada, you know I saw a tremendous amount of drinking, but let me tell you this, there was one thing that was clear in the minds of everybody, and that is that the fact that the proprietor was aware that any violation of the law could mean the revoking of his license; no doubt for good or for a tremendously long time. Well as far as I'm concerned there hasn't been any fear of this kind of exhibited in this territory, because some of the things that are done in these bars, as far as I'm concerned are most degrading. There has been bars in this island where raids by the police have been made, gambling and people have been brought to the court for gambling, raids have been brought to where I believe ganja was even established. There's been all kinds of cases made in certain instances where there were people that wanted to enforce the law, but what has ever been done about it. What has been the end results. I remember some time ago at the hotel in which I worked, the manager saw a man sitting down with two teenage girls at a table, he called the police and asked the police to check on the fact that this gentleman was serving these teenagers - girls under age liquor. To the manager's amazement he found out that it was a policeman himself off duty. I'm saying that it is high time that these things be taken care of.

There's more liquor being sold in this territory here today of fourteen thousand people, than it is no doubt in a territory of two or three million. We heard the First Elected Member of Executive Council, Communications and Works make the statement that the people in Jamaica said some years ago that you people drink anymore liquor in the Cayman Islands than what you do, we'll have to come down and set up a distillery right here in these islands. Well again we are trampling on people's toes, because we're saying what should be and what shouldn't be, I feel that it is time that the law be carried out, that persons found drinking under age in any bar, or any place selling liquor that law must be enforced, and these people brought before the proper authorities and dealt with in the right manner. I'm saying that in previous experience, the only thing the Police Department was interested in as far as where liquor is being sold, the report is made that the place for safe lock up, inspector says that it has a sanitary facility, therefore that is about all that is needed. In the past various amount of complaints from various people have come forward and objected to the nuisance, objected to the menace in their community, people selling liquor, the noise and everything else that goes along with it, and yet nothing has been done about it.

MR. JOHN JEFFERSON (CONT'D): Mr. President we are dealing this afternoon with two moral questions in relation to two separate things, and both are important in themselves. And I believe that it is an issue that bears out, it is a fact that the members of this Chamber are beginning to realise, not beginning to realise but beginning to be forceful about the thing, but they believe that something must be done to curb the immoral erosion in these islands, and I believe that we must do that now. I believe when we look around at our youth, we look around the problems that concern us today, that we ought to with God's help seek to do everything possible to help our youth to find the good useful things to do, to be able to stay out of these bars and various places. And I think that certainly nobody is in a better position to see that this is carried out than our Police Department. I am not satisfied with what we are getting, I don't think we are getting a fair shake from this department. I believe it's high time that we stand up and be counted, and say that we are not going to put up any longer with the fact that law is not enforced in so many instances. I believe it's time that we stand up as men and women and make the world to know that we are going to accept no less than to provide in our country, and our youth with things that are helpful. We're going to say what we will tolerate, and what we won't tolerate.

BE IT FURTHER RESOLVED that Government take steps to stop the illegal sale of alcoholic beverages in places where the proprietors have no license to sell spirituous liquors; and that in the George Town area steps be taken to stop this illegal distribution of liquor which is so very prevalent. I hope Mr. President and I believe that we will also move in this direction to say that as far as we're concerned, that I believe we have reached the stage where as far as I am concerned we have more liquor licensing places in this island than these islands need - I believe it's time that we call a moratorium on this. I believe it's time that we say that as far as we're concerned we are not prepared to go any further in regards to see our laws trampled. Because of a fact that people in high places in the department are not exercising and carrying out their share of responsibility. Any department in these islands that doesn't reflect the good image of the Cayman Islands as far as I'm concerned not only hurt us, but it cause people to lose confidence in us. And I'm saying that it is time that something be done to curb the selling of liquor to teenagers under the age of twenty one. Thank you very much.

MR. CLAUDE HILL: Mr. President and Honourable Members, I rise to support of Private Members' motion. So much has been said by the mover of the motion and the seconder of the motion, that the wind has been taken out of my sails. But as they have said the morals of the island are completely vanishing from us. We do not legislate laws for morals I'm sure, but when one looks into the matter of liquor being sold in places that have no license, it's time to stop and think.

The Whereas section of this motion plainly states that it is public knowledge that boys and girls under the apparent age of twenty one are being sold alcoholic liquors against the present Liquor Licensing Law. If this is a known fact by people in and around the various districts, and a report is made to the Police Department, I see nothing else but a failure in the Constabulary Force, to execute their duties. But I stand here to say this much, I've listened and I've heard where constables have arrested boys while partaking themselves of alcoholic beverages in the same bar. This is time to think where are we heading? I shall be very brief on my sentiments in regards to this. If the police becomes a participant, what action must be taken. It leaves one thinking, and it's for us here in this Chamber to solve the problem, it's very pathetic.

In the further resolve section they're asking that Government take steps, who must the Government send out but the police. I'm not here grinding any axes against the Constabulary Force, most of them are young boys, subjected to failure, easily bribed, easily led astray. But if we have men who will go into these places - getting friendship or

MR. CLAUDE HILL (CONT'D): relationship, and make a few arrests, I think a stop could be made. But it's not because it's cousin so and so, or aunt so and so, or uncle so and so who's selling this, there's a shut mouth.

I can see where our Social Services as the First Elected Member from George Town said this morning, will never get off the ground, never, if all of this has to take place. We have young children just on the verge of manhood and womanhood, and if they are confronted with problems enticing them to drink alcoholic beverages in places where a speak easy is concerned it becomes a problem to the whole island. It's not a one man problem, not your son, not my daughter or not my son. It's just some poor mother's boy who's led astray by just an older person who wishes to destroy the life of the youth who'll be the future tomorrow.

Mr. President and Honourable Members it's quite time as the last speaker just said that something be done, and urgently done. It's no good of setting up committees or appointing men or women to intercede in this when we have a Constabulary Force consisting of a hundred and fourteen men in this community. There must be one out of a hundred and fourteen men who you can trust, or who can be trusted. And with that Mr. President and Honourable Members it is food for thought, and let us eat that food. I thank you.

HON. W.W. CONOLLY:

Mr. President and Members I presume that I should say something on this, because as Members know this has been to the fore front as a topic, and quite recently in the debates in the House here and the introduction of the Liquor Licensing Law that was introduced by me, there was quite a lot of debate on this subject.

Now the Resolution as it stands says that it is public knowledge that boys and girls apparently under the age of twenty one are being sold alcoholic liquors. Surely it is well for us to come in here and to make bold statements of facts, it is also well for us to come in here and blame and criticise our police force for not taking action, surely this goes down well. But my concern is how many people are willing to come to the fore front, willing to escort the police to court and give evidence. If this is such public knowledge, I am sure that the police will do their job, I'm sure they'll prosecute, and I'm sure that the court will convict if sufficient evidence can be adjudged against persons. But what we find in nine times out of ten, a lot of people will know that Tom Jones or Jim Harry is selling liquor, but get them to go and stand before the court and give evidence, they'll say well they don't know, they hear so and so and this and that, and as a result of that the persons have not succeeded in gaining a prosecution. Quite recently I know of a case that the Police Department prosecuted lost on account of lack of evidence. And surely people who come out and say they know these things are happening, they're not willing to go and stand up and say so. I feel if people know all this is happening, then it is a two way street, the police can be no more effective than the support from the public they get. It means that the public is going to have stand up, give the evidence, and also be prepared to go to court and substantiate that.

There has been as I've said quite a lot of discussion over the granting of liquor licensing and the control of disposition of liquor in these islands. Unfortunatley I have found myself in a position where I have got a lot of political opposition from the fact that I stood up against certain actions, actions of the Board, the members of the Board did in their wise judgment, and yet even in this instance I've found and it is alleged that even there it's alleged that it was the Chairman who did it. Not even the backing that is supposed to come from a body is one hundred percent there. But as it may I can agree that the government is very conscious of this problem, and I'm sure that government will take any steps necessary to control this situation. But let me say here and now that the government agency has to be supported from the public. One can



WEDNESDAY, 19TH MARCH, 1975

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR MR. THOMAS RUSSELL - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

Hon D.V. Watler, OBE., J.P.	First Official Member
Hon. G.E. Waddington, CBE., Q.C.	Second Official Member
Hon. Trevor Foster	Third Electoral District, Lesser Islands. (Member for Inter-Island Communications and Information).
Hon. W.W. Conolly, OBE., J.P.	Sixth Electoral District, East End (Member for Tourism, Lands, Natural Resources, MRCU and Surveys).

ELECTED MEMBERS

Mr. John D. Jefferson	First Electoral District, West Bay
Miss Annie H. Bodden	Second Electoral District, George Town
Mr. Claude M. Hill	Second Electoral District, George Town
Mr. James M. Bodden	Fourth Electoral District, Bodden Town
Mr. G. Haig Bodden	Fourth Electoral District, Bodden Town
Mr. Craddock Ebanks	Fifth Electoral District, North Side
Capt. A.A. Reid	Third Electoral District, Lesser Islands

MR. JAMES M. BODDEN (CONTINUING) So it is being judged by your peers and I think it should continue that way.

In regards to the reference made against the jury system by one of the previous speakers, I hate to hear such things being said that you have such little confidence into the people of the island as to think you could not have an impartial jury. I hate to think that we have gotten to that position. Of course each member of this House, that's what makes it democratic, is capable of having his own opinion and views on any particular subject, but Mr. President, I, too, join with the others who have spoken against this - that it is my humble opinion that the jury system as used under the Coroner's law, should not be done away with. Thank you.

MR. JOHN D. JEFFERSON: Mr. President, I make a motion for the adjournment, Sir.

MR. JAMES M. BODDEN: I second the motion.

MR. PRESIDENT: Well, before it put it to the vote, I'd remark that it looks as though we might get through tomorrow's business before the afternoon and we have still got the debate on the Throne Speech to take on Friday and either we could start that debate early tomorrow or we can adjourn early tomorrow and start the debate on Friday, but if we are going to start the debate tomorrow, I think members should be fore-warned so that they may be ready with their speeches. Is there any preference?

MR. JAMES M. BODDEN: I would like to see the debate start tomorrow, Sir, so that if there is an early wind-up it could come on Friday rather than tomorrow.

MR. JOHN D. JEFFERSON: I'd object to that, Mr. President. We had a motion before this House that it would begin on Friday and I would hope that it would be just that.

MR. CLAUDE M. HILL: I agree with the last speaker, Sir. Friday for the debate, Sir.

MR. G. HAIG BODDEN: Mr. President, just for a matter of information for the House. I expect to speak for two hours on the imprisonment law tomorrow so I don't think there is any chance of getting through before 5 o'clock.

MR. PRESIDENT: Well, that seems to have settled the question finally, so if by any chance we run out of business tomorrow we will adjourn early and resume the debate on the Throne Speech on Friday according to the motion.

QUESTION PUT ON ADJOURNMENT: AGREED:

ADJOURNMENT

AT 5.20 p.m. the HOUSE ADJOURNED UNTIL THURSDAY MORNING  
THE 20TH OF MARCH, 1975 at 10 a.m.

HON. W. W. CONOLLY (CONTINUING) judge and I do believe that we must depend on the integrity of the Magistrate and if this goes, then I could see us having a fair system. It is in no way, in my opinion, detracting from the judicial system that we have had, as far as the trial by jury is concerned, because a Coroner's inquest is not a trial, as far as I am concerned, but I stand corrected to what the learned Attorney-General will say on that but a Coroner's inquest is not a trial.

MR. CLAUDE M. HILL: Mr. President, Honourable Members, I, as a layman, listening quite intently to what the Second Official Member has said in his introduction of this bill, and also the previous speakers in their remarks in regards to what they have taken exception from in the bill. It seems as if the bill seeks to do away with a jury on a Coroner's inquest and as a layman, I am subject to correction, and I would like the Attorney-General to let us know here if a Coroner's inquest is not a trial within a trial and a jury placed on a trial on a coroner's inquest of seven men, or ~~whatever~~ it may be, you may have the chances of obtaining your rightful legal proceeding other than leave it in the position of a magistrate, regardless of his background, as a Magistrate, men are human beings and subject to err.

I think it is even in the Bible mentioned, "out of the mouth of two or three witnesses". Why do we here today seek to place in the hands of one man something that our forefathers fought for and lived by for years? Let us not continue to destroy but to build. I'm not saying that we are doing away with the law in toto, but leaving it in the hands of one magistrate, regardless of his ability, when out of the mouth of three we hear something else.

We all like changes, changes may come and they come earlier than we expect, but I voice the sentiments of the Second Elected Member of Bodden town and also the First Elected from the District of George Town in regards to doing away with the Coroner's jury, or jurors on a Coroner's inquest. I thank you, Sir.

CAPT. A. A. REID: Mr. President and Honourable Members, a lot has been said about this matter, a lot of it irrelevant in my opinion. I know it is British tradition to be tried by a jury but a Coroner's inquest in my opinion, is not trying anyway, it is deciding how a person dies. But I have seen, on several occasions, justice cheated by juries, I have also seen people lose their life through juries being incapable, and if I had to be tried for a criminal case, I believe I would rather be tried by three well-informed judges anytime than by a stupid jury, because don't tell me you can always get intelligent juries to preside on cases, because I know differently - I don't care where you are. I know all democracies believe in the jury system, America, England, all of them. Only the Communist try you by a military tribunal and put you up against the wall and shoot you the next day. But that is not our system and I don't think anyone is trying to end the jury system. But I agree with this law, because I believe that a learned magistrate is in a better position to make that decision than any jury you may pick. Under the circumstances I support the law.

MR. JAMES M. BODDEN: Mr. President, Honourable Gentlemen, I really didn't intend to speak on this because I felt that everything pertaining to it could have been better dealt with in the Committee stage, but having heard one member refer to it as not being a jury system, I, as a layman, interpreted it differently. It is my opinion that the Coroner's jury is a jury and it is the jury which will return an indictment should they so see fit to do so.

HON. W. W. CONOLLY (CONTINUING) Assembly that this is one of the things in this law that has been a derivation from the past, its in the objects and reasons here and he has given certain reasons for so doing and whether these reasons will satisfy the Legislature or not, is another matter but what I would hope that members do not convey an impression to the public that the law is trying to try people without a jury. I don't think that is the case.

As I see it, as I see it, its a matter strictly of choice whether a learned magistrate is more capable of compiling and co-ordinating the evidence and recording the findings after having heard all the evidences, the evidences from witnesses that know of the case, plus medical evidences and all this and, as I said, I think it is purely a matter of decision of this house, when it goes into committee, whether we should retain the old system or whether we should do this, but one thing I am sure it does not do, it does not take away the right of a person being tried by a jury.

The Coroner's law has been one that has come into play quite a number of times at Coroner's inquests recently with particularly automobile accidents and with certain persons found dead out in the sea and this has been, I think, the greatest times it has been applied - you have to go into these circumstances and most of the times anyway, it is recorded that no one is criminally responsible for the death of the person. It is so recorded on the certificate of death when it is found that someone is, by the jury, criminally responsible, as the learned Attorney-General said in most instances when someone is indicted, is put on trial, and nine times out of ten, the person before the jury then is acquitted. Well, certainly, the evidences that go before the trial court is such to acquit a person, then definitely it is probably some mis-direction or the lack of taking direction why a jury, in the first instance, sent the person there. And I think we must be fair to people on both sides. Why should we have a situation or a system which would create a hardship on a person, to have to go into the great expense of retaining legal advice many times at great expenditure, to defend himself in a court of law, when the cause should never have been responsible in the first instance, and this is what we have to bear in mind that in a small place like this, you can have, in many cases, you have personal feelings running strongly, we do have these in a lot of motor car claims where you have people who know and believe that someone was driving carelessly or recklessly, it might be the case, but there is not sufficient evidence to convict a person and I am saying that we should not unduly, if there is not sufficient evidence, jeopardise a person in causing them to go to the expense of securing the legal services and in the end for them to be acquitted. I feel a person should have a fair trial, and I am sure there is no intention on Government's part, because our laws that we have just read for the first and second time this afternoon, The Criminal Procedure Law, provides for a trial by jury, so there is no intention on Government's part to do away with the jury system, I think it is well-founded in these. But if it is thought of that in this particular bill, or in this particular law, that the suspension of this jury system here, could, in any way, ease the situation of allowing a more reasonable and straightforward system to proceed, then I don't have any objection to doing it, because I don't see where anyone is going to be jeopardised. I don't feel today that we would have judges in this Island, or magistrates in this Island, who, that the would be personal against individuals, I would rather think it the other way - I would rather think that you would find juries that would be personal against individuals, rather than having a

MISS ANNIE H. BODDEN (CONTINUING) the Government and the people we should follow the ancient custom of having a jury empanelled when there is a Coroner's court.

Now I agree, Sir, that having a properly qualified Coroner is most important. I have been to Coroner's Court where the two justices were acting and I must say that they didn't do their job too well but with a proper qualified Coroner we shall get better service, but at the same time, I feel that along with him there should be this seven jurors empanelled. Of course, in a country such as we live in, a democratic country, we must follow the principles that we believe are democratic. It could be said that this Coroner, be he who he might be, would be a dictator, if he didn't like me, or he liked me, as the case may be we might be saddled with some form of not being just fair, but the seven men whom I would say he is entitled and will give and always do give guidance to, justice would be better served.

Now, Sir, I must agree with my colleague here who thinks and feels and has expressed that it would be better served to have a jury. The few pounds or dollars as it is now is nothing to comparison to what money is being wasted presently in the Court House, by not, I would say the Government, but litigants and a man will fight for his life, I am very sure, even more strong than he would for a piece of land. And I feel, Mr. President, that we would be taking a right from our people if we deprive them the privilege of being half-tried, I would say, by their own countrymen.

HON. W. W. CONOLLY:

Mr. President and Members, I think I would like to speak on this as a layman and one of the things that concerns <sup>me</sup> a little bit and that is the matter of expression of members that a person is being tried by somebody. I stand open to correction but I do not think that a Coroner's court tries anybody, I think what a Coroner's court does is to investigate, enquire into the death of somebody to say whether or not the person's death has been caused as a result of something.

Surely it would be wrong, in my estimation, to project the idea that the law purports to do away with a fair trial by jury, I don't think that this is what the law is trying to do at all, because as far as I am concerned, a Coroner's inquest is no trial. I don't think one can call a Coroner's inquest a trial. If, at the inquest it is proven from the facts, if it is found out that the death of Mr. A is caused by certain actions of another person, then the Police comes in the play and charges that Mr. B and then the trial begins, then a trial goes then to a court, Mr. B is tried by a jury, if it is for a certain indictment, a seven man jury, if is a certain indictment, it is a twelve man jury.

I don't think that the point of the trial should be emphasised. Now, as far as I am concerned, if Members feel like the Coroner's jury should be retained that is quite alright but what I am saying is this that I don't think it should amplified that this bill is purporting to try a person without a jury, that's not the case. If I can read it correctly, that is not the case and I don't think that it has ever been a case where a Coroner's inquest tries anybody - nine out of ten times an inquest is made and if, a lot of times, the inquest ends up that no one is responsible, or criminal responsible and a lot of times there is no direct cause of death proven, so this is a point I would hope that members in referring to this have stressed the point of the right of a person being tried by a jury is being taken away from them - I don't think that is exactly correct. Of course, as I am saying, I am speaking as a layman and I would bow to the ruling of the learned Attorney-General, whom I am sure is quite capable of explaining the full nature of the law. Of course, he has pointed out to us here in this

MR. G. HAIG BODDEN (CONTINUING) go along with this bill, because I believe this bill is seeking to take away one of the inherent rights of the people of this free land. Perhaps there was a necessity for a revision of the Coroner's law but if the real reason was to take away the jury we have erred - the people who brought this bill before us have erred, regardless of the legal knowledge, regardless of the five years in preparation, regardless of the many weeks in Executive Council - I feel that this bill should not have been brought, making or asking for such a sweeping change, without the bill receiving wide publicity. I am hoping that sufficient members will feel the same way as I do so that when we get into the Committee stage, we will be able to give back to the people the right of a Coroner's jury, and let the jury make mistakes - they can afford it.

I would rather have a mistake made by 12 honourable men under the direction of one qualified man than to have just one expert opinion. We cannot do this to our public and I don't think we should do it behind their backs. While it is true this bill has followed all that is required by our laws, it has been published in the Gazette, but I wonder how many people subscribe to the Gazette at the prices I see here, \$180 per year for the Gazette in a Government Notice published the 4th day of February, 1975 - how many people are subscribing to this Gazette? Government Gazette \$20 per annum, binder \$5, supplements \$150 for 1975, so with that kind of high cost I don't think there are too many subscribers to the Gazette which means that this bill which we have before us has been published in accordance with the Regulations but it has not reached the masses.

Can one see the necessity for deferring this bill?

Mr. President, the evening is going but I can assure you many hours will be spent in the Committee stage in an effort to give back to the people what they have enjoyed for hundreds of years.

MISS ANNIE H. BODDEN: Mr. President and Members of this House I, too, think that it would be a grave mistake to eliminate jurors from this Coroner's bill. Even before Court right now, not in a Coroner's Court but another Court there was a certain firm of lawyers who asked to have their case tried by a jury, because to err is human, to forgive divine. Judges are only ordinary, normal people and I would say, Mr. President, that in fairness to the public, to people who might be brought before a Coroner's Court that they have a better change of a trial and get acquitted or to be condemned - they are heard by seven men, I think the number usually is, because I have attended Coroner's court and the Judge always gives directions. They do not stumble blindly alone. In all the Coroner's Courts that I have attended the evidence is reviewed, the Judge gives certain directions, they must find on the facts, he has the word of the law, and I feel, Sir, that it would be depriving our citizens, anyone can get in trouble and I feel that justice would be more ably served, not that I am disputing the integrity of a professional Judge, but I feel that justice would be better served if we had a jury empanelled to hear the evidence in these many cases which now come before the court.

Of course, nine times out of ten they are acquitted - I feel, Sir, that both Jury and Judge have fallen down a lot of times in particular cases but criminals seem to be lucky and more especially a death is committed I only know of one person ever serving a term - all the rest, as is so often said here, these, I would call them dishonest labelled attorneys-at-law are able to find some technicality to get the people free, but I feel, Sir, in fairness to both

MR. G. HAIG BODDEN (CONTINUING) at that time was a very old law and the compensation for a Coroner's jury was 10¢ for the entire proceedings - 1/- of our old money for the entire proceedings - no matter how many days he served. In fact the little money was so small that Coroner's juries were under the impression that they were not supposed to be paid and the Treasury has always saved that 10¢. But I think it was last year or year before we stood here and we increased that from 10¢ for the entire proceedings to \$10 per day. Why did we do so? Because we felt that a Coroner's jury was a necessary part of the tradition and the jurisprudence which we have always known. What has changed the attitude of Government in this short interval, between the increasing of the compensation and today? Is it because we have suddenly learned that the Commonwealth countries are saving a few dollars by doing away with a Coroner's jury? Is it because we have read some new-fangled book? Is it because we have come across some model legislation from the darkest part of some deteriorating Commonwealth country? What has changed our mind and our attitude towards the honourable institution of a Coroner's jury?

Mr. President, there are certain other things wrong with this Law - it seems to be one of the most heavily under-lined of my bills, but the many points I have really pale into insignificant when placed alongside the very heart of our democracy, and I will not burden this house with what I call the insignificant amendments which I will be seeking at a later date but I would certainly ask for the support of Members to scrap this bill, if not scrap it, at least pry it open and put into it the heart and the soul which is missing.

The people in these Islands have become accustomed to having a fair trial - they have become accustomed to having a fair indictment - they have become accustomed to the British system of justice which they have known from the days of their forefathers. We should not take it away today - we should not try to take it away in a single stroke by a bill that perhaps is not even known to the public. We have recently instituted a Gazette which at the time of its institution I had hoped would help in the publication of our bills in a manner that would make them readily available to the public, but I can see already that the Gazette is out-priced and the man on the street will not know what is in our bills, as he did when they were published on the notice Boards, so I maintain that we are dealing here with a bill which will have far-reaching effects upon every person in this island in all the years to come, and I believe that with the exception of the few members in this Chamber, there are not many of the public that know what is really happening here today in this bill.

I pride myself that on Monday night my colleague from Bodden Town went before the people in Bodden Town and we invited the people that were there to come out to this Assembly and to hear for themselves - I don't know how many of them have come - if they have not come it is not our fault - perhaps this courtesy was also extended in other districts but I believe that if the importance of this bill was known the place would be full with people this afternoon. A bill as important as the bill before us should have received wide publicity in the newspapers but I don't know why they bother to send reporters to the Assembly because they do not report the things of consequence. Perhaps when this is done and passed we shall see a glowing editorial on the virtues of it, but when there is time to stop it there is not a word in the newspapers - there will not be a word on the radio station either and Mr. President, I cannot go along with this bill, because it is diametrically opposed to everything that I ever thought to be right and just. I cannot

MR. G. HAIG BODDEN (CONTINUING) This bill seeks to do away with the Coroner's jury. Is this the beginning of the end? It is true that Coroner's juries may have erred in the past, being only human beings, but that is still better than entrusting such a job to one man and if a person stood to be indicted for a criminal act it would be far better for that indictment to be controlled and performed and put forward by a jury of his peers rather than a Coroner, no matter how professional the Magistrate or the person performing the Coroner's job would be.

The corner-stone of British justice is trial by jury - no better system has ever yet been devised. We may be told that in some commonwealth countries they have done away with the Coroner's jury, but have they done right?

Last year in September I had an opportunity to speak with Parliamentarians from nearly every country in the Commonwealth and there isn't a single one of them that I would change places with, and I believe that the woes that they are suffering from have been brought upon them mostly because they have tampered with established principles that have worked well in the past. They have tried out new-fangled ideas - they have experimented with laws and with procedures that they should not have touched - like fools they have rushed around on tires that angels fear to re-tread.

If we do away with a Coroner's jury what is the next step in our judicial practice - would it not be to do away with a jury in the Grand Court? This bill is entering upon sacred and holy ground - it has no right to even know upon the gate and yet it is going into the very heart of our system of justice and by a single sweep trying to destroy the Coroner's jury.

I do not know how any other member of this Assembly feels on this particular point, with the exception of the Member from North Side. We had a discussion, in fact two discussions on this particular point and I know that he feels the same way as I do.

We cannot allow this to happen, no matter who drafted the law - no matter who is putting it forward - no matter how much honey has been poured over it - we cannot allow this to happen.

I will be fighting this section of this Law for as long as I am permitted to fight it.

The Law has one commendable feature in that the Coroner himself must now be a professional magistrate. This should have been done long ago, just the same as the Judge in our Grand Court must measure up to certain qualifications, I feel that the Coroner himself must be a man with specialised legal training, but he must be supported by a jury of laymen.

Whenever a Coroner's inquest is necessary I feel that we should follow a very established custom of going out and empanelling ordinary laymen from the sides of the streets and let them deal with this. We should never tamper with a system that has worked well, not since yesterday but for hundreds of years.

It is true that we have now entered an age when we had to start looking at expenses - they have told about the cost of a Coroner's jury by the Member who introduced the bill, but we should never sacrifice justice and honour for the cost of a few paltry dollars.

Sometime ago, I think it was last year, we stood in this Chamber and we increased the fees payable to a Coroner's jury because we felt at that time that this job was worthy of payment. The law which we amended



HON. G. E. WADDINGTON: (CONTINUING) have been cases where, in spite of the directions of the Coroner the jury has taken the bit, so to speak, between its teeth and brought in a verdict of criminal negligence when the facts didn't justify it, and the result was that such circumstances the accused had to be sequently indicted and go through the process of a trial, only to be subsequently acquitted after all the evidence had been adduced in that trial.

The Coroner's jury usually do not have the benefit of cross-examination, for instance, of the person against whom they may have brought in a verdict of criminal negligence, that person is not charged at that stage of the proceedings and the most that sometimes happen, is that there is perhaps a legal practitioner, an attorney watching proceedings on behalf of that person, but there is no real opportunity for full cross-examination of witnesses and so it often happens that the verdict brought in by the Coroner's jury is not really based on a proper, thorough examination into the circumstances. And so it is thought that it would be advisable or something that would be for the benefit of the public in general that a person should not be put in jeopardy unless he is in the position to be able to defend himself before a jury, and so the provisions in this bill provide that there will be no need for a Coroner's jury to be empanelled in cases of inquest.

Another further provision made in the bill which is designed to save a lot of time and expense, and that is that at any time after an inquest has begun if the circumstances are such that the death of the person requires investigation by the Police and the Police, as a result of that investigation is of the view that someone should be charged with a criminal offence and that charge is brought then the inquest will be stayed on the application of the Police and this again, is designed to avoid duplicity of proceedings, multiplicity of proceedings and to save time and expense. If, after the inquest has been stayed no conviction of any person results from the Police enquiry, then the inquest can be resumed and the Coroner will then arrive at a verdict, not inconsistent with the outcome of the trial and this is also a very beneficial provision because without it it may well be that if the Coroner could bring in a verdict inconsistent with the trial there would then be two inconsistent verdicts and the embarrassing situation would be created of a person being acquitted before the Grand Court on indictment and subsequently the Coroner finding that person perhaps guilty of criminal negligence. So it follows that the subsequent verdict or conclusion of the Coroner should not be inconsistent with the findings of the Court of trial. If the Police do not intervene in any inquest which is being held then the Coroner will, of course, proceed with the inquest and arrive with a verdict in accordance with the evidence.

I recommend the bill, Mr. President and Members for your favourable consideration in the same manner as the other bills and I trust that you will feel that this bill also fits into the series and is a necessary part of that series.

HON. D. V. WATLER:

Second.

QUESTION PROPOSED

MR. G. HAIG BODDEN: Mr. President, Members of this Honourable House I can't see how one can be silent on a bill which is seeking such a sweeping change in the system that we have known from the days of antiquity.

QUESTION PUT:           AGREED:   BILL GIVEN A SECOND READING

REFERRAL OF THE CRIMINAL PROCEDURE CODE LAW TO A SELECT COMMITTEE  
OF THE WHOLE HOUSE

HON.G.E.WADDINGTON:           Mr.President, like in the other cases,  
I would now beg to move that this Bill be referred to a Select Committee  
of the Whole House in accordance with Standing Orders 55 (b) and 62.

HON.D.V.WATLER:                Second.

QUESTION PUT:   AGREED. BILL   REFERRED TO A SELECT COMMITTEE OF THE  
WHOLE HOUSE.

MR.PRESIDENT:                Again, I appoint the Honourable the  
Attorney-General to be Chairman of the Select Committee, and in  
accordance with the decision of the Assembly, a quorum of such  
Select Committee will consist of at least seven members.

THE CORONER'S LAW, 1975

CLERK:                         THE CORONER'S LAW, 1975 INTRODUCTION  
AND FIRST READING.

HON.G.E.WADDINGTON:         Mr.President, I beg leave to intro-  
duce a bill entitled the Coroner's Law, 1975

HON.D.V.WATLER:                Second.

QUESTION PUT:                   AGREED: BILL INTRODUCED AND GIVEN A  
FIRST READING.

CLERK:                         THE CORONER'S LAW ,1975 - SECOND READING

HON.G.E.WADDINGTON:         Mr.President, I beg to move, Sir,  
the second reading of a bill entitled The Coroner's Law, 1975.  
This bill, Mr.President and Honourable  
Members, is also one of the series and the bill repeals the present  
Coroner's law, Cap.26but re-enacts most of its provisions. The  
really important departures in this bill is that under the previous  
law, a Coroner could be appointed by the Governor from any person  
in the Islands whom the Governor thought to be a fit and proper  
person - there wasn't any need for professional qualifications  
of any sort, but now that we have a professional Magistrate, the  
bill seeks to provide for the appointment of the Magistrate as being  
the Coroner, and that being so, a further change in the law, which  
the bill seeks to bring in is to avoid the necessity for having  
a Coroner's Jury in cases of the holding of Coroner's inquest.  
And the reason for this, Mr.President and Members, is firstly,  
not only that this follows the modern trend in commonwealth  
countries, but chiefly the reason that it has been found to be  
not only costly, but in some cases, quite a waste of time to  
have two juries, having so to speak, a bite of the same cherry.  
Invariably, or in some cases, I should say, when an inquest  
is being held into the death of a person, who has for instance  
been run-down or killed by a motor vehicle, the jury, the Coroner's  
jury, come to a finding that the person who was driving the car  
at the time caused , or was criminally responsible for the death,  
and there have been many cases in the past where such a verdict  
has been brought in on practically no evidence whatever that could  
satisfy a jury on a criminal trial of that person, on indictment,  
for manslaughter or for causing death by driving. Indeed, there

MR. G. HAIG BODDEN (CONTINUING) pathetic to go to the office of some lawyers, particularly the ones from abroad and ask them simple questions or to try to get them to handle simple matters. They don't know what to do, they don't know where to turn to, they don't know where to find the guidance they need, so this bill, which puts together the proper procedure in one set of laws, will undoubtedly make the work of an attorney-at-law much easier, in fact, I am even considering being articled myself.

But the real good part about this bill is that it is giving to an accused person the right to have a fair trial in the least cumbersome manner and I need not say here that this is a privilege which can only be enjoyed when you live in a democratic country. People who live in countries where there is no democratic right, do suffer. Under the British system, we pride ourselves in that a criminal has to be very good and guilty if he does not get away, because the law makes it easy for him to escape and I think in this Island, particularly, the cases must be very few indeed where an innocent person has really had to pay a price for his crime. So this law is one means of up-grading the penal code, perhaps it is even one way of up-grading criminals. You know a certain Governor, that is a Governor in the United States said that we need a better criminal system but we must first get a better type of criminal. Under British law every man is given a fair trial, every man is considered innocent until he is found guilty and this is right. I go along with this.

We in this Island were fortunate in the old days when we had a Clerk of Court like the late Mr. Parsons that spent his entire life-time in one job and no matter how complicated the procedure was he was sure to have it at his finger trips. Today, because of our modernisation we have the sophisticated contracted officers filling the important role of Clerk of Court and no matter how well trained the person might be it is impossible for him to come in here with the complicated procedures we had in the past and really do a good job of running the Courts Office and greasing the track on which the Courts run, because the Clerk's job, in the Courts, I imagine, is something similar to the Clerk in the Assembly, in that we would have utter chaos if it were not for the Clerk. So I welcome this bill and despite the fact that I might be repétitious, I would like to say that I also welcome the manner in which it will be dealt with.

Awhile ago, I heard a statement that it was not the intention of Government to rush these bills through - I might add I did not hear that statement in the Chamber, but I am not convinced that that statement is true. I believe and even if I have to take a little credit, I believe that the Bodden Town Members, along with the other good members, were responsible for slowing the pace of these bills and I believe that future generations will call us blessed when they examine the type of legislation which will be incorporated when these bills become law and so I say thanks to the House for their indulgence.

MR. PRESIDENT:

If there are no other speakers, I will call the Honourable Attorney-General to reply.

HON. G. E. WADDINGTON

Mr. President, Honourable Members, as there has been no points raised against any clauses of this bill, there is really nothing to reply to, Mr. President, except to move the Second Reading of the Bill.

HON. G. E. WADDINGTON (CONTINUING) are now embodied in the Code.

The procedures set out in this bill follow the general type of procedures which one will find in the judiciary in many other parts of the Commonwealth and

I am sure that the Legal fraternity, for one, not to mention the Judge himself, will welcome these provisions which will now make it quite clear and will be at one's fingers tip, so to speak, of all the various procedures which it will be necessary to follow in trials before the Grand Court and in the summary courts.

I don't think there is any point, at this stage, Mr. President and Honourable Members, in going into much detail of the provisions - it is a very long bill, consisting of 188 clauses and three schedules and at this stage all I can say more is that I hope that members will welcome this bill as part of the series and deal with it in the same manner as they have done with the previous bills which have been introduced.

HON. D. V. WATLER:

Second.

QUESTION PROPOSED

MR. JOHN D. JEFFERSON: Mr. President when I first received my copy of this bill I thought particularly in relation to this bill that I would very much liked to have seen it gone to a Select Committee because at that stage I wasn't sure, but to the fact that all these bills previously and the rest will go before a Select Committee I am indeed happy, because there is indeed a lot covered up in this bill. It is indeed not the easiest job for a layman to be able to go through a law such as this and be able to fully understand it all.

I do rise, Mr. President, in support of the bill because as has been previously stated we feel it is indeed a necessary bill.

I just read from the Memorandum of Objects and Reasons "the purpose of this bill is to make new provisions for the procedure to be followed in all Courts in the Cayman Islands in the investigation and trial of criminal cases. The bill forms a part of the scheme of the modernisation of the law relating to judicial powers and procedures which are being carried out in the circumstances of the changed constitutional position of these Islands now that they are no longer linked constitutionally with Jamaica". I said previously I rise in support of these - I am indeed glad that we are at once getting our judicial system up there where it belongs. I say this many times people have been able to sneak by or get away in Court just because of the fact that some things are too cumbersome, some were out-dated, but I am indeed happy to see that we are making a real effort to bring our judicial system up to full strength, and to be able to provide efficient service. I rise in support of this bill, Mr. President and I will be happy to be able to go through it in a Select Committee. I am sure that the able Second Official Member can enlighten<sup>us</sup> in a lot of things in this bill. Thank you very much.

MR. G. HAIG BODDEN:

Mr. President, Members of this Honourable House, this is by far the longest of the long list of bills we have before us and it would not be fair for this bill to go undebated with the exception of the West Bay Member

We, from Bodden Town, pride ourselves in saying but few words, especially when things are going easily.

This bill must be a welcomed sight to the legal practitioners<sup>in</sup> the Islands because their job has become a night-mare. I must say that sometimes it is

HON. G.E.WADDINGTON (CONTINUING) previous cases, which difficulty was experienced by the Court and those amendments have been incorporated in the bill, so nothing now remains, Mr.President, but for me to move the Second Reading of this Bill.

QUESTION PUT:           AGREED.   BILL READ A SECOND TIME.

REFERRAL OF THE COURT OF APPEAL LAW TO A SELECT COMMITTEE OF THE WHOLE HOUSE

HON. G.E.WADDINGTON:           Mr.President, I beg to move, Sir, that this bill be referred to a Select Committee of the Whole House in accordance with Standing Orders 55 ( b) and 62.

HON.D.V.WATLER:                    Second.

QUESTION PUT:           AGREED:   BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

MR. PRESIDENT:                   Under Standing Order 62 I shall appoint the Honourable Attorney-General, Chairman and we shall take it that, as with the previous bills, the quorum for such Select Committee will consist of at least seven members.

THE CRIMINAL PROCEDURE CODE LAW

CLERK:                   THE CRIMINAL PROCEDURE CODE LAW, INTRODUCTION AND FIRST READING.

HON.G.E.WADDINGTON:           Mr.President, I beg leave to introduce a bill entitled the Criminal Procedure Code Law.

HON.D.V.WATLER:                    Second.

QUESTION PUT:   AGREED.   BILL INTRODUCED AND GIVEN A FIRST READING.

CLERK:                   THE CRIMINAL PROCEDURE LAW, SECOND READING.

HON.G.E.WADDINGTON:           Mr.President, I beg leave to move the Second Reading of a bill entitled the Criminal Procedure Code Law.

This is another, Mr.President and Members, in the series of the laws being introduced to up-grade our judicial system and this particular bill is one of the, I should say, next to the Constitution of the Grand Court , next important is this one because this law makes provisions for the procedures to be followed in all Courts of the Islands, in the investigation and trial of criminal cases.

The system which will now be in force as provided for by the Grand Court law and by the Summary Court Law which is to come, is that we will have two Courts, the Grand Court and the Summary Court and it is necessary that there should be specific and details provisions laid down for the procedures to be followed in both of these Courts.

The bill, in large measure, contains a great deal of what is now contained in the Justices of the Peace (Jurisdiction) Law which deals primarily with matters dealing with the trial of informations, in summary cases, and with the committal of accused persons for trial before the Grand Court, but in addition to that, there are several general provisions in the bill dealing with things such as service of process on companies, and search warrants, which were previously contained in the Search Warrants Law and which

MR. G. HAIG BODDEN (CONTINUING) seems to be a ridiculous figure, if we examine to cost of even the very petty case, that money seems to be totally out of line with modern-day economics. Of course I know it is only right that deposits of this nature should be as small as possible, so to give everybody an opportunity to receive justice.

Another gripe I have with this law is that it seems to make provisions for the sureties to be by way of a bond, perhaps this is right, but experience in the past has shown, in my opinion, it would be better if the person put up the cash, because some of the bonds are really not worth the paper they are written on. But I know some of the reasons why a bond is necessary and why a bond is acceptable, but I am just throwing this out as an example of some of the things I will be fighting in the Committee stage, but, by and large, this bill is necessary, in fact it was necessary a long time ago and I must say that I am surprised that it has taken so long to come, having regard to the noise that has been raised about the matter of appeals, because in this Island people seem to be satisfied with the Police Court, the Petty Sessions, the Grand Court but nobody is every satisfied with the manner in which appeals are handled, and particularly in land cases, they seem to have a never-ending circle and the individual case never hits the spot on which the table stop. So this is a good bill and I will be supporting it in principle especially since we have the assurance of the house that this will be dealt with in a manner that will give the members time to really study it.

MR. PRESIDENT: Are there any other speakers on this Bill? I shall call upon the Honourable Attorney-General to reply.

HON. G. E. WADDINGTON: Mr. President, and Honourable Members, there are just one or two points that I would reply to in this debate. Before doing so, I should like again to express my gratitude to members for receiving this bill in the manner in which they have received it and all I need do at this stage is to remark on the comments which were made by the last speaker as regards section 16 (2) which deals with the security of fifty dollars for the due prosecution of the appeal. The member expressed the view that this was a ridiculous figure in view of the costs incurred in an appeal, but I don't think the member appreciates fully that this fifty dollars is only the security for the due prosecution of the appeal, that is to say, if the appeal is not proceeded with, that fifty dollars is forfeited, but the section goes on to say further "and with such further sum as security for costs of appeal as the Judge of the Grand Court may direct" and usually the Judge of the grand court fixes the further sum in an amount which is considered reasonable, having regard to the cost which the successful party the appeal may incur.

The member also said that he had a gripe with regard to the provision for the security to be given by the way of bond. Well, here again, this is the usual provision and it is designed to meet a case where an appellant might not have the ready cash but might be able to have substantial sureties to enter into a bond to meet costs if his appeal is unsuccessful, and it is thought that by this method an appellant who has got the necessary cash would not be denied the right of appeal.

One other point I should make, Mr. President and Members is this that this bill was submitted to the President of the Court of Appeal, Jamaica for his comments and suggestions and he approves fully of it with one or two slight amendments to cover certain points which had arisen in

MR. G. HAIG BODDEN:

Mr. President, Honourable Members, it would appear that this bill is not worthy of debate or else it is so good that there is no need to debate it.

I feel that it is a very worthy bill. The reason why some members on this side of the House are silent is that we are normally loquacious only when we are finding fault. This afternoon things seem to be going our way. The big gripe we had with these bills was that they would be dealt with in a hurried fashion, but having won the battle in the first instance, we just have to sit down and the tide will carry us along to a speedy conclusion and these bills will go to, I understand, I hope I am not speaking too soon, but the remainder of these bills will go to a Select Committee which is what I wanted and which is what some other members wanted from the very beginning. And I must say that if an assurance had been given at the very outset there wouldn't have been the little turmoil that we saw this morning, but all of that is, as the member from Cayman Brac would say, water under the bridge.

I especially like this bill because throughout the bill I read about expedition of appeals and I think that has been the sore point with all appeal cases in the past. Appeals have dragged on and on for years, some of them have been lost in the limbo of forgetfulness, there have even been instances where, I've heard, that the files have been lost, the necessary papers are lost and the case can't go any further because documents have been lost over the years. I don't know if this is because the time lapse was so long, or it was the fault of the filing system or if there was some other reason, but a comprehensive appeal bill, which, when turned into law, must speed up the process of appeals.

One section of many laws, that in my opinion has always been abused is that many laws say "there shall be no appeal" and you find that an appeal is allowed. Under section 4 of this law, (c), I read "No appeal shall lie from any decision of the Grand Court in respect of which it is provided by any law in force in the Islands that such decision is to be final". Many of our laws in the past have said that the decision of the Grand Court will be final, but we have found that smart lawyers have gotten around this and appeals have been granted in instances where the law says that the decision of the Grand Court was final and, if I read this correctly, there will now be no way of getting around this because it says clearly "that no appeal shall lie from any decision of the Grand Court in respect of which it is provided by any law in force in the Islands that such decision is to be final."

I am very happy that there will be some speeding up of the processes and that appeals will not hang fire for ever as they have done in the past, perhaps one of the reasons is that the calendars of the Court are so cluttered with appeals that they are not able to deal with them, and we must do something to unclutter the courts - I don't know what it will be but this seems to be a universal problem. I read quite recently that the time between arrest and a trial in Washington, D.C. is now one year - in many of the criminal cases. The time between an appeal and its final conclusion is much longer than one year in many instances, so I see this bill as a means of speeding up the judicial processes of uncluttering the calendars and so expediting the hearing of appeals.

But the bill does not meet with my entire approval and I am not going to argue it here since we will be going through clause by clause at a later date, but I must mention that section 16 (2) - "The appellate, shall, at the time of lodging the notice of appeal required by sub-section (1) deposit in the Grand Court the sum of fifty dollars as security for the due prosecution of the appeal". To me that fifty dollars

THE COURT OF APPEAL LAW

CLERK: THE COURT OF APPEAL LAW - INTRODUCTION  
and First Reading.

HON. G. E. WADDINGTON: Mr. President I beg leave, Sir, to  
move the introduction of a Bill entitled the COURT OF APPEAL LAW.

HON. D. V. WATLER: Second.

QUESTION PUT: AYES

BILL INTRODUCED AND READ A FIRST TIME.

CLERK: THE COURT OF APPEAL LAW, SECOND READING

HON. G. E. WADDINGTON: Mr. President, I beg to move, Sir, the  
Second Reading of a bill entitled THE COURT OF APPEAL LAW.

This bill, Mr. President, in effect  
repeals but re-enacts substantially, and with some added provisions,  
the present law dealing with Appeals to the Court of Appeal, namely  
the Judicature (Appellate) Jurisdiction Law, Cap. 73.

For one thing, after the coming  
into force of the Cayman Islands Constitution (order in Council),  
1972 that Order reiterated that the Court of Appeal of Jamaica  
would be the Court of Appeal for the Cayman Islands and it is not  
necessary, but desirable that there should be a new law under the  
new Constitution dealing with appeals to the Court of Appeal.

Apart from that, however, having  
regard to the up-grading of the Grand Court by the previous bills  
which have been introduced and given a Second Reading and referred  
to a Select Committee of the Whole House, it is necessary that  
certain consequential amendments be made, insofar as the appellate  
provisions of the old Court of Appeal law are concerned, and this  
bill contains those new provisions. In other words the appellate  
provisions in respect of the Grand Court, both in the Civil and  
Criminal jurisdiction have now been equated in this bill to the  
provisions which one will find in any appellate court law, dealing  
with appeals from a Superior Court of Justice.

There is hardly anything more that  
I can say about the bill, Mr. President. Members will have an  
opportunity, just as in the other bills, of going into the matter  
more fully in the Committee stage, and all that is necessary for  
me to do at this stage, is to commend to members a similar treat-  
ment to this bill, as was accorded to the one which preceded it  
and to ask that Members give it just as favourable consideration  
and pass it, like the others.

HON. D. V. WATLER: Second.

QUESTION PROPOSED:

HON. W. W. CONOLLY: Mr. President, it appears that  
there will be no appeal so I should just voice my agreement  
with this bill. I think it is something that has been needed  
for sometime to have a proper setting of the procedure and the  
proper forms of jurisdiction of the Appeal Court - I think that  
the bill that is before us will go a great way in bringing the  
appeals from the Grand Court here into the Court of Appeal at  
a more speedy manner, and I am sure that this will be something  
that will be appreciated, not only by the practising attorneys-  
at-law, but also those persons who are involved in litigation  
that does require appeal, and I support this bill.



HON.G.E.WADDINGTON: (CONTINUING) necessary for the Court to order the jury to separate, but the point is that unless the Court so orders, then there is no separation, but this again, is a matter that no doubt will be ventilated fully on another occasion in Committee and there is really nothing more that I can say, Mr. President, except to move the Second Reading of the Bill.

MR.PRESIDENT: Before I put the question, I think it might be of interest to members to know in advance, whether you propose to move to go into Select Committee or to go to Committee of the Whole House, I think this might help.

HON.G.E.WADDINGTON: Thank you, Mr.President, for mentioning that. Having already set the pattern on the First Bill, I think it necessarily follows that all the remaining bills it will be incumbent on me to move, in due course, after the Second Reading, that each bill be referred to a Select Committee of the whole House. In that way, Mr.President, there will be ample opportunity for Members to study and to digest the bills and to better understand them and to make any reasonable amendments which they may consider necessary.

MR.PRESIDENT: Thank you, well, I will now put the question - the question is that the Judicature Law, 1975 be now read a Second Time.

MEMBERS: Ayes.

MR.PRESIDENT: The Ayes have it.

BILL READ A SECOND TIME.

REFERRAL OF THE JUDICATURE LAW, 1975 TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

HON.G.E.WADDINGTON: Mr.President, I now beg to move, Sir, that in accordance with Standing Order 55 (b) that this bill be referred to a Select Committee in accordance also with Standing Order 62, a Select Committee of the Whole House.

HON.D. V. WATLER: Second.

QUESTION PUT: AGREED

MR. PRESIDENT In accordance with Standing Order 62 I hereby appoint the Honourable the Attorney-General to be Chairman of the Committee. It will be left as an Assembly to decide again on a quorum.

MR. CRADDOCK EBANKS: Mr.President, would it not be then, sort of in keeping with the original agreement, with seven as a quorum to go along with the whole Committee stage of these bills?

MR. JOHN D.JEFFERSON: I second that.

MR.PRESIDENT: Well, the suggestion is, I think, that having committed ourselves to a Quorum of seven for the first of these bills that unless a contrary voice is put, at this stage when we are considering further bills, the quorum will automatically stand as seven for consideration of all bills with which the Select Committee has to deal.

CAPT. A.A. REID: Mr. President, I wouldn't profess to have read over all these bills, I haven't had the time. I have sketched over most of them and I see nothing wrong, I'm not capable of really condemning anything in that respect, but the one thing that gives me a bit of thought is with all these bills we are passing do we have the infrastructure to see them carried out? I know there are many good laws on our statute books and I know, too, that the Police are doing nothing to carry them out. I support the Bill, Sir.

MR. PRESIDENT: Are there any other speakers on this Second Reading?

MR. JAMES M. BODDEN: Mr. President, Fellow Members, my contribution on this will be similar to what I said on the first bill of the eleven that has been presented, that I think more time is required in order to study the bill and to go into it. I, for one, believe that I should make up my mind of my own free will and accord, regardless of how much good advice is given to me from someone else. I am not a man who has ever been led blindly and I do not intend to be led blindly now.

In regards to the debate that has gone on here in reference to the democratic side, I am sure that this has applied to this side of the House in the viewing of the democratic procedure much more than the other side, and my stand against this bill will be not in a sense against the bill coming into law, because I agree it is necessary, or probably necessary. My stand against it will be based on the fact that we do need additional time, I would prefer to see this go to a Committee where it can be properly studied and each one will have his chance <sup>to say</sup> what he likes about it in that committee, and I apologise for being late but if a motion has not been made on it, I will be proposing one that it should go to a Committee stage, because there are many things in this bill, this is one of the few, may be, that I have been intelligent enough to interpret something in it, but there are several sections of it that, looking at it, as just a layman, I don't think I could agree with it in its present stage. I can take defeat as good as anyone else and I have think we have learned to take defeat, particularly in this House over the two years and better that we have been in it.

I'd just like to remind my colleagues that it would be very good if they could take defeat the way we have taken it. Thank you, Sir.

MR. PRESIDENT: If there are no further Speakers I will call on the Honourable Attorney-General to reply.

HON. G. E. WADDINGTON: Mr. President, it is refreshing to see that all the members of the House are agreed that this is a bill which should, in due course, be passed, after having been considered in Committee and such amendments made as may be considered necessary.

Certain members expressed the view that they were not happy about the provisions for jurors being allowed to separate, but as clause 23 is now drawn, the position is that jurors, once they have been empanelled, will not be allowed to separate, unless by the express order of the Court, which the Court has the discretion to grant or to refuse, and this provision is in keeping with similar provisions in other juridical systems and it is made flexible in this way, because occasions can arise when it will be necessary for a juror to separate - there may be sickness, there may be pressures of other sorts, business, private and otherwise, which may make it

MR. G. HAIG BODDEN (CONTINUING) awarded by the Court are not able to recover because of some defect in the old law. I hope it is not because public servants are failing in the administration of justice.

It is a good thing that this was not a perishable item - I notice that section 40 of this law says that if the goods are of perishable nature the goods must be sold within five days or at least if it is not of a perishable nature they cannot be sold until the end of five days. Special provisions

Special provisions seem to be made for the empanelling of jurors and this is a good thing, because it is my firm believe that as long as justice prevails we will need a proper jury system.

The old saying that two heads are better than one, even if they are cow heads can be no truer than when applied to justice, because no matter how learned the judge may be or how learned the advocate in the Courts may be the combined opinion of seven or twelve men, even if they are all ignoramuses, in my view, is superior to the opinion of one expert, and this bill, to my mind, is the greatest of the eleven bills which will come before us and I have great respect for it and will be supporting it and I will be watching the manner in which it will be referred to a Committee at a later stage. Thank you.

MR. CLAUDE M. HILL: Mr. President, Honourable Members, I rise to support the bill before us, but when it comes to the Committee stage, I voice the sentiments of the First Elected Member from George Town in regards to jurors. This law that we are now dealing with is dealing with administration of justice and if justice is to be had, if we look on clause 23 what is presented before us, the word "shall" could be injected and I hope it will be injected, rather than that a juror be allowed to be separated without Court's order from the rest of jurors. The empanelling of jurors is very important. Speaking on personal experience I happened to be on a murder case - foreman of the jury and I was intercepted and I lodged the complaint to the Clerk of the Courts who also complained to the Acting Judge of the conduct of the person who contacted me in trying to bribe a case. This is why I am speaking on Clause 23 so strongly. This has taken place and it can be repeated.

The administration of justice in these Islands cannot be had if they are allowed to be interfered with by those who would like it the way it shouldn't be or should be, and with that, Mr. President, at this time the presentation of this bill is not the matter of discussing what took place fifteen or five years ago is what we are doing to do now. Do your part and do it well. Thank you, Sir.

MR. CRADDOCK EBANKS: Mr. President, Honourable Members, I don't know that there is very much that I could attempt to say on the introduction of this bill since I said what I did on the introduction of the first bill, being a family of them, eleven, whether it be boys or girls, they fall in the same boat, and I can just remark that it is the intention for members of this House to deal with these bills, for them to become law for the betterment of the country on the whole. And it only boils down to where we are only asking that while as laymen we might not fully understand the full context of every section and its meaning, that we get a better understanding by the guidance of the Chairman in dealing with these in the Committee so that we will be satisfied within ourselves what we say yes to before it comes to its end. So I give my support, in principle, again I say, not only this second bill before us, but others that will follow as well, and hoping that we would be able to get along with them in the stage and in the Committee stage as fast as time would be reasonable for us to go into these and study them, so that it won't be a long drawnout matter before they come back to the House. So I thank you, Mr. President.

MR. JOHN D. JEFFERSON (CONTINUING) pressured by people.

Now I don't believe that the request brought forward is any request out of the ordinary, I think it is very essential, I think for the administration of justice, which we seek to encourage and to build up, I believe it is very essential to look into this area.

Let's be quite honest about it, Mr. President, if I am on a jury and I am a juror and I am dealing with a very important case, could it be murder, could be something like was done in the Courts just a very short time ago, naturally sometimes there are people in this country that are out to be able to stop the hand of justice at any cost, and certainly I wholeheartedly endorse the statement made by the previous members. And I say, on the selection of jurors, I think this also must be looked into very carefully. Certainly, and there's no reflection on people who have served as jurors, but certainly we are thinking in terms of Justice. When we are thinking in terms of being able to mete out to the people what really belongs to them, I think we must make sure that the calibre of people that we are summoning as jurors are people that are quite capable of being to speak their minds, and quite capable of standing up for what they believe is right. I'm saying I am not casting any aspersion on this, but in a developing territory like ours we are hearing a lot of other things, I think that it means that we must make special note of things like this.

We found that sometimes in the past in the Court, and I say this in passing, where certain records were not produced in court, missing, Mr. President, this isn't good enough for this Legislature, I can assure you that. I can assure you that we stand up for what is right - we believe in democracy, we believe in justice, and we believe that when somebody does something that is wrong he ought to be brought to the Court and it should be left to the Court to decide the measure of judgment meted out to him, but if anybody can in any way stop the hand of justice then very close attention must be paid to that source to see what is wrong, to see where the inaccuracies are and I would like to say that I believe that we must pay very close attention to these things.

I just want to say that I stand in support of the Bill and I thank you very much.

MR. G. HAIG BODDEN:

Mr. President, Honourable Members, I am not going to make a hue and cry about this bill, no more than to say that I would like to see it treated in similar fashion as the sister bill which preceded it. By that I mean at the close of this debate I hope the Second Official Member will make a motion that this bill will also be referred to a Select Committee.

I must say, in praise of this bill, it seems to cover some of the procedures that were weakest under the old law and will, undoubtedly, consolidate, in one bill, certain procedures which are essential for the administration of justice.

I would like to especially mention the provision in it for the sale and custody of goods taken in execution which seems to have been one of the lackings of the old law. The procedure under which goods could be sold was very cumbersome. If the members would take a ride up to the Police Station now they would find certain Volkswagon bus which has been parked there since the 19th of April, 1974, if we live to see next month that will be one year. The Bailiff, apparently, doesn't know what to do with it and this particular vehicle was seized in an attempt to recover costs, which had been handed down by the Grand Court in February, 1973, so that more than two years have passed and the party or the parties to whom costs were

HON. G.E. WADDINGTON (CONTINUING) sections in amended form and in modern language in accordance with the present practices of the Court.

Now the best means of doing this is, it is thought, the most desirable way is to provide a new Law and this bill provides the vehicle for so doing. The bill preserves the former provisions dealing with the duty of the Clerk of the Court, Bailiff and it also contains provisions dealing with the empanelling and trial of cases by jury. It covers also matters such as execution of the process of the Court, scales of costs and fees and certain other procedural matters. The bill also repeals certain other laws such as the Debtors' law, the Judgment (Lien) Law, but it repeats or consolidates or re-enacts the provisions of those laws in the provisions contained in the bill.

There's hardly much more than I can say about this bill, Mr. President, except to say that, as I have said before, it is hoped that members will not find any controversial matters in the bill, as, in large measures, it merely re-enacts and consolidates the present provisions, the dual provisions of the Judicature (Administration of Justice) Law, and I would again, in respect of this bill, express the hope that members will welcome its introduction as part of the series and that they will pass it without much debate.

HON. D.V. WATLER:

Second.

QUESTION PROPOSED:

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I have not studied this bill too carefully and I could be mistaken but I would like to see written in the law that when we empanel jurors, especially in a murder case, that they be retained and not allowed to roam all over the place. I don't know if it was in the law but in the olden days jury would be empanelled may be for a week, kept by themselves, not allowed to communicate with anybody, save the Police, that they would state their desires if they wanted anything, but they were not allowed to roam from pillar to post and get in contact with ordinary folks and things could happen that happen now that I am sure would not happen if they were empanelled and kept separated. I don't know if that could be embodied in the law, Sir.

MR. JOHN D. JEFFERSON:

Mr. President and Fellow Members, I rise in support of the Judicature law, 1974. I again, no doubt, reiterate what I said earlier this morning on a previous bill that I believe that it is time that we bring our system of justice up-to-date.

I am just going to touch on one or two things, both, no doubt, leading up to the same. I am sure, Mr. President, that nobody can ignore the fact that within this chamber within the last couple of years there hasn't been statements made which coincide with the introduction of this bill saying that it is necessary for things to be brought up-to-date.

I want to endorse the statements just made by the First Elected Member from George Town, because I believe that a previous colleague of mine once said "Justice must not only be done, but justice must appear to be done". And I think this is one of the weaknesses, and has been a weakness for some time in this territory. I feel that many times one is not as careful about the jury, the selection of jury as we should, and two, on important cases jurors are left to be all over the place and certainly they are subject to being

MR. PRESIDENT (CONTINUING) referred to a Select Committee. In accordance with Standing Order 62, I appoint the Honourable the Attorney-General to be Chairman of such committee.

MR. JOHN D. JEFFERSON: Mr. President, I would only like to make one observation in relation to the time, that is that I will be off the Island from the 31st of this month until the 10th of next month.

MR. PRESIDENT: I am sure that the Chairman will take into consideration the availability of Honourable Members to attend proceedings.

HON. W. W. CONOLLY: Mr. President, it is just one point, Sir, on the quorum of this committee.

MR. PRESIDENT: Well, it is for the Assembly to direct how many members will form a quorum, so I am open to proposals from the floor.

MR. JOHN D. JEFFERSON: I so move that a quorum of not less than 7.

MR. CRADDOCK EBANKS: Mr. President, I will second that motion.

MR. PRESIDENT: Well, the motion is that the quorum of the Select Committee should consist of at least 7 members. Are there any speakers to this motion? I shall put the question, will those in favour please say Aye?

MEMBERS: AYES.

MR. PRESIDENT: Those against No. The ayes have it, the quorum is accordingly at least seven members.

THE JUDICATURE LAW, 1975

CLERK: The Judicature Law, 1975 - Introduction and First Reading.

HON. G. E. WADDINGTON: Mr. President, I beg leave to move the introduction of a bill entitled the Judicature Law, 1975.

HON. D. V. WATLER: Second.

MR. PRESIDENT: The motion is that leave be sought to introduce the Judicature Bill, 1975.

QUESTION PUT: AYES

MR. PRESIDENT: The ayes have it.

CLERK: The Judicature Law, 1975. Second Reading

HON. G. E. WADDINGTON: Mr. President and Honourable Members, this bill is the second one in the series to which I referred when moving the Second Reading of the Grand Court Bill. The Grand Court Bill, to a large extent, supercedes the provisions of the previous law, dealing with the Judicature, that is to say the Judicature, Administration of Justice Law. However, there are several residual sections still remaining in the latter law, some of which are framed in language as the Memorandum of Objects and Reasons expressed, language of the eighteenth century, and it is considered desirable to re-state these

HON. G. E. WADDINGTON (CONTINUING) intended, at this stage, to take all these bills through to the Third Reading. The intention is to take them through the Committee stage, all of them, the eleven, and not to take any through to the Third Reading until they have all passed through the Committee stage, so that the opportunity will be there, if necessary, if it becomes necessary to make an amendment to one which might affect the others, the opportunity will be there to make all consequential amendments. And I am quite sure, Mr. President and Members that I can speak for this side of the House and say that if at that stage a motion is moved under Standing Order 59 for referring these bills, any of the bills or all of them recommitting them to a Committee and a reasonable cause is shown for such a re-committal that this side of the House would not oppose any such motion, because indeed, if reasonable cause is shown to make an amendment, it would be in the interests of this side of the House as well as the country as a whole, to see that a proper amendment was made to the bills, and so I think, Mr. President, that members can rest assured that if any such reasonable motion is made that, so far from being opposition on this side, that this side will be quite happy to consider in the <sup>re-</sup>committee stage, the proposals for the amendment and to give them due consideration.

There's hardly anything more that I can say, Mr. President and Members, but to, at this stage, move that the bill be referred to a select Committee of the Whole House to consider the bill clause by clause and to amend, if necessary.

MR. PRESIDENT: I think, with respect, Mr. Attorney-General, we've got to vote on the Second Reading first before that is taken.

HON. G. E. WADDINGTON: I apologise for that, Mr. President, I now ask that the motion be put for the Second Reading.

QUESTION PUT: AYES AND NOES.

MR. PRESIDENT: I think the ayes have it.

HOUSE SUSPENDED AT 12.57 P.M.  
HOUSE RESUMED AT 2.30 P.M.

MR. PRESIDENT: Proceedings are resumed.

REFERRAL OF THE GRAND COURT LAW TO A SELECT COMMITTEE OF THE WHOLE HOUSE

HON. G. E. WADDINGTON: Mr. President, I beg to move, Sir, that that this Bill, the Grand Court Law be referred to a Select Committee of the Whole House in accordance with Standing Order 62.

HON. D. V. WATLER: Second.

MR. PRESIDENT: The question is that this bill, the Grand Court Law be referred to a Select Committee of the Whole House in accordance with Standing Order 62, also in accordance with Standing order 55. The motion is open for debate if any one wishes to speak. If there are no speakers on the motion .....

MISS ANNIE H. BODDEN (INAUDIBLE - MIKE NOT ON)

HON. G. E. WADDINGTON: The Select Committee, Mr. President will meet at such time as will be convenient to the Select Committee.

QUESTION PUT: AYES

MR. PRESIDENT: The ayes have it and the bill is accordingly

HON. G.E.WADDINGTON ( CONTINUING ) have been under consideration for the past five years, and whilst it is true that we cease to be a Dependency of Jamaica for a number of years, 14 years I think he mentioned, the fact is that the Courts and the Judges and the Legal Practitioners have been arking under the inadequacies of the judicial system for that period of time and it is felt that it was high time that something be done about it.

I am happy to see that the general principles of these bills will receive the approval of members generally and I can assure members that when the bill and the other bills are referred to a Select Committee of the Whole House, as I intend to ask for, after the bill has been read a Second time, that they will then have ample opportunity to suggest any amendments which they may consider necessary and I should also like to assure members who have stated, quite frankly, and quite understandably that there are many clauses of the bill which they do not understand, indeed even lawyers sometimes and Judges do not understand sections of laws, I shall endeavour, to the best of my ability, to explain anything that they do not understand and to clear up any points that require further clarification.

The Second Member for Bodden Town made reference to the clause of the Bill dealing with the Rules Committee and he voiced an objection particularly at the power of the Rules Committee to lay down the fees to be paid under the law, but I should merely like to mention at this stage when the matter comes up for consideration in Committee, I will elaborate further on it but I should only like to mention at this stage that this is usual provision in all judicial system. In every judicial system that I can find in the Commonwealth there is provision for a Rules Committee, to make Rules of Court and to lay down the fees to be paid, for process of the Court and to Advocates, etc. But in our particular case, section 21 to which the Member referred, there is a further safe-guard, a proviso which provides that no rules shall be made which provides for any increase in fees of Court, without the approval of the Governor - that of course, should have been the Governor in Council and in due course the necessary amendment will be made. So that there can be no fear that the members of the Rules Committee could increase fees without the sanction of the Governor in Council.

Other matters raised such as, for instance, the tenure of office of a Judge that it should be for two years only, well that will be a matter for members to consider in committee, when the particular clause comes up, but it should be remembered that Judges gain experience by virtue of the length of the tenure of office and when a new Judge comes to a new jurisdiction it sometimes takes him five, six years or more to become acquainted with the laws of that jurisdiction and it might well be that if we restrict the tenure of office of the Judge for two years only we will always have a Judge who is not sure of legal provisions and who is always, perhaps, at a disadvantage in being able to administer those laws properly.

Well, those matters, as I said, will be considered in Committee and members will be able to voice their views and by unanimity come to a decision, one way or the other.

So far as making amendment to the bills after they have been through the Committee stage, Mr. President, a great deal of misunderstanding, perhaps, and ire has been aroused on that particular point. Well, as I mentioned in my remarks on the merits of the bill, these bills are all to a greater or less extent, inter-related to each other and inter-linked and it may be, probably will be, that an amendment to any of them might result, or will result, in consequential amendments to the others, and that is the reason why it is not



MR. CRADDOCK EBANKS ( CONTINUING ) find room for amendments most of the time.

I do go to Court quite a bit - I've heard some of the Judges say "I don't why the Assembly should pass something like this", and it is democratic, it is a democracy, a democratic Government by, as has just been pointed out, by the majority, but nobody don't say the majority - they say the Assembly, which I am perfectly happy to take my saddle, bare-back too.

A well-honoured citizen in our Island now deceased, talking to a man once, the man said "I never made a mistake in my life". The good, honest gentleman said "You just made one when you said that", and bringing bills to the House and expecting them to be passed immediately, because there is nothing wrong with them, this Honourable House will be making a sad mistake. We can find things in them that could help make them better, make them stronger, make them more workable. If it was just for the few I would say yes, agree with them as they come, but its for the few - its for all.

Mr. President, while I support all these bills in principle, I am not prepared to agree with them, that is, just off the bat, because it has been said that they are straight-forward. I had mine for seven days, I have done a lot of reading on them, the more I read, the more I see and I think that if most of these bills, at least, went to a Select Committee of the House with the guidance of the Chairman, the Attorney-General, to hear our views on amendments that may be proposed, I think we would get someplace and I don't think we would destroy anything that is intended about these bills and I give my support, as I said, to these bills, in principle and I will go along to do what I feel is right in my conscience that we get these bills passed so that they can become law to go into effect at the earliest convenient time. I thank you, Sir.

CAPT. A. A. REID: Mr. President and Honourable Members, I have to admit this morning that I find myself a bit at sea and lost - where I have never found myself in fifty years before to decide really what is the argument and how I should feel about it. To begin with, if we argue this bill for a week or two in this House, we wouldn't be too much wiser because I know nothing about law and I don't propose to tell our worthy Attorney-General anything about law, no more than he could come on a bridge of a ship and tell me how to handle it.

I have known this worthy gentleman for many years now, known of him and known of his integrity for so many years, I don't want to say, you will know how old I am and I have every confidence in his ability and the legal draftsman and if I had to pit the two of them together with any two lawyers or three lawyers in town, I would rather accept their verdict, knowing that they really don't have any axes to grind. The lawyers might have, and very likely would. So under these conditions I support the bill.

MR. PRESIDENT: Will the Attorney-General wish to sum up?

HON. G. E. WADDINGTON: Mr. President and Members, I am gratified to see that the atmosphere which prevailed just at the introduction of these bills have cleared considerably and that any misunderstanding which may have existed then has, I believe, been cleared up.

I should like to assure members that there is no intention whatever to rush these bills through the House. As the second Member for Boddan Town mentioned these bills

MISS ANNIE H. BODDEN: (CONTINUING) And I feel, Sir, that these lawyers, although they are classed as being so- I would say, dishonest, its not a fact - everybody now is hustling to get <sup>what</sup> they can, the Civil Servants, lawyers, doctors, everybody - not a soul is working for love and if they do jobs which entitle them to reasonable pay, I don't think we should cast any aspersions on them. I would rather say we should cast aspersions on certain liquidators, who have been appointed - not the lawyers. And I feel, Sir, that as I said, I am supporting this bill to go to a Select Committee of the entire House and I hope and pray and trust, Sir, in your wisdom, you will see that that is the most reasonable thing to do. Thank you, Sir.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, if I have understood from the beginning this morning no member is against any of these bills before us, in principle, it seems all to feel and understand that these bills are essential, they are needed and if we are to have a good Government those that are responsible for the affairs of running the country, ought to have the tools to do the job. What seems to have been a little bit of misunderstanding in the offset this morning because one member felt that the job probably could have been done one way and another member felt that it should be done another way. That didn't mean or indicate that any member was against the introduction of the bill or that its not badly needed. If these things have to be dealt with in the decision of one or two people, then there is no need for the House to meet to deal with these bills when they come before us:

The question has been raised more than once - how long you have had the bill before you? Seven days. I'd venture to bet my head on a chopping block that before any bill comes to this house it is not dealt with through the Department that deals with them before coming to us in seven days or less. Yet they take months, they take weeks they take years but because it has been in the hands of members for seven days its felt that we have had ample time, we could find no excuse, for delaying the bill by asking that it go to a Committee to be further studied, but that it should be passed then and there.

Even this morning it was mentioned that they were just straight-forward bills - nothing controversial about them. Yet it has taken the Executive Council, I am positive, weeks dealing with these. They have satisfied themselves to bring the bills to the House after going through them in a period of weeks or months that they are now to a stage where they could be presented. Why should government feel that we should just accept it at that? We should have the right to study this further than seven days, if we so desire and if the wisdom and knowledge of any expert, in any field or capacity cannot be changed, or in their way of thinking, or doing or expressing things, if that is the right way or the only way, then there is something wrong with the human being because we are all subject to mistakes.

So we just have to accept it as it is brought before us - it is straight-forward, nothing about it - then just don't bother to bring them in - just put them into law - I mean, if we can amend the Constitution to give Government that authority - let them become law and put them into effect - don't bother to bring them to the House for members, if we can't have some say on them, or if they feel that we can't find anything wrong with them, or if we propose an amendment to them, it isn't worth proposing.

I think I can truthfully say that most bills that come the House the whole frame-work, the structure, the foundation is all there, undoubtedly, but don't say that we can't

MISS ANNIE H. BODDEN: Mr. President and Members of this House, regretfully I was not present while this debate was going on. I would, Sir, have supported that the bill be given a second reading but it must go to a Select Committee, not to be rushed through. I mean I agree that we have the Legal Department to guide us, but Officers of the Legal Department are only human beings such as we all are and sometimes I heard a Judge in the Grand Court say that he has taken the advice of people, sometimes a very small child and we can always take advice and two heads are much better than one.

I have no doubt that the Legal Department is doing the job to the best of their ability but they are only human beings and I feel, Sir, that this wrangling in this House is getting to be obnoxious to me. These five Honourable Men, or six or seven, as the case may be, are all like us, they are all like us, but the unfortunate thing is that most of them are hustling for power, which I am not.

I feel, Sir, that we must improve our Grand Court Law. I was in Court these days under a case which the Land Adjudication Bill was discussed and you know what the Judge said "I might even have to recommend to Government that this Land Adjudication Bill be altered or amended - I don't know how to give judgment in this case", because there were certain papers which were missing. And we still make mistakes - there's not a human being in the world that is perfect and I am not casting any aspersion on any judge and these poor outside white lawyers, as they are termed. They are classed among the biggest Judas Iscariots there is in the Cayman Islands, I will agree. Fortunately, I let my conscience be my guide. I do a lot of work I never get a penny for, but thank God I can always sleep at night, because I have not ridden over the under-trodden.

Now I am saying, Sir, that I support these bills up to a point - I agree that there are phrases there which I do not understand but I feel, Sir, that if this went to a Select Committee of the Whole House, and went into these bills clause by clause, we could make certain recommendations that might, perhaps, keep the bill from having to be altered in six months after it has become law.

I heard a former representative from East End make a comment in this House many years ago, "before the ink is dried on laws we have to amend them". He was saying why not carefully go into these bills and go into them detailed and correct certain things which we will have then a proper law and not six months after have to amend.

Now I am respectfully saying, Sir, we need laws, but we do not need these sophisticated laws. After all we have been a Colony for three hundred years and I am sure at least 150 of those years we have had laws and they have kept us beautifully in order up to now. Now every new person that comes here casts aside what the old ones have done and lets start something new. When they go the same thing happens again. Can't we be steadfast - if a law needs to be changed, let us change it, but not just for the fun of correcting or criticising what someone else did, and say these laws are all wrong.

I must agree with my colleague from Bodden Town when he says that a Judge should not be here for more than one year - I would say two years, because I personally have had experiences in the Court where perhaps I am the most looked-down so-called lawyer in the whole Court House, because I am a woman, but I put my brain equal to any of these college graduates when it comes on certain cases. All these high-faluting divorce cases and all the others, I don't go in that category at all, but in the category that I deal in, I do not take second place.

HON. TREVOR FOSTER (CONTINUING) that it was not a democratic Government - it most certainly was, it was passed with a majority vote and this if I am going to be a part of, the Government of these Islands, we must learn to accept and particularly as a politician this we must learn to accept.

Mr. President, it is very unfortunate today, Sir, that these bills have to take this course, I feel they can be salvaged, if the members will recollect their thoughts and say to themselves "that we are indeed representing our constituency with our best in our minds", I feel that by delaying these bills is not representing their constituency.

The bill, as it has taken its position today, I can only say that members have been trying to steer it down the course of least resistance. These bills are needed. Members know that the legislation is needed. Surely there are clauses in the bill that members don't understand, and rightly so, as he threw the remarks that may be other members didn't understand - this is why we have our Legal Adviser. If a question is asked on any clause of the bill this is his job, I'm certain he will take time to advise you on its meaning in detail. I feel certain that no one on this side is trying to railroad these bills in this sitting, but I can't help but think that through the process of democracy that was mentioned where a majority rules that our friend this morning was dying to put the clamps on their very own representatives in Government. A law that will affect all of the Cayman Islands not just the four members on Executive Council. It will affect you and everyone - all the people in the Cayman Islands.

Gentlemen, I must say that we should stand and take a solid decision on our representation. I would not like to think that this is solely a political purpose when, as the old proverbs say "an abundance of words is a comfort to a fool's heart". Election is getting close - I agree, but I don't feel that laws of this type that are necessary to the better Government in our Cayman Islands should be treated with such little thought. I believe today that your representatives, which you elected have been doing a job to the best of their ability. We have good legal guidance, surely you don't need to throw it in our faces that we are no lawyers - we know this of ourselves and this is why we have to take the advice of our Legal Department and I would like to add one thing to that, I fear you all have to take the same advice, and I can't help but say that if our legal department has axes to grind, I am certain the outside sector has more.

I support the bill in its entirety and I feel certain that members have the right, through the Standing Orders, to re-commit the bill and if there are amendments that a majority vote is given on, it will be amended and this is all we can ask for in this process or this type of Government which, thus far, seems to be the best.

Mr. President, I hope I have not thrown any more fuel on the fire but surely members have stated that they have guts and they will do this and they will say that, we would just like to remind members that we have guts too and I would just like to have made a few of these mis-understandings clear - we are not trying to railroad and we are not trying to stuff anything down anyone's throat. Thank you.

MR. G. HAIG BODDEN:

Mr. President, under Standing Order 32 I want to make a statement as a Personal Explanation.

The Member who just spoke has willfully misinterpreted my reference to the Rules Committee and to the Select Committee for the confusion of the House.

MR. G. HAIG BODDEN (CONTINUING) deal with this in an arbitrary manner?

I look forward to opposing all of these bills - the whole eleven of them at this session - I am just warming up a little.

I am reminded of the last sitting of this House when we were smothered with the Revenue Bills and how we opposed them and how each day the opposition got stronger and stronger. I believe I'll be a real expert in opposition by the time we have gone the full length of these eleven bills.

At this time, Mr. President and Members, I make a formal motion that the bill before us, known as the Grand Court be sent to a Select Committee ....

MR. PRESIDENT: I am afraid that that is out of order until the Second Reading is through. After that, under Standing Order 55 a formal motion may be made either that it goes to a Select Committee or to refer the bill to a Committee of the Whole House.

MR. G. HAIG BODDEN: Mr. President, I'll be happy to make the motion at that time.

HONOURABLE TREVOR FOSTER: Mr. President, Honourable Members, I stand in support, agreement with this bill. All members are aware that others members have mentioned the need for these bills to be up-dated. Our Legal Department has mentioned the need also for the bills to be up-dated for the smoother operation of the Courts. We must bear in mind that our Legal Department, under the auspices of the Attorney-General is government's adviser - they have made clear that they need to be up-dated and I think that we would be very stupid if we didn't take the advice of the very people that we have hired within our Government for this purpose.

Mention has been made of this bill going to a Select Committee in which lawyers from the private sector would be a part of it, they could be co-opted; mention has been made of the Law Society which is part of the private sector, has passed its views on it. Nevertheless I would like to draw the inconsistency of the member when he is instigating that members of the Law Society, from the private sector should be co-opted on the Committee, but yet they should have no right of helping to set fees. I cannot visualise, Sir, which is worse, whether for them to be setting their own fees or making their own laws, which they have to battle daily. I think in the true sense of representation to our people, if members will realise that our Legal Department is hired for the purpose of representing our country, on the other hand, the barristers and the lawyers in the private sector represent themselves and their paying clientele. I cannot agree that their advice on our laws at all times are best suited for our people and the common people of these Cayman Islands.

Mr. President, I fail to see how members could say that this bill is being rushed through. They have every right, in the Committee stage to go through it clause by clause. It is a democratic Government, but one must take time to learn the true meaning of a democratic Government and that is simple - a majority. It seems like some of us are a bit, shall we say, stewed in our own fat, in their minds that if we don't agree well, it is not democracy. I would like to make it very clear that in my years of being in this House there are many things that have gone, passed with the majority vote that I personally did not agree with, but I could not say

MR. G. HAIG BODDEN (CONTINUING) can do it is to sit down and examine these bills and get all the clarification they can get.

At the end of my debate this morning I will be making a formal motion that this bill goes to a Select Committee with powers to co-opt members of the Legal Profession.

We only have to look at what we have done recently. This is the Third Session of this House since the coming into effect of the new Constitution in 1972 and although this is only the Third Session we have already amended laws that were made since 1972. I think it was at the very last sitting that we had such an amendment. This is positive proof that these complicated bills should not be dealt with hurriedly, because I believe that by tomorrow morning certain defects may be discovered in these bills and we might be called into special session to amend them.

I am not happy at all with the bill - the Grand Court Bill that is before me. There are many things in it that I disagree with. I read about a Rules Committee consisting of the Judge, the Attorney-General and two Legal Practitioners and I further read that this Rules Committee will have the power to set fees. I agree with the Judge, the Attorney-General who are public servants setting fees, but I don't agree with Legal Practitioners setting their own fees - it is only in Nonsense Land that such a thing would be done. I can't agree with Legal Practitioners fixing their own rates.

I read about the appointment of the Judge and I read the qualifications to become a Judge but there is one thing that I would like to see in it and that is that no Judge would sit in our Grand Court for more than two years, regardless of who the person may be, because Judges have been known to become corrupt (I am not casting aspersions on any Judge in the Cayman Islands), but it is fact that Judges have been known to be biased, they have been known to be corrupted and I feel that in a small place like this, we should not have a Judge that serves for more than two years and I further believe that this is one office that should never be filled by a local person, because the local person is bound to have many relatives is bound to have many friends, acquired from his childhood, and these are safe-guards that should be written into this Law.

There are so many things about this Law that I don't understand and I imagine there are things about it that the people who supported it do not understand. When I read in section 14 "The Court shall be a Colonial Court of Admiralty within the meaning of Colonial Courts of Admiralty Act 1890" it means nothing to me, because I don't know, and I am positive that some members who have blindly supported it do not know. These are things that need research and clarification, and then I read in section 13 that the Court shall possess and exercise the like jurisdiction within these Islands which is vested in or capable of being exercised in England by Her Majesty's High Court of Justice and the Divisional Courts of that Court constituted by the Supreme Court of Judicature Consolidation Act 1925, and it doesn't mean anything because I don't know what is in that act and to any honest, intelligent person it cannot mean anything unless that person is familiar with that Act, so I could go on, section by section, for the full length of this Bill, and I could point out things that I do not understand, that I know full well others do not understand but do not have the courage and the guts to say that they do not understand.

We, as elected members, have a grave responsibility to discharge our duties to the electorate in an honest fashion but are we being honest to them today when we take a bill that has taken five years for the legal experts to draft and has taken Executive Council with all the legal and the technical advice behind them, many days, many sittings to go through? Are we being fair to our people to come here and

MR. CLAUDE M. HILL (CONTINUING) with this, I will be very brief, and I'll end by saying I pray that Almighty God will guide us in our deliberations at this Session and subsequent meetings of this Honourable House and that our decisions will be taken with wisdom for the good of the people of the Cayman Islands. I thank you, Sir.

MR. G. HAIG BODDEN: Mr. President, Honourable Members of this House, from the introduction of this Bill the central theme has been the importance of these bills, and to my mind that is the very reason why these bills should not be rushed through.

I don't know anything about the law Society, but I have spoken to two prominent lawyers in George Town and both of them agreed with me that these bills should not be dealt with in a hurried fashion, in fact, one of them asked me if I would be kind enough to make a motion seeking that these bills go to a Select Committee and that members of the Legal Profession be co-opted to sit on this Committee, so when I hear that the Law Society is all in favour of these bills, I have to take that with a grain of salt. It could well be that some in the Law Society are in favour, but the two men with whom I spoke are definitely not in a one hundred per cent agreement with these bills.

Here the very first line of the Memorandum should give the members food for thought. It begins by saying "now that the Islands are no longer a Dependency of Jamaica we must revise the laws governing jurisprudence in these Islands". No longer a Dependency of Jamaica - do you know how long is that "no longer a Dependency?" - Its fourteen years, 1959 was the year when we started to sever our relationship with Jamaica and I think it was 1962 before we finally cut the navel string, but it has been many years since we are no longer a Dependency of Jamaica, so there is no need to rush through these bills today, because whatever is wrong with the Courts, whatever is wrong with the administration of justice, did not suddenly come upon us. It has been with us for the last fourteen years.

These bills are dealing with a procedure which affects the fundamental principles of justice and because of that very fact we as legislators should not attempt to deal with them lightly or unadvisedly. The more one urges the necessity for change in these bills the more one can see the necessity for not hurrying that change.

It is true that the Executive Council Members have had the good fortune of dealing with these bills over a long period of time. I understand that the first one of these bills was drafted five years ago and the others during the interval between the five years and now and it is common knowledge that the Executive Council has been working over-time for many weeks and it is my believe that they were examining, in detail, the bills which are thrust upon us in this session, so all of this adds up to the fact that members who have the bills now for the first time within the last few weeks should not be in any hurry to deal with bills of such magnitude - bills that will make far-reaching changes in the procedure of the Court and in the administration of justice.

Why are we making these changes in these bills? The answer is axiomatic - the reason is we want to improve the system - we want to bring it up-to-date, but if we really sincerely want to do a good job, can we do that job in a hurried fashion? So the more one looks at this the clearer it becomes that the elected members, if they want to do a good job for the people who elected them, is the only way they

HON. W. W. CONOLLY ( CONTINUING ) be no better way of looking after the people's interest than to ensure that the machinery, which is going to formulate and to execute the administration of justice, is in good running order.

We have here, in this bill, the setting up of a Rules Committee, which is a very important Committee, as the Honourable Attorney-General has said, and even in this, one sees the amount of private input that Government encourages. If you look at the composition of this Board, or this Committee, and you have His Lordship the Judge, the Honourable Attorney-General and two Legal Practitioners who will be appointed after consultation with the Law Society, and the Law Society today consists of the majority of Legal Practitioners in this Island. A cross-section of local and resident practitioners. So here there is nothing in this bill that will not be exposed to scrutiny by members of the public, and surely, this bill has been sent out to members, surely members have had enough time to read these bills, surely, people have had enough time to acquaint personal friends or acquaintances, our brother legal practitioners on any point, and further, if, in the course of the debate, as we go down this bill, section by section, any member of this Chamber can move that the bill go to a Select Committee or, a Committee of the Whole House. If it goes to a Select Committee, if the feeling is such that we are bogged down with legal interpretation, or legal interpretations that are not available to us in the House, (which I doubt very much that you can have from the outside, any better), but nevertheless, if members feel that way and the motion is carried for a Select Committee, surely the same rule would be applied to this as in any other Committee, where it could be added that the Committee can send for papers and persons.

I would like Members to view this very seriously - we have before us a bill which is not a law, and I feel sure that we will be satisfied, and I am sure the people who are going to work with this bill are going to be happy, pleased to see that the Legislature has, once more, decided to up-grade these very important bills. As far as I am concerned, I think there is no more important laws and I would hope that we can settle down to these, in this stage of the Bill, when it goes into the Committee stage, inform ourselves of the terms, terminology and the technical aspects of this bill.

Generally, I think this bill is a good bill, I am not for one suggesting that as we go through it there won't be amendments, but this is the normal procedure and this is the right of members of this House that as we go through the bill clause by clause we may amend it as may be deemed necessary. I would hope that Members here take this spirit, let us go into this bill, settle down and consider the importance of the bill rather than anything else. I support the Second Reading of this Bill as it stands.

MR. CLAUDE M. HILL . Mr. President and Honourable Members, I rise in support of this bill. As a layman and reading the Memorandum of Objects and Reasons seeing "now that the Islands are no longer a Dependency of Jamaica it is considered desirable to provide provisions relating to the continuation of jurisdiction of the Grand Court". Then again "the bill provides accordingly for the continuation of the Grand Court of the Cayman Islands with increased jurisdiction". I am not a lawyer who will be affected from so passing of this bill, and, as I have said, I am a layman. I am willing to learn, I am willing to listen, what I don't understand I question.

But, Mr. President, I hope that this Honourable House will continue as it has been continuing ever since you have been here, as President of this House, and



HON. W. W. CONOLLY ( CONTINUING) carried out and I feel like for the benefit of those in the hearing of this Chamber who might not be acquainted with the procedure and progress of bills, I can repeat by saying that progress of bills is a very important format. Progress of bills so important that no less than three or four of the sections in our Constitution deal with the progress of bills, and no less than nine sections in our Standing Orders deal with the progress of bills. Surely, it is important when we have a procedure laid down dealing, step by step, with the introduction, the First Reading, the Second Reading, the Committee stage, the Third Reading and finally, the assent and even then, there is a step further, there can be certain withdrawals of laws even after they have been assented to. I am saying this to clear the air as regards circumstances that remarks that could be termed "irrelevant" to this particular bill; on the other hand, the circumstances arose at the instance of the introduction of this Bill.

As far as I am concerned, parliamentary procedure has been carried out - no member of this Assembly, no member of the public of Grand Cayman who would like the opportunity of expressing an opinion on the bill, would have been denied that privilege, and what we are attempting to do here today is, in my opinion, squarely going into a bill, introducing it and going into the Second Reading of a bill, where we can sit down, where we can have the explanation of clause by clause, where we can have the relationship with the new bill compared with the old law covering the Grand Court where we can see, and we can be told and we can have further explained to us, if we want, the reason for this bill.

I am sure that most of the sections in this bill are technical sections, most of the sections, as I see, in this Bill, deal with the style and constitution of the Court, the Seal of the Court, the appointment of Judges, Acting Judges, Officers of the Court, Duties of the Clerk of Court, the Offices of the Court, Jurisdiction of the Court, and the different proceedings - the different sessions, the Appellate jurisdiction, the proceedings in Chamber, the powers to adjourn and what-not, so, in truth and in fact, the bill we are dealing with today is a bill that has a lot of technical input and we have here with us, in the presence of the Honourable Attorney-General, a person who is qualified to explain these sections and if members desire, he is quite capable of comparing these sections and these technical terms with the systems in other Commonwealth Countries.

I think we need to up-grade laws in this direction and, as he has told us, this is only one of a number of laws that will come before this Legislature in dealing with the whole upgrading of legal procedure and the jurisdiction of the Courts and the total administration of justice.

Now we hear so much complaint in this Chamber about the Police not doing their job, the Court is not doing this and not doing the other thing, surely, this is a good opportunity for us to look into some of these weak sections of our present legislation and be in a position to review, in the light of experience, certain failings in our present law, and I would think today that members should try to see the urgency, the necessity of having these laws. And surely, it is not the intention of the Government to try to force anything on somebody. These bills are brought in the normal way and even this morning, with a week, "other side" we are referred to at times, there has been no worry about introducing these bills, because we feel that if members are truly what they say they are, looking after the better interest of the people of these Islands, then there could

MR. JOHN D. JEFFERSON (CONTINUING) I don't believe that we can sit back and be dictated to all the time - I think we have our own minds - I think that we have laws that make provisions for this and when we find we are bottlenecked, we find that we are in a position where the processes through the Court are too costly and awkward, then I think there is only one thing to do and that is to make sure that every provision is made to be able to see that the legal procedure in the Court is dealt with in the best manner.

I feel, Mr. President, that we have had these bills for a number of days, for a time, we have the chance to look through them - no doubt there is no question about the fact that are all only laymen. Nevertheless, in studying these bills as we have an opportunity to when they are brought to a Select Committee, or a Committee of this Whole House, we go through these bills clause by clause, there is no question in my mind that if there is anything in these bills to which I would object in the Committee stages I have every opportunity to be able to object to anything that I feel that would not best serve us. But Mr. President, I must say this that my experience here in this House has always not been as dark as I have heard it spoken of - I believe God that we still have confidence and I believe that in this Legislative Assembly we have an opportunity of being led - the opportunity is being provided with, certainly, expertise advice, certainly we have a very capable man in the man of the Attorney-General, as far as we are concerned - to help and guide us and lead us through in dealing with things of this nature.

I am glad that the bill is before us and these other bills are before us, because I don't believe that we should sit back and be second-best to anybody - I believe that we must see that our system is brought up-to-date - we must see that certainly every provision, everything is made to be able to make it more workable, and help us to be able to get on with the job, for certainly the Courts are bogged down many days and many times trying to get through with all the things that are brought before us.

Certainly there have been a lot of complaints, certainly there have been a lot of complaints brought: I have heard many, many members speaking about the system, the way it works - I've heard many people talk about the things we need to do. Well, I believe this is what we are trying to do now and certainly, like I say, we are laymen, it means that we have to put some trust in people, but my past experience, Mr. President, I feel that we have capable leadership here and I rest, being led with my own conscience, and that of others, depending on the help of other people, we will be able to deal with this law as it is. Thank you very much.

HON. W. W. CONOLLY: Mr. President and Members, I would like to say a few remarks on the Second Reading, on the merits and demerits of the Grand Court Bill.

Surely, we have heard the objects and reasons of this bill explained to us by the Honourable Attorney-General, and I think it is the consensus of the Legal Department in these Islands, and also the Law Society, that there should be an up-to-date law dealing with the procedures of our Grand Court. Surely, this is something that I would imagine every citizen in the Islands would like to see, because the Grand Court is our Supreme Court in the Islands and it stands for quite a great significance in the community.

Now as I see the situation of the introduction and leading up to the Second Reading of this Bill, I can in no way say that parliamentary democracy has not been

QUESTION PROPOSED

MR. JAMES M. BODDEN: Mr. President, if I was a man easily moved to tears I would cry in this House this morning for what I have seen. I was hoping, Sir, that we had come to a stage where we were beginning to understand each other, but I can see that power and might prevails in everything and there is no hope. You must have power to accomplish anything, and I am only hoping that one of these days the power can be reversed. I was hoping by my God that I would never have to speak this way in this Chamber again, but these bills, Mr. President, are important bills - they are bills that we, as laymen have no experience with and they should be dealt with thoroughly. We are dealing with something that is going to deal with our entire system of justice and I have to be frank and tell you I am not experienced enough and do not have the knowledge to know what I am dealing with in a bill of this kind and I do not like to be led blindly like lamb to slaughter.

I was hoping in the brief meeting that we had this morning with you, Sir, when I explained my position on this, that it would have been understood and that I would not have had to get up here and oppose the introduction of each one of these bills and waste the time of the House as will happen now because I can be as determined and bull-headed as the next man, and that I will be in this Assembly this time unless we get a different attitude displayed.

I was hoping that this bill could be dealt with here expeditiously and we could have taken our time on the outside and discussed this with Attorneys and so forth who have knowledge of things that this relates to and if it was possible then to make an amendment to anything in this law, bring it back and do so quietly and easily, but it looks like we must continually be led, as I said awhile ago, like lamb to slaughter. The only chance we had to intelligently dealing with this bill has now been taken away from us and it could easily have been done by just an assurance - that's why I did not want to block the introduction - all I wanted was an assurance that when it came back to the Third Reading we would have a democratic way of handling it by going into it, if there was an amendment, proposing it, without having to block eight votes on that side to block us. And Mr. President, I must be frank, Sir, I feel very let down this morning as a Legislative Member, representing my constituency, to know that might and power would prevail and every parliamentary procedure, Sir, as governed by Erskine May's and Roberts' Rules of Order has been completely discarded in this house this morning. I do not feel I can intelligently debate this bill, but I can assure you I will be putting a stumbling block in front of it everywhere as we go and the entire 11 of them if I have to sit here until mid-night each night to do it. I'll ask for every division every time a vote is counted, Sir.

MR. JOHN D. JEFFERSON: Mr. President, Honourable Members I rise in support of the Grand Court Law. Thank God we live in a free society where we are able to be led by our own conscience and I believe we are men enough here to be able to solve the problems that confront us here in this House with God's help.

The Grand Court Law before us this morning, I believe, comes at a time when there are many, and there have been yearnings to be able to see our Grand Court placed on a higher plane to deal with some of the things that come before us and I feel, deal with it expeditiously.

HON. G. E. WADDINGTON (CONTINUING) time and money.

Mr. President, I am sure that every Member of this Assembly will agree that the Cayman Islands have now reached a stage of economic and social development which requires, nay, demands, that the judicial system should be of the highest and it is with this object in view that this bill, which is the first of a series of some 11 bills is being introduced.

This particular bill provides for the continuation of the Grand Court of the Cayman Islands and confers on it the like jurisdiction, within the Islands, as is vested in or capable of being exercised in England by Her Majesty's High Court of Justice and the Divisional Court of that Court. It also gives specific jurisdiction in Admiralty proceedings, in bankruptcy, in the appointment of guardians of persons in the estates of persons of unsound mind and in matrimonial proceedings.

The qualifications for the appointment as a Judge of the Grand Court have been upgraded by providing that an appointee must be a person qualified to practice as a Barrister or Solicitor in England, or in an equivalent capacity in a Commonwealth country, approved by the Governor as having comparable standards for call or admission to practice and, an important further qualification, that person must have so practised for not less than 10 years.

There is also provision in this law for the establishment of a Rules Committee consisting of the Judge, the Attorney-General and two Legal Practitioners to be appointed by the Governor after consultation with the Cayman Islands Law Society, and it will be the function of this Committee to make Rules of Court to govern the conduct of all civil and criminal procedure in the Court.

In any matter or practice or procedure for which no provision is made by the Law or by Rules made thereunder the provision is made that the practice and procedure in similar matters in the High Court in England will apply insofar as local circumstances permit.

The bill provides for the holding of sessions of the Court, as at present, that is to say on the first Wednesday in the months of January, March, May, July, September and November in each year.

Mr. President and Honourable Members, as I said earlier, this bill is the first of a series being introduced. The others to be introduced will be the Judicature Bill, the Court of Appeal Bill, the Criminal Procedure Bill, the Coroner's Bill, the Imprisonment Bill, the Summary Jurisdiction Bill, the Penal Code Bill, the Poor Persons (Legal Aid) Bill, the Succession Bill and the Juveniles Bill. As you pointed out earlier, Mr. President, all of these bills are to a greater or less extent linked with each other and inter-related. They provide, in large part, measures which already exist but which are now correlated and consolidated in these bills and some new provisions which are necessary to upgrade the Grand Court and to place it on the status of a Superior Court of Justice.

I am sure, Mr. President and Members, that members will welcome the introduction of these bills and, with the possible exception of one of these bills, perhaps the Imprisonment Law, there is nothing really controversial about anything contained in these bills. And I sincerely hope that members will treat them as such and pass them without much debate.

Mr. President, I beg to move the  
Second Reading of this Bill.

HON. D. V. WATLER:

Second.

HON. W. W. CONOLLY:

Could we have a division, Sir?

DIVISION

AYES

NOES

Hon. D. V. Watler  
Hon. G. E. Waddington  
Hon. Trevor Foster  
Hon. W. W. Conolly  
Mr. John D. Jefferson

Mr. Claude Hill  
Mr. James M. Bodden  
Mr. G. Haig Bodden  
Mr. Craddock Ebanks  
Capt. A. A. Reid

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MR. PRESIDENT:

Well the result of the division is - Ayes 5, Noes 5, which leaves me in the position of having to give a casting vote. I shall exercise my vote in favour of introducing the bill, but I would say that if, because of the nature of these bills where we are taking 11 together that if, during the course of the Third Reading debate, there is reason for recommitment, I would hope that the Assembly would exercise its judgment whether to allow proceeding back to Committee again.

The result of the motion is that the bill be introduced.

BILL READ A FIRST TIME AND INTRODUCED

MR. JAMES M. BODDEN:

Mr. President, I have to ask your indulgence again, Sir, in taking objection to you as the President, in the matter of this kind using your casting vote.....

MR. PRESIDENT:

I am sorry but the judgement of the Chair in this is completely final. This is quite clear from parliamentary procedure.

We will proceed to the Second Reading.

CLERK:

SECOND READING - THE GRAND COURT LAW

HON. G. E. WADDINGTON:

Mr. President and Honourable Members, this bill the Grand Court law is one of a series which it is sought to introduce in order to upgrade the Judicial system in the Cayman Islands and to confer upon the Grand Court the full status and powers appropriate to a Court of superior jurisdiction, to a superior court of justice. As Members are no doubt aware, the present judicial system is really a carry-over from the system which prevailed when the Islands were a Dependency of Jamaica and the Grand Court was then somewhat like a glorified Resident Magistrate's Court of Jamaica.

Even at the present time the qualifications for the appointment of an Acting Judge of the Grand Court are equated to that of a person qualified to be appointed as a Resident Magistrate in Jamaica.

Now although in the exercise of its criminal and civil jurisdiction the Grand Court is given the same jurisdiction as the Supreme Court of Jamaica. The procedural provisions governing the exercise of its Civil jurisdiction are still based on the procedures applicable in a Resident Magistrate's Court of Jamaica and indeed, the Resident Magistrate's <sup>Court</sup> Rules of Jamaica still govern the civil procedure in the Grand Court.

There are no requirements in those Rules, for instance, in the filing of pleadings with a result that when a case comes for trial before the Grand Court neither of the parties to the proceedings know precisely what are the issues in dispute and this invariably leads to delays, adjournments, often after counsel and witnesses have come from overseas and a waste of

MR. JAMES M. BODDEN: to apply before that. And instead of me getting up and opposing the introduction of eleven bills which will be time consuming. I am offering to be decent about it and make one opposition asking that we get an assurance that when it comes back to the House it will come back hoping in the second stage to where an amendment can be made if its necessary. That's all I am asking, other than that, Sir, I have no alternative but to stand on section 52 on each one of these bills and ask for a vote as they are introduced.

MR. PRESIDENT: I really can't see the Honourable Member's predicament. If we proceed with the second reading of this bill today, then under Standing Order 55 the bill either stands committed to a Select Committee or it goes through the Committee stages of the Whole House. If the bill is not then taken to the Third reading stage at this meeting there is then provision at the Third Reading Stage at the next meeting of the Assembly for the Bill to be recommitted to a Committee stage of the House for any particular section of it that may be required by consideration of these other bills, so that if we proceed normally the Second Reading and the Committee, this would not preclude coming back into Committee at the Third Reading at the next meeting. Perhaps the Attorney-General can confirm whether that is a correct statement or not.

HON. G. B. WADDINGTON: That is absolutely correct, Mr. President. The First member from Bodden Town feared that if he had omitted his opportunity under Standing order 55 that that would be the end of the matter and he would not have any further opportunity of moving an amendment to any clause of the bill. But Standing Order 59 makes it quite clear that if, on the Third Reading of the Bill any member desires to amend or delete any provisions contained in any bill or to introduce any new provision he may move that the bill be recommitted and if the motion be carried the Assembly shall resolve itself into Committee and any alterations proposed may be discussed. So that Section 59 is still there as a stop-gap so to speak, as a last stop in case the Member at that stage, the Third reading stage, desired to move an amendment.

HON. D. V. WATLER: Mr. President and Honourable Members, I think I am trying to read and determine what the First Member of Bodden Town is getting after. It is as the Attorney-General has said, there is provision under our Standing Order that when you come back to the Third Reading, then any member may rise and oppose it, the Third Reading and suggest amendments and the House will then have to decide whether they will allow amendments then or not. I think what the Member is concerned about is that at this particular sitting the elected side of the House is strong enough now that they could take a vote against the introduction and hold up these hold bills - but what he is trying to get at, if I may use the Government Bench to give some assurance if I allow these bills to go through now and apparently he has not had sufficient time to digest all these and if when they come back for their Third Reading he finds that there is something he would not like the Government Bench to vote solid on his motion and kill his motion. I think that is, plain and simple, what it is.

MR. JAMES M. BODDEN: Thank you very much.

MR. PRESIDENT: Well, I think with that exchange, I will put the question to the vote and the motion is that permission be granted for the introduction of the Grand Court Law.

MEMBERS: AYES and NOES.

MR. PRESIDENT: Is the Honourable Member opposing the introduction of this bill?

MR. JAMES M. BODDEN: Yes Sir, I am opposing the introduction of it, and making a motion requesting that this House -----

MR. PRESIDENT: I am afraid we can't entertain a motion until we have disposed of the present one, which is a former motion for presentation of the bill. And, for explanation of the House, I think that the Attorney-General intends at this meeting to proceed with the first and second readings and the committee stages of the bills, and the third reading motions would not be taken at this particular meeting.

There are eleven bills in the package, each one of which is closely related to the other. The remaining bills will come before the next meeting and I think as the Honourable Member pointed out, there is provision under Standing Order 59 for recommitment. At the third reading stage, if considering the second series of bills amendments were required to the first six, which we take at this meeting.

MR. JAMES M. BODDEN: Mr. President, could I ask your indulgence to on a point of explanation Sir? Under our Standing Order I have to oppose under section 52, and if we go to section 52 and I am not allowed to state further what we would like to do, we could come to a complete impasse and on section 52 we could have a vote here which would stop all of these bills from going to committee stage today. So instead of that, I do not want to see that happened. What I am proposing is, that instead of stopping the reading of them today, that we get a confirmation from this House that when we come back in to the House under section 59 that we will have an assurance that the bills will not automatically go to the third reading without being recommitted to the second reading, that is my point Sir. Other than that, if I have to stand on section 52 Sir, we may find all of these bills are going into a committee stage instead of being debated in this House this morning.

HON. W.W. CONOLLY: Mr. President, if I may at this stage crave the indulgence of the House to explain, I think what is before us is a motion for the introduction of a bill which has to be moved and seconded, which has been duly accomplished. And the Standing Order says, that if there is an objection, a brief word from the person moving, the person objecting, and then can go to a debate.

But, if I understand the Member correctly, I think his suggestion can be well covered under section 55. Because section 55 states that at any stage during the second reading of the bill, any Member may propose (a) that this bill stands to a select committee or go to a committee of the Whole House. And, if I understand correctly what the Member wants, is no to oppose the introduction of the bill but to be ensured that the bills go to a select committee or committee of the whole House and study clause by clause, which I think at that time the Member can move that motion which I think according to announcement from the Chair is what has been proposed in any instance.

MR. JAMES M. BODDEN: MR. President, could I crave your indulgence for just a minute Sir? What I am attempting to do Sir, I am quite aware of section 55, but if we do not get an assurance at this time, then we have no alternative but to vote on section 52. I am only asking for an assurance from the Government side, that instead of going into either section 52 or section 59 that we get a plain assurance that when we come back to this House, that the bills will come back for amendments under the second reading instead of automatically to the third reading. Because if we use section 55 Sir, and we go through the debate under the second reading in this House today and complete the second reading, when it comes back, it comes back with a third reading, and at that time section 55 cannot apply because it is too late. Section 55 is going to have

MR. JAMES M. BODDEN: Would you say it is possible as an experience Cayman Seaman, for a reef such as abound or exist in the Spotts Bay area, and having two small channels that it would not create an undertow that could sweep people out to sea that are swimming in the area?

HON. W.W. CONOLLY: Mr. President, this is a matter of opinion, and I would like to crave privilege under sub-section 5 of section 25 of the Standing Orders.

MR. JAMES M. BODDEN: In otherwise, a further supplementary Mr. President. The Member is actually telling us that as a director of Tourism he is not interested. Am I correcting - assuming that Sir.

HON. W.W. CONOLLY: Mr. President, I am not the director of Tourism to begin with Sir.

MR. JAMES M. BODDEN: As a Member of tourism, are you interested in protecting the welfare of the tourist and of the economy that they represent to this Island?

MR. PRESIDENT: I think that is far too far removed from the original question.

MR. JAMES M. BODDEN: With all due respect to the chair Sir, the answer that I was given was a very irrelevant one Sir.

MR. PRESIDENT: We'll proceed to the next Government Business on the order of the day.

#### THE GRAND COURT LAW

CLERK: THE GRAND COURT LAW INTRODUCTION AND FIRST READING

MOVED BY HON. G.E. WADDINGTON, SECONDED BY HON. D.V. WATLER

MR. JAMES M. BODDEN: Mr. President, and fellow members, under section 52 of the Standing Orders of the Assembly, I beg to make a motion in regards to this Sir. And, for brevity sake, being we're having I think about eleven bills to come before the House in this sitting.

Most of them being lengthy bills, and bills which the average layman like myself has very little bit of knowledge on, I would seek the indulgence of this House that one or the other methods be adopted. Either we refer each of these bills as they come before the House to a Standing Committee of the whole House which with powers to co-opt that we can go into section by section on these bills and get expert advice if needed, or an assurance from this House that we go through them now and that when the bills are recommitted for the third reading, that at that time it would be agreeable to the House that if any Member should be able to come up with an amendment to any section of the bill at that time, that the House would be willing to recommit it to the second reading before we finally go to the third reading. I think that would probably be the most simplest thing for us to do, because it would give us the chance to get the major part of these bills completed, but it would leave us the opportunity that if there were something considered to be wrong in them, we'll have a chance to come back and debate it in this House.

So, Mr, President, with your permission under section 59, really I would ask the indulgence of this House at this time to entertain a motion that when the bills come back for the third reading that instead of them going formally into the third reading that they be open at that time for - in the Committee Stage for a few minutes, that the Members could pose an amendment if there was one.



HON. D.V. WATLER: When that explosion did take place some years ago, at that time the Public Works Chief Engineer went up and tried to ensure that the building that was put and erected was as safe as possible when it was replaced.

MR. CRADDOCK EBANKS: One last question Mr. President. Will the Member say in his humble thinking since he is not an expert on dynamite ---

MR. PRESIDENT: I think the Honourable Member is calling for an expression of opinion which is not permitted.

MR. CRADDOCK EBANKS: A straight question then Mr. President. Will the Member say if such as that is safe by the road.

HON. D.V. WATLER: I am afraid, I don't know.

MR. PRESIDENT: The next question will have to be delayed because the Honourable Member is not present to ask it. We'll move on to the third question on the order of the day.

HON. W.W. CONOLLY: Mr. President, the Member is asked: -

QUESTION: In view of the number of deaths of Tourists by drowning in several areas of the Cayman Islands, whether it is proposed to erect and post signs on the various beaches advising users of the current, undertones, etc.?

ANSWER: As far as I am aware, no deaths of Tourists have occurred as a result of currents or undertow. In as much as there has been no accurate survey of the currents around the Cayman Islands, it would be difficult if not impossible to take the action suggested by the questioner at this time, however, if the Marine Natural Resources Survey, which includes some study of the currents, reveals that areas with dangerous currents exist, action will be taken to publicize these areas.

MR. JAMES M. BODDEN: Mr. President, a supplementary. The answer has given is a bit of hogwash. Could the Member tell us whether he is aware of two recent drownings in the Spotts area. A local beach with reef protected, two small channel in which the local people know that usually there is a lot of undertows created in the midst of the channel area. And whether he could tell us if it would be of any advantage to erect a sign notifying tourist of such a thing sir?

HON. W.W. CONOLLY: Mr. President, would it be too much to ask the Member to please rephrase the question. It was a bit, I think it was asked in two parts, if I could get it more clearly probably I'll be more capable of answering.

MR. JAMES M. BODDEN: Is the Member aware that in the past year or year and a half there has been two deaths by drowning in the area of Spotts beach.

HON. W.W. CONOLLY: I am aware that there have been drowning in the Spotts area.

MR. JAMES M. BODDEN: As a local person, would you happen to have knowledge that that area could be effected by the two small channels which exist in the reef, and thus creating undertows for anyone using that area.

HON. W.W. CONOLLY: I have no personal knowledge of the current or the action of any undertow in that particular area.

HON. D.V. WATLER: Not everything can be done at once, and we had get the Regulations, we had to had someone that would know how to implement it and how to make them up for us. And I am sorry if we've taken some time at it, but we are now doing it.

MR. CRADDOCK EBANKS: Mr. President, I thought we had Legal Draftsman for that.

A further supplementary. Does Government feel that that area on the road with the growth in traffic is the proper place for such quarrying to continue?

HON. D.V. WATLER: The first part of the question, when you mention about the legal drafting. The legal drafting and the legal department puts into law what you would like him to put there. And until he knows what you want him to put in, they can't do it. And this year the Legal Draftsman are not really experts on explosives.

Now, in respect to whether that is a safe place or not to have, this will be covered again and gone into when these Regulations come into effect.

MR. CLAUDE M. HILL: Mr. President, if I am permitted to ask the First Official Member a question, I would like to find out if in blasting using dynamite in the area mention in the question here. Has consideration been given to discharging dynamite in a distance of a public road compared with the relationship with firing a shot gun certain distances from the road. And also I would like to see embodied in the law when it becomes a law.

HON. D.V. WATLER: Only these matters and forms are being taken care of into these Regulations, that are being drafted now.

MR. CRADDOCK EBANKS: \*Mr. President, I don't know if I understood if that was the question I asked. If it was Government intention to let such a project as quarrying stones by the road continue, or Government intend to see about the removing of such from by the road.

HON. D.V. WATLER: The Government at this time cannot say whether that is the proper place or it is not. We are waiting for these Regulations that will tell us whether it can be done there safely or not. All of this is based on the law.

MR. CRADDOCK EBANKS: Mr. President, if I may say this. A few years ago Government was doing a bit of blasting with thirty percent I think, one small stick into the district of North Side, and where one stone went, it went through the roof of a dwelling and out of the window was approximately the distance from here to probably Merrens' Store on Shedden Road. What I am concern about is with three hundred blast probably going off at one time what could be the safe distance, then with this being done by the road to motorist and life, and what not.

HON. D.V. WATLER: I am not an expert on that blasting, so I am really at a disadvantage. But I would think that a lot depends on the tarine and the type that you are blasting in, and if it is a loose stuff and very soft stuff it might blast in and blow it considerable distance. If it is a hard stuff it might not do as much damage.

I don't know, I really don't know, and I would think that all of this will all precaution and necessary safety will be built into these Regulations.

MR. CLAUDE M. HILL: Mr. President, one other supplementary question sir. The storage of dynamite at present, could you say how far from the road where it is being kept and stored? The reason for asking that is because we had an explosion unknown some years back, and with the storage in the present area it could occur again.

HON. D.V. WATLER: Again, I don't know. I can't answer.

CAPT. A.A. REID: Mr. President, I would like to ask a question on this subject. The Honourable Member, if he can say that all necessary measures are taken to insure that this dynamite does not get in the hands of unscrupulous people who would use it for blasting fish.

HON. D.V. WATLER: To the best of our ability, we are trying to under the present laws that we have. But again as I've said, when we get these Regulations they will stiffen the law and allow them to be able to control even better.

MR. JAMES M. BODDEN: A further supplementary. Could the member advise us whether Government has taken any steps in regards to insuring that from these blast that the road in that area is not block by rocks and other debris.

HON. D.V. WATLER: The Public Works and the Traffic Department are endeavouring to insure that nothing happens to block the road or to cause any inconvenience. But again all of this will be contained in these Regulations that are being drafted, and there are pretty well on the way now. These draft Regulation, they should soon be in force.

MR. JAMES M. BODDEN: A further supplementary Mr. President. About eighteen months to two years ago, a motion passed this House that a baracade would be erected by the side of the road there to protect motorist. To this date the only thing I have seen is a few barst trees about two inches in diameter planted. Could we be advise whether any steps are going to be taken to implement that motion.

HON. D.V. WATLER: I should think that all of these things will be contained into these Regulations. And these in fact, the Public Works Adviser that is here has had many years of experience. I wouldn't use the word expert, but he has many years of experience in dynamiting and blasting, and explosives, ammunition and every other conceivable form of explosives. So that until now we did not have really good expert advice on this type of operation.

MR. G. HAIG BODDEN: A supplementary Mr. President. Will the Member give us a guarantee that when they get around to making the draft Regulations, that the Regualtions would include that the Traffic Department of the Police Force be notified in advance of the setting off of a blast so that the proper road safety measures can be carried out.

HON. D.V. WATLER: I would take this of the Member to the Committee that is drafted, because I am not too sure all that is in it. As I've said, I am expecting it will be there, but I certainly take the wish of the Member to the Committee so that they will know this and not the House.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary. Can the Member say if this is the first grievance from the Public that has been brought to the attention of Government.

HON. D.V. WATLER: Speaking from memory, I think we have had before this cases of complaints in respect to dynamiting. But as I have said, we did not have the Regualtions on which we could control. And this is what we've been trying to get.

MR. CRADDOCK EBANKS: A further supplementary Mr. President. When, why wait all of these years to find ways and means of having getting a Regulation to cover such a thing as important and as dangerous as this.

WEDNESDAY, 19TH MARCH, 1975

10 A.M.

MR. PRESIDENT:

Please be seated.

Proceeding are resumed. Before we move on with today's agenda, I'll like to say that during the course of the motion yesterday a petition was handed to the Clerk which has been examined, and it is not in the form which should come before this Assembly as a form of petition. In fact it was addressed to His Excellency the Governor and it has been referred by the Clerk to the Governor for appropriate action.

Well, we'll proceed with the first item on the agenda, "Questions".

HON. D.V. WATLER:

Mr. President and Honourable Members, the first question is by the First Elected Member of Bodden Town.

QUESTION:

Various complaints having been received will Government investigate the matter of large charges of dynamite in the area adjacent to the public road at Spotts?

ANSWER:

Yes.

For sometime the Government has been examining the position regarding the whole matter of explosives in these Islands, and as there are at present no Regulations, the Government was endeavouring to obtain model ones.

On the 15th January the Government received a petition signed by a number of persons resident in the area of Spotts, through the First Elected Member from Bodden Town, complaining about the charges of dynamite that were being set off. At that time the Governor replied informing the Member that the Government was concerned and had been trying to secure the draft Regulations, and that a Committee had been set up to examine the whole position, and that the Chief Engineer had been requested to contact the operator with a view of ensuring that the charges set off would not be harmful. The Chief Engineer and the Public Works Adviser have spoken with the operator.

On the 30th January the model Regulations were received and have been passed on to the Committee who are now in the process of drafting our own Regulations which will control the importation, handling and use of explosives.

MR. JAMES M. BODDEN:

A supplementary Mr. President, I really appreciate the assistance that I have gotten from Government on this matter, and this was raised just to find out a little bit more information.

Could the First Official Member advise the size of charge that is now being allowed by the Public Works, that is pound wise.

HON. D.V. WATLER:

No, I am afraid I can't.

The Public Works Chief Engineer and the Public Works Adviser they went up, and as I've said, there is nothing in our Regulations to see. We don't have any Regulations indeed. In fact we have no Regulations that would be able to control. All they could do is to go there, discuss with him, ask him to try to reduce the charges and try to keep it down so that it did not cause any damage. In the main time there are working as speedily as they can now on these Regulations which will control everything for the future.

MR. CLAUDE M. HILL:

Mr. President, with your permission sir, I'll ask the First Official Member if an investigation went in as to what percentage were they using when the petition came in.

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ORDER OF THE DAY

WEDNESDAY, 19TH, MARCH 1975

1. PRIVATE MEMBERS' QUESTIONS

- (i) MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN) TO ASK THE HONOURABLE D. V. WATLER, OBE, J.P. FIRST OFFICIAL MEMBER

VARIOUS COMPLAINTS HAVING BEEN RECEIVED WILL GOVERNMENT INVESTIGATE THE MATTER OF LARGE CHARGES OF DYNAMITE IN THE AREA ADJACENT TO THE PUBLIC ROAD ON SPOTTS?

- (ii) MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER, HON. D. V. WATLER, OBE, J.P.

HAS ANYTHING FURTHER BEEN DONE BY GOVERNMENT TO PURCHASE A SUITABLE BOAT FOR THE POLICE DEPARTMENT? IF THE ANSWER IS IN THE NEGATIVE, WILL GOVERNMENT STATE IF AND WHEN THE BOAT WILL BE PURCHASED?

- (iii) MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN) TO ASK THE HONOURABLE W.W. CONNOLLY, OBE, J.P. MEMBER FOR TOURISM ETC.

WOULD THE MEMBER SAY, IN VIEW OF THE NUMBER OF DEATHS OF TOURISTS BY DROWNING IN SEVERAL AREAS OF THE CAYMAN ISLANDS, WHETHER IT IS PROPOSED TO ERECT AND POST SIGNS ON THE VARIOUS BEACHES ADVISING USERS OF THE CURRENT, UNDERTONES, ETC.?

2. GOVERNMENT BUSINESS

BILLS:

- |       |                                     |   |   |
|-------|-------------------------------------|---|---|
| (i)   | THE GRAND COURT LAW                 | - | First and second readings -<br>Committee thereon. |
| (ii)  | THE JUDICATURE LAW, 1975            | - | First and Second readings -<br>Committee thereon. |
| (iii) | THE COURT OF APPEAL LAW             | - | First and second readings                         |
| (iv)  | THE CRIMINAL PROCEDURE CODE-<br>LAW | - | First and second readings                         |
| (v)   | THE CORONER'S LAW 1975              | - | First and second readings                         |
| (vi)  | THE IMPRISONMENT LAW                | - | First and second readings                         |

THURSDAY, 27th March, 1975

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL, CBE - PRESIDING

GOVERNMENT MEMEMBERS

Hon. D.V. Watler, OBE., JP	First Official Member
Hon. G.E. Waddington, CBE., QC	Second Official Member
Hon. Trevor Foster.	Member for Lesser Islands Co-ordination and information.
Hon. W.W. Conolly, OBE., JP	Member for Lands and Natural Resources Tourism and Agriculture

ELECTED MEMBERS

Mr. John D. Jefferson	First Electoral District, West Bay
Miss Annie H. Bodden	Second Electoral District, George Town
MR. Claude M. Hill	Second Electoral District, George Town
Capt. A.A. Reid	Third Electoral District, Lesser Islands
Mr. James M. Bodden	Fourth Electoral District, Bodden Town
Mr. G. Haig Bodden	Fourth Electoral District, Bodden Town
Mr. Craddock Ebanke	Fifth Electoral District, North Side.

ORDER OF THE DAY

THURSDAY, 20th MARCH, 1975

1. PRIVATE MEMBER'S QUESTION:

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER, HON. D. V. WATLER, OBE, J. P.

HAS ANYTHING FURTHER BEEN DONE BY GOVERNMENT TO PURCHASE A SUITABLE BOAT FOR THE POLICE DEPARTMENT? IF THE ANSWER IS IN THE NEGATIVE, WILL GOVERNMENT STATE IF AND WHEN THE BOAT WILL BE PURCHASED?

2. CONTINUATION OF DEBATE ON SECOND READING OF THE CORONER'S LAW, 1975

3. THE IMPRISONMENT LAW - FIRST AND SECOND READINGS.

4. PRIVATE MEMBER'S MOTION -

TO BE MOVED BY MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN)  
TO BE SECONDED BY MR. JOHN JEFFERSON (CONSTITUENCY OF WEST BAY)

WHEREAS in many of the shelves in Supermarkets and Book Stores, obscene literature in the form of Magazines and other Books, the reading of which can only tend to increase immorality, gambling and other things of baser aspects, are for sale:

BE IT RESOLVED that Government take steps to have such Books and/or Magazines banned and added to the list of Prohibitive Publications, in an effort to stay the immoral trend among people of all ages, and especially the young people of the Islands.



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THURSDAY, 20th March, 1975.

10 a.m.

Mr. President: Please be seated. Proceedings are resumed.

QUESTIONS

MISS ANNIE H. BODDEN FIRST ELECTED MEMBER (GEORGE TOWN)  
TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER, HON. D. V. WATLER

Has anything further be done by Government to purchase a suitable boat for the Police Department. If the answer is in the negative, will government state if and when the boat will be purchased?

HON. D. V. WATLER: ANSWER: The Government is considering the advisability of purchasing a new boat for the Police Department and as yet no firm decision has been taken, as a Drug Section in the Police Department will be established shortly and the decision will be based on the operation and success of this new section.

SUPPLEMENTARIES

MR. CLAUDE HILL: Mr. President, with your permission I would like to ask the First Official Member as supplementary question and that is he said that the Government will be establishing shortly in the Police Department the purchase of this boat, and I would like to know if they have considered what type of boat that would be used for such an operation?

HON. D. V. WATLER: I said that a Drug Section will be established in the Police Department and the decision will be based on the operation and success of this section, so that at that time then we will decide the type, size and everything else.

MISS ANNIE H. BODDEN: Mr. President, with your permission I should like to ask the First Official Member is there any reason why this purchase has been so long delayed?

HON. D. V. WATLER: The reason for the boat is for the prevention and control of drugs and thus we are trying to get this section set up, we are working towards it.

MISS ANNIE H. BODDEN: Mr. President, again with your permission, I should like to ask if it is only for the drugs operations that the boat will be used? Is it not necessary, when, for instance there is a boat at sea, or some ship missing should we not have some boat that we could get to have make a search?

HON. D. V. WATLER: A boat that would be used to go and search how far do you expect a boat to go? Is it an ocean-going boat that you are thinking of in this case, and a big boat that is going to require a whole crew, or is a type of a coast-guard boat you are thinking about?

MISS ANNIE BODDEN: Mr. President, again with your permission, I feel that we should have a boat that at least could go to Cayman Brac with two or three crew as the case may be. I cannot see why we should not have a boat large enough and good enough to go to, say, Cayman Brac, 60 miles out.

MR. PRESIDENT: I think that's rather a statement rather than a question, but it is in answer to the Honourable Chief Secretary's request the use, and I will permit the statement.

MR. CLAUDE HILL: Mr. President, with your permission I have another supplementary question I would like to ask and I have first to make it clear that the Cayman Islands consist of three Islands and the question I am going to ask is if the boat will be capable of covering the three Islands or will it be just be for Grand Cayman?

HON. D. V. WATLER: That will depend on the operation, as I said before of this section which which advise on it.

MR. JOHN JEFFERSON: Supplementary - if I understand you correct, First Official Member, if I understood you correct you said that there would be an establishment of a new Section - now does that section deal solely with drugs? Is that correct?

HON. D. V. WATLER: I would refer you to the Throne Speech itself in which it was stated there.

MR. G. HAIG BODDEN: Mr. President, supplementary question. I would like to ask the First Official Member to explain why the cart has been put before the horse in his reply? It is stated that the purchase of the boat will be dependent on the success of the Drugs Section, instead of the success of the Drugs Section being dependent on the purchase of the boat.

HON. D. V. WATLER: I am afraid, Mr. President, I am not too sure how to answer that and I don't know whether it is a statement or question or what it is to be frank, Sir.

MR. G. HAIG BODDEN: Mr. President, if I am allowed an explanatory statement. In the Traffic Department their success depends on the use of Radar or patrol cars and what-not, in the Drugs Section their success would depend on the use of a boat, but here we are told that the boat will only be purchased if the Drug Section is successful. It should be the other way around that the drug section would be successful depending on the proper use of the boat. Can he explain why the cart has been put before the horse in this particular situation.

HON. D. V. WATLER: In the instance that the member has quoted about the car for the Traffic section, we had a Traffic section first and they advised on the type of car that it would be necessary to have, and this is what we are doing.

MISS ANNIE H. BODDEN: Mr. President, with your permission I would like to ask if the First Official Member could inform me about when will this drug section of the Police Department be established?

HON. D. V. WATLER: I quote again from the Throne Speech which says that it should be in about six months time, within six months.

CONTINUATION OF THE DEBATE ON THE SECOND READING  
OF THE CORONER'S LAW, 1975

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, according to the eyes it seems it must be only myself left to say something on this bill.

Well, I don't feel that there is so very much that I should try to say at this time as it has been agreed, I would say, in principle, that after a short debate on these they will go through all the same machinery and I wouldn't attempt to go down section by section in the bill but there seems to be in my reading through this bill, starting at the Memorandum of Objects and Reasons

MR. CRADDOCK EBANKS (CONTINUING) that I didn't feel so happy about. And I don't feel that I could apply myself in the place at this stage to agree that this Law, this Bill should become law without jurors.

Now when one, a decision is left in most cases into one persons, it doesn't seem to be the best thing anyway you take it. I could ask the question, not saying that I am asking the question or the answer at this time, well, I wonder how long that jurors have been established or a law established for jurors at a Coroner's inquest dealing with a case. It is not a case then being tried as to judgment. In other words, if someone is refused or murder or manslaughter as they may be charged or what-not, its only a hearing to try to reach the roots as to whether the accused should be sent to trial. And I don't feel that this is fair to any accused for the decision to be left wholly and solely with the Coroner or the Magistrate who may be carrying these duties. While he does have to make a report I don't think still that its fair to the accused, even though he has to make this report to somebody else.

I can't say I say see or understand or I don't know that I could agree. When we get into Committee stage dealing with this that we can better ask questions, get explanations, get reasons for it across the table, then the reason the good ground the good backing the good standing for it might be better made clear to me than is now in the Memorandum of Objects and Reasons.

I don't feel, Sir, that if a good step, if we want better laws and that's what we are trying for, but we shouldn't deprive anyone of proper justice.

I listen in the Courts a lot, when they have a jury case the Judge makes it abundantly clear "You are the sole judge of this case on the evidence that you may hear and are satisfied within yourselves" and why should this all be left in the lap or in the hands of one individual.

Mr. President, in the light of that I wont say anymore on this bill but I felt very, very strong about this and I am glad that I have the opportunity of saying these few words on it this morning. I don't know who spoke on the bill from who hasn't or what have been their feelings, but I notice this as one of the strong objections in my feeling of agreeing that these jurors should not be deleted from a Coroner's inquest. I think it is going to be very, very unfair to accused people so with that, Mr. President, I will close with these few remarks and hope that we all will agree to see the need of justice and that there would continue to be jurors sitting in on these Coroner's inquests.

MR. PRESIDENT: Have all who desired to speak on this bill, spoken?

MR. JOHN D. JEFFERSON: Mr. President.

MR. PRESIDENT: I think the Honourable Member spoke to this motion yesterday. It is recorded in the minutes of yesterday.

MR. G. HAIG BODDEN: I agree with that, Sir.

MR. PRESIDENT: It is recorded in yesterday's proceedings. It is so recorded in yesterday's minutes as having spoken. Are there any other persons who desire to speak? Then I shall call on the Honourable Attorney -General to reply.

HON. G. E. WADDINGTON: Mr. President and Honourable Members, the only objection which, as far as I can gather from the speeches made in this debate to this bill is that it makes no provision for the impanelling of a juror to hold a Coroner's inquest. Reference was made by some speakers to matters of this nature, namely, and I quote - "The jury is the corner-stone of British Justice", another quote "we should not do away with a system that has worked well over a hundred years". Another quote "Any of us can get into trouble and justice would be better served if a jury was impanelled to hear the case", and one speaker asked if a Coroner's inquest was not a trial within a trial.

I think, Mr. President and Members I will deal first with the last question, is a Coroner's inquest a trial within a trial. The answer, Mr. President is, emphatically no. A trial within a trial occurs when during the course of a trial of someone who has been charged with an indictable offence and that charge is being tried before a jury with the prisoner in the dock. There is some bit of evidence which the Crown intends to lead and of which defence counsel is aware from the depositions and to which he would like to make an objection on the grounds that it is inadmissible evidence. In that case, Mr. President and Members, it would be inadvisable and wrong for the jury to hear the evidence until the judge has decided whether or not it was admissible. And in those circumstances when that stage of the evidence is reached the Judge requests the jury to withdraw from the court room and then the evidence is heard before the judge in the absence of the jury and Counsel on both sides make their submissions on the law and then the judge decides whether or not that evidence is admissible. If he rules that it is not admissible then that is the end of the matter. The jury returns to the court and that evidence is excluded, but if, on the other hand, the Judge ruled that the evidence is admissible then the trial proceeds and that evidence is given in the presence of the jury. That is what is known as a trial within a trial. In other words, the point is that there is a trial in existence and then there is this sub-trial in the absence of the jury to determine the admissibility of the evidence. That process, Mr. President and Members cannot take place in a Coroner's inquest for the simple reason that there is no one on trial, there is no one in the dock and all the Coroner is doing is to enquire into the circumstances touching the death of someone.

I was grateful, Mr. President to the Honourable member for tourism and lands and natural resources for his speech in explaining the differences between a Coroner's inquest and a trial. In a trial, as the Honourable Member rightly observed, there is someone in the dock against whom a charge has been made. In a Coroner's inquest, as the word inquest implies, the inquest is simply an enquiry into circumstances touching the death of a person, no one is on trial, there is no one in the dock and as the Coroner's law requires, all that the jury are required to find are the matters set out in the law and these are the section required the jury to do as follows -

After the evidence the jury shall give their verdict and certify it by an inquisition in writing, setting forth, as far as such particulars have been proven to them, who the

One, who the deceased was, secondly how, thirdly when, fourthly where the deceased came by his death, and if he came to his death by murder or manslaughter, by reckless or dangerous driving within the meaning of the Motor Vehicles Law, the persons, if any whom the jury find to have been guilty of such murder, manslaughter, etc.

and then section 13 goes on to say that where a coroner's inquisition charges a person with the offence of murder or of manslaughter, etc. or being accessory before the fact to a murder, the

HON. G. E. WADDINGTON (CONTINUING) Coroner shall issue his warrant for arresting or detaining such person (if such warrant has not previously been issued) and shall bind by recognizance all such persons examined by him as know or declare anything material touching the said offence to appear at the next sitting of the Grand Court then and there to prosecute or give evidence against the person so charged.

So the point is, Mr. President and Members that no one can be convicted of any offence simply by the finding of a jury at a Coroner's inquest - all the jury can do, all the inquisition can do is to charge someone with an offence in cases where it is satisfied that death was caused in circumstances amounting to murder, manslaughter or causing death by reckless or dangerous driving. All they can do is to charge someone with that offence and thereafter that person must be tried before the Grand Court and a jury, which jury is then in a position either to acquit, discharge or convict the accused.

Now this process of the Coroner's inquest, Mr. President and Members amounts to no more than a preliminary enquiry, a preliminary enquiry into the matter as a result of which someone may or may not be charged and tried at some future time in the Grand Court and the basis for this statement is not my mere say-so, Mr. President and Members but I should like to quote from Halsbury's Laws of England, the Third Edition, Volume 8 at page 528, paragraph 1000 and Halsbury's Laws of England, as members will know is one of the greatest authorities on the English Legal and Judicial system, and the statement reads as follows -

A Coroner's inquest, being but a preliminary enquiry which may or may not end in a criminal charge against a particular individual, the inquisition is in no case conclusive and anyone affected by it may deny its authority and traverse its findings.

Now, Mr. President, we now have professional magistrate as the Memorandum of Objects and Reasons states and such magistrate at present is empowered to conduct preliminary examinations into all indictable offences and indeed, in cases where the statements show a clear case of murder or manslaughter he proceeds to hold a preliminary examination without a jury, please observe, with a view to committal of the accused for trial before any Coroner's inquest is held. Now if a magistrate is empowered to conduct a preliminary examination, without a jury, in cases of murder and manslaughter, then Mr. President and Members I fail to see the virtue in compelling him to impanel a jury to achieve the very same purpose that would be achieved in the case of a Coroner's inquest.

It would seem to me, Mr. President that with the provisions for the appointment of professional magistrates, as I have said, as Coroners and with the powers vested in such magistrates that <sup>with powers</sup> to conduct a preliminary examination in indictable cases without a jury, that the argument for having a jury in Coroner's inquest is wholly untenable. The fact that it has existed for may be one hundred years, I think is not a relevant consideration. The criminal procedures of all countries are being updated and the archaic provisions that existed in the dim distant past, are in many cases, being done away with and modernised and in my view this provision to do away with a jury in a Coroner's inquest, a jury who have to sit there and solemnly come to a finding if a body is found in the sea who the deceased was, how he met his death, the circumstances he met his death, and even although it is quite clear that no one

HON. G. E. WADDINGTON (CONTINUING) could be criminal responsible to have the seven men sitting there solemnly making a finding of that nature to my mind, Mr. President, it is utterly fasical and I woud sincerely recommend, in all sincerity to Members of this House the acceptance of the provisions of this Bill which will result in modernising our judicial system and doing away with an anchronistic provis a of the Law.

I again, Mr. President, beg to move the second reading of this bill.

QUESTION PUT: AYES. BILL READ A SECOND TIME.

REFERRAL OF CORONER'S BILL TO A SELECT COMMITTEE OF THE WHOLE HOUSE IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 55 (b) and 62

MOVED BY HON. G. E. WADDINGTON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED. BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

MR. PRESIDENT: And in accordance with Standing Order 62 I hereby appoint the Honourable Attorney-General as Chairman of the Select Committee. In accordance with yesterday's decisions the quorum of the Select Committee will be at least seven persons.

QUORUM AT LEAST SEVEN PERSONS.

THE IMPRISONMENT LAW

CLERK: THE IMPRISONMENT LAW - INTRODUCTION AND FIRST READING.

MOVED BY HON. G. E. WADDINGTON

SECONDED BY HON. D. V. WATLER

QUESTION PROPOSED

QUESTION PUT AYES.

CLERK: THE IMPRISONMENT LAW, SECOND READING

MOVED BY HON. G. E. WADDINGTON

SECONDED BY HON. D. V. WATLER

HON. G. E. WADDINGTON: Mr. President and Honourable Members this bill seeks to replace the present Prisoners' law which is considered to be both impractical and inadequate and the object of the bill is to replace those provisions with provisions which are considered as embodying the most enlightened systems of penology in force in several countries throughout the world.

The provisions of this Bill, Mr. President and Members, are designed to establish a prison service which it is hoped will, to some extent be self-supporting by providing strong inducements to prisoners to work, either for a Government Department or for the private sector, private persons; for which a charge will be made by the service, a portion of which charge will be payable to the prisoner and so enabling him a fair chance of rehabilitation after serving sentence.

HON. G. E. WADDINGTON (CONTINUING) Mr. President and Honourable Members,

the trend today in most countries in the Western World with regard to penology is to provide penal institutions in which the accent is not so much upon punishment but upon rehabilitation and an important factor is to see that offenders may be returned to society with a little of the stigma of imprisonment as possible so that they can more readily and easily adapt themselves to society.

Experience has shown, Mr. President and Members that in countries where this modern approach to penology has been introduced that except in a case of a minority of offenders who may be classified as "hardened criminals" the larger majority of offenders benefit greatly from the new methods and it has, in fact, resulted as statistics in those countries will show in a great reduction in repeated offences.

And it is with a view to following these modern and enlightened trends that this bill has been introduced. And at this point, Mr. President and Members, I should like to make reference to a report on - I should have liked to have made reference to a report, Mr. President on the conclusions that were reached at a Conference that was held recently in Jamaica on the prevention of crime and treatment of offenders in Jamaica at which I had the privilege to attend, but I have just observed that the report is headed "Confidential - not for publication or general citation". So, regretfully, Mr. President, I am unable to quote from that report. But as far as I am concerned, I was a delegate at the conference and I can inform members that it was the unanimous views of delegates at that Conference that it was well worth while for emerging countries, countries in the Caribbean area to study very carefully the modern trends which were being made use of in other developed Western countries and that they could profit greatly from at least experimenting with some of those provisions.

Now there is one feature of this bill, Mr. President and Members, which unfortunately had to be reproduced from the old law and that is the provisions dealing with the serving of sentences in Jamaica. The ideal that we would have liked to have aimed at would be to have our own prison facilities to take care of all of our prisoners but the simple fact is that we do not have adequate facilities at present for this purpose, and in these circumstances, Mr. President, I think that we owe a debt of gratitude to the Jamaican Government for coming to our assistance and for the arrangements whereby they accommodate our prisoners serving sentences in excess of six months and so until we have our own facilities it was necessary that in repealing the provisions of the Prisoners' Law that we should re-enact the provisions in it with respect to the service of sentences - in Jamaica, however, with the new provisions in this bill dealing with, for instance, week-end leave, which is an innovation and one of the experiments to be based on present trends in other countries, week-end prisoners and suspended sentences it is hoped, Mr. President and Members, that the pressure on <sup>our</sup> own facilities should be considerably lessened and it is also hoped that with these provisions and with the provision of reasonably or comparatively modest establishments, buildings and so on, that we may eventually be able to accommodate all of our prisoners and avoid having to send them to Jamaica.

There is no doubt about it, Mr. President, I think we are all aware that one of the worst things for a prisoner is to have him exposed to other influences of other hardened criminals and I fear that in most of the prison establishments that danger exists and so we would like to have our own establishment, our own provision whereby at least we could take the necessary steps to see that that did not happen.



HON. G. E. WADDINGTON (CONTINUING) Mr. President and Honourable Members, although several of the provisions of this bill may be considered novel and therefore to be viewed with a great deal of apprehension, I would commend it very sincerely for the careful and serious consideration of Members and, I hope, their favourable consideration in this House.

SECONDED BY HON. D. V. WATLER

QUESTION PROPOSED

CAPT. A. A. REID: Mr. President and Honourable Members, the Honourable Second Official Member has just voiced my sentiments almost verbatim. Over two years I said that we should have our prison capable of taking care of our long-term prisoners, that they did not get any good, they did not learn any good lessons and could never be rehabilitated in the Jamaican prisons. I know that we owe the Jamaican Government a lot of gratitude for a lot of things. There is no use of my wasting the time of this House elaborating on that. Nobody loves Jamaica any better than I do, but I believe that those sentiments would be reversed with the Jamaican Government if we could get those people of those prisons because they need every square inch they have for their own problems. We are a burden to the Jamaican Government right now - I can assure you of that. And it's a wonder that they don't tell us so.

They have their problems galore and I say that if we imprison our people here they would be embarrassed in their own country with that prisoner's suit on and working on a farm. It may help to let them make a resolution that this will never happen to be again, this is my last time in this prison. I am sure it will have a great effect on their principles. I suppose there is a little relief to their conscience when they are imprisoned in Jamaica because nobody here sees them. When they come back it is more or less forgotten but if they were out on a farm, and that is where they should be, here in this country, growing food to feed the country, or to help, and work for their own country.

The conditions in the prison in Jamaica are so bad three weeks ago when I was there an American student, a young girl twenty years old had to be put in a cell with 52 men! So that alone speaks for itself. We know their problems, unless you don't read the paper, I don't know how many of us read the paper, but I do, but Jamaican Government has its own problems and we should not seek to add to it any longer and Mr. President, in my opinion, and I don't care who is insulted but the prison is a greater priority than the asphaltting of high-ways and I was in West Bay yesterday and I see them barber-greening a road..... (MR. JOHN JEFFERSON: Hear! Hear!)...well, the election is two years away yet and that could be done in two years' time. I think that the prison is far more necessary than to build barber-green roads for these idiots I see driving at 90 miles an hour. Last week I was standing..... But I won't come to that now because I have a lot to say the motor vehicles on this road when I discuss the Governor's Throne Speech or debate it. I shall speak then on this driving. But I do think that the prison is far more necessary to us, Sir, than the building and barber-greening of roads for idiots to kill themselves on. Thank you.

MR. CLAUDE HILL: Mr. President, and Honourable Members, I will be as brief as possible in speaking in regards to prisons and on the imprisonment law. It is a very touching bill before us and the fact remains that prisoners who are sentenced in the Cayman Islands for long term go to Jamaica. As the previous speaker spoke of the prevailing conditions in Jamaica which we all know is quite true and facing the fact it makes one feel pleased to see that we are here now introducing a bill so as to make

MR. CLAUDE HILL (CONTINUING) prison life in the Cayman Islands something that is self-supporting, as strong inducements for prisoners to hard work and honesty.

When looking at the Memorandum of Objects and Reasons it is clearly states that. It is quite true that we do not have the adequate facilities at present to take care of certain types of prisoners but at the same time we should seek means and ways to let those prisoners serve their sentences in the Cayman Islands and become useful, although exempted from society and serving penal servitude in their own home-land will become more effective when they see people that they know crossing them and knowing who they are they will become more ashamed.

Again, sending prisoners to Jamaica, although a vital role has been played by so doing when we send young offenders to Jamaica they come back to this Island with new ideas, because they get to mingle and mix with people, other prisoners who give them greater ideas what not and what to do.

It is a fact that we have not the facilities at present and one previous speaker spoke - I think to erect a prison here where prisoners would be in penal servitude wher they can cultivate something and feed themselves and lower te high costs of living, on agriculture, rather than building roads we need, but this is more needed than roads as he suggested as far as it comes on speeding. and if we built roads (which is much off the subject of prisons ) we will have more people serving in the prisons if we build more roads. I thank you, Sir.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I wanted these gentlemen on this side or whichever side to speak first but they seems to be afraid, I don't know why.....  
(MR. CRADDOCK EBANKS Ladies first).

Mr. President, I feel that this is a good law up to a point. Prisoners after all, are human beings and all of us have sinned and come short of the Glory of God, and I am not saying that we should condone crime by no means, but we should have facilities wheraby those people can feel that they are ordinary human beings.

Now I look at sin when it comes on criminals in two aspects. I have seen people go to certain supermarkets in this George Town, steal about three shillings and sixpence worth of stuff - they go to prison. I have seen other people stealing much more valuable things than that - they are acquitted. Those poor human begins who go to these supermarkets and may be women, particularly, lustful to get a pretty dress or a pretty this and too lazy to work, they will go and take this frock. They are put in a prison wher things are not good, even in Grand Cayman here in the prison, although they do not have to work, the majority, nevertheless they are humiliated and I feel that we who have all sinned and come short of the Glory of God, while I am not condoning sin, we should have respect for our fallen brothers and sisters, and if there is anyway we can do to help them to become law-abiding citizens in the future, let us try to do so.

Now I cannot quite agree that a prison is more essential than roads - it is more essential if all we are building highways for speeders, I agree, but I feel that there are projects which we have gone about and had done which could have been delayed and a prison built. We have lands wher prisoners could, those with long term I would say six months and over, they could be made to work and it would build up our country up to a point. They would not get the contamination in our Island that they would get going elsewhere.

I have seen a letter recently wher prisoners who are imprisoned in Jamaica have written to people here lamenting the circumstaces under which they live in prison and I feel that our

MISS ANNIE H. BODDEN (CONTINUING) net deal should be to have a proper prison built but in connection with that we shall have to have proper men as wardens who take care of their prisoners.

I hear the rumour reach my ears, I do not accept it altogether as true but it could happen, that in this prison certain people are imprisoned there and at nights there is a storage of ganja and those prisoners are let out at nights to sell the ganja. Now that reached my ears - it is talked on the street - I can't say I credit it - I don't believe we should have such dishonest people in our force. Nevertheless, I say in connection with a prison we will have to get proper wardens. We'll have to get people who can take care of women who go to prison. Unfortunately sometimes women I've known have been put in prison and had to take little three or four months old babies to prison with them or to be taken care by some outsider. I feel, Mr. President that we should do everything in our power to try and build up our society and we must try to help those who have fallen.

Now I am not too sure that these week-end prisoners if they are really bad characters should be let out on the week-ends. I would say that if they are mild criminals, people for instances, who have gone to these supermakets and stolen a pound's worth of stuff to eat Sunday, they should not be put in the category with those who break into the hotels and steal hundreds of dollars which they do not need, just for the lust of being sinful, I feel that people of that category who could continue their workings on the week-ends they should not be allowed to go out free. I feel that we must use every precaution to prevent crime but I do hope and pray that our next move will be that we get a proper prison where we can keep our long-term prisoners.

Now, Mr. President, I am against the death sentence up to a point - my only view is this, let people know they have something to fear and you will keep them more subordinate. But I would hate to know that any Caymanians would commit such a dastardly deed as to have to give his own life. I only know of one instance and unfortunately, he was a policeman who killed his own wife - he had to pay the supreme sacrifice and loose his life - now I hope and pray and trust that we never have another instance of that. I feel, Sir, that this is a good law and that we should support it - if there are any things that other members see wrong with it they can speak. I am not saying the law is perfect, Sir, but I am saying this it is a step forward to try to help us have better citizens and those who stray from the righteous path better taken care of and brought back to where they can, at least, have some respectability in themselves. Thank you, Sir.

MR. JAMES M. BODDEN: Mr. President, Honourable Members, I too would have to add my compliment to the Government Bench in bringing this bill before the House. I think that this bill is worthy of our consideration. It has a lot of merit to it - it has some good ideas but as so often happens it is not enough.

I would also add my criticism to the Member who spoke awhile ago in regards to Government priorities. I have continually said in this House that it seems like Government priorities are continually mixed up. My colleague and myself, from two and a half years ago vociferously propounded the idea that it was time to re-model our gaol system. I am glad that finally it is catching on.

Many of the great monuments that we have been erecting as priorities could have waited. I do not wish to criticise the road system because democratically it was approved in this house and the Member who is responsible for that portfolio is not here to speak for himself and the great guns have been reduced to howitzer so I do not think it would be fear for me to attack it. But if I had my way with the road system instead of

MR. JAMES M. BODDEN (CONTINUING) spending nearly three million dollars to improve it I would take a bull-dozer, put her blade down and run it across the road every half a mile. May be it would be a deterrent and may be it could give the Magistrate a little time to enjoy our wonderful beaches.

We are dealing with a bill today which will affect the unfortunate people in our midst - their lives, their well-being and their place in the community of the future. But as we debate this we must not harden our hearts as so many times happen because I think each and every one of us should, at this point, thank our maker for sustaining us and making us capable of differentiating between right and wrong and allowing us the privilege to be heard to make bills into law such as this, because we must remember that but for the grace of God would go each and every one in this chamber. So as we debate these bills we must think more along the lines of rehabilitation. A member going on before in the introduction of this bill spoke about a Conference that had been attended in Jamaica in regard to the penal work. I do not refute that the conference may have been held in Jamaica and it may have been held for the good of the emerging countries but it is my humble opinion that I submit to the House this morning that Jamaica has not yet emerged.

No man should glory in the conviction of the down-fall of another - it is true that society must be protected and it is our duty as Members of this Assembly to see that we legislate laws for a definite purpose and laws that will be reasonable and just and we must see that the penalty which we build into these laws will justify each crime that it is set forward for.

We cannot allow ourselves to have a prison system that will treat prisoners in-humanly. This went out in the Dark Ages but the prison system that we must institute must be one as previously mentioned, must be geared completely towards the rehabilitation of the criminal. Our path in the future has not followed this course and each and every one of us knows it. But, as so many things in the past are being changed, even the laws that we will be debating here in the next few weeks, it is now seen that the past was good enough but the past does not suit the present and the future in regards to those bills, therefore the past must not suit the present and the future, as far as the Prison Bill is concerned.

Personally, gaol is something that I have always held in great awe - I do not mind admitting that one bit. I can imagine nothing worse in life happening to me than having to be imprisoned, sentenced to a prison and I believe that any right-thinking person would feel the same way, because to me being convicted of a prison sentence <sup>that</sup> would give me five years imprisonment I think I would rather face the firing squad. Many a time I have tried to reflect, in hearing of sentences being imposed on people and try to figure out just what that person must be thinking because, Mr. President, I cannot imagine anything worse, I cannot imagine anything that should give a person as much mental anguish as to know that for a certain period out of his life, be it two years, five years, ten years or life itself, that he is actually going to be put away from society into a place where his every breath must actually be subject to control. It must be a very horrifying experience for any sane human being to go through.

But, Mr. President, we must also look on the other ills that are attendant to a prison sentence and in our minds we must not become prudish, because we have to think of the other side of the coin and although so many members in this house may not wish to think of it, I intend to inject it.

MR. JAMES M. BODDEN (CONTINUING) It is true that in a community such as ours, in a society such as ours that we must legislate in this case a bill that will affect the lives of a few people but we have to protect the entire community and in this case, the community, the large amount of people, must be protected from the simple few.

Throughout the world changes are taking place today, particularly in prison reforms, but, as I have said in this chamber before and I will probably say many times in the future, I do not believe that we in the Cayman Islands, just because we are a small country and just because the number may be only thirteen thousand people should blindly follow laws that are legislated in other countries, larger than ours, more resources, more availability of everything. There is no reason for us to do that because I believe that we in the Cayman Islands have the intelligence and the ability to do anything that can be done any other place in the world. And I would submit that we should try to model legislation in this Chamber which other countries will try to copy from us instead of us copying from them.

I support many passages of the bill that is before us but I will be fighting, very strongly, in the Committee stage, to see that this bill is not enacted into law in its present form. Mainly, Mr. President, I cannot stand in this Assembly or in any other place, as far as that goes, and support a bill that will banish a man from his own country and make him subject to laws and conditions in an alien society. I think that when we continue to do this that we are letting the man forfeit the most basic right that every human being has, and that is the right to his own country and the right to the enjoyment of living in that society.

For us to continue to do as we have done in the past is a form of injustice - to me it is archaic - it is the view that was used in the Middle Ages. It was the best form of punishment they could use back in the Sixteenth, Seventeenth and maybe the Eighteenth century when the European countries were faced as we are faced today with wondering what they were going to do with their prisoners. At that time they were also faced with the problem of trying to build up a little bit of the Empire in a foreign land and to do so one of the easiest ways to accomplish that was, as my colleague and myself like to say so many times, about the Civil Service, and the Government Bench, send the fool a little further and this was a policy that was pursued for hundreds of years, that when you committed a crime be it simple or be it great, the sentence was banishment from your home country, banishment to the reeking hole of a sailing ship that would take weeks to cross the Atlantic and to bring you to the West Indies or some of the other colonies. But this did have some saving grace in it and the saving grace in it was that when these people who were convicted and banished from their communities arrived in some of these countries, they decided there was chance for a better life and they did lead it. It does show us that if we were to think a little bit further, we could also, maybe, help the criminals in our midst because we cannot deny history, we cannot deny the past, for many of the great people that have gone down in history in a lot of the provinces, a lot of the countries that were settled originally by these Europeans came on later in life to be corner-stones of the particular country to which they were banished. So it does go to show us that if a man has a second chance many times he can make good of it. ((

MR. JAMES M. BODDEN (CONTINUING) As we go on with this, Mr. President, I intend to make a motion along the lines that we do set up our local prison system. Mr. President, when we sentence an individual to Jamaica, in my mind, there is very little bit of social stigma attached to that sentence and there should be a certain amount of social stigma attached to any human being that has committed a crime and is serving a sentence. But when we convict them here send them on to Jamaica in most cases their nearest relatives nearly might not even know they have left the Island, or if a friend should enquire about them, he is shipped out with National Bulk. When he comes back it is just as if he had been at sea for two years as far as society is concerned but, Mr. President, if that human being, be it one of us in the Assembly here, or whoever it is had to serve that sentence in Grand Cayman in the presence of his local people, where he could be seen probably every day I think it would be one of the biggest deterrents that we could play on the criminal. But when we send him away from our shores in most cases they return to us, Mr. President, either as professional criminals or mental twisted wrecks. We cannot deny this and the only part that I would be willing to give on this particular portion of the bill, Mr. President, is that if a man was committed for murder or a man was committed for a sexual offence then at the present time and probably in the foreseeable future, we may not be able to cope with such a thing, then I would be in favour of exporting him to Jamaica. You may say, and I see the Honourable Fourth Elected Member to Executive Council just shrug his shoulders, I am certain, as usual, he does not agree, and I do not care, but, Mr. President, you may say that it would not be fair for us to keep our good prisoners here and send the bad prisoners to Jamaica but when we consider the past, when we consider everything and group them together, when we consider our resources for the future, I think it would be fair.

Mr. President, we must reflect on this problem a little bit further, we must consider that when we imprison a man who is head of a household the effect that that has on the community as a whole not on that particular individual particularly; by saying this I am in no way espousing the cause for the criminal, because I think my record in this House will speak for itself and the stand I have taken in regards to sentences in the past, but when a man commits a crime he should be punished for it, but Mr. President, that is not the end of the problem. When we imprison the head of a household, send him to Jamaica, automatically we have taken away the head of a family, we have taken away the bread-winner. At that point income ceases the mother and the children will suffer - they will suffer in many different ways because society, being what it is, people can be cruel. But life does not end at that point, life must go on and here, Mr. President, in my opinion is the worse part of this matter because we are not geared for it. Our Estimates for the last couple of years if we reflect on them, will show the paltry amount that we, as legislators of this country, have been willing to vote to go towards child care and protection, towards probation, towards juvenile delinquency and so forth and so on, if I named it all it probably would not amount to the one-hundredth part of one per cent of our national budget. So here is where we get down to the point where it really hurts. At this point we have a mother probably with two or three children, there is no support. Our Poor Law does not render her any assistance so she is faced with carrying on the household. In most cases, due to history, although there is no use of us going into that because it is of the past, she is unable to get a decent

MR. JAMES M. BODDEN (CONTINUING) position in life because she does not have the education, so Mr. President, she will wind up probably at the Hotel as a bar-tender and, Mr. President, the point I am going to inject at this stage, may shock some prudish minds, but sexuality being what it is in a year's time at least we are going to be faced with larger and more compounded problems than we had in the past. We either have another child entered into the fold, we have a venereal disease problem or we have a prostitute who, according to all laws of man should be convicted and sentenced herself. Now these are the only three alternatives that can be faced in this society at the present time when we take away the head of a house-hold. At this time, Mr. President, Fellow members, we have a broken home, we have a broken home that in most cases cannot be cemented together and re-united when the head of the household does return to this Society. This is why I want to expound a little bit more on this particular bill and to point out, I think, the inadequacies of this bill. Because this is at the point that I will come back to a little bit further in my argument to touch on and prove that it is beneficial to society to not only to convict the man, not only allow him to serve a sentence but allow him to put something back into this community.

At this point who is going to suffer the most? Unfortunately it will be the children - they have now lost their father - they have now lost their mother and last, but not least, they have lost the security of a home. We can, today, in our society, open our eyes and see what I am talking about. I hear many of the members in this Hall, from time to time when we debate various bills say 'oh, it is the fault of the parents. It is the fault of the parents, but let us dig a little bit further down and find out why it is the fault of the parents and the fault of the parent, in this particular case as you can go to certain areas of our Islands tonight and see, is because we do have cases just like what I am talking about now and we have these children who are wandering aimlessly about the community - they become truants from school - they get no medical attention, they get no proper food. As soon as they can smoke a cigarette they start smoking ganja. As soon as they are able to reach up high enough to put the fifty cents over the top of the bar they are allowed to buy, and Mr. President, that is the degrading point of it in our community today, that we have liquor laws and they should not even be on our statute books because there is nobody capable of carrying them out. Today we have sold our complete soul, not sold SOUL, just for the little bit of revenue that can be brought into this country by the sales of liquor. It plays its part in the community but Mr. President, it doesn't play the part to where I must sell my soul and my conscience for something. I have lived, I have travelled in other countries. While I was in those countries I have had to be subjected to the laws that were in those countries and they did not chance their laws because Jim Bodden was from the Cayman Islands and he could be considered a tourist and may spend an extra ten dollars to buy a couple a quarts of whisky on Sunday. These are the things, Mr. President that are causing this society, like the whole society of the entire world today to crumble because we have people who are not willing to stand up and be counted and I am prepared to stand up and be counted.

You know, when we stop and reflect on this it pains and grieves me to think at this point what we have. When the things that I have enumerated have happened, we then look into the face of a small child, who just a few years ago sat on the virtuous lap of his mother with a beaming smile on his face and with her hoping that that child could grow up to probably

MR. JAMES M. BODDEN (CONTINUING) one day sit in this Hall and have the right that I have today to speak my conscience. But instead of that, what are we getting, Mr. President? We are getting a demon - we are getting a demon. His soul is becoming shackled to hell and the walls of our Society are crumbling around him - just because we are not paying any attention, just because we are willing to set ourselves in our air-conditioned homes, may be and pay no attention to what is happening to the society around us. We must begin to change it.

Now at this point, I have dealt with the family side of it - I am now going to progress in my argument and build my case on why I think chance should come into this bill before it is enacted into law. At this point, let us think about the man that is concerned - he has done wrong, society has condemned him - he is now a criminal. But we export him - we put him into a new environment where he is subject to new rules and regulations. He must by necessity become an animal and accustom himself to living in a jungle. I am certain that some members of this House will say he deserves it - it is a jungle of his own making and I will agree with it. It has happened to him, he has broken the laws of society and he should suffer for it. But, as I spoke awhile ago, Mr. President, sexuality and life are not like a tap on the cistern water - where you can turn it off and on - life goes on, thank God Mr. President, I have no way of knowing but I am convinced within my humble mind that a man placed in the Jamaican gaols today and whether willingly or unwillingly, under the present system, within the period of two years, will probably become a homosexual.

Mr. President and fellow Members, when all of these things have happened that I have outlined to you, how can that man adjust when he comes back into a society like ours? The shame has got to be on his face. As in the Bible, the mark must be on his face. The scars have got to be on his mind. The mental anguish that he must suffer must be as the suffering that our Good Lord encountered on the Cross and at this particular point we have another wreck in our community. In that man's tortured mind there can only be one answer - he cannot and, in most cases is incapable because he has not had any training - he has not had any help, so he cannot adjust, and in the tortured mind of the man there is only one answer - commit another crime and return to the new world he has entered.

Now, Mr. President, I would suggest that consideration be given by this Government to the purchasing a large enough track of land to where we can probably get a marriage between the Agricultural Department and I am sure the Honourable Fourth Elected Member would be pleased to work on this project along with the prison system because we are now going to give him the labour to do the job, the only thing he has to find is the driving force that is so necessary to put such a plan in this into action - get our prisoners to work on this farm and produce the food for the Island.

I am certain today, the chair is empty of the Third Elected Member, but I am certain that if he were here today he could tell us that it costs several hundreds of dollars today probably for food for the hospital, if the prisoners were not doing anything else than feeding the hospital at least it would be a cut in our budget and I would propose that when we set this up we set it up on a system to where the man is not going to work six hours a day - remember work is good for the soul. Let the man work 12 hours a day, I have worked it that and longer for nearly all of my life that I can remember - let him work six days a week that is 72 hours. The part that I say is played at that point is for his atonement to his country



MR. JAMES M. BODDEN (CONTINUING) and his own upkeep that a half of what he should earn should go back to the Government and the other half would go over here in a cheque to his family at the end of every week - that would alleviate the conditions or some of them that I spoke about awhile ago.

I am not saying that we condone the actions of the criminal and that we may it as a bed of roses for him in prison but I am saying that we should institute a system where he not only works for his own upkeep and he not only pays back to society what has been lost but that he maintains his responsibility to the community, to society and to his family. This would have to come as an amendment, I think, under section 31. This system would not apply to the prisoners who are only sentenced for six months and that is why I have built up the case I have against this, Mr. President, because to me this is the ridiculous part of this bill that all of the leniency that we are proposing to give is only for persons sentenced up to six months - they are not the people that need the help - any man sentenced to prison for six months can pretty well stand in the corner and make it - the man we need to help is the man that is sentenced for five or ten years, and that is the man unfortunately, that this bill is not covering.

Section 30 of this bill, I agree, may go a long way to alleviating some of the ills of incarceration and it should be a motive for good behaviour but I would suggest that this not be allowed for those convicted of murder or sexual offences and it should be restrictive by saying that it would only be over certain periods and after so much time has been served and so forth. I cannot see, I cannot go along with the plan that because you incarcerate a man in gaol for six months that you give him all of these benefits, give him the benefit of being home on the week-end, give him the benefit of this and give him the benefit of that, give him the benefit that the only work he is going to do is probably shine shoes of the police officers! And the man that is in for a longer offence must suffer in the degrading that we know that they suffer in today.

I am not in favour of the prisoner being released from prison on the week-end - I am making another suggestion to it as I have seen done in foreign gaols. There is no reason society cannot allow it - there is no reason our prudish minds should not accept it, because one way or the other, if we must call a spade a spade the reason you are telling me you are letting him out on a week-end is so that he can be with his family so I am saying to you let the man have his family, but let him have it on the prison compound. Give him something to work for - he is going to work, he is going to put his heart into it because he will be able to see his kids may be once a month for a week-end, he will be able to see that the money he is contributing by working for them is helping them, so there is no stigma attached to this to have another compound in which these people can live on the week-end, but I cannot tolerate the fact that that man we are going to put him back out into society on the week-end - because then we are going to find if this law is allowed the whole prison family could be on the streets on a week-end, there is nothing in this law that says how restrictive it is going to be. Those are some of the reasons I could not support it.

You know, Members, should this bill come into law in regards, how it is mentioned here for the work that these people will do, you know how it would be abused? It would be abused, Honourable Members, like the Work Permit law has been abused, it would be abused where the person coming in from Jamaica, if not bound by a Work Permit, could probably get \$15 a day as a common labourer, so many cases he will be bound to \$10, because

MR. JAMES M. BODDEN (CONTINUING) that rope was around his neck. The same thing would happen with this bill - we would find that there would only be a selected few of our society that would be able to hire these people at such a low rate of pay that it could not even pay for their food. That is why I stand in objection to this bill. It does not say anything - it is like signing a blank cheque and leaving it at the Bank.

Mr. President, I am in favour of prison reform. I am not in favour of corporal punishment - I am not in favour of agreeing to a bill for whatever reason it may be - I do not know, I have never, thank God, been in prison, but I cannot put my signature and consent to a bill that will allow our Government the right to take one of its citizens and confine them in clothes made of canvas - for what reason? What are we trying to do? We are here making legislation and were being told that this legislation is so modern, we are being told that it is so necessary, we are being told that it is all for the good of the country and yet the only things we change are the things that will probably benefit a few people. We are then adopting back the old stuff from the middle ages in order to make this a workable law.

Mr. President, in its present form I cannot support the bill. I intend to spend as much time as possible when it gets to committee to argue it out, we may be there until next year, God's willing, but I cannot support that bill in its present form. I appreciate the idea in which it was brought forward but the only comment I can make on it at this time is that it is too much in some places and not enough in others. Thank you.

MR. CRADDOCK EBANKS: Mr. President, if I had realised that the First Elected Member from Bodden Town was going to speak or have his debate as lengthy as that I would have spoken before him, because not for the time-sake, he has deprived me of much that I intended saying myself. Nevertheless, I support most of his views in principle and we trust that we will some of them ironed out.

One thing that has been bothering me for some time has been our prisoners. When we were a part of Jamaica when I suppose it didn't look too shameful to send our prisoners to Jamaica, and circumstances and conditions and what-not as they were at that time or in those years but since we are on our own I accept our still strong, friendly business and what-not relationship with Jamaica, we hold still a good respect for the country, its certainly, in my way of thinking that one of the worst things that we could be doing to our people nowadays is to send them away from their homes and their families their country, their society their everything - they are being deprived of. When we look at life, we are all human beings, some are weaker than others, some are strong, but even no matter how strong some of us may be or determined to do the right, we get knocked off our feet sometimes and do the wrong - we loose control probably for thirty seconds and we commit something that we wouldn't have done if we could have retained our thinking or our control for those thirty seconds. With all the money that this Government is now in possession of, over the last three years, the revenue has been going in leaps and bounds and we have been able to provide money for everything that we seemingly wanted done and most of it is not in the hundreds of dollars, it goes into the millions of it. It is high time, the time is now that we should be prepared to treat our criminals or law-breakers, or whatever they may be, entirely differently. They should remain in their own country where they can be seen and heard something about weekly, if not daily with relatives and what-not and I cannot at this stage, accept any reason why we can't provide a proper housing facilities as prisons, to take care of our prisoners.

MR. CRADDOCK EBANKS (CONTINUING) I don't know how many long-term prisoners we may have in Jamaica at this time, whether it is three, four or half a dozen, but even with that amount it looks as if we ought to be able to provide surroundings and accommodation for our prisoners.

Government is aware as well as the public that in most cases, at most times, the prisoner that goes to Jamaica doesn't come back like we would like for him to be. All of this has been gone into and I would only like to stress here

Mr. President, that within the next twelve months that every effort be made, money provided and the proper prison and what goes with it be provided for the law-offenders, the law-breakers that whatever their penalty, whatever their punishment, whatever their time in prison, it may be served in their own country.

And as I said in the beginning, that so much has already been said and things pointed out in this that I would not attempt to say anymore on this particular bill. When we get to it in the Committee stage than we will get some of our questions answered and we look forward to reasoning out some of these sections, with further amendments and what-not, but I give my whole support as one of the number of bills before us it is very important and we do need better laws and I will give my full time and interest to help do all that I can to make this become law that will serve and meet the requirements as to our prisoners and not to be continued particularly the long-term prisoners to be continued to be sent overseas for punishment because when we do that we are telling our Cayman born citizens that you are no longer wanted at your birth-place and its time that we look into that and bring an end to it. I thank you, Mr. President.

HON. D. V. WATLER: Mr. President and Honourable Members, just a few words on this bill. I am glad to hear how well it has been received and the concern of the members in respect of the prison services.

The Lady Member speaking made reference to the fact of having Wardens, now I drive a car myself but once she stopped on me I got to get out of it - I am no good, I am not mechanic. I don't know a thing about that - likewise you have your Police today, but your Police are not wardens and the Lady Member did touch on a very salient point and the Members are aware that into your budget this year you have made provision for a warden who is just being appointed. It may be of interest to members to know this but wardens have to be trained how to take care of prisoners and the duties of wardens because it is an entirely different matter than that of a Police.

The Members went off on the care of the young and the family and the young ones and the homes broken up and the father sent overseas, but again the will House will be aware that we now have this Social Services Council which is going into all of this and trying to make provision for the family life, there is also the scheme for the Boys Home, that members no doubt are aware of, so that thoughts are being given to this matter.

The member, sometimes I had to smile in a way sometime in this debate - the members speaking about sending off or prisoners overseas, colonizing, today it is a little different now, you don't get colonies now and you don't go out to make colonies and I was wondering whether the Member, because the Member really tried to get at some of the members on the other side, whether he was going to suggest that we should send them to Little Cayman, I know he was going to bring out the Member for Little Cayman, if you could try to colonize that!! But he is going to start up a marriage I see between them and the Agricultural Department and I don't know - apparently they are going to put the

HON. D.V. WATLER (CONTINUING) Member for Agriculture to live there with them or something- I don't know, but that poor member for Agriculture will have to defend himself.

But seriously, though, send prisoners overseas, yes, is sending them away and it is good for us to have our own prison service here to take care of them and, as I said before, a start has been made and being able to recruit ~~it~~ wardens and start that up. But though the Member touched on it and saying that may be the prisoners that are hardened prisoners, murders or those for sexual crimes should be sent overseas, that I would think that the House should careful consideration to - it is very nice to have our own prison service, and this is true and commendable but can you expect another country to take the hardened ones from you can you expect them, if you should have, and I trust it will neither happen and as the Lady Member, <sup>mentioned</sup> it was only once that she can remember in her life-time of someone being sent from here for capital punishment and had to be executed, but will the other territory receive that type of person and carry out that type of punishment for us or will we have to do it here. We have to give very serious thought to that because it we have to have capital punishment and execution carried out here I don't know how the House and how the members would react. But this is one of the things you have to think about the prison service, once you set it up. I would think that you would have to take all or nothing thought I am in favour of having our own prison services here. May be thought may have to be given as to whether you are going to consider amending the laws in respect of capital punishment. The United Kingdom have done away with their capital punishment. I know this House has, on one or two occasions, I know on one, and may be on two occasions, I think, if I remember correctly, have said that we should keep capital punishment as it is a good deterrent but you have to think of it if you have to carry it out and execute it to its full. I therefore commend this bill and I am glad to see, as I said before, Mr. President and Members, the good reception it has had.

MR. JOHN D. JEFFERSON: Mr. President, Honourable Members, I stand to be corrected but I believe I will stand and speak on this because I might lose my opportunity because I felt this morning that on the other issue I had not spoken, I am subject to be corrected, but on that I will have to be proven wrong.

I stand, Mr. President and Honourable Members in support of the Imprisonments Law. I feel that there are certain amendments to which I am sure that I would want to see made in the Committee stage of that bill but I feel, Mr. President, that this bill certainly goes a long way to provide a service very vitally needed in these Islands.

I see that at last we are making provisions to face up to our own responsibilities, certainly the Member spoke about things being said or done in this Chamber a couple of years ago, prior to this, I believe the reports will bear us out that certainly this is not the first time that Members have spoken on this particular issue or made reference to it and certainly it is, I would say, more of a repetition this morning to what has previously been said in regards to this. But this is the first opportunity of any such bill being brought before this House which affords us an opportunity to be able to voice ourselves and also we will have an opportunity in the Committee stage to be able to try to get amendments made and things, no doubt, added to this particular bill.

I have always believed that people that do wrong, I have always believed in punishment, I have

MR. JOHN D. JEFFERSON (CONTINUING) always believed that people that do wrong should be punished but by the other same token they must be given an opportunity to be able to come back to their society and be wable to right their wrong and take their rightful place, without, if possible, any stigma than necessary.

I have been, Mr. President, yearning to see the day when something would be done in regards to or prison service. Certainly the system of the past has been highly unsatisfactory to all of us but we found ourselves victims of circumstances and certainly it takes time to right some of these things. If it were just for us to get up here and say what we think is good and what we would like to see done in this territory, certainly I am sure that there would be a lot of things made provisions for and I am sure that next year our budget wouldn't be fourteen million dollars but our budget would, no doubt, be more like forty-six million. But, be that as it may, we certainly have to get on with the job and as swiftly as possible try to right some of the things that we feel are necessary to be made right in our community.

I remember some years ago when a certain dentist in our island was violently attacked and he was wounded, I remember later on sitting in Her Majesty's Court and heard the Magistrate say " I am going to change the scenery for you and I am going to send you to a place where brutality is not altogether extinguished". Certainly when we think of brutality we know that there is still a lot being done in foreign prisons.

I have always felt, Mr. President, that in regards to our prisoners being sent overseas, as I have said, previously we have been victims of circumstances but certainly it hasn't served us well enough and we don't feel that it is good enough for the society in which we live. And not only have we voiced that opinion but I am sure the proper authorities also have made representation in this regard in the past. I remember sometime ago when a point was being made that when youngsters were sent to the Approved Schools of Jamaica, it was being said that we are not doing them a favour at all, because they are there exposed to things that are alien and foreign to them.

When we think that many of the people we have placed in our prisons have gone to other countries and placed among the hardened prisoners, exposed to all kinds of evil, certainly to come back to our territory and then try to take their rightful places is very much of expect of anyone of that nature. Certainly I am sure that there are a lot of horrors and nightmares experienced in these various places but certainly on the other hand, there is one thing that we also have to always keep in mind and that is that nobody sends them there but themselves. Its true that the scripture says all men have sinned and come short, and that is the truth but by the other same token prison must never be placed on the plane where people would want to go to live.

I am hoping, Mr. President, in our next year's estimates that this is going to be an undertaking, that this is going to be a reflection in our next year's estimates to see that at last we have money available to be able to move on with this problem - being able to place our prisoners in our own country where they can best serve us and where they may be properly rehabilitated and sent back to our society to be able to fill their place.

I want to stop here for a moment and say that I support capital punishment - I always have and I always will as long as I am elected here in this Chamber; I believe that this in itself will be a deterrent when we look back on our

MR. JOHN D. JEFFERSON (CONTINUING) statute books and see that down through the years there has been such, shall I say, small even though it is small in a way, as long as there is one life its still a tremendous thing. But when we look back in the history of our Islands and see that there hasn't been any more cases of murder than there is, certainly I believe that the fact that capital punishment still being on our statute books is one of our deterrents and the other thing I believe is that our people haven't, in any way, been really exposed to this real kind of violence.

I would like to make reference to section 6 and I think this is a good start - section 6 "service to be self-financing as far as practicable" - "The service shall, as far as possible, be self-supporting and in so far as the expenditure exceeds its income it shall be maintained by funds voted from time to time by the Legislative Assembly" . I am glad, Mr. President to think of the fact that we are thinking in terms of our prison service approaching this at this angle because certainly I believe that this is the right direction.

I see in our bill many safe-guards, safe-guards which I feel add to a country or territory such as this.

Sub-section (11) where it says that the medical and CMO shall be Prison Medical Officer and no prisoner shall perform any activity or undergo any punishment if the CMO finds him physically or mentally unfit for the same. And then also in 14 and 15, Medical Examinations, "All convicts shall be medically inspected at the beginning of their sentence and at least once per month thereafter until discharged. Sick prisoners, physically or mentally sick prisoners certified by the CMO in immediate need of medical care shall be transferred to such hospital or medical centre inside or outside of the Islands as the CMO shall recommend and there to be held in custody. The CMO shall issue a certificate to any Court before which such prisoner is due to be brought, stating the disability from which the prisoner is suffering together with a prognosis of the case. I think this, Mr. President, stands out and it speaks for the way we think - even though people are placed in prison we feel and we want to make sure that our people have every opportunity and every break and we want to make sure that in no way they are tramped upon or denied privileges that are and should be accorded to prisoners serving sentence.

Now the first Official Member spoke very strongly, I believe, in response to the First Member from Bodden Town in regard to hardened core prisoners, I feel that every opportunity must be explored and I believe that we must move swiftly to do this, to make provisions that only at first, that only those people guilty of murders and crimes of that nature be sent overseas. Now it is one thing to say yes you can't expect people to take the hard core and you are going to take care of the others. Well, I believe that this in itself can be explained because I think that it shows that we are trying to do something about it and all we are asking for is to give us holding time where we will take care of the other criminals and therefore people, only guilty of murder are going to be sent overseas to other territories.

I would hope also, not only would I hope, but I would work to see that in a short a time as possible that no prisoners were sent overseas, but until such time as we were in a position to deal with that particular type of person, I would suggest that that would be the only prisoner sent overseas.

Now let me state, very categorically Mr. President, what I deplore and let me state categorically what I am definitely against. I read my newspaper some-

MR. JOHN D. JEFFERSON: (CONTINUING) times and I see in prisons in various places where prisoners went out on strike, they held up everything because they didn't have coloured television, they didn't have certain foods, they didn't have certain beds to lie on, but I am saying that prisons must never be an attractive place for people to say. I am saying that nobody must ever be encouraged to feel that they are almost as good off in prison as they are outside, for certainly the reason for going to prison and the reason for having prisons is to try to discipline people, deny them of some of the comforts of life, that that will help them to make sure that they won't want to come back in this place again, and that they will go back to society and try to take their rightful places. Yet, on the other hand we do make allowances for people who find themselves in this kind of situation to help to rehabilitate them and point out to them the fact that we want to help them take their place in our society once more.

The First Official Member, I think in response to the speech of the First Elected Member from Bodden Town said that if you noticed in last year's estimates, that prisons wardens were placed in the Estimates. I would also take the member a little further than that, I believe that if you would back to 1970's Estimates you would find that in 1973 's estimates there was a reflection there money was placed for prison wardens and I say that we must make sure now that we are not just setting aside and that we move along with this law to try to do everything possible to hurry this programme along where we will be able to contain our own problems and try to really right this situation.

One of the things that I disagree, I say most with in this bill is the fact that people serving over six months must be sent overseas. I would like to see that changed, not only would I like to see that changed but I can tell you this that I am not going to rest until I have explored every avenue and make every effort to see that that period of six months was changed and that as early as possible, no prisoners at all were sent overseas.

I agree with corporal punishment, Mr. President: I think a lot of times corporal punishment does more good than placing somebody behind the bars. Now I remember when I was youngster in school we had, to change the scenery, we had our school on the West Bay beach. We found that on Fridays, and I think it has been an impression placed on the minds of a lot of youngsters on Friday sessions a lot of times or at times, there were cases brought and tried right in the school after school was dismissed on half a day on Friday. A lot of these were kids where they were charged with stealing oranges, and other petty things and they were severely lashed in that place. Not one of those youngsters today is suffering from any ill effects, it has all been a help to them and has helped them to realise that crime doesn't pay, whether it is a big crime or a small crime, because a child that steals an orange will later on, if he goes unchecked, break a bank.

Section 22 - I am in complete agreement with that, I see that provisions are being made, people have the benefit which I think they are entitled to. Then I want to go on and say that I support sections 26 and 27 and 28. I think these sections make possible the impression on one's mind, prepares one and makes him to think in a different direction and helps him to come back, being disciplined, as I said before, come back to his rightful place in his own society.

As a local licensed Minister of Religion, I am happy to see placed in this bill section 47 which I believe again reflects the good image of the Cayman Islands. "All prisoners and detainees shall be afforded within the prison or place

MR. JOHN D. JEFFERSON (CONTINUING) of their detention opportunity for the exercise of their religious duties and devotions at appropriate times and in accordance with their various religious persuasions and appropriate Ministers of Religion be privately to interview them, at least on one occasion in every week." That again, Mr. President, shows that we are not there placing a man behind the bars with the feeling that we want to keep him there, but again we want to help him, we want to lift him up, we want to give him help because we realise that he is down.

When the First Elected Member from Bodden Town in his speech said, and I say this very casually, we have sold out our souls - well, I feel this way, Mr. President, as far as I am concerned, I live what I preach, I try my endeavour in every way to lift the falling man and I can assure you that none of us is infallible and I can assure you that every day in my life, I try my best to lift up fallen mankind and try, in every way to do the things today that I will be happy about tomorrow. And as far as I am concerned, I place emphasis on the souls of men and people and I want, in every way to help to lift fallen mankind.

I do stand up for the things of righteousness - I feel I am consistent in my representation and that with God's help I don't want to be any less than that.

Mr. President, I am happy that these bills are being sent to a Select Committee of the Whole House, where we will have an opportunity of being able to voice our opinions very strongly and then come back into the House again and see them placed into law. Now in speaking of the Select Committee as far as I am concerned, I believe, I not only believe but I know that I still also will have the opportunity in a Select Committee of this House as it goes by clause by clause to make any amendment that would seem necessary or practical and in the Committee stages I am sure there will be a lot that we will say about this and certainly I want to commend this bill and I say that I support it later on with a few amendments, no doubt, something added in other places. I thank you very much, Mr. President.

AT 12.46 P.M. THE HOUSE WAS SUSPENDED  
AT 2.30 pm THE HOUSE RESUMED.

MR. PRESIDENT: Proceedings are resumed. We continue the debate on the Second Reading of the Imprisonments Law. Does any other member desire to speak on this motion? I will ask the Honourable Attorney-General if he would like to reply.

HON. G. E. WADDINGTON: Mr. President and Honourable Members, I am glad to see that there is general approval in principle for this bill. As far as I can gather from the debate, the main point of disagreement is in the provisions dealing with the sending of prisoners to Jamaica. However, Mr. President and Members, the cold fact is that at the present time, we can't do any better, and until we have our own facilities, it is necessary to have this provision. However, as I have said before, it is hoped that with the establishment of even modest facilities, that as time goes by we will be able to cut down on the out-put of prisoners to Jamaica and we will be able to accommodate them ourselves, and that really would be the ideal to aim at. And having regard to the fact that members have expressed general approval in principle there is not very much more that I can say except perhaps to touch on one or two points which were made by the First Member for Bodden Town.

If I understood the Member correctly



HON. G. E. WADDINGTON (CONTINUING) he commented on the fact that he did not see why the provisions which would enable week-end leave to be granted should only apply to prisoners who have been sentenced to less than six months. I hope I have quoted the member correctly. But if that is what the Member said that is not correct. The point is that under the law, whereas prisoners who have been sentenced to more than six months imprisonment may be sent to Jamaica, it does not necessarily follow that any particular prisoner, who has been sentenced to more than six months would be sent to Jamaica. And in practice it would be only the unmanageable prisoners who would be sent to Jamaica and those prisoners who remain here with allowed to remain here even although they may have been sentenced to more than six months imprisonment, would be entitled to benefit from this provision.

The Member also said that although he agreed with the bill in principle it didn't go far enough and he would like to provisions made to protect the household family of a person who has been sentenced to prison, and as the Member quite rightly observed, invariably the members of such a family suffer considerably when the head of the family is sentenced to prison. I agree with what he says there but provisions of that nature really ought not to form part of a bill dealing with imprisonment. Those provisions should be contained in other laws dealing with probation and social services in general and it is hoped that in time to come when we get our facilities established that those provisions will be made in appropriate legislation.

The Member also expressed vehement disagreement with the fact that a prisoner could be ordered to wear canvass clothing. The Member, I think, was referring to section 39 of the bill, but here again I think he has misinterpreted the section. Section 39 deals with penalties which may be imposed on prisoners who have been guilty of breaches of prison discipline and sub-section (c) of the section, which refers to the wearing of restrictive canvass clothing for a period not exceeding 24 hours merely refers to the punishment of putting a prisoner in what is popular known as a "straight-jacket" and that, Mr. President and Members, is I might say, common-form procedure in prisons. There is nothing more salutary and more effective to restrain a violent prisoners than to put him in a straight-jacket for a period. And that's a very necessary provision - it doesn't mean that the prisoners has to wear canvass clothing for the entire time that he is in prison, or when he is in the street - its only when he is found guilty of a breach.....

MR. JAMES M. BODDEN: Mr. President, on a point of order, I did not, I think if the minutes were re-read in my speech, say that the person would be wearing this canvass clothing all the time - I only referred to it as he could be wearing this canvass clothing, and I agree that the bill only says twenty-four hours, but in my humble estimation, there is a lot of difference between a straight-jacket and a canvass clothing, if it is defined as straight-jacket in the law I'd have no objection, but I would like for the member to restrict himself to what I did say, Sir.

HON. G. E. WADDINGTON: Mr. President, I am very sorry that the member interrupted me quite unnecessarily because I interpreted what the member said and I think most members would too, that he threw up his arms, his hands in disgust to say that he could never agree to a prisoner wearing canvass clothing. Now the term, Mr. President and Members, is not 'canvass clothing' it is restrictive canvass clothing and anybody who has any knowledge at all of prison procedures will know that 'restrictive canvass clothing' refers to what is popularly known as a straight-jacket and there

HON.G.E.WADDINGTON (CONTINUING) no need whatever to change that definition.

There is nothing more that I can say, Mr. President and Members but to again express my gratitude that members have so well received this bill; admittedly the bill perhaps goes not go as far as it might but we have to make a start somewhere and I think it is a step in the right direction and once the service is established and we can provide the necessary facilities there is no reason why there cannot be subsequent additions to the bill, extended over a wider field.

And at this stage, Mr. President and Members I would again move the Second Reading of this Bill.

QUESTION PUT: AYES AND NOES.

MR.PRESIDENT: I think the Ayes have it.

REFERRAL TO SELECT COMMITTEE OF THE WHOLE HOUSE

HON.G.E.WADDINGTON: Mr. President and Members, I beg to move that this bill be referred to a Select Committee of the Whole House in accordance with Standing Orders 55 (b) and 62.

SECONDED BY HON.D.V.WATLER:

QUESTION PUT: AYES AND NOES.

MR.PRESIDENT: I think again the AYES have it, and the bill accordingly stands committed to a Select Committee of the Whole Assembly. Under the provisions of Standing Order 62 I again appoint the Honourable Attorney-General as Chairman of the Select Committee, and in accordance with the decisions in the Assembly yesterday, the quorum will consist of at least 7 members.

BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE  
CHAIRMAN: THE HONOURABLE ATTORNEY-GENERAL,  
QUORUM: AT LEAST 7 (SEVEN) MEMBERS

MR.PRESIDENT: That concludes proceedings on bills on today's order of the Day and the next item on the Agenda Private Member's motions, in which a motion stands in the name of the Honourable Lady Member.

PRIVATE MEMBER'S MOTION OBSCENE LITERATURE.

MISS ANNIE H. BOEDEN: Mr. President and Members of this House, I would like to move Private Member's motion standing in my name which I shall read as follows -

"WHEREAS in many of the shelves in supermarkets and book stores obscene literature in the form of magazines and other books the reading of which can only tend to increase immorality, gambling and other things of baser nature are for sale  
BE IT RESOLVED that Government take steps to have such books and/or magazines banned and added to the list of prohibitive publications in an effort to stay the immoral trend among people of all ages and especially the young people in the Islands"

This resolution, Mr. President, this motion will be seconded by Mr. John D. Jefferson.

MR. JOHN D. JEFFERSON: I beg to second that motion, Mr. President.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I am sure you will agree that we should do everything possible to check, if possible, the trend which seems to be taking place in our Islands. Now I am not a saint by any means, I am trying to be a good woman, but I am not saint. But I can truthfully say that I have only read in life one joke book, or one poem in a joke book and that was the effect that a man had a shot-gun, he had three daughters and on each occasion these daughters were about to be married he had to use this shot-gun. Well, when the third one had married he said "Thank God I will place my old shot-gun on the wall, its no further use". Now I read that when I was a child. Besides that I am very sure I have never read a joke book in my life. I don't see any sense in it and when it comes on this obscene literature which I see in book-shelves in the stores, I think it is a disgrace. I feel that we have enough evil portrayed in action, not to put it into books, and I feel that it is our duty as legislators to try to curb this trend of immorality, obscene publications, which seems to be the order of the day. I feel that we would be doing less than our duty if we did not try in some way to curb it.

I have gone to offices in the Island and I have seen nothing but a black-board of naked women, now I don't think that's right. Not that they can't seem the same thing on the street, because the women of today have lost pride, they have lost everything and I would say pertains to good womanhood. Only today when I went to have lunch I saw a lady, I suppose she would call herself with a bathing trunk on the side of which were two pieces of elastic, around the back one piece of elastic - now that is absolutely unnecessary. If I were of the opposite sex I certainly wouldnt admire women who make themselves so common, I call it and I feel that they can see enough of that sort of thing all over George Town, I wouldnt venture to say anywhere else, to have to read it in books or look at it in books.

Certain books that I understand exist, one particularly called "Pent-House", I have never seen one in my life, I dont know what it is, but I understand from very realiable authority that that is the ABC book for teen-agers - I feel we should stop it. I have never seen one in my life - I have seen one book they call "Playboy", that was on one occasion I was clearing a ship - the Consul who had to come there said "Miss Bodden, would you like to see a picture?" - I said "What kind of a picture?" He opened the book and there it was. I said "No thank you, I don't wish to see that". ( MEMBERS - LAUGHTER). I feel, Sir, that this kind of thing must be stop - and not everybody is strong like Annie Mulday Bodden, I pride myself I am a strong woman and I was a child, grew up like everybody else, although I am looked upon now as I was never anything but the grown woman I am, I was a child, a teen-ager and I must say some beautiful woman at that and I wasn't led away by foolish flattery. I had one goal in view and that was never to do anything to let my mother down, and I have kept fo it now, thank God by His Grace. But I suppose if I was a teen-ager in this generation and didnt have the mother like I had, I might fall into temptation myself. So I feel that we must not try to judge people of this day of this day by the people who lived say fifty years ago, but I feel that we should do everything to prevent them from falling into temptation.

The Bible is a good enough book, anything you want to read you can read in that - take the Living Bible you can read example you want in it but the Bible reading is put aside, that's no more good. But these obscene pictures these magazines, these women like actresses, blazed abroad, got a husband at home, two or three men following her about to skiing places, like Switzerland, etc., changing husband over-night, telling you if one don't suits you one style, get another one, all that sort of thing - wrong way of thinking is lowering the

MISS ANNIE H. BODDEN (CONTINUING) morals of our Islands, and I would implore the Government and those responsible to try to do something to stop it.

Now I am not expecting everybody to be of my disposition or have my same ideas but I feel that we are all here to try to protect, as far as possible, the downward fall of our Islands - we are here to uplift morals. To my way of thinking a home and family-life are the most sacred and important things in the whole word, besides getting to the better land and with the publication of such books, reading all about fornication, adultery, how absolutely essential it is, if you have one husband and he is not up to scratch just put him aside and get the next one; if you have a wife you can swap wives, you can do anything - I feel that its time that we of the Cayman Islands who have always been a pattern of good works that we should continue it and I feel that the banning of such publications, they are the two names I know, I suppose there are dozens more, that they be stopped and put on the prohibitive list where people cannot sell these books.

A woman came to my office not so long ago and she said she went to some book-store and these terrible pictures of these particular magazines were on display and she said can't you remove them from the shelves. Now they have the now hidden in their offices where you can go in and buy these books, concealing from the eyes of men but not the eyes of God. And I feel that there is one thing for us to do and that is to bann such terrible books from coming to our Islands.

Thank you, Sir.

#### QUESTION PROPOSED

MR. JOHN D. JEFFERSON: Mr. President, Honourable Members, I rise, being the seconder of this motion before us to say that we as legislators today feel that it is time to put emphasis where it belongs, We are saying it is time if people aren't going themselves/road the kind of books that they should, we are going to make it as hard as possible for the type of literatue described in this motion.

Mr. President and Honourable Members, when we realize the trend of today, when we look around the world in which we live this afternoon, certainly one cannot help but hang ones head and ask that Almighty God will give us the guidance and show us the right path in which to walk, that we might be able to successfully lead this humble land of ours.

I am sure, Mr. President, that the same arguments that are introduced in relation to moving pictures, people being able to drink at the bars, are going to be the same arguments that are going to be placed in opposition to this thought. I am not saying that in relation to Members in this House I am speaking in relation to people throughout the Islands. There is a feeling in a free land in which we live today that everybody must be left alone to do what he or she feels led to do. I feel, Mr. President, just as strong that as I will reiterate in relation this and the films that we discussed a few days ago, that if we are going to be held responsible to be able to solve the problems that things of this nature creates, then we should have a say before it reaches that stage. I believe that God has helped us to be able to stand here today in the kind of land in which we live only because, as the scripture says "Righteousness exalteth a nation, but sin is a reproach to any people", and I like to underline that word "any" - any people.

There is no sense thinking that we can go on with the trend of the world, ignore God, put God out of our lives, fill our book-stores with filth and cram our theatres with all kinds of junk and think that the ultimate is going to be good

MR. JOHN D. JEFFERSON: (CONTINUING) Christian nation, because it is not going to be possible. I am saying that we will never be able to legislate legislation for the morals of people, but yet by the other same token we as men must stand up and be counted for the things that we think are right and make sure that our people, that whatever they get that is evil will not be supported by the Legislators of this Assembly.

We find, Mr. President, there are a lot of people that they view variously things like they do their Bible. They believe the Bible until it comes to a stage where it comes on their threshold and may be they don't quite believe that part of the Book, they move over that. But I believe that as far as we are concerned that we need to set things right - we need to make an effort to set things right - we need to make an effort to stem the immorality in the day in which we live today, because I believe that we are all going to be accounted and that we are our brothers' keeper. I believe that when we look and even though I must say, that there has been a decline on the bookshelves of the kind of literature that has been in these Islands, that there is still a lot of filth that is placed on the shelves in these various places. There is filth that is being placed on the shelves where one can see and that is being placed in places where only selected people can come and pick them up.

Well, I am saying that it is high time that we place these publications on the list of prohibitive books in these Islands. Sometime ago the Lady Member spoke about a certain magazine, sometime ago I remember in my own church after church was over there was a package that was found towards the back of the church on the bench. Inside so one could tend to open to see if one could secure the names of who the property would belong to - in opening up this package this was one of the books to which the Lady Member spoke about. A book that would frighten the average person to believe that any people could become so immoral to be able to place such terrible things in the hands of youngsters and young people as literature such as that.

I believe, Mr. President, that the immorality around the world stems from the fact that people have gotten to the stage where they have run democracy and freedom into the ground. Freedom to do what I want, freedom to read what I want, freedom to go where I want, freedom to say what I want. I believe in democracy, I believe in freedom, but certainly along with freedom goes responsibility and that's why we as Members of this House today are using this and taking this measure because we believe that along with freedom goes responsibility. And we are going to feel responsible in ourselves to try to make a real effort, to try to change this trend in this land of ours in which we live.

I believe that Government has an obligation to the people, and I believe that as elected Members of this Chamber that we have and we owe it to ourselves, our constituency and to God to be able to make sure that we do put first things first and that we do the things that are most important.

Mr. President, I know that it is a fact that throughout the world today that sex and violence are the best-sellers on any book-store or in any theatre or any place else, but I am saying that they must never have our blessing - they must never have our blessing.

We find, in debating this motion, I am sure that no doubt we will offend someone, well I have no apologies to offer for that. I feel I have my greatest obligation to God and then to my country and my family and whether I rise or fall politically I must rise spiritually, because not only does my own soul depend upon that, but I believe that my own nation and my people depend solely upon the fact that we stand for the things that are right.

MR. JOHN D. JEFFERSON: (CONTINUING) Mr. President, as we look around about us, I can remember some months, may be a few years ago, when there were certain movements in this territory, and I remember the Police Department confiscated certain books off the shelves of some stores in this Island, books that certainly have no reason, no place in our society - books that encouraged people to do and create criminal acts - books that provided knowledge that enabled them to be able to do damage to other people and to other countries. I feel that it is high time that we, as legislators, try to stem this immoral trend - not only in our land, for we are only having a small share of that tidal wave that has been sweeping the entire world for the past several years. I ask Honourable Members as we debate this motion to give it your utmost and your most serious consideration. Remember I believe that each member in this Chamber today, most of us anyway, are fathers, remember that one of these days at the end of life we are going to have to give an account for what we said, for what we did and where we have gone. I want to be remembered as a man that stood for something - a man that stood up for the principles of justice and righteousness. I thank you very much, Mr. President.

MR. CLAUDE HILL: Mr. President and Honourable Members, I rise in support of this Private Member's motion, so much ground has been covered by the mover and the seconder of this motion as to the immorality that is being played in these stores and places where these books are on sale.

We have now at present on our statute books a law governing the sale of certain books published by certain authors and I am hoping that these books if there is a need to be an examination of book sales, I guess the Government will provide someone with the examination to go into these places and see the books that are being discussed, but the motion does not state any particular books, but books that are of obscene language and anything which will be immoral for the welfare and well-being of the people of the Cayman Islands.

It is true that we cannot legislate in here for the morals of the people but on the other hand it is costing Government a lot of money to educate the youth of today who will be the future Cayman and for those children going to schools and having pocket money and being capable of obtaining those books in supermarkets as the motion says and book-stores, I am sure that something can be done by Government to stop the sale of these books.

We here are not just talking to ourselves - we are talking for the future of the Cayman Islands and although we have not a large audience of listeners we have the press who will cover, I am sure, much of what is being said at this present time and I would like for the press to put it plain forward that this motion is trying hard to stop the immorality that exists in the Cayman Islands.

There is no need for any long talks on this matter - the facts remain - it is plain as the noses on our faces and for us to go blindly into this matter would only mean just another lost argument held in this Chamber. I thank you, Sir.

MR. CRADDOCK FBANKS: Mr. President and Honourable Members, we have this private member's motion before us asking that Government give certain considerations of banning and prohibiting some or all immoral literature on the market. This undoubtedly will be another question in the eyes of the public. Why shouldn't I be allowed to read what I want to read? I agree, but we ought to have a limit between groups as to what they ought to read from what they ought not to read as well.

MR. CRADDOCK EBANKS: (CONTINUING) I am not going to be on this very long, Mr. President, because I don't see actually the need for it. There is definitely a difference between good and bad, poor and rich, black and white, there is a difference and if you were to ask every Caymanian in these Islands today what they would like to be their fortune, something good or something bad, they everyone would say good.

I think I made the remarks to the extent that I wouldn't have any part in trying to legislate laws to cover morals. People of age ought to be free to do and say what they like, go where they like, but they ought to be prepared to accept when they are brought before the Court under the law then to bear the consequences.

I think the whole intention of this motion is primarily to try to protect the young, then one may say, what is the youth? Well, according to our statute laws, as far as I know, I don't have any knowledge of them being changed, a boy nor a girl is entirely from under their parents until they are of the age of twenty-one, in certain things, at least. So then the youth age should still be something within that age bracket. I know you can go to sea before you are twenty-one, I know they can drive a car before they are twentieth-one, I know they can cast a vote before they are twenty-one, I know they can go and sit at a counter at the liquor premises before they are twenty-one- I realise all this. But I wonder today if the adults of this country are really taking a serious look at the youth of this country?

We have something like in the neighbourhood of twelve hundred students going to one school and I am hoping, I am hoping that the amount of money that tax payers are paying out for the benefit of these students receiving a good education that we as legislators and parents and adults do not get disappointed with the result on this school-year, but if I one that is having a lot of dealings with children, if what I see and know is going on, then if we don't get disappointed in our children that are going to school in this particular school that Government is catering so high to, then I will be disappointed because the type of material that most children are taking to school, if they can learn and come out in flying colours, then I don't know that we need the school. Probably some of the literature that they are taking to school, may be the parents may have bought it, I don't know.

A few evenings ago when I got home, I saw a leaf out of a pocket book lying on the bus floor, as I usually do, I check through the bus, it was a leaf missing out of the books from whatsoever was reading it for the evening on the way home, so I picked it up and looked at it and the substance of it, I suppose was a fake name of a girl- she didn't know that she had lost so much of her life over so many years by not indulging in sex daily, but now she was trying to catch up on what she had lost. Now then where are our children going to come out when this is what they are studying? I see them get on the bus, they open their folders, what it is I don't know because I have tried and I have failed, parents haven't supported my efforts trying to help their children. They open their folders - they pass around - magazines, comics, pocket books, what-not.

Mr. President, as I say we cannot, and I cannot going to attempt to legislate any bills to become law that a woman of twenty-five, thirty, twenty-one or a man that they shouldn't read what they want to read, that they shouldn't go where they want to go, but at the tender age of your youth, if we don't make every effort to try to at least guide them to where the morning or the night that they are twenty-one and they can walk outside and the parents can't say "come back in", then

MR. CRADDOCK EBANKS (CONTINUING) we are in an awful state of affairs and I say, if I understand right, that was the whole intention of this motion, let us see what we can do to try to save some of the future of our country, the behaviour, the character, the decency, the respect of our country. Because when all of that is gone, our country is gone - we are talking about developers, we talk about tourism, we talk about attracting this, but when all of these goes into effect and the standards and the morals of our country are gone, then everything has been gone.

Mr. President, I have been convinced for a little while now that we have people in business in our Islands that will sell the birthright of this country as fast and as often as they can for a quick dollar, whether it is a youth, whether it is a suckling or whether it is a teen-ager or what, so long as a quick dollar can come, regardless of what happens to them, the moral of that children, boy or girl or the people of the country or what-not, it doesn't make any difference. And I would support this and I would ask the Government to make every effort to go into this without fear or favour. The store, the super-market, the bookshop, the what-not, that cannot carry on a profitable business without these then let them find some other trend of business. I thank you, Sir.

HON. W. W. CCNOLLY: Mr. President and Members, I was my intention to be rather quiet on this particular motion before the House but after hearing the mover and the seconder of this motion introduce the motion, I am yet at a bit of loss to know exactly what books or magazines are being referred to. I have no contention with the motion but I would have thought that the mover of this motion would, in the course of debate, assist Government by naming the publications which are considered obscene literature that are <sup>on</sup> the bookshelves of the super-markets and the bookstores.

Now, surely much has been said, we have heard a lot on the morality or immorality - a lot has been said on what we would want this country to be, but Mr. President and Members, we have a motion here before us asking Government to take steps to have such books and magazines banned and yet no attempt has been made to name one magazine other than the magazine "Pent House" that the mover said "I was made to understand is there" but wasn't even certain that it was.

I take it that if we are going to be true to ourselves, if we are going to have this motion put into action it must be a factual motion. As I see this, and I think this is common knowledge to all members of the Chamber here, that presently there are two laws on the statute books in this country dealing with publications - one of one nature and one of the other. And surely if this motion is passed I wonder who will be the person to name the magazines or name the books that should be added to this prohibitive list? As I see it, I would have thought that the mover of the motion would have brought a list of publication, even if they didn't do it in the formal motion, in the address saying "Well, Magazine A or Magazine B we consider is a magazine that should be prohibited from being imported into the Cayman Islands". A discussion would ensue and then there would have been a positive motion to consider. Surely when a person brings a motion the motion is to receive either a confirmation or to be defeated. Now the motion here, as far as I am concerned, says very little "Be it resolved that Government take steps to have such books and magazines banned and added to the list of prohibitive publications". yet no mention has been made of the publications that are suggested on this list. And I would have thought that it would have given the Members here an opportunity of deciding within themselves



HON. W. W. CONOLLY (CONTINUING) right here in this Chamber, on the magazines or the books, any discussion could ensue.

Listening to the mover of this motion, I became very concerned, I say if fate has it that I am fortunate enough to inherit the position as suggested by the First Member from Bodden Town this morning or being the Chief Warden of the prison, I can see where my job will be cut out, running around grabbing up these people with a little of elastic here and there on them. I can see...

MISS ANNIE H. BODDEN: Mr. President, with all respect, I didn't say you had to grab people with elastic - I did not say that.

HON. W. W. CONOLLY: Mr. President, I am not suggesting that anyone said so, I am saying that I could see where my job would have to be cut out. What I think we have to do on this motion - I am not against the motion - I am not against the motion - but what I think would have been a wise thing to do is to have the names of the publications that are undesirable, if one knows that they are being sold - those publications could be listed and could be brought to the attention of the Government. I am sure that the Honourable Attorney-General will speak on this matter - he is the Legal Adviser and he knows the legislation that is now available in this direction, and I feel confident that he will advise on the procedure on this matter. But as I see it, and I am a bit lost, I don't know what I am supporting - I don't know what I am objecting to, because the motion is not clear enough for me to say "yes" or "nay", because I don't know what publications that are being thought of, other than this magazine called "Pent House" and I don't know anything about Pent House, I would have liked to have seen a copy of it in here, so that I would know exactly what I was speaking on if I was asked to bann a magazine. With this Mr. President, I take it that I cannot support what the motion contains, as it stands and I dont know whether in the closing, the Honourable Member who moved the motion will be generous enough to elaborate on the volumes or publications that are desired to be prohibited or whether or not any amendments would be suggested.

MISS ANNIE H. BODDEN: Mr. President, I thought that was the reception it would get, so I gracefully withdraw the motion.

MR. PRESIDENT: Does the Honourable Member wish to with-drawn the motion?

MISS ANNIE H. BODDEN: Withdraw it - when I am dead, Annie Huldah Bodden is dead, I haven't got any children to be prostitutes ,etc. I withdraw it very gracefully.

MR. JOHN D. JEFFERSON: As the seconder I object to the with-drawal, Mr. President.

MR. PRESIDENT: The motion can only be withdrawn by the leave of the House.

MISS ANNIE H. BODDEN: I am asking the leave of the House to withdraw it, let it be in the press the reception it got.

MR. JAMES M. BODDEN Mr. President, I would like to object to the withdrawal and that we continue the debate.

MR. PRESIDENT: Well, I think we had better take a straight vote on it, I think.

QUESTION PUT: AYE AND NOES.

MR. PRESIDENT: I am afraid the motion still stands.

MISS ANNIE H. BODDEN: Mr. President, if it stands you will hear a lot of stuff after this.

MR. JOHN D. JEFFERSON: Mr. President, on direction, I wonder if it would be too late to have the names of these books added or when would be the dead-line?

MR. PRESIDENT: I am afraid the Honourable Member spoke on this motion - its open to any member who has not spoken or to the Lady Member in winding up to give a list, if she so desires.

MR. G. HAIG BODDEN: Mr. President, Members of this Honourable House, yesterday evening we were trying to find out whether we would have sufficient business to carry us on for the day and whether it would not have been advisable to do the debate on the Throne Speech today. At that time I gave the House the assurance that I would speak for two hours on the Prison Bill. It turned out that it was necessary for me to make such a lengthy debate in order to keep the House open until five o'clock. As a result I did not speak.

I am guilty of jumping up to speak very early on a motion because I like to talk, but the end result of that has been that I listen but very little and so I become highly uneducated. But I do have the wisdom to make most of my talk to politicians where my deficiencies go unnoticed.

In the motion before us, in the beginning I had no strong feelings one way or the other but since there has been, what I call, some unwarranted objections against this motion, I think I will give it my full support. You know that if you are talking to a Republican, or if you are a Republican and talking to somebody else you mightn't be a very strong Republican, but let that person say that President Nixon is a crook, and right away you become an ardent Republican and when I see an attempt made to destroy this motion, right away I become an ardent supporter.

I know it is very difficult to determine what is obscene, particularly when it comes to literature, but that does not mean that it must be left wide-open and that any and every publication must be put on the market.

I do believe that morals are shifting and that right now we are getting better. Morals tend to go in cycles. Perhaps the sixties was the worst decade. In that year or in those years we saw some of the worst movies shown on the screen, they saw some of the worst books published, in fact it was in the sixties that the "Sensuous Woman" became a best-seller. I would not like to go back to the Victorian days when the book by male and female writers had to be kept on separate shelves. I don't know what they thought the books could do to each other but that was the custom. It was also the custom to cover piano legs because they had such a strong resemblance to the female legs, but luckily we have passed that era and we have come into one which does permit more latitude in what a person can see and what a person can read. But nevertheless there are limits to which one must go.

I admit that it is a very difficult job for anyone to determine what is obscene. There is a classic example in the American Court History when in the sixties a Judge had to decide whether a new dance was obscene and he came to the conclusion that a new dance is not obscene, per se, unless the person doing the dance has an ugly body. So it is a very difficult task to say what is obscene. But if we believe that

MR. G. HAIG BODDEN: (CONTINUING) a particular publication or particular publications are obscene, that publication should be added to the list of our prohibitive books, if we have such a list and the book could be banned.

One of the first books to be banned was that known as "LADY CHATTERLEY'S LOVER" -that book was banned in many countries for many years - today, because morals have shifted and because we have become more permissive, you can readily buy LADY CHATTERLEY'S LOVER on any bookstand in most countries.

I have found that adults generally read what they have been trained to read and I believe that our schools can do a better job in training the mind of the young people. They have a job to do in training them in their careers and in other aspects and I believe that here the schools could do a good job, not by telling a child you should not read so and so, because he will go out and read it, but by having on the bookshelves or the school library the book which would interest children and hopefully they would follow.

Now we already have in our Law prohibited books - we have books on the list which are banned for certain reasons. I know there is a long list regarding the ancient art of obeah, so what is wrong with adding a few more that might have just as far reaching ill-effect as a book on obeah, because if the mind is perverted by obscene literature just as much damage can be done to society as if the mind is influenced by obeah or any of the other ancient arts.

In this Island we are very permissive, I remember the Cinema showing the Godfather which I understand was banned in Jamaica and nobody, not even our ministers, not even our prison chaplain batted an eye-lash, although there were a few people who objected. I believe that the Lady Member from George Town had a right, had, I would say, a compulsion to bring this motion because it is my opinion that the books sellers in these Islands, particularly the wholesalers have gone out of their way to bring in obscene literature in order to increase their sales.

I enjoy reading rude books sometimes, and to me sex is beautiful, but nevertheless there is a difference between sex and perversion and most of the literature which is sold does not cover sex in its beautiful form as ordained by our Creator but it displays sex in a perverted form, in an obscene form, and this is what we have to fight against.

The Lady Member, it is true, is single, but she knows what is good sex from what is wrong, she knows sex in the Bible as ordained by God for the carrying on of the human race and for the fulfillment between man and wife, but she has the right to speak out against sex when it is used in the movies or in books in a perverted manner and I glory in her for it, and I give her my entire support on this motion. When the motion is passed ( I have already counted the votes and I know this House pretty well - any time we get the extension member there is no question about whether the extension vote falls, the motion goes), also when this goes into effect, somebody will have a big job. I don't know if there is a law now how the law reads, but I imagine it can't be as difficult as the Member from East End in Executive Council led us to believe. I think that any book can be added to the list of prohibited books just by Executive Council adding it to the schedule in the law. I am not so clear on this but if the law is not so framed, it can always be amended. I know the normal way for these things to be handled is for a prohibited article to be added to the schedule just by the stroke of a pen, if Executive Council in its wisdom so decides and I think we will find that this particular instance will be the same.

MR. G. HAIG BODDEN (CONTINUING) Now, the decision to add a particular book will be a difficult problem but it is not unsurmountable, as the Honourable Member for Executive Council would lead us to believe, so and I am one that has always believed that if you attempt something, or if you add one book to a list, right away people begin to watch their importations.

If one of these obscene magazines or obscene books is added because of this motion, I daresay that the next shipment of books coming in would be nothing but New Testaments. If they know that the Assembly is watching what is being put on the shelves I believe the dealers themselves will do their own policing, but if we adopt the attitude that we can do nothing about it and that nothing can be added, well, they will go from bad to worse and we will have the moral cycle, the pendulum swinging towards something worst. So I support the Lady Member in this motion fully and I know how she felt when she attempted to withdraw the motion, because nobody knows that feeling more than the Bodden Town Members, but she need not be afraid of a few weaklings who might oppose her, she need not be afraid of them because there are two solid members on this side, two hard-core Bodden Town Members who will support her to the hilt. Thank you.

MR. JAMES M. BODDEN: Mr. President, Fellow Members, I really did not intend to speak on this motion, only to support it. In the recess or just before the recess I went out to try and find out if there was anything that could help us out of this darkness and I find that we do have a law, a very simple one and it doesn't say much, I still am not able to gather really what you do with it, but it was put together in 1927 which is about 48 years ago and at that time the Legislature did deem it necessary to have a law that would not only deal with obscene publications, but it would deal with the writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films, or any other obscene object. In addition to this the person could be prosecuted, not for selling them, but even for lending them. And to show you the importance that must have been placed on this particular bill when it was enacted the penalty at that time was Ten Pounds or two months imprisonment or both - I am sorry about "or both" or two months, with or without hard labour. So in reflecting back again on the past we find that there was someone thinking along these lines even in 1927. And I will admit that I have to plead ignorance in not knowing how this matter would be handled - according to this little pamphlet I think it can be handled by presenting them before two Justices or the Peace who would determine whether it was of an obscene nature or not, but there is one great satisfaction that I do get in this Chamber, and that is on the many occasions when my colleague and myself are able to help lead the Fourth Elected Member to Executive Council out of the darkness. And in order to continue to help him I would suggest an amendment to this particular motion asking that a Committee of three members be set up from this House to canvass or whatever is necessary to be done to determine the type of books which could be considered to be obscene and to submit such lists to the Attorney-General or to the Executive Council or whoever it is that sees about this under the Law. I know that it has been done in the past because I do recall seeing a notice come out some time ago saying that such and such books had been added to the prohibitive list, so I think that if we add an amendment like this to the motion which has been placed by the First Elected Member from George Town and so ably seconded by the Second Elected Member from West Bay, I think it would be of some help at this time in our deliberations, so I would respectfully submit an amendment that a

MR. JAMES M. BODDEN (CONTINUING) Committee of three members to canvass and research to determine what books could be banned under the present law and to submit such list to the appropriate authorities requesting immediate action. Thank you.

HON. G. E. WADDINGTON: Mr. President, Honourable Members, I must confess some sympathy with the Lady Member who proposed this motion, moved this motion as on her own admission she had never read any of these publications which she alleges to be obscene and so is really proceeding under the basis of what I might call, second-hand information or hear-say evidence and I am quite sure that had she been able or had she read some of these publications that she would have moved the motion in a much more vehement manner, because I have no doubt, Mr. President and Members that there is to be found in the shops in Grand Cayman on the book shelves a number of publications which perhaps could be deemed to be obscene.

However, Mr. President and Members, I think that there is a bit of confusion here in the manner in which this motion has been moved and even in respect to the amendment which was suggested by the last speaker. The motion as moved, originally moved, asked that steps be taken by Government to have such books, the books that were mentioned in the preamble, such books and/or magazines banned and added to the list of prohibited publications. Now I don't know from what the mover of the motion said in the debate what list of prohibitive publications she was referring to. The last Speaker referred to a law which his industry had discovered and I think he referred to the Obscene Publications Law, if I am quoting correctly, but under that Law, Mr. President and Members there is no power to place any book on prohibited list.....

MR. JAMES M. BODDEN: Mr. President, on a point of correction, I did not use this particular law in trying to put anything forward under this Law, Sir, I was just using this law to point out that there was some relevancy in regards to the motion before the floor as it had been considered as a law back in 1927. I am quite aware of that, Sir, I mentioned there was nothing specific under this Law detailing how anything could be done and I would appreciate if the Honourable Second Official Member, as the adviser to this Assembly, would tone down his remarks, Sir.

HON. G. E. WADDINGTON: Mr. President, I am sorry if I have misquoted the Member, the First Elected Member for Bodden Town, but could I have the amendment that was proposed read because if I have misunderstood the amendment I am prepared to apologise at once.

MR. PRESIDENT: Would you please give your proposed amendment in writing to the Clerk?

CLERK: The amendment proposed set up a Committee consisting of three elected members of this House to canvass the book stores and make a list of such literature or do whatever is necessary to determine what books, writings or publications could be banned from importation to our Islands and to submit such lists to the appropriate authorities for immediate action.

HON. G. E. WADDINGTON: Mr. President and Members, I thought I did interpret the Member correctly and I repeat, Mr. President, that there is no provision whatever under the Obscene Publications Law for the banning of any books.....

MR. JAMES M. BODDEN: Mr. President, on another point of order, Sir, I have not used this in any respect - there is no schedule attached to this law under which I could bring such a motion, Sir..

MR. PRESIDENT: But the Honourable Attorney-General is not referring specifically to the Honourable Member's speech at all, he is giving an interpretation of this Law and saying that there is no provision under it to ban books, but he is not referring to the Honourable Member's speech. He is interpreting this piece of law.

HON. G. E. WADDINGTON: The point I am trying to make, Mr. President is that the amendment as it stands could achieve no object because there is no power under the Obscene Publications Law for the banning of obscene books.

I think that the mover of the resolution the Lady Member was perhaps referring to the powers which are possessed by the Governor in Council to make an order under the Undesirable Publications, prohibition of importation Law, which is chapter 177 - prohibiting the importation of the books and magazines to which she referred.

Now under that Law Mr. President and Members the Governor in Council is empowered to make an order prohibiting the importation of any publication which, in his opinion is contrary to the public interest but in order to make such an order it would be necessary to name the particular publication in the order with sufficient particularity as to enable it to be positively identified. the matter doesn't end there, Mr. President and Members, because the Undesirable publications law merely deals with publications of the nature of seditious or subversive publications or publications dealing with matters like witchcraft and other matters and does not deal with obscene publications which comes, peculiarly under the Obscene Publications Law.

Now the only authority to determine whether a matter is obscene or not happens to be the Court. Obscenity is a very difficult thing, as was pointed out by the Second Elected Member for Bodden Town - it is a very difficult thing to determine and what one tribunal may hold to be obscene another perhaps on appeal may hold to the contrary. Indeed the Lady Member for George Town referred to certain pictures which she had seen of nude women. One has only to go into some of the best museums in the world to see pictures of nude women which are hung there because of their artistic beauty and it depend really on the eyes through which some pictures are viewed, and so it is a very difficult matter, in some cases, to determine what is obscene or what is not and so the obscene publications law leaves that to be determined by the Court and in my view there is now ample provisions in that law for any member of the public to test any matter which such person might consider to be obscene and if the member of the public does not desire to do so themselves all they would have to do would be to report any particular publication or book to the Commissioner of Police and let him take the necessary steps in having a warrant issued to seize the particular publication and have it brought before the court for its obscenity or otherwise to be determines. It may be that after that exercise has been done and if a Court ruled that the particular publication is in fact obscene, then it could be said to be contrary to the public interest to have it imported and in that case, after those procedures have been done, it could perhaps be possible to add such a publication to the list of undesirable publications under the latter law. But the point is, Mr. President and Members that as the original motion stands it leaves us a bit in a vacuum because what it is seeking to do is to have the

HON. G.E.WADDINGTON: Government take some steps (I don't know what the steps will be) perhaps to send around an officer of Government to all the book stores to check on these publications and to decide whether or not they are obscene, which of course is something that he could not do, because as I have said before the arbiter or obscenity happens to be the Court and so, Mr President and Honourable Members, it would seem to be that it would be quite impossible, as the motion stands, and indeed even as the suggested amendment stands, that if this motion was passed, to implement it.

I have been asked Mr. President and Members by the Second Elected Member for West Bay to propose a resolution that the books "Pent House", "Playboy" "Playgirl" "exorcist" and any such publications of this nature be so banned and put on the list, but as I have explained before Mr. President and Members I don't know anything about these books. The Lady Member who moved the motion admitted not having read them - I can't for myself say whether these books are obscene or not, indeed it would not be for me or anybody else to say that they are obscene, it would be necessary for a test case to be made by someone applying under the Obscene Publication Law for a warrant to seize these books and to have them brought before the Court, and if the Court ruled, after hearing the case, that any of these books, are, in fact obscene, then of course different considerations would apply and at that stage steps could be taken to have these books put on the Prohibited list in the Undesirable Publications Law. But I could not, at the present time, move such a resolution and as I have said, I could not for one support either the motion as moved or the amendment because it would be just virtually impossible to implement it at the present time.

MR. JAMES M. BODDEN: On a point of reference, Sir, or a point of order, not really order, but I need some clarification, Sir. I wonder if the Second Official Member could give it to us because things of this nature have been dealt with before under another law that we have and we have the list of books here that have been banned, and some of these, Sir, seem to be books of the nature of which we are discussing - not books that are just being banned because of sedition. In the law here I cannot find anything that says that its only books of a seditious nature that can be banned, it says something about the public good and there are books here such as "The Mask is off", "Spicy Defective", "Soviet Woman", "Bohemian" "Home Life Pictorial" and so forth - I mean my imagination could lead me to think it could be something other than a seditious nature. And I wonder whether we could get clarification from the Second Official Member on that, Sir?

HON. G.E.WADDINGTON: I would give some clarification if I could have the document from which the member for Bodden Town is reading.

MR. JOHN D. JEFFERSON: I wonder if it would be in order for us to suspend the House, say, for five minutes or ten minutes in order to be able to deal with this matter?

MR. PRESIDENT: I think the position is that there is a motion before the House, the motion is still open for debate, there is a proposal for an amendment which has not yet been seconded - I think that if the Honourable Attorney-General would like time to study his legal precedents I am quite prepared to suspend, but if he is ready to deal with the matter now, I think we can continue the debate.

HON. G.E. WADDINGTON: Mr. President, the document which has been handed to me is an Order which was made under the Undesirable Publications Prohibition of Importation law and amongst the list of documents which have been banned there, there are four items which have been circled by the Member, I take it, for Bodden Town in a long list of publications and one is the "Mask is off" published by Thames publications, "Spicy Detective" published by Culture Publications Incorporated of Wilmington, Delaware, "Soviet Woman" and "Bohemian". Well, I am quite unable, without seeing those publications, to say whether, first of all, they come within the purport of the Undesirable Publications Law. that is to say publications which are of a seditious or SUBVERSIVE nature or dealing with things like Obeah and witchcraft. It may very well be that "Spicy Detective", for instance, is the only one that I could say perhaps sounds as if it could be something dealing with obscenity, I just don't know, but it could be that that got on the list after having been declared in some way or other, if it was in fact indeed obscene - I am unable to say.

What I would like to say, Mr. President and Members, is that I have a great deal of sympathy for this motion and if it is possible, in some way, to have it amended so as to make it capable of implementation I would be very happy to suggest an amendment but I would need some time to do so, but I would again affirm that whatever might be on this list "Spicy Detective" or not it is my view that the Undesirable Publications Law, which was a law that was passed in 1940, I think it is.....

MR. PRESIDENT: I think in view of the complexity of this matter it would be wise to suspend for ten minutes....

HON. G.E. WADDINGTON: I don't think it is necessary, Mr. President, I am just making the point that in my view the UNDESIRABLE PUBLICATIONS LAW was designed to cover matters other than obscenity and the OBSCENE PUBLICATIONS LAW is the law which deals with obscene publications and that in my view, a matter that was obscene would have to be determined so to be by the Court before it could be placed positively in an Order under the Undesirable Publications Law.

Mr. President I am grateful to the First Official Member for suggesting that this House earlier on in the week, I think, appointed a committee to go into the matter of cinematograph films and may be the terms of reference of that committee could be extended to consider and make recommendations in respect of matters which the Committee might consider to be obscene, and that might be a way of amending this motion to make it effective.

MR. PRESIDENT: Is that not rather the terms of the suggested amendment that the Committee of three, I think, has been mentioned should be set up, perhaps the two committees could be coalided but...

HON. G.E. WADDINGTON: Yes, that could be so on a proper amendment of this Motion, Mr. President. if I was given a little time, Mr. President, I could perhaps draft a suitable amendment to the motion.

MR. PRESIDENT: In that case I think I will suspend for five minutes to allow this to be considered.

HOUSE SUSPENDED FOR FIVE MINUTES



HOUSE RESUMED

MR. PRESIDENT: Please be seated. Proceedings are resumed.

HON. G. E. WADDINGTON: Mr. President and Members, I'd like to formally move an amendment to the motion before the House by deleting the resolve section and substituting the following -

"BE IT RESOLVED that the Committee which was set up by this Legislative Assembly to consider the question of the showing of Cinematograph films be requested to consider this preamble as well and treat it with urgency with the like powers to call for persons and send for papers and to report back to the Legislative Assembly its findings and suggestions for any action which it considers necessary to be taken in the matter".

HON. D. V. WATLER: Second.

HON. G. E. WADDINGTON: May I might just one slight amendment instead of "which it considers necessary," "which it may consider necessary to be taken in the matter".

MR. PRESIDENT: An amendment has been proposed to this motion after the preamble to the original motion standing in the name of the Honourable Lady Member, that the resolve section be deleted and the following be inserted -

"BE IT RESOLVED that the Committee which was set up by this Legislative Assembly to consider the question of the showing of Cinematograph films be requested to consider this problem as well and treat it with urgency with the like powers to call for persons and send for papers and to report back to the Legislative Assembly its findings and suggestions for any action which it <sup>may</sup> consider necessary to be taken in the matter".

As this is a formal amendment I shall allow debate if Members so wish, on this amendment.

MR. JAMES M. BODDEN: Mr. President, I am a bit surprised that it has taken us so long to get an amendment which, basically, is the same amendment which I had placed before the House before the adjournment. But the only significant difference is that we are asking that we have the same Committee do it that was handling the other affair.

Now, Mr. President, I can accept gladly a political game being waged by the elected members of this House, because that is our business and our profession as politician, but it is quite difficult for me to accept it when it comes from the Official Bench of Government and I humbly submit to this House Mr. President, that this is not the first occasion this has happened. Ever since my colleague and myself have taken our seats in this Assembly, there has been repeated attempts by the Member I am speaking about to cast reflections on just about every motion and anything we have ever quoted here in regards to a law. Neither my colleague or myself happen to have any legal knowledge - we are as ignorant when it comes to law as any man you will find on the street, but thank God, I do not believe that we have been proven wrong once yet in this House in the things that we have brought that have been tried to make us out as fools. There were several attempts to place the amendment in the wrong light ....

MR. PRESIDENT: I think I must ask the Honourable Member to speak to the amendment rather than the procedural

MR. PRESIDENT (CONTINUING) aspect of it.

MR. JAMES M. BODDEN: In order to do that, Mr. President, it was necessary for me to build a case as to say why I do not think that the amendment, in its present form, would be suitable to the House.

Mr. President, neither of these laws were being spoken of in regards to bringing any of these motions or amendments under them, and I am sure that one of the laws could have been found that it could have been brought under. The motion that I previously submitted, or the amendment to the motion that I previously submitted only asked that this committee be set up to study what books or periodicals or so forth could be determined as obscene and to report back to the appropriate authority. I admitted that I did not know what the proper authority would be, there so therefore that is the reason I have changed my motion from the first time that I presented it to the House because I think I had said Executive Council. In the second amendment I said the appropriate authority, and this might appear as a small matter, but it has great significance and, Mr. President, this matter should be dealt with with responsibility and it should be dealt with under whichever law that appropriately it can be handled under. In my humble submission as a layman probably the first mistake that was made was that the First Elected Member from George Town did not bring the motion asking for a schedule to be attached to the Obscene Literature law, or Publications Law - may be if that had been done all of this confusion could have been averted in the first place.

I stand behind the motion that was placed to the floor for debate. I would like to see it go through - I would like for this House to adopt something, I do not know yet what it is, but I cannot see any significant reason for the second amendment which has been placed before the House. Therefore, I am not withdrawing the amendment I previously placed and I would vote for the motion at this point even if there wasn't an amendment to it. I thank you, Sir.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I was very sure when I proposed this motion that there would be a lot of controversy, because, let us be realistic about it - good things are not appreciated in this day and age. I have heard certain members in this House say that eternal life is one generation begetting another - that's their idea of eternal life - man is a resident in a better country. Well, I am very sure, Sir, that this thing has been misunderstood. I am very sure that people don't want to check evil - they would rather see this island go to H E L L fast, I am making no exceptions.

This Undesirable Publications law says in section 3 (1) "When the Administrator in Council is of the opinion that the importation of any publication would be contrary to the public interest he may by Order prohibit the importation of such publication". Now I do not profess to be any qualified legal mind - I profess to be a good common-sense woman, and I am saying, Sir, that those of us who believe that our Islands should have some standard whereby to live will not be satisfied to have our school library stacked with all kinds of books, and neither would we be satisfied to have them for sale.

I remember, it must be about two years ago, may be eighteen months, the very Ministers were so concerned about these books that they went from shop to shop and those who

MISS ANNIE H. BODDEN (CONTINUING) were good enough to stop the importation, stopped it, those who were vicious to get money kept it up. Now, it doesn't matter to me personally - I don't read any of these books so I don't know their contents or anything, but when Legislators, confronted with people who are interested in the youth of our Islands asking that something be done, I don't think there should be this mountain made out of it. Personally, I am prepared to withdraw the resolution any minute, because I must say that we are getting to a stage now where we don't know the difference between good and bad, and bad is always upheld, and good put down.

I am very sure, Mr. President, that if we hadn't the class of legislators that we had say twentyfive or thirty years ago, there wouldn't be any question - they would accept it that we must do all we can to prevent evil from spreading, but now all you want to get people come here who corrupt us, people who come and waste depositors' money - all kind of people come here and now, if children are allowed to read about bank robberies, and this and that and the other thing, to corrupt their minds, what will we expect in the next fifteen years from today? I might not be alive, but somebody will suffer and I am very sure that it won't be anybody that Annie Bodden has to suffer, because I am a lone woman.

I resent this display that goes on in this Assembly - after all I am not being a party to go searching out the books that are no good. In the Cinematographic one, not one on the opposite side, I call them would assist, they left "Oh, let's get it on these, so we can get them out of the Assembly". That was the attitude, but I am not prepared to accept anything less than what I ask for. I am willing to withdraw it any minute. Thank you, Sir.

MR. G. HAIG BODDEN: Mr. President, I cannot accept this amendment. It seems to me to be taking the easy way out. It would be a herculean task for one committee to undertake both jobs.

This amendment requests the Committee that was set up a few days ago to also undertake the investigation of the Obscene literature. As a member of the former committee it would have no alternative but to resign from that committee, if this job is also thrust upon the Committee.

The original motion seemed quite good to me, despite a little opposition to it, but you have to remember that where you have more than one person, you are likely to get disagreement, so one person or two members' objection, which is all I have heard so far, should not stop this House from going through with the original motion, even if the original motion was far-fetched. But I don't consider that it was far-fetched, and I cannot support this amendment. If the amendment was setting up a new Committee to deal with this, I might look on it in a different light.

I do not like to hear the Lady Member say that she is willing to withdraw this motion - I should say she should put this motion to the test. I'll go along with her in voting for the support of this motion, then when the motion is carried the onus will be on Government to take whatever steps are necessary as the motion says, to deal with this matter. Then Government can go about it in whatever way it feels is best. At the present time I have to voice my disagreement with this amendment and will definitely vote against it.

CAPT. A. A. REID: Mr. President and Honourable Members, I support the motion and I am very much in sympathy with it from all angles, but there is one thing about it - to bring a motion

CAPT. A. A. REID (CONTINUING) you must have a specific charge. Now I know for sure that there are many, many books that I really wouldn't want to see come here, and, as a matter of fact, I was going to suggest, Sir, that we appoint the Honourable Second Elected Member for Bodden Town to name some of them, because I know he has read most of the dirty ones, and I would undertake to name some of them, too. For instance, the Happy Hooker is quite a book and everyone that she has written. She has just written one I haven't read it yet, but it was coming out - I think it is out now - you can buy all of them in Jamaica. I wouldn't really like to see those books here, but, as I have said, there must be a specific charge. Now if I didn't support here I would be a hypocrite because nobody has been more vociferous in condemning the Cinema, especially the one at West Bay Road, than I have been. Well, that's because that is the only one that I attend, I have never been to any of the others, but if I am on that Board I would certainly object to any picture that was indecent being shown in any theatre.

Now, it is quite a difference, though when we think of the Cinema, because there is a specific thing you are seeing a picture that is vulgar in every sense of the word, the filthy language that is being used there, blaring out on a loud-speaker, where everyone hears it, and outside you can hear it, it is embarrassing and that is something you can condemn because the locus and co is there to condemn, but how can you ask the Government to condemn books that may be in Hampstead store, the little novelty store down at the anchorage, you must name the thing, and so I don't know if I could condemn the amendment to this motion - I think I could go along and do go along with it, and I don't know what the others are thinking about, whether they are afraid that the youngsters may withdraw their vote from them if they don't permit them to read this dirty books or whether - I don't know what political angle there is to it but I don't mind being on the board - not at all.

I have been vehement in my condemnation of the Cinema, I think it is the most vulgar picture I have ever witnessed in my life I saw at that show and, as one member said, the Godfather was forbidden in Jamaica, but now I know I saw that here and that really wasn't a dirty picture - it was a wicked, cruel picture I call it and had some touch of the - well all the cruelty you get from the Mafia which is bad medicine in this day and age for Jamaica and I can see the reason for them, good reason too for them condemning it. You know everybody knows what it was like when the man didn't do the right thing they took vendetta on him, they cut his horse's head off and put it in the bed and that's the Mafia's procedure and I don't think Jamaica wanted to get any more of the Mafia in there than they have with the ganja business....

MR. PRESIDENT:

I think we are discussing books.....

CAPT. A. A. REID:

but the book I would recommend for us to ban completely from Cayman is the Happy Hooker that came out two years ago and the one last year, the Happy Hooker too, but I don't know the name - it had a hyphenated title and any book by the Happy Booker you would be very safe in banning because I have never read anything so filthy in my life. I thank you, Sir.

MR. JOHN D. JEFFERSON:

Mr. President, I would use a quotation here that I have used many times, I believe it is correct and that is by the late John Foster Dullus after the fall of French Indochina said - "Victory has been won from lost battles".

MR. JOHN D. JEFFERSON (CONTINUING) I rise, Mr. President, in appreciation for the amendment on the floor and I simply want to say this that we do not want to bring or have any motion voted on in this Legislature and go out later and find out that it is sufficient enough to do the job that we intended it would do. Since there is and there has been a Committee set up to deal with the cinematographic films I can see this could be a broadening of the Committee and it would be well-worth this effort, as far as I am concerned.

You see, I feel that victory in this is within our grasp and I am a man that when I am within the goal lines it takes a lot of things to deter me because I am sure that the goal that we are fighting for here is the morals of our country and it is well-worthy any fight that we have to put up to do it.

I look at the problem a little different, may be, but it was just about the time that I sat down when I realised that even in the motion we had, we had a motion that no doubt could have been passed, and would have been passed but yet nothing specific, no specific names were named and yet the Second Official Member tells us that under the present law we wouldn't be able to get it done, wasn't sufficient. Well, I have to trust the legal advice of other people, because I am not that legally-minded myself. The only thing that I want, Mr. President, and to be quite honest about it as far as this is concerned, is to get what we are asking for and that is to be able to find a way of being able to stop the publication of these books in these Islands.

I would ask Members lets remember that anything that is worthwhile costs us something. No price is too high to pay for the morals of any country if we can save them. We are adult folks - I think the motion here gives us a chance to salvage the ship, I believe we can, I think we will and I would ask everyone of us - lets set aside everything, close the ranks, and lets say that we are going to win this battle.

I certainly appreciate the effort being made by the Second Official Member to help us to be able to salvage this motion and, Mr. President, I certainly want to ask Members lets cast aside every difference because we can't afford not to win this battle - we have done quite well on the cinematographic films that we have been objecting to, we had unanimity of members in regards to that; the illegal sale of liquor youngsters under 21, I think we have enough to be proud of. Well, I don't want to stop half-way. I play for all and that's what I think we are playing for this afternoon - we are playing for all or nothing, and I believe that every effort should be made by everyone of us - and lets let everything ride - let it work itself out in the wash, but lets salvage this motion and I commend the amendment to members and ask for their whole-hearted support because the job that we are doing won't be measured in dollars or material things but it will be measured in the things that never pass away. Thank you very much.

MR. G. HAIG BODDEN: Mr. President, I just want to second the first amendment that the Clerk read - this was over-looked.

HON. G. E. WADDINGTON: Mr. President and Members, in view of the remarks which were directed at me by the First Elected Member for Bodden Town, I think I should say, for the benefit of members that I am by no means a politician, I'm lawyer and I am here to advise this House to the best of my ability, and

HON. G.E. WADDINGTON (CONTINUING) I should like to assure the House that there was no political motive whatever behind my not being able to accept the amendment proposed by the Member. My sole reason for not being able to support that amendment was the fact that the motion stated that this Committee should submit the books which it considered could be banned to the appropriate authority to take immediate action - immediate action.

Now, Mr. President and Members the appropriate authority under the Undesirable Publications (Prohibition of Importation) Law is the Governor in Council, and I think it would be most improper for any resolution to say that the Governor in Council should take immediate action on the opinion of the Members of the Committee. In the final analysis it will be for the Governor in Council to decide whether, in his opinion, the importation of the particular publication would be contrary to the public interest and it could very well be that even despite any recommendations of the Committee it might not so be considered by the Governor in Council and so that was my sole reason for not supporting that amendment.

MR. PRESIDENT: Well, I shall put this to the vote now, that the words of the original motion, secondly there is an amendment moved by the Honourable First Member for Bodden Town and seconded by the Second Member for Bodden Town and thirdly, there is the proposed amendment which has been moved by the Honourable the Attorney-General and seconded by the Honourable Chief Secretary. Now I shall first <sup>put</sup> the question that the words of the question stand as in the original motion, if that is agreed both amendments fall away and I ~~then~~ put the question as in the original motion: if that question is negatived we then proceed to the amendment by the Honourable First Member for Bodden Town which I shall then read out; if that falls away we are left with the second amending motion which I shall also read out at that time.

QUESTION THAT THE WORDS OF THE QUESTION DO STAND AS IN THE ORIGINAL MOTION.

MEMBERS: AYES AND NOES.

MR. PRESIDENT: I think the NOES have it.

MISS ANNIE H. BODDEN: I'd like a division, Mr. President.

HON. W. W. CONOLLY: A division - no...

DIVISION

AYES

NOES

Hon. D. V. Watler  
Hon. G. E. Waddington  
Hon. T. Foster  
Hon. W. W. Conolly

MR. JOHN D. JEFFERSON: I abstain.

Miss Annie H. Bodden

Mr. Claude Hill

MR. JAMES M. BODDEN: Abstain.

Mr. G. Hig Bodden

CAPT. A. A. REID: I abstain - I don't even know what we are voting for now: there are so many conditions to it that I know I am not going to be any policeman, I am not going to any store to check the books. That would be political.

TWO ABSTENSIONS.

MR. PRESIDENT: The question is defeated and we proceed next to the first amendment. Now the first amendment is as set out the preamble is as set out as in the original motion and the resolution section of the amendment reads as follows -

"BE IT RESOLVED that Government set up a Committee consisting of three elected members of this House to canvass the book-stores and make a list of such literature or do whatever is necessary to determine what books, writings or publications could be banned from importation to the Islands and to submit such list to the appropriate authority for immediate action."

QUESTION PUT ON FIRST AMENDMENT:

MEMBERS: AYES AND NOES

MR. PRESIDENT: I think the noes have it.

MR. JAMES M. BODDEN: Could we have a division, Sir?

DIVISION

AYES

NOES

Hon. D.V. Watler  
Hon. G.E. Waddington  
Hon. T. Foster  
Hon. W.W. Conolly

MR. JOHN D. JEFFERSON: Abstension

2

5

ABSENSIONS: 3

MR. PRESIDENT: The first amendment is defeated and we proceed to the motion as amended by the Second amendment proposed by the Honourable Attorney-General. The resolution section would now read -

"BE IT RESOLVED that the Committee which was set up by this Legislative Assembly to consider the question of the showing of cinnetograpj films be requested to consider this problem as well and treat it with urgency with like powers to co-opt persons and send for papers and to report back to the Legislative Assembly its findings and suggestions for any action which it considers may be necessary to be taken in the matter".

QUESTION PUT ON SECOND MENDMENT:

MEMBERS: AYES AND NO

MR. PRESIDENT: I think the ayes definitely have it this time.

THE MOTION AS AMENDED BY THE SECOND AMENDMENT WAS PASSED.

M ES ANNIE H. BODDEN: Mr. President, and Members of this House I give immediate notice that I resign from any committee

MISS ANNIE H. BODDEN (CONTINUING) about the cinematograph law -  
right away.

MR. G. HAIG BODDEN: Mr. President, I'd already announced my  
intention, I just want to confirm it that I resign from the  
cinematographic committee.

MR. JOHN D. JEFFERSON: Mr. President, I won't run out - I will  
stand right by them.

MR. PRESIDENT: That concludes business on the order of  
the day.

ADJOURNMENT

HON. D. V. WATLER: Mr. President and Honourable Members.  
I beg to move that the House adjourn until 10 o'clock tomorrow  
morning.

HON. G. E. WADDINGTON: I beg to second the motion.

QUESTION PUT:

MEMBERS: AYES.

MR. PRESIDENT: The ayes have it.

AT 5.27 P.M. THE HOUSE ADJOURNED UNTIL THE  
21st of MARCH, 1975 at 10 a.m.



FRIDAY, 21ST MARCH, 1975

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL, CBE. - PRESIDENT

GOVERNMENT MEMBERS

Hon. D.V. Watler, OBE., J.P.	First Official Member
Hon. G.E. Waddington, CBE., QC.	Second Official Member
Hon. Trevor Foster	Member for Lesser Islands Co-ordination and information.
Hon. W.W. Conolly, O.B.E., J.P.	Member for Lands and Natural Resources Tourism and Agriculture

ELECTED MEMBERS

Mr. John D. Jefferson	First Electoral District, West Bay
Miss Annie H. Bodden	Second Electoral District, George Town
Mr. Claude M. Hill	Second Electoral District, George Town
Capt. A.A. Reid	Third Electoral District, Lesser Islands
Mr. James M. Bodden	Fourth Electoral District, Bodden Town
Mr. G. Haig Bodden	Fourth Electoral District, Bodden Town
Mr. Craddock Ebanks	Fifth Electoral District, North Side

ORDER OF THE DAY

FRIDAY, 21ST MARCH, 1975

1. CONFIRMATION OF MINUTES OF MEETING HELD ON 20TH, 21ST, 22ND, 25TH, 26TH AND 27TH NOVEMBER AND 6TH DECEMBER, 1974.
2. MOTION BY MR. CRADDOCK EBANKS FOR DEBATE ON THE THRONE SPEECH GIVEN BY HIS EXCELLENCY THE GOVERNOR.
3. DEBATE ON THE THRONE SPEECH.

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FRIDAY, 21ST MARCH, 1974

10 A.M.

MR. PRESIDENT: Please be seated.  
Proceedings are resumed. Before we begin this morning's order of the day, it has been reported that some members of the general public are using parts of the House which are set aside for members of the Assembly. And I would like to make it quite clear that the Sergeant-At-Arms has full authority to enforce the rules appertaining to this Assembly Building.

MR. JOHN D. JEFFERSON: Thanks very much, Mr. President.

MR. PRESIDENT: We'll proceed to the first item on the agenda - the orders of the day.

HON. D.V. WATLER: Mr. President, I beg to move the confirmation of minutes of the Legislature, held on the 20th, 21st, 22nd, 25th, 26th and 27th November, and the 6th December, 1974.

SECONDED BY HON. G.E. WADDINGTON

MR. PRESIDENT: It has been moved that minutes of the meeting held on the 20th, 21st, 22nd, 25th, 26th and 27th November, and the 6th December, 1974 be confirmed.

QUESTION PUT: AGREED. MINUTES CONFIRMED.

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I see on the order of the day a debate on the Throne Speech. I don't know if I am in the right procedure with standing and speaking at this present time without you announcing the debate. Am I in the right procedure by standing to debate on the Throne Speech without your -----

MR. PRESIDENT: I think perhaps that the motion should be removed by the Honourable Member from North Side, before members speak.

MR. CLAUDE M. HILL: Ok Sir, I'll make him speak.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, I moved that the debate on the Throne Speech given by His Excellency the Governor on Tuesday Morning the 18th March, 1975 be taken at this time.

SECONDED BY MR. CLAUDE M. HILL.

MR. PRESIDENT: Now the motion is now open for debate.

MR. CLAUDE M. HILL: Mr. President and Honourable Members of this House - as this, Mr. President, it is the first Throne Speech delivered to us in this Chamber. I compliment you on your delivery. You have executed a duty for your short time here, I must say, very excellent. You have shown a special form of dignity which will always be remembered. We were once called "The Island that time forgot," and then your predecessor called us "The most fortunate Islands." Now, I say we are very fortunate to have someone like you to represent us as Her Majesty's representative.

You started the Throne Speech by stating that the Executive Council and the Assembly had form/a rhythm in despatching their business, and having an output which was creditable. But Sir, with you and your help I would say, made it much happier and healthier.

Mention was made by you of paving your course or picking your course like a mariner, and I would say that you have used your sextant as you mention, the log and the nautical Tables to see exactly where we are in this Month of March, 1975.

MR. CLAUDE M. HILL: (CONT'D): Your time here, well Sir, has been very short, and you have so far shown signs of a good Government, and its people who help <sup>ed</sup> form the Government is quite contented to help.

Bealing on communication, Works and Public Transport. These are one of your first mentions. It is quite true a number of projects here were completed in the year 1974. A larger scale of projects are hoped to be done in the year 1975. It is very gratifying to learn that a clinic had been completed in North Side, although the building all started by a mistake that it was built to serve for something else, but now it is being used as a clinic which is most needed in that district. A Home Economics block was added to the Cayman Islands High School and additional classroom facilities were added to the Cayman Brac High School, and an infant block completed at East End. A new air-freight shed was completed at the Owen Roberts Airport, and the police were brought up to standard with radio and other essential equipment. The laboratory building for the Natural Resources Study was also completed in 1974.

The study of reefs, corals and marine life in our Islands is something very essential with our future development in the Islands. And I would say that those that were engaged in this will determine whether the study will produce the answers required by our Government.

The Mosquito Research next, seems to be having problems because of the oil crisis. I am sorry to learn that 5% of our current budget is being involved and absorbed. There was also taken on and a Civil Engineer was recruited in 1974 for this department. I hope that with his help that we can find some means to control mosquitoes, seeing that this oil crisis is partly the hold up with the campaign on mosquitoes.

Now, on agriculture. You stated we have a new head of department of Agriculture has been appointed, and a small increase in staff and the renovation of the building which he occupies - let us try and get some encouragement for I have always said this, and will continue to say this, any country that cannot provide something from its soil because the cost of living could be very high.

In looking at animal husbandry, one at least can see where the cost of slaughtered meat could be put down. Although at present, slaughtered meats that are raised in the Islands are bringing a price equivalent to the prices or compared with the prices of foreign meat or imported meat.

Dealing on Tourism again. We established a department of Tourism in 1974. We learn from your Throne Speech that all Tourist facilities with more than six beds are now subject to an annual inspection and licensing. Yesterday we dealt on a matter in regards to people being drowned and coming into the Island by diving or accidental death in the sea, which most of them are tourists. And I would think that under the tourist department something could be done. In the registration of qualified men particularly divers, or whether they must take a qualified diver or not - or a guide. We learn that promotional programmes have been revived and reservation services has been established in Miami to replace Hotel bookings by travel agents. I don't <sup>know</sup> if this is the right way to look at it, I am no expert. We have neighbouring countries - Islands I would say, which have much more to offer than we have, and are offering more. They are our competitors, and its no use hiding on the fact, competition is good in many respects and it will always be competition in any business you go into regardless of what nature it is. But let us tighten our belts and see what other countries are doing to encourage visitors to their shores.

On the Cadastral Survey, I go, and I see where progress was made, "but" and a big "but", I don't know how far we

MR. CLAUDE M. HILL: (CONT'D): will go and continue in the progress when we reach certain areas of this Island.

Dealing on Health, Education and Social Services. The special courses for teachers are being provided for in the upper storey of the Secondary Modern School building. The High School has benefitted from the expansion of facilities. I see where we have 1,161 on the roll and 77 teachers excluding the new Principal and his supporting administrative staff. At the same time I see where we have 37 and two-third per cent of the primary school population, in private schools. This leads me to wonder what percentage of the attendance are Caymanians, as this seems to be growing concern.

It is very gratifying to learn that the ratio of the staff to the population compares favourably with other countries of the region. It is also gratifying to know that Caymanians are doing well in medicine and nursing etc. But, it is also distressing to hear that the department that collects garbage, which could stand much improvement. As much of the garbage is not collected on the day specified, a notice or a circular is posted or sent out to the people. If on a Wednesday you placed out your garbage and the garbage collectors do not come until next next Wednesday, you have to pick the garbage up yourself three and four times for straying dogs and different things. It is a disgrace to see the area in which people live sometimes by the garbage not being picked up.

On National Council and Social Services, I have nothing to say on that other than good luck, and I hope for a good future.

On the Lesser Islands an information --- Government and through private assistance a road progresses across the Island has got well on the way. This reminds me much of what took place when they wanted a Hospital. But, looking back, the air field in Cayman Brac has been held up through lack of crushing machine, which is required for fill. On the Lesser Islands or Cayman Brac I should say, teachers cottage partly completed I see, and the High School extension finished. It is very distressing to learn that the airport at Little Cayman was closed to the DC3 operation. I am aware that precaution must be taken, this has been closed from the 31st December, 1974 just because of inadequate fire-fighting equipment and brush I would say, it needs just cutting. It seems like it took quite a long time to realize that these conditions existed in Little Cayman Brac. It took quite a while for people to realize the danger they were in, by flying the DC3 in Little Cayman. But I hope that this will soon be reopened. Now, I see the information service seems to be in trouble to get printed matter done, or their printing done. The annual report for 1973, which I understand was printed overseas has not yet been received here, but the report done here, the local printing of the 1974 report which is at <sup>an</sup> advanced stage of preparation, but 1973 report which is being printed overseas has not been received as yet.

Speaking on the Finance <sup>and</sup> Development, we have had a loan of CI\$3.2 million made to us from six local banks, to cover the new administrative block and the road programme. It is well said by you, Mr. President, that we the Cayman Islands are riding well with the financial seas of the current times. I see on the development plan, a new director of planning was appointed, and two highly qualified United Nation Advisers joined the Financial Secretary's team. I hope that they will also help us to take us through the troubled waters and be of some help, with the know how.

Dealing on External Affairs, Police and Civil Service. I notice where a decision had been made to remain an Associate in the European Economic Community. This, being a good thing which will make the Cayman Islands eligible for aid funds. But, as the decision to withdraw can be something like five years, one daresay how we can commit ourselves.

MR. CLAUDE M. HILL: (CONT'D): The Police Headquarters during the year of 1974 opened its new headquarters. With British technical assistance funds allowed the appointment for a training officer, a traffic officer. The recruitment into the police force, I would say that the standard has not been made better, with all aspects and all respect to the police force. It is also gratifying to learn that the prison service is now separated from the police.

It is quite true that the Civil Service has an increased amount of work as the Cayman Islands progresses. We learn of an increase from 556 to 620 at the beginning of 1975. Some 64 officers are serving from the United Kingdom, including those on Technical Assistance, and 100 are from other parts of the Caribbean. And that a United Nation Adviser in Public Administration has been a great help.

We have had two visits of Her Majesty's Ships, we learn of the U.S. coastguard and a French Patrol Vessel. We have a new Governor now, a lot of changes during the year. We also had visits of Ambassadors who served in Jamaica, with offices in Jamaica such as German, United States and visits from the Foreign and Commonwealth Assistant Under-Secretary of State. We also had a senior appointment which included Development Adviser; A Principal for the High School was appointed, a Civil Engineer for the Mosquito Research and Control Unit, a Deputy Financial Secretary which happens to be one of our local boys, I am very proud to see him in the position, and I wish him every thing that is good. We had a National Accounts Adviser, a Director of Agriculture, a Director of Broadcasting and last but not least, the Honourable Attorney-General, Mr. G.E. Waddington, Q.C. was awarded with a CBE. by Her Majesty The Queen. My sincere best wishes goes out to him as he deserves being honoured. He has served us in a capacity, and I would say, very faithfully.

Dealing on the private sectors. We have seen during the last year some of the most serious failures, and I am sure some will agree, some will agree that we've had some of the greatest successes. As far as the private sector is concerned its operation in and around the Cayman Islands - let us hope that the failures will be overcome, by the Government trying to do something in the near future to see that there will be no more recurrences of that matter. The recruiting of a qualified bank inspector which seems very hard to get, but would play a very important roll in banking in the Cayman Islands, seeing what took place recently.

The opening of Supermarkets in the Island has improved. A lot of whole sale buying and retailing, but there can be no control of goods that the Customs has given a waiver on where it reflects on the consumer until a stop is put to those goods that are waived by the Government. At least an invoice arrives here before the goods arrive, and those goods can be controlled by Government without erecting an office or any special office to do that. Those goods can be counted on the fingers of your hand, those most essential goods for every day life.

I also see where we have granted the rights between Miami and Grand Cayman on October to another Airline here. It is quite an improvement in the air service, but in the off session when the rush of the tourists is about over, I am wondering if two Airlines will find enough business to operate in these Islands. Let us not forget that a new broom sweeps clean, but an old one knows the corners.

Dealing on the port development. The Port Development will be awarded, I see from your speech. The cost will be something in the margin of something like C\$3.5 million. But at present we just don't know how much the Caribbean Development Bank will assist us. Let us hope that help will come from somewhere, somehow, as this will be our largest Government project in our History.

As a marine country, most of us sitting here have been to sea, served number of years at sea, I did myself.

MR. CLAUDE M. HILL: (CONT'D): The way of life in these countries is highly depending on sea life. It is high time for us to look in the main way of life by having a good dock built which will be capable of taking ships of a large capacity, which will lower the cost of shipping here, and put more men to work.

The Administration Building will be completed as we learn, by the end of July, which will house many of our Government Departments which will cut the high cost of rent, which is now being paid.

I see where the Broadcasting Studio is making good progress, and when completed will put Cayman on the map. The output from the speech says that it will be 10,000 watts which will give places where Caymanians will be able to flee, which will get to places where Cayman will be placed on the map by radio.

Dealing on roads. Twenty-eight miles road programme has been started. It is good to have roads, but with roads we'll have much more than we want. Roads are necessary, a very important thing, if not abused. When built up to a standard where more speed is developed and will be developed, I am sorry to say that we'll have more deaths, let us hope for the better.

We learn that a water sewerage study began in October, 1974 and a report will be made on this in August of this year.

We learn that phase 2 of the Plan for the Development of the Airport includes a new terminal building, let us all look forward to this. It seems as if sources of aid will ease some of the problems with these priorities which we have in mind.

I touch again on Education and Public Health. In 1975 we will see the completion of a new in-patients ward at the Cayman Hospital and Clinic at West Bay. One thing that bothers me, that Government now is jointly with the Jaycees when once they objected to receive anything given by Clubs. I am subject to correction, These clubs have been making offers repeatedly, now I see they were turn down formerly, now they are being accepted by Government. As I have said, I am subject to correction.

It is very gratifying to see that Health Care Services are being carried out in the Schools, but I see where lots of school leavers that have a certificate that bothers me. This certificate will be given to leavers, and this certificate was given from the Welsh Joint Education Committee. It is this Welsh Examination, but I see where further educational courses will be introduced under the umbrella of a Community College on the Cayman Islands High School site in September of this year. I am only hoping that this leaving certificate in Welsh Examination will be equal to what the G.C.E. was, or how far can you get on that certificate? Can you enter a college or you're just left on the street with a piece of paper in your hand, and you have to go to some other school before you can enter a college. At present we had formerly I should say, we had a G.C.E. which was capable of putting you into college after passing so many O'Levels. It was not necessary for an A'Level pass, but under passing so many O'Levels you could enter anything. I am wondering and I am hopping that this will qualify and be equivalent to a G.C.E.

Nature Study. I hope we will get some knowledge of what to do and not to do, so that our future development can continue back into the dredging field or something - stopping of dredging or tell you you can go on and dredge. Because I think that has played a vital role on the control of mosquitoes here.

The claiming of swamp land. I see where measures are being taken up to purchase further a Hy-Mac 880C. We, during the Finance meeting here, were asked to purchase two of those and we objected strongly to the purchase of two, and gave him grant to purchase one. I don't know if this intends asking for the money to purchase this particular one now or this is the one that has been mentioned that we are pernatting him to buy.



MR. CLAUDE M. HILL: (CONT'D): Again I have to deal a little on Agriculture. I see where we will examine somewhere where farmers' produce can be sold, and an experimental farm will be placed where the public can buy plants and also small farmers can go in and get a purchase. This is very good.

Mr. President, on your Throne Speech I noticed you touched on Tourism again, so I will have to speak a little again on Tourism. I see where a close watch will be kept on the number of Tourist arrivals, and close watch will be placed during the lean Summer months, on Tourism. It seems to be a bother to anyone who caters for tourists in this Island because, at present speaking with Hoteliers and those employed in Hotels they shake their heads and ask what's the outlook, how it appears to you? The reply is very sick, very sad.

I see where the Cayman Islands are now establishing a port of registry, and under the guidance of our Attorney-General I am sure as Chairman of that Committee it will mean a lot to the future of these Islands in many ways, and it could well bring a lot of revenue to the Island when handled in the right capacity, which I know he is capable of doing so.

One of the most important events of the year I understand from your speech, is the Draft Development Plan, which will be made available to members of this House and the Public sometime in April. And it will be then that any objections or any alterations or any comments can be made.

Again, I have to go at the Police. I see where the Police will be improved by the construction of stations placed in East End, North Side and Bodden Town. I say this, a house does not make a home, so it applies to a station, it does not make a Policeman. We will be spending over CI\$6,000 on this operation as far as I see. I see where we will be giving them a recreation hall which I think is necessary, and I hope that the hall will not be abused and become a boisterous place where neighbours will have to complain. As in previous years music on the newly erected place as a police station, pretty new. I see where in six months time it is hoped that technical Assistance fund we will recruit an anti-drug squad. I hope that this squad will consist of men impartial, not because of cousin so and so or aunt so and so but execute their duties accordingly.

Dealing on the Golf Club. I see where we established - and Mitchell's Creek Gardan will go ahead with the project, I wish them all luck. Anything pertaining to where labour is concerned will be of great help for people - men who work in these Islands. You said also that it could be new land marks in George Town horizon - looking at the horizon before the end of the year, but I am thoughtful that you have given thought on the weather condition. And as we are now, the weather is fine, but we will soon be entering our hurricane season and I hope that there be no failures through a disaster which will change the outlook or destroy what is being erected.

The increase of things in everyday life has concerned us a lot. The cost of oil has gone up and with this oil crisis things seem to be going up on an upward trend everyday. The report made by Dame Elizabeth Ackroyd, I would say, was very good information although most of the people around the Islands knew almost where to buy anything of lower prices, and the information given through her was very usefully carried out. We leave a duty to the Fiscal Committee, and they find means and ways of new revenue.

We look for Administration particularly in George Town - in small elected councils to be assigned - jobs which good things could be done through such as cemeteries, public parks, upkeep of minor roads and footpaths, this could be done which is a good idea which is most needed. If people just took a little more civic pride in the upkeep of the district in which they live .

MR. CLAUDE M. HILL: (CONT'D): Mr. President and Honourable Members, I have come to the end of my debate on the Throne Speech. I see my friend is very anxious to take the step, although he is reading. And, in so doing I wish for the Honourable House and its Members that God will guide us in this meeting and subsequent meetings.

Thank you Sir.

MR. JOHN D. JEFFERSON: Mr. President, are we going to take adjournment now or -----

MR. PRESIDENT: I am quite prepared to suspend at this stage for fifteen minutes.

MR. JOHN D. JEFFERSON: Mr. President and Honourable Members, I am not sure, but I don't think I will get through before adjournment, so whenever you are ready for adjournment for lunch period you can go right ahead.

Mr. President and Honourable Members, I want to congratulate you on a forward looking comprehensive Throne Speech delivered a few days ago. In our debate today marking the Throne Speech, marking the third Session of this House during the current electoral period for four years. The course Mr. President, as you well said is half run and I do believe that for all the years of hard work we are finally reaching the age of fruition. Yet, there are those who have discredited us or tried to take the credit, but I believe that in these past years of hard work have <sup>at</sup> last began to pay off in services for the people of these Islands. I do wholeheartedly agree with you that before charting our future course, you must like a prudent mariner endeavour to use a sextant of a log, the nautical tables to make sure that we are on course, that we are in the right position because we cannot afford to be wrong many times.

Mr. President, reading from your Throne Speech - Communication, Works and Public Transport: Although a number of sizable and minor projects were completed in 1974, the major thrust in this portfolio was concentrated upon the preliminary work, and the core of constructional effort, required to ensure the inauguration or completion of large-scale projects in 1975. The pharmacy/stores built at the Cayman Islands Hospital, now being temporarily used as an in-patients ward, was completed to high standards. A clinic has also been completed in North Side. Twelve new classrooms and a Home Economics block were added to the Cayman Islands High School and additional classroom facilities were added to the Cayman Brac High School and an infant block completed at the East End Primary School. A new air-freight shed was completed at the Owen Roberts Airport, and the police were brought up to standard with radio and other essential equipment. The laboratory/equipment building for the Natural Resources Study was also completed in 1974.

It is indeed heartening to hear about the four-pronged investigation of the Natural Resources Study, Mr. President, going well, and I believe that we are on the right course. And I believe that the decision taken was a good decision, decision that will bear fruit for each Member of this territory.

I notice that the work of the Mosquito Research and Control Unit contained, apparently without a co-operation of <sup>the</sup> mosquito which shows a remarkable adaptability to whatever kind of insecticide can be hurled against it. Yes, Mr. President, there is one thing that we can <sup>pause</sup> here to say, and that is that the condition of these Islands today in relation to the control of mosquitoes, even at its worst, is still a better position than we ever dreamed would be possible in these Islands of ours. I think we must <sup>pay</sup> contribute, we must also take off our hats at one of the most efficient Departments in Government. I wish them wealth and good luck in 1975.

MR. JOHN D. JEFFERSON: (CONT'D): Mr. President, with our new head of Department of Agriculture, renovation of office buildings, a small increase of staff, and not least the enthusiasm and interest of many Cayman farmers have, under the direction of the Member concerned, given the kiss of life when I quote your words, to the very important sector of our economy.

Mr. President, we go back to the Finance Committee last year. I believe that the Member responsible and the Director of that Department can feel, and has felt that every Member in this Chamber certainly stands squarely behind them. Because as we see it, this is a very needed field, this is where we feel needs to be explored, we need to think of perserving the things that are wasted <sup>every</sup> year. And then we need to think in terms of providing more food in our various homes.

Tourism, as we quite see, was given new emphasis by the inauguration of the Department of Tourism. I wholeheartedly support this Department, as all other departments to think that they have being doing a tremendous job. And under the new department I trust, that even though at the present time tourism has been down, its not only down here, this is one of the last places that its been down. Its been down because whenever the American Economy goes into a slump everything else falls into place. Yet, I feel and trust that with the advertising and good managements, good luck with God's help will continue for a long time and that they will enjoy this industry. But we must realize that this is a competitive field; "Tourism" and certainly every measure must be used to be able to see that facilities provided are up to par, and to see that a man gets something for his money.

The Cadastral Survey has made progress at the end of 1974. And, I read: The Cadastral Survey has made good progress and ~~At~~ <sup>At</sup> the end of 1974 a total of 5,200 parcels had been surveyed, covering a total of 15,000 acres. Cayman Brac, East and Central, had been completed and all of West Bay and George Town, South and Central.

The Land and Survey Department dealt during 1974 with 1,002 transfers of land at an estimated value of CI\$4 million, and there were 309 charges valued at approximately CI\$12 million. The Department has also prepared a lot of maps and so forth, for the Western area of Grand Cayman which are available to the public.

Mr. President, I want to stop here for just a little while, to think that so many times when Government embarks on a programme to ease and make things better for the people of these Islands, there are so many people that are there to cry "do" and are there to belittle and are there to "discredit," but the Cadastral Survey thus far in the Cayman Islands has been a most profitable thing. It has done a great job up until now, in trying to sort out the mess that we have had in these Islands with lands. Thank God up until now no land has been taxed, we fought that very vigorously in our campaign that land would be taxed because the Cadastral Survey was surveying the property.

We find Mr. President, that in our survey that we have found, and I am distressed at this, that in areas where people have owned three and four acres of land sometime they have walked away with forty and sixty acres. I am saying that the swamp lands of these Islands that belong to the people of the country should not be given away. I am saying that Government must make every provision to preserve and protect the rights of the people regardless of where it is. There seems to be a gold rush in relation to now - the swamp land is out, everybody is out for bids. The thing that distresses, I believe every real Member that has a genuine concern of this territory at heart, Mr. President is the fact that there are so many people that take such time and pains to discredit everything that has been done by the Government of the Cayman Islands, instead of trying to build it up, there are so many that are trying to tear it down. And as far as I am

MR. JOHN D. JEFFERSON: (CONT'D): concern<sup>ed</sup> this Government over these past years has been trying its endeavor to provide for these people more and better services for every citizen of this territory. I want to say Mr. President as I go on here, that I want to just sound one warning and that is, that if we are not careful to change this trend we might find ourselves as some of our other neighbours throughout the Caribbean, which sit there with a lot of Nationalistic phrases, empty stores - the Treasury is at its lowest ebb, many people unemployed. I think it is high time that we start to think in terms of giving this Government credit for some of the things that are honestly tried to provide for the people of this territory.

Great strides have been made in Health, Education and Social Services, Unfortunately there are some short sighted people in our territory who, if they are not able to get all that they think that they should get, are willing to scuttle the ship just because the fact that some can't get their way. But, I trust that every effort will be made to make sure that the National Council of Social Services succeed. And I believe that there are, thank God enough people in this country, realizing the number of problems we have heard members speak about in this Chamber these past few days, and I think there are a number of people who have vowed with God's help,

the National Council of Social Services must succeed, when we think of the broken homes and the children that need this care, and the aged that seek that this scheme would seek to relieve its sufferings. I make no mistake about it, as far as the country is at state, as far as the country is concerned, I place my country above politics. The welfare<sup>ed</sup> of the citizens of these Islands as far as I am concern<sup>ed</sup> is one of the most important things in my life as a legislator. In our Educational field as I have said, great strides have been made. For anything to succeed we must work, we must co-operate, we must untiringly make sure that education and the health of this Nation do not suffer. As I have said, a tremendous amount of effort has been gone out of this, a tremendous amount of work has been done and there are many fruits we are beginning to see in the field of Health and Education.

In addition to the buildings already mentioned in your speech, I am reading Mr. President; The former Secondary Modern School building has been refurbished and a Teachers' Centre housed in the upper storey. This will provide much-needed refresher courses for teachers. A unit for the deaf has been established on the same site. The Cayman Islands High School has benefitted from the expansion of facilities and now housed 87 per cent of the secondary school population in Grand Cayman, with a current roll of 1,161 and a staff of 77 teachers, excluding the new Principal and his supporting administrative staff. Anyone visiting the School cannot fail to be impressed with its organization, the caliber of teaching and the attentiveness of the pupils. This is also true of our primary system. Tribute must also be paid to the private schools which are catering for 37 and two-thirds per cent of the primary school population.

Mr. President, certainly there is one thing I would like to stop here for a moment and say, that when we think of our Educational system, when we think that at present there are in our High School something like 77 teachers, I believe that I want to say at this very time that this Government cannot waste any time in order, in the way of coursing our young people, in the way of making incentives provided for them to be able to become teachers, that they will be able to fulfil the responsibilities that are called upon them that are needed in our country, to be able to see our educational programme go forward.

I think Mr. President, that we must stop to think that certainly we have had no choice, we have been faced with the fact that we must have education, we must educate our youth, we must make every opportunity available to them. On the other same token I think that when we think in terms of the expenditure, we must think

MR. JOHN D. JEFFERSON: (CONT'D): that no expense or no incentive is too great to be able to lure if we can ably lure our people into the field - being interested in a field of teaching, nursing and a field of medicine. We see it at present, there are more incentives for an ordinary teacher than there is for a nurse, I believe that these are both important to this country, and I believe that we must look into this to make sure that every incentive is provided to interest our people to get into the fields of medicine and also that of teaching.

I feel in our Hospital certainly we have very capable and able doctors that have been providing a good service for this country. I believe the Member, even though there is so much today - there are so many people that are set out to discredit all that's been done, I believe that the Member today deserves a tremendous amount of credit for the hard work that has gone into these fields and the effort that has been made to be able to lift this country, and I trust with God's help we shall be able to do just that.

You realized Mr. President, that there is a tremendous amount of politics being played in various sectors of these Islands. Various organized groups who are doing their endeavour to discredit and take away everything that would add to the good image of these Islands, I want to say very categorically now or any other time, my country is placed above politics in all instances.

I trust in our field of Education, that a constant review, a constant evaluation of teachers is done in our Cayman High School. Not just evaluation on paper, but an evaluation in the true sense so that we will be able to know at all times that we are getting our mileage out of our teachers, and every youngster is being pushed to his fullest to be able to see them receive the kind of education I believe that we are trying to provide for them. A lot of credit must go to the Principal, and the people that <sup>are</sup> responsible for education (the Director), because I believe that every real effort is made to be able to provide and give our youth a good education.

I am glad Mr. President, that things are going as smoothly as they are at the Cayman High School. I am glad for the way it's been going on in our Primary Schools. In our Primary School at West Bay, one of the largest Primary Schools in the Cayman Islands, we've been getting tremendous results. The school is in good standing and so we can seek I believe for many primary schools throughout the Islands. The Private Schools have been providing a good service, they have certainly been doing a good job in providing for us the services that would not be available otherwise. They have bridged the gap when Government has been placed in a position where there is so much that needs to be done, and limited resources in which to do it. I think we should pay tribute to the private sector - the private schools in these Islands.

We find also the unit provided for the deaf, Mr. President years ago that was never **thought of**, years ago that opportunity would never be available to us, years ago that facility was only available in other countries. But it goes on to show that the men that represent the people in these Islands, the men that work and do the workings of Government are concerned to provide a service that will alleviate anything that would deprive our citizens from being educated, and being able to come up and fulfil their rightful places in our society.

I can't and I won't overlook the strides that are being made in our sister Islands. I agree with your predecessor Mr. President, some years ago when he said that the term in reference to the other Islands as the "Lesser," should be discontinued. I believe that they are our sister Islands, there are our own people, and certainly when we feel hurt there are hurt. Certainly, we've been enjoying an economic boom these last years, that they have not been able to enjoy except coming over here in Grand Cayman. And, I am at least glad that there is an up trend in the economy in those Islands. And, I must say

MR. JOHN D. JEFFERSON: (CONT'D): this, that certainly their home life hasn't been strained and placed under the pressure that the people in Grand Cayman have been placed under. And, not only do we think sometimes in terms of financial or money, that there are somethings that far outweigh the cost of wealth. I do see, and I am glad that there is light at the end of the tunnel, and I trust in not the distance future, but in a very early stage in this year we will be able to see a greater upswing in the economy in those two Islands.

I feel Mr. President that if we were to think in terms like the Members from the other Islands, and that is, not in terms of seeing, I in West Bay who will be in East End or in East End who will be in North Side. But think more in terms of co-operation and working for the betterment of this territory, working together to achieve all that can possibly be achieved together that will make it easier for our people.

Certainly, there is, we can always expect that politicians will play politics, its only normal for that. But I believe the way in which we play those politics is something that determines the outcome of any country. We must not concentrate, I believe only on power, for with power comes responsibility. And I believe that our greatest responsibility here is to keep these Islands as peaceful and calm as they are today, and try in every way to lift up the standards in these Islands.

Mr. President, as we look around in our land today, certainly one cannot help, in spite of all the obstacles, but feel humbly proud of the fact that the decision taken years ago to stay within the Commonwealth, I believe has paid great dividends to the citizens of these Islands. I feel Mr. President, that as we were able to speak to the member from Commonwealth Office the other day, I feel that every opportunity must be explored to see that Her Majesty the Queen is invited to these Islands, because certainly the citizens of these Islands are as loyal and far more loyal, no doubt than any other citizens in the whole entire Commonwealth. Certainly a visit of Her Majesty the Queen would in all instances add to the loyalty the people in these Islands feel towards Her Majesty and Her Government.

And I want to say, let us not let the thirst for power hamper our path and make our people suffer. That, Mr. President is experience throughout the world. There are many people today as I have said before, that because of the quest for power there are many today that are unemployed. There are many today whose's stomachs are not properly filled. Let us be content only to add tranquility, harmony and love among the people of these Islands.

We hear quite often in this Chamber the preaching of democracy, and yet, what is democracy? Democracy doesn't mean that all of us will win, it means that when a decision is taken the majority will rule. Well, if we believe in democracy, if we preached democracy lets by God's help live by democracy.

Legal and Judicial. I must read from your excerpt of your speech. Twenty-six laws were enacted in 1974. The Department is still short of an Assistant Attorney-General and has been under considerable pressure. In Judicial Department, a new Clerk of Courts was appointed and steps are being taken to bring the subordinate staffing up to full strength. The laws under which the Grand Court and Magistrates Court operate are being overhauled and re-drafted. The first six of eleven Bills come before the Assembly at this Session. I so agree Mr. President, with the effort that is being made to bring our courts up to the standard that we feel they deserve. They have bogged down long enough, they have been subject to legislation that is old and clumsy, and all the legislation on the statute books is legislation that was made while we were dependency of Jamaica. And, I wholeheartedly appreciate the fact that the effort is being made to bring our Judicial System up to par.

MR. JOHN D. JEFFERSON: (CONT'D): We are not only seeking that justice will be done, we are seeking that justice will also appear to be done. And we are seeking that to make sure that law and order, or continue to be a way of life for the people of these Islands, and that we can well rest assured that our system of justice is equal to that of anywhere, and in most cases, better no doubt, than what is measured out in many other countries.

Finance and Development: The Financial Secretary's Budget Address gave a full account of financial and economic progress and outlook for 1974 and 1975, and I shall not re-cover the same ground. I nevertheless mention the loan of approximately CI\$3.2 million made available by a consortium of six local banks to cover the financing of the new Administration Building and the Roads programme. Despite heavy expenditure within the provisions of the 1974 and Supplementary Estimates and recession in the countries with which we do business in 1974, our country closed with a surplus, which speaks both for the standards of financial control and the fact that the Cayman Islands are riding well in the financial seas of the current time.

Mr. President, we find so many times that grass is always greener on the other side of the fence, even though to our surprise many times its crab grass. I feel that if we were to, no doubt do more travelling throughout our own Caribbean Islands we would no doubt be humbly proud of all that we've been able to achieve in so short a time.

The Administration Building, Mr. President, I believe will prove to be another great stride which this Government has made. The stride to be able to provide an administrative building that is comparable on par to anything in the private sector, and to be able to place all Government Departments mostly in one building. I believe that it adds and it speaks in its self for the forward looking thought of the Cayman Islands. These things haven't been just haphazardly acquired, these things haven't just come because somebody hoped that they would come, these things are coming because of one thing, Mr. President. There are two things, one because we have had the blessings of the Almighty God and two, because of the stability of these Islands. And I am glad today to say, that we still can humbly boast of the stability of the Government of the Cayman Islands. And I trust that none of us will ever take away from this, what is always easy to take away, but let us add to the image of these Islands. Let us add towards the stability, the harmony and the peace that exists within our shores.

Certainly, in 1974 there was a great financial crisis. One of the financial institutions of our land went into voluntary liquidation. Mr. President in my estimation, this institution happened to be one that got into the Island when the Island was still hoping for progress, and no doubt got away with some privileges that would never be able to get away with today. But, I must also say this, I believe that that financial institution got its biggest boost when another financial institution in this Island went into bankruptcy. I believe had the financial institutions of these Islands went in and bail<sup>ed</sup> out Unions and Savings, maybe the story might have been different, but a man needs help when he's down. Certainly the hand that feeds him when he is in distress, is the one that sometimes he turns to when things are going good. And I say that that financial institution no doubt has caused quite a ripple, we have suffered because of this. I trust that every opportunity will be explored that will not fit back any longer, but that will make sure that a bank inspector as you said in your throne speech of the calibre that will be able to deal in these Islands like they should, will soon be among the people that are hired to perform the tasks of this Government. We must make sure that this doesn't happen again.

MR. JOHN D. JEFFERSON: (CONT'D): In dealing Mr. President, from the Legal and Judicial System, we find in the laws that we are dealing with and have dealt with, and will be dealing with in Select Committee of the whole House. I have singled out one, and that is the Imprisonment Law.

Mr. President, my heart has been yearning and not only yearning, but over these years we have made representations on this very particular thing, "The system of Imprisonment". Yet, it hasn't been a pressing problem years ago, when there was probably one or maybe two or maybe not anybody at all at that present time overseas serving imprisonment. But today when we have the number of people that we do, serving for marijuana and other crimes, certainly it is at this stage that we are forced to take a look at it. And we are forced to place on the priorities to which this Government will deal, and must deal.

The prison arrangements are highly unsatisfactory. With the new laws coming into effect, it paves way for a more efficient system, and certainly it paves way for a system that we will change, and that is that of sending so many of our prisoners overseas, placing them in environments that are far more far worse than we ever dream about.

In the past Mr. President, we have been victim of circumstances. We have not had the facilities, we have not had the money to provide the facilities. We have had on our laws that any person being arrested for a period of over six months were sent to Jamaica. And Mr. President, I make no aspersions here, I am grateful that Jamaica has provided us a service. Jamaica has come to our assistance not only on this occasion but other occasions. But I am saying that when we place one of our prisoners in one of these penitentiaries where he is exposed to all kind of harden/criminals, where he is exposed to things that he never no doubt dreamt about. It doesn't help in anyway or it doesn't in anyway give chance to a man being able to be rehabilitated to come back in the society to take his rightful place.

And I am saying that Mr. President, in your throne speech in 1976 that this will be even different. We won't no doubt have built, but I trust we will be making preparation for the building of our prison in the bone docks in these Islands where our own prisoners are provided with the facility to which it can run on a profitable business; where for sometime the only prisoners that will be sent overseas are those suffering no doubt, guilty of murder or rape, something of those two charges only; that we will be able to deal with our own prisoners, and that we will be able to run the prison service on a high plane. I am glad that provisions have already been made from 1973 in the estimates for prison wardens, and Government is separating these services in a process of this at present that we might be able to get on. But our prisoners will be used in these Islands where they will be penalized, they'll be made to serve in these Islands in which they lived. And that in so doing, we won't think in terms of putting them in prison to be able to ex-communicate them from the society, but will be able to rehabilitate them and bring them back, and that they will be able to pay their debts to the society, yet come back and contribute towards the society in which we lived.

I see in that law, provisions are being made for people that will be placed in prison on week ends, there will be various schemes and projects to rehabilitate people, and help them to come back and take their rightful places. I am glad at last, we are moving in that direction.

I will not pass lightly here, I will make myself again clear on this. I support Capital Punishment without any reservations, I believe not only in Capital but Corporal punishment. For, I believe that if more corporal punishment was used instead of some of the, no doubt the jail terms with some of our youth, we might be



MR. JOHN D. JEFFERSON: (CONT'D): getting more<sup>end</sup>/results. I remember when I was going to school on Fridays, Mr. President, that youngsters being charged in court with stealing oranges, various things of this nature was taken in the schools at the end of Friday, and a session was held and they were sentence to whippings. And I believe that did more for those youngsters than putting them behind the bars for two or three weeks. And the fact that on our statue books there stands capital punishment, when we look back on the History of these Islands and see how many people, how many cases of murder we have had that speaks for its self. That, I believe has been a deterrent, and I will always support, not only will I always support it on our statue books, I will waste no effort to see that it stays on our books.

Mr. President, among the senior appointments of persons for this territory, I see the Deputy Financial Secretary - I want to stop here for a little while and say, "what a joy it is to us when we see our young people sent overseas to be trained, and come back able to fulfil their rightful positions in this territory. And I have always said Mr. President, that when Caymanians are given an opportunity, I am satisfied that they can do as well as any person anywhere, and certainly we look around and see those that have, and it again speaks for its self.

When we think of the Financial Department, moving from a one man's organization to the present structure in which it is today, certainly we owe a great deal of tributes. And we acknowledge - tremendous jobs have been done, but we are not in a one man's contingent today, we are faced with sophisticated problems, we are in a position where we have to know where we're going, what we are are doing, how our finances are going. I am indeed gratified that this department under an able man of our soil is making such progress.

Mr. President, many years ago when we saw the necessity of better communication between the people, the office of the Government Information Office was created, that would be able to pass on more information and make more information available to the people. I think its been a great job done.

Now, we see among the senior appointments the Deputy man, in the position of a Deputy - the department of Broadcasting. I have avocated for many years the need in this territory for a Broadcasting Station with control. I believe that we must be able to get the truth to the people, I believe we must make the people aware of what is being done in these Islands; I believe we must be ready to see that the true picture is given to the people, that the people have access to more information than they've had, that the Braodcasting Station will alleviate some of the misunderstandings. And that the Broadcasting Station will fight with truth, which is so vital for the survival of this territory. Mr. President and Honourable Members, if we do not use our energy and our efforts to be able to make sure that our constituents are given the truth - are informed, then my friend, if we fail to do this the days of our territory would be limited. But as far as I am concern<sup>ed</sup>/this Broadcasting Station will give something vital to these people. This will ease unnecessary needs - a dying urge to know what is going on, that the truth won't be stifled by a few people, but that the people will have access to all the truth.

I support the fact that every Civil Servant in this territory must have and must be made available to them, every opportunity for further training that will help them to better a man in their department, and be able to better serve the people of these Islands. I want to again say, that I trust that no effort will be spared in this respect, and that no finances will be held back. But that we'll continue to train our people to be able to fulfil a vital role in taking their rightful places in these Islands.

MR. JOHN D. JEFFERSON: (CONT'D): I see in your speech, honours conferred on our Attorney-General, Second Official Member in this Chamber. A member that has given tremendous amount of guidance to this territory, through the crucial years of these Islands History. I think that such an honour conferred upon him only adds prestige to these Islands. It helps us to realize that we have some of the best legal knowledge available to us in these Islands in which we live, and I feel honoured to have such a man in this Chamber.

I must come back for just a moment, briefly to say, with the start that the Agriculture Department have gotten in the last year, that we should at last be off to a good start. And I trust that we will think more in terms of what we waste, and see that that is conserved and stored that later it can be brought to our tables. And then as I've said, we will make sure that farming in these Islands gets a greater boost or a boost that it has never gotten in the History of these Islands. Certainly the expertise is there, certainly the farmers as you rightly said, are becoming enthusiastic about such a chance. I hope and pray that this territory will be able to see in the new mechanized farming and the cattle raising will see new strides made in the future, in this territory.

I see a water and sewage study being made. Mr. President, it would be blind for us to grope along and figure out that with good luck that nothing will happen. But certainly we have to make provisions, we have to think in terms of our Development, that water and sewage are vital to our survival and good health. I trust that Government will use every effort and see that we get what we need, and that with good luck we will be provided with a service.

I know that later on, no doubt next month I believe, there will be a draft development plan made sometime. It will be brought out to the people of these Islands, and we Members will be able to see the Draft Development Plan complete, but not too late. The Draft Development Plan no doubt, should have been here two years ago or more. But at last its coming, its needed. We need to know where we are going, we might not accept it as it is. But I trust that we will not be so personal that we'll kick it out of the door before we have had a chance to even see what it is, and understand what it entails. I hope they will be given a fair chance. I hope that Government will use every opportunity, every effort to see that the people are able to dialogue, able to register their objections, that the people are able to fully understand. Because this is what happens you know; a few people get some preconceived ideas, and before the scheme has an opportunity to be properly tried, it is dumped. Lets in this Development Plan strive to find a solution. I am sure that we won't accept all that is there, but I am sure that if we search and work hard enough I believe we'll be able to come up with a plan that will be able to do us all good in the long run.

I see the special squads section, decision has been taken in relation to a special narcotic squad. I trust Mr. President, that there will not be a lot of duplication. I trust that a lot of the expertise that we now have will be utilized, I trust that the people that have been working in this will still get credit, but I trust that a concerted effort will be made to kill drugs in the Cayman Islands.

When we look around about our youth, when we think in the terms of the fact that drugs have had an effect on our youth, I trust that we will not rest until we have explored every avenue and plugged every hole that would help people to escape, and that we in working together pass on the information that will help the police to do a far better job. You know, no police force can succeed in any territory or any Island without a co-operation of the public.

MR. JOHN D. JEFFERSON: (CONT'D): A lot has been said about the police department, and Mr. President its not pleasant to knock down people, its not pleasant always to be critizing because we have people in the police department. There are people in the police department that are quite capable, but what we are afraid of, and what we see is that in too many instances the image of the police department does not fully reflect the good image of the Cayman Islands. And I don't blame the rocruit that no doubt is trying to do his job, I believe that there are too many people in high places that are not doing their job, that's what is wrong with the police department. I don't believe that every effort or every effort that could be made to curb drugs in the past, I don't believe every effort has been made. I think there are still a lot of things that we could do, there are still a lot of avenues as a greater effort that could be used, they have done a good job in so short a time.

The C.I.D. section has proved itself quite a vital part of the Police Force, ~~they~~ are not dummies, but we are not satisfied. What we want to see Mr. President, is, we want to see the moral image reflect <sup>ed</sup> greater in that department because respect isn't something that we can make people do, but we can conduct ourselves in such a way that people will respect us whether they like us or not.

Mr. President, as I have said earlier, all that we've enjoyed in these short years, all that we're enjoying today, all the projects on the Planning Board, all the various projects that will come about in the next few months, comes about because of two things; "The Blessing of the Almighty God, and a Stable Government". Let us as Legislators settle down fully representing our people and holding high the banner of the Cayman Islands.

Your predecessor called these Islands, "The fortunate Islands", and I can't think of a better way or better words to describe them, fortunate in every sense. People that have had some of the greatest Christain heritage passed down to them in any territory large or small, we owe a great deal of debt to our forefathers.

Now, concerning the various boards, Mr. President. The various boards, the Public Service Commission, the various other departments that deal with the Public; a tremendous job lies before us to do, we cannot fail to do that. Mr. President, we must make sure that there is no partiality measured out, we must make sure that everybody gets a fair shake, we must make sure that the yard stick that is measured out to the public is a yard stick that is used, and that everybody gets the same treatment and accommodation. We want to remember that partiality will never strive in a society that we are trying to build. We're trying to build a society of equality, we're trying to build a society where people have dignity - respect. And I am not in anyway belittling any of these, I am only saying that there is a tremendous job to be done and I trust that each one of them will be structured no doubt, if necessary restructured, and make sure that the job is done and done fairly and squarely without any fear or favour.

I have seen in the Press yesterday Mr. President, "Last night one Member got knocked for a six." The Press in any developing country is of vital importance. The press in all instances must be fair, and I am not saying what members said and they didn't say. But I am saying sometimes its far better to look at the constructive side than the destructive side. And I am saying, that I hear Members here in this House sometimes attacking the press, I try not to do that. But I notice that Members that attack the press seems to get better coverage than those that sit by and don't say anything. I guess it maybe goes to show that only the babies that cry get attention. We must be fair Mr. President, that's what I am saying. And that the press owes this territory a lot, and the press can make a tremendous contribution, and they have done a lot in this territory. And I am saying lets make sure that's its fair and square, and that's its always reported in the best interest of the territory.

MR. JOHN D. JEFFERSON: (CONT'D): Mr. President, I am sure during this short stay in these Islands that you and your Members of Executive Council have done a lot of work. Your predecessors have set up the machinery of Government; collective responsibilities still very new to us. There are still misunderstandings as you rightly said, Executive Council are men just like you and I. We are subject to make failures, but I feel today that our present Executive Council have been doing a tremendous job. I believe, no doubt to stay under heels like some Members do, no doubt keep them moving, its good for Government that we don't get complacent and take everything for granted. But I think also, there comes a time - I remember when I was first hired by the manager that hired me at that time I think the largest Hotel in the Island. He said, before you try to chasten one of your staff, the word to use is, before you try to knock them down, put them on their shoulders and tell them something good they've done. I think this goes a long way when Members constantly only hear the mistakes they make, only get critical comments about the things someone say they didn't do, or accused for something that they know nothing about. Its only human nature, that sometimes we must pay tributes.

And I want to say here and now, Mr. President that every Member in this Chamber including yourself, has my prayer, that God will give each one of us divine guidance to fulfil the role that we are called upon to do, because in our own selves we find ourselves wanting. In this Chamber we are called upon to make great decisions, we are called upon to make decisions that affect every citizen of these Islands. But I believe that every decision that I've taken since I've been elected to this Chamber with the help of the Almighty God, whether it was right or wrong in the minds of somebody else, I can say this was taken overall in the interest of every citizen of these Islands. Because when I was elected, I read at the poll two things; one, that they had confidence in me, and two, that they were saying they know that it will come a time when they will not agree with me, but they believe that the decision that I make would be for their betterment in the overall. Mr. President, thank God until this day I haven't failed that trust, as far as I am concerned.

Mr. President, youth in these Islands deserve all we can place in their hands to lift them up. To change the present environment we must - and I say this, I've been saying it for years now, we've got to take youth off the streets and see that they are placed in schools. There is no higher priority or no greater challenge to Government, than to see that the youth of these Islands whose parents don't have the responsibility that we take that responsibility and placed them where they can be properly educated. And they return as I have said in the past, will be able to take their rightful places in our society.

Now, when we think in terms of the National Council of Social Services; when we go home at nights, some nights ten thirty, eleven and twelve, unfortunately we see some children that should have been in bed from seven O'clock, they are left to roam the streets. Can we fail to support an organization - a scheme that can help to rid this wrong and place these children in a place where they can get the kind of care, the kind of training, the kind of education, the kind of discipline that they need. They are innocent, they are not responsible, they don't know any better. But, if we don't assume this responsibility time will cry us down, and in old age they'll point their fingers in our faces and change our way of life. Mr. President, we cannot afford to let the National Council of Social Services fail.

MR. PRESIDENT: I think if the Honourable Member would agree to resume his speech after lunch, I would like to conveniently suspend the sitting now until two thirty this afternoon.

MR. JOHN D. JEFFERSON: I have no objections, Mr. President.

MR. PRESIDENT:

I suspend the sitting until two thirty.

HOUSE SUSPENDED AT 12.48 P.M.

HOUSE RESUMED AT 2.30 P.M.

MR. PRESIDENT:

Proceedings are resumed.

MR. JOHN D. JEFFERSON:

Mr. President and Honourable Members, I shall soon bring my contribution to this debate to an end, and no doubt a lot of people will a sigh of relief. But be that as it may, we each have a responsibility and certainly we each have a right. And I feel that as a free man in a free society, especially being an elected Member, that I have my work to do.

I want Mr. President, to pay my respects and tributes to the Civil Service. I see in your Throne Speech, the Civil Service has increased five folds, certainly we have a number of people into that service today. I believe we have worked to try to upgrade the Civil Service, we have tried in everyway to upgrade their positions, give people money to which they can live, and I believe intern we have gotten a lot of loyalty and support from our Civil Service. We find today that loyalty is something almost of the past, there is not the kind of loyalty exhibited today as people of the past did, but yet, thank God we still have some able dedicated and loyal Civil Servants.

I shall read from your speech, page fifteen at the bottom: Lastly - and I make the observation personally and without in any way committing the Executive Council - I am led to speculate if the time has not come to examine whether some form of local administration would now be appropriate, particularly for George Town, but also at their option for the other areas. Local administration is never most effective when it is undertaken centrally and the involvement of a local community in its own particular affairs can lead to dramatic results. Small elected councils could be assigned the modest poll tax collected, other revenues now being collected in the area, and could have funds now spent centrally allocated to them for the supervision of services in their areas. Town Halls, cemeteries, public parks, perhaps clinics, upkeep of minor roads and footpaths, garbage collection, marketing, licensing of dogs, cleanliness of public places, could be brought within the control of the local community and Councils. I am glad Mr. President, for having made that kind of injection. I believe that it is worth us examining, I believe its worth us going into it, to see the ins and outs, the pros and cons, I believe that it is worth our effort to do an exercise in this relation.

Mr. President, I am looking forward to see something, and maybe there might be a better name, but I am looking forward for the Labour Exchange Board which would work with the Protection Board to fill a vacuum that is now created in our Territory. I am not worried about the name, what I want is the end results. A place where the local people of these Islands go in and register their skills that when John Henry comes into this territory and says, I need ten carpenters, five plumless and three electricians and what have you, that we first go to the Labour Exchange Board; the Labour Exchange Board will say, we have so and so and so and so, therefore these when they have cleared the Exchange Board, they know exactly that there is nobody in the country available for positions that are opened. And there is one thing I've plugged before and I am going to plug it now, and that is the way that jobs are advertised in these Islands. Now, In all, too many instances, and I say this without fear of successful contradictions, in far too many instances there are jobs that are advertised, that have already been filled, and I think that every opportunity must be made to make sure that our people are given a fair share. There are jobs advertised in such a way that they know that nobody in these Islands can be qualified. I am saying its time to tone that down, its time to make sure that the facts are brought before us, and if we had this kind of exchange we would

MR. JOHN D. JEFFERSON: (CONT'D): be able to nail it down, we will be able to know that when a position is opened, what the qualification should be, and whether we have somebody to fill it. Because a lot of people that come into this territory, they are qualified after they get here.

The Immigration Department being separated from the Police, I have always advocated that. The Immigration Department, say what you like, has made a tremendous amount of progress in their field. The Immigration Department now is searching out some of the things that my fellow Member here from the smaller Islands have spoken about. People working without work permits - immigration has been doing a tremendous job.

The other night Mr. President, we had a public meeting in our district to inform our people - keep them informed. And, I spoke of an instance, just several months ago, last year when there was quite a dip in the economy, there were a number of people that were not working full time, they tried to do a little exercise to find out the fact, we put up a notice to the immigration, and I was telling our people that they must realize that we have certain responsibilities and that they must be coming forward about things. After we had done a little exercise, we found there were a number of people, something about forty some, that were not fully full time employed. The immigration Department put a notice for people that weren't employed to come in and sign up. Now, I just want to clarify something I said here this morning. I keep checking with the immigration department, and I think the last time I checked would have been a period of over three or four weeks. And the last time I checked it was something like - there was not one person from the construction field that had come in and registered and I was sort of chiding our people of the fact that when there are things that are not right, the only way to be able to correct them is, come forward and make your submissions.

Well, this morning in dealing with communications, dealing with the truth and untruth someone took advantage of that opportunity and say that I got up and said, that nobody had come in, and that I lied because other people had gone in. I said, that there was a period of three or four weeks that I hadn't really checked, but up until the time I've checked nobody had come in and registered. One of the points I'm making, our people must be able to come forward, they must be able to take advantage. There is no sense of us going out and building up a case, if they are not going to back us up with those things. And I am saying that there are a number of people in this country that are trying their best to be able to spread rumors, and be able to cause confusion. And we have as Members a responsibility to get the facts to the people, to be able to keep our people properly informed.

Now, for the record's sake, and I am speaking it strictly for the record. Yesterday we had a motion here, we ran into some confusion and we were trying to get something settled. I left this Chamber and went out to be able to contact some of the Members of the Ministerial Association, to be able to obtain the names of some of the obscene books so we might be able to tack it down on our motion.

And I am showing responsibility as Members, and in so doing a member in this Chamber said, that our extension Member or words to that effect had gone out. Mr. President, I am sure that I represent my district without any fear of successful contradiction. I feel I represent my district as good as any person in this Chamber, and I feel that fair representation is all that I try to give, whether I misunderstood or not. I believe that anyone can say that I've tried in every respect to be fair. I think the reason, no doubt why I might be so spoken of, is because, as far as I am concern<sup>ed</sup>/I feel that I have a greater responsibility to represent my people, than to come in here to try to play myself so big that nobody can give me any advice. I feel that it is mean

MR. JOHN D. JEFFERSON: (CONT'D): when Members make such kind of aspersions especially in the audience, to try to be able to cast reflections on Members. The same Member took advantage yesterday in this Chamber, to stand here and speak on a certain thing because there was a certain - the same person was in the gallery. I deplore that Mr. President, we must be bigger than that. Certainly, we must be as politicians if we are representatives of our people, then we must be far bigger than that. I believe in the democratic process, I believe in democracy, I believe that when the majority rules, unless it's sinful, then my obligation is to accept the majority rule. But that is why there are so many rumors, there are so many misunderstandings, because there was a motion in here yesterday dealing with obscene books - genuine efforts were being made to try to pin the authors or the names. Genuine efforts being made to salvage the motion, and thank God we saved it, then we put politics above the nation.

I'm going to read lastly from your speech, page 16. It remains for me to thank all Members of the House, the Clerk and the Sergeant-at-Arms for their unfailing courtesy and assistance in helping me to adjust to my new duties. I also feel it is fitting to acknowledge the unstinted work by Members of the Executive Council in shaping and deciding politics for which they are individually and collectively responsible. Despite some misunderstanding of their role, as the Member system is relatively new here, I can testify from previous experience that the Council is working <sup>as</sup> well as a Cabinet as the Assembly is as the Parliament of the country.

You, Mr. President, have brought added dignity in this Chamber. You have brought an added attitude and courtesy in this Chamber, that makes Members feel completely relaxed. The dignity you have displayed among, not only the Members of this Assembly, but the members of the Public is worth mentioning. I trust Mr. President, and I know it is contagious that this kind of attitude will continue to prevail until we remember and realize that, firstly we are here to do a job that is to represent our country. And, two to realize that the only way we can do a job is to work together in harmony and peace.

Your constitution I quote from again: Your constitution Honourable Members, is in a robust and healthy condition. I acknowledge the efficient work performed by the Civil Service in the past year, and the endeavours of the churches and many service organizations who are doing much for the community. Mr. President, I am glad that the church or the churches still play a vital role in our country. The scripture that forcibly comes to my mind, is that "Righteous exalteth Nation, but sin is a reproach to any people", and I'll like to underline the word "any people" I am well aware as you are Mr. President, that the formula for success is to honour God. Let us work together for the betterment of this territory, and put everything aside that would tend to divide.

From your address, I pray that under divine guidance, Honourable Members will be imbued with the wisdom which has characterised their direction of the country's affairs in the past, and that the Caymanian people, whom Her Majesty may number amongst the most loyal and lovable of our subjects, will continue to prosper as they so deserve to do.

I so think I would like to close my submission with such able words. Members as we look around and see the task that is still yet to be done, I cannot but remind myself of the poem which reads:

Standing at the foot boys gazing at the sky,  
How can you get up there if you donot try?  
Though you stumble down boys never be down cast,  
Try and try again boys you'll succeed at last.

I thank you very much.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, first Sir, I would like to say how much I do appreciate you being our President. You have brought dignity to this House, prior to your advent here Sir, we had sometimes in this Chamber very strong, harsh and cruel arguments, but so far thank God, you are conducting the affairs of this Assembly in such an able manner that at least we have half good behaviour.

Now, Mr. President, most of these speakers started off with the first part of your address, I shall <sup>start</sup> with the very last paragraph. I pray that under Divine guidance, Honourable Members will be imbued with the wisdom which has characterised their direction of the country's affairs in the past, and that the Caymanian people, whom Her Majesty may number as amongst the most loyal and lovable of Her Subjects, will continue to prosper as they so deserve to do.

Then I shall turn to the fourth paragraph: Nevertheless before charting our future course, I shall, like as a prudent mariner, endeavour to use the sextant, the log and the Nautical Tables. Well, I feel Sir, in this Chamber, the log, the sextant, the nautical tools which we should use to steer our course are the tools that our forefathers used, and that is, a good Christian heritage.

Now, Mr. President, I do not like this term "playing politics," who in this Chamber is playing politics? I personally have been a politician from the time I was sixteen years old, otherwise I might be a grandmother or so, and not sitting here in this Chamber. But, I have never regretted the step that I have taken, and I am very proud of myself as a lone woman, a woman who had nobody to boost me up save my good mother, that I am able to take the stand that I take in this Community. I do not like this term "playing politics". One of my chief expressions is this, we do not play with God, and neither do or should we play politics.

Now, personally Mr. President, I have been in this Chamber, not this present one, but the old Town Hall there, for over a dozen years as an elected member to serve the constituency of George Town. Prior to that, I was there as a nominated member for three years. And all during that time I can truthfully say, I've gained nothing being in the Assembly personally, except three law books which Mr. Cumber gave each member. But I have gained a lot inasmuch as I felt I have done my duty to my country and I would not give this up until I get so old I won't be able to creep in here, provided the people of George Town want me. I love this, its no gain personal, but to satisfaction to my soul that I am able to come here and try in my humble way to guide the affairs of this great continent I shall call it, Grand Cayman - Cayman Islands.

Now, Mr. President, my being in this House has never been questioned as yet to my knowledge. The first time I went in as an elected Member, I was number three on the list, very proud of being number three because to my mind pride goeth before destruction, and a haughty spirit before a fall. The next two ensuing election, I came first and this last great election I had one hundred votes above and over my two colleagues, which I am very proud of. But pride is a destructive element, and I feel Sir that we should be very humble here, we shouldn't try to exhort our loyalty, because we are loyal, we are loyal. What we must do is to be humble and by our humility, let others follow us. I think if any body in this Chamber has the right to be proud, Miss Annie Hulda Bodden. Because being a lone woman here, fighting eleven men, that is no easy task. And I feel that I have done a fairly good job. My being in this House has never been questioned to my knowledge, I never had to fight to get here, I never spent a penny, I have done it by my persuasive ways to try to tell people that in the order for us to flourish we must have a good stable Government. I do not take the pride for what we have today or what we have accomplished in the last twelve years, this economy which we enjoyed today, all the good fortune which has come to us, we can say that the foundation was laid by good, honest christian gentlemen.

The first time that I remember seeing an election, which I was only sixteen years old or there about, I've seen men coming from north in their truck, some on horses with a red handkerchief



MISS ANNIE H. BODDEN: (CONT'D): around their necks, we are proud of the Union Jack come on and lets vote. But after the voting was over, of course they had their usual few drinks, but we from the time I can remember were loyal British subjects, and we are still today.

Now Mr. President, I would say that in this chart of which we need, I would say "Jesus Saviour pilot me". Not me Annie Hulcah Bodden, everyone of us over life's tempestuous sea. We have gone a long way, we have fought rising waves, we have fought everything, and I would say today that we have come out victorious. But its not what we have done in the last twelve years or thirteen years, it is what has been done over a period of I would say, over a hundred years. And I today would pay tributes to our good forefathers who have laid the foundation of what we have today. Now I only wish and hope and pray that we had men of the stature six footers, twelve or twenty-five might have been fifty in some instances. Six footers, they weren't any runts and they were just as big in character as they were in size. And I hope today that we shall do no worse than they have done. I hope that future generations will be able to say, that these twelve people who were in the Assembly did no worse than our forefathers did of old.

Now Mr. President, Communications, Works and Public Transport; I will humbly say as Mr. Jefferson the First or Second Member from West Bay said, I am humbly proud that I was one who was instrumental in getting the C.A.L. to fly between these Islands and Florida. My other two colleagues didn't see it as I did, they said, let us go back to the Cimboco days, that was good enough. I said, oh no, we are living in a modern age although I personally I am afraid of planes, I said let us have communication, let us be on the lookout and we will not be in the background. And although I donot expect any dividend back from the C.A.L. except the service. That is all I expect, that is all I have ever expected. And I am very proud to see that we have an Airline, I consider that as one of the greatest works of communication that we have ever accomplished. The only thing is this, I do not like to fly. Last Saturday I went to the Airport, and seeing the dignified way in which the Southern Airline Company handle their business, I said you know what, if I ever make up my mind to fly I's all fly on the Southern jet. Shortly after that one had left the Airport, I heard a noise the plane come back, what did they come back for? The door was not closed. Now, I said, I am very sure our Caymanians would have done better than that.

Now, I have always advocated for Education for our people. I, before I was fifteen years old, I pass<sup>ed</sup> a third year pupils teachers examination, the highest I could go in that time. And that certificate I still have hanging in my office, and I am very proud of it because that is as far as I could go. My mother didn't have the money to send me to Jamaica or elsewhere, I was asked to go to Shortwood to become a teacher. Well, my attachment to my mother and sister was such that I stayed right here and God had my work ordained for me, because I would never be happy as a teacher, but I wouldn't leave my job now to be the Queen of England. So I know God had a purpose for me.

Now, this Natural Resources and the Study, I can't say I agreed with that. But, if it is felt and it's doing a good and we can afford it, let it continue. Only about two weeks ago, I went out in a glass bottom boat and the beauties of the harbour of this George Town, they are something I would say, out of this world. And we must do everything to perserve those natural beauties. I feel that it is something that we have that we should treasure. And I am very sure that we shall attempt to, but I dont believe that every time anybody tells us such and such a thing we have to follow all they say, we must use our own head piece once in a while. But, I feel it would be a crime to destroy the natural beauty which we have in our salt water.

MISS ANNIE H. BODDEN: (CONT'D): Now, with regard to the Mosquito Research and Control Unit. There is not a person in the Island of Grand Cayman who is anymore happy than I am, that we have got rid of mosquitoes up to a point. Those of you who are old enough and will remember 1946, the year after the war ended, could you dare go outside even in broad daylight without being bitten to pieces. Now, what a change has come, it has cost money but anything that is any good will cost. Now, you don't get anything that is any good for nothing, there is always a price to pay. There is a price we have to pay to control mosquitoes, might go very far in pounds shillings and pence or dollars and cents, but it is worth it. But, I do not feel that even although the mosquito control man might know a lot, we too know something, and we should all work together in collaboration with him and the unit to try to keep this good office going. But, we can spend so much money and no more, and we should not deprive other projects just to say we want to get rid of mosquitoes, they must have their share of the money but other projects need money too.

Now, Agriculture. Sunday afternoon, a week ago I went to North Side and bought some tomatoes, they were beautiful, good beautiful large tomatoes fifty cents a pound. And I feel that if they can grow those kind of tomatoes at North Side, they can be grown elsewhere. I see in the stores sometimes little tomatoes not bigger than your thumb, but these are large beautiful tomatoes and I think we should encourage industry of this nature. We who are old enough know that we lived by ground provisions as we called it in those early days, and they produced good big strong stalwart men and women, now everything you eat must be frozen, frozen this frozen that frozen the other thing.

I heard a man said in Kirk Plaza not too long ago, my children are so lazy they will not even go outside to pick a breadfruit, what they want, I must give them money to go to some of the supermarkets to buy canned breadfruit. Now, you see where we are heading, we need that good old time way that we will push forward to get what we want, and we must work to get it.

Now, Tourism is a good thing, but I do not think we should sacrifice any of our principles for Tourism. We have lived by a standard, a christain standard and I feel that when the tourist come to our Island, tourist must do what Caymanians do. When we go to their countries we have to abide by their laws, they do not make laws to suit us, we have to fall in with what they have. Now, I welcome the tourist coming here, and some mighty good people do come, but on the other hand there are some that are not up to scratch.

When this session adjourned, I saw a man with a trousers and a shirt, very filthy I must say; a bag strapped to his back; his hair I don't think has been comb<sup>ed</sup> this year. Now, I feel that we should not encourage that type of person here, we should at least tell them like they did in Jamaica and Bermuda concerning the ladies, you wear Bermuda shorts or Jamaica shorts. We should not allow them to parade our streets in this half naked condition. That brings me back to th obscene publication stuff. I feel that the sights they see on the streets of George Town, I don't know about anywhere else, they are sufficient to corrupt their minds. We don't want anymore books to assist.

Now, we have had a lot of building improvements in the last year; Victoria House I would say, is a great asset. I heard people say sometime ago, we don't want those kind of buildings, we'll rather these little cottages, I don't agree with that. I would like to see our George Town looking somewhat like a small New York, but I wouldn't like to have to live in the midst of all this improvement. Well, I live in my little house in the back, that's good enough for me. But, we need to build up our Island, we don't want to wait fifty or sixty years and hear that the Island have progressed, we want progress now. And I must say, thank God we have gotten it thus far. I have heard it said in this Chamber, we are progressing too fast, I donot say that. The people who taught that way cannot and donot remember the hardship that were endured in the past years, they think everything was as it is now, they are

MISS ANNIE H. BODDEN: (CONT'D): sadly mistaken, but I feel we must go about this in a very cautious manner. Any time that we have to import people to come and do jobs that Caymanians can do and won't, we are getting our economy at a low ebb. Now, Mr. President, there are some Caymanians who will be jealous of seeing other people come to take the jobs, but they themselves in this generation, they are not eager to work hard. I have seen some of these large buildings in this Town, men sweating, toiling, rain or sunshine pushing a wheelbarrow trying to do their job. And I've seen Caymanians sitting in the shade, smoking their cigarettes, so if they lose out on getting a job its not anybody's fault but their own. But, I say when Caymanians are willing to work, to do the job, they should be given the preference if they can do the job.

Now, this Cadastral Survey. Mr. President, I am the only person in the Cayman Islands <sup>who said</sup> that Cadastral Survey ever cost a penny. It cost me money, but I still say I was right in a lot of points. I feel Mr. President, that the Cadastral Survey should have a team of three judges, because one human being can make mistakes. It is costing the litigant quite a sum of money, and I feel that that could have been remedied. I am not condemning the Cadastral Survey, it hasn't taken one penny from me in regard to my work, infact when I go to court now for the Cadastral Survey court, I say you must pay me; before, I would go to court half the time and not a penny, but I say you must pay me if you want me to go to court, fight your case, you must have to pay me, of course there are exceptions, sometime I go and never get a penny, but that's my business. But, one thing I must disagree with a former speaker who says that the Government owns the swamp lands, Mr. President, in the past private people have had a lot of swamp land, now I am not saying that there are not certain areas that the Government should claim and must claim and do everything to claim, but if I've had swamp land in the past it should be given to me now. I should not be allowed to go and take what was originally the Government's.

Now, Mr. President, I gained a lot of enemies, because on one occasion I was very confident - the land belonged to the Crown. I help to fight it for three days, I lost the friendship of some of my, I suppose you would call them "casual acquaintances", but in that instance Government was right and is still right. And I feel Sir, that although perhaps I should not mention it, that that case should not be allowed to drop. One thing I must disagree with a former speaker is this, that the same principles in the Cadastral Survey which were applied to West Bay and George Town should continue Island wide.

Now, I will say that the Department is doing a great job. The Registrar of Lands and his team, they do a marvellous job, very efficient and you haven't got to wait for weeks to get your papers back. I feel it is a good step, it has cost money I dare say, but I repeat, anything that is anygood cost money.

Now, Health, Education and Social Services. Mr. President, I put Health next to your soul salvation. On one occasion I was sick for five years and death would have been a welcome guest, but thank God He raised me up, now I will say we must do everything to promote a good healthy Island. And the Hospital and the doctors there, I dare say are doing a good job. Now, I am not very happy I must tell you the truth, Mr. President, that our old Hospital was destroyed so completely, I would have rather seen a new block built, that old one used because I am very sure that buildings in these days, their strength is not to be compared with like the old Town Hall and Post Office and the old Hospital. All I can say Mr. President is this, that a house does not make a home, a building does not make a Hospital, but if we have the officers to conduct that Hospital, we shall go from strength to strength in having a free Island of disease.

Mr. President, in the past sometimes there would be outbreaks of malaria, typhoid, dysent ry, all sorts of things, and thank God I can say today our health has improved in the Cayman Islands. I am speaking of Grand Cayman principally, but I am sure Cayman Bracers:

MISS ANNIE H. BODDEN: (CONT'D): were ill, we would hear about it.

Now, one thing that I must disagree with in regards to the schools, and that is, where are all the teachers? Caymanian teachers whom we have spent tax payers money on to educate to be in our schools today. I am very sure it must be at least fifteen to twenty maybe two dozen who could fill their places at that Comprehensive School very ably. But, the lure of money, the few dollars more they can get on the outside, they forget their loyalty to this Government.

We have spent thousands of dollars on educating Caymanians and who should now be in that Comprehensive School, but where are they? scattered to the four winds. And I personally don't feel we should take any more tax payers money to waste that kind of way. they should have to sign a bond that when they return and are qualified to teach they should give some service to the Government. Not because they go to the High School and find the Principal does not measure up to their standards, they walk out, that is not good enough, we must remember that the world is not going to bow to us we must bow to the world. And there is such a thing as what the former Member said, "loyalty", well, I considered that the loyalty that Caymanians who have been trained for the purpose of serving their country, the greatest disloyalty they can do is to come back here, do a job for a few weeks and then walk out because they can make ten dollars a month more. I deplore such a thing, and I personally would think very carefully before I vote one penny to educate a person unless he is prepared to come back here to work.

Talking about going to the Private Sector, the Private Sector hasn't educated him, our tax payers money has done the job, and their first loyalty is to our Government. I suppose I shall be criticized for saying this, but it doesn't matter. But, on the other hand Government must make their salaries remuneration payed to them on an equal basis with what they would have to import people for, now that I believe must be partly the grudge. Our people who are trained when they come back here, you know human nature I suppose most of us have a jealous streak, and as they see their counterpart who's not a Caymanian getting more facilities than they get, naturally they are dissatisfied. Now, I am not saying they should have housing allowances, what I am saying is this, their salaries should be equal if they are doing the same job as that of a foreigner I would called it.

Now, this Comprehensive School, I would say I am very proud of the buildings. And, the seventy-seven teachers they ought to learn everything. Well, I went to school in that little old school house there, most of the time I was taught under the grape trees with one teacher and two or three assistants. We had to drill in the broad road, but we made good men and women, and some of the most able men in the Island today were students from that same little school. We had it hard, we had to sweep the school house in different classes each week, we didn't even had a broom what we had was a lilac brush and we had to sweep. Nowadays every thing they must have, mops, this and that and the other, they have life too easy, they should endure and know that things must be gotten not always the easy way.

Now, I touched on the Public Health Service, in regards to the Hospital. I think we have a fairly good Public Health Service. What I am not too happy about is the way that our George Town is not kept cleaner; mind you dirt breeds diseases I have seen dead dogs, dead cats, dead rats, all kind of things lying on the streets. And I feel that the Health Services, the Garbage collection I suppose would be more responsible, they should see that our streets are kept cleaner. And there is a debt that we as citizens owe, we should try our best to keep our own premises in good order, but a lot of us all you can hear what the Government has not done, they stop to criticize what Government has not done, but why do they take in to account what Government has done for us. Because we have gone a long way, I think we should be proud, thirteen or fourteen thousand persons that we can have a budget fourteen million

MISS ANNIE H. BODDEN: (CONT'D): dollars. I don't know where the money will come from, but its my fervent prayer everyday that God will open up ways whereby we shall not have to sink in the slums of retrogression. I want to go forward and its only one way that we can go forward, and that is to unite together, everybody working together for one common cause.

Not because I am the weak woman in this Assembly, I must sit back and don't do my part, each one has to do their part with you Sir as our leader, and we, I would put myself in the last line behind. But, I must do my job, and I expect these men here not to be power mad, not to say, "well I am in the Executive Council, I am a communication man", or this or that, I ain't got to mix with Annie Bodden. No, we must all work together in harmony. We have a good constitution, I am not too happy Sir about the collective vote, but I feel that if we can tone down our behaviour a little, then everything will work smooth. And I must say Mr. President, that for the last two years we have made great strides. There's no contradicting the facts, they are lagging behind in somethings, but the world was not made in one day, it took six days to complete the job, and that was by God himself, muchless us.

Now, Mr. President, this Cayman Islands National Social Services. I am a truthful woman, I am not too interested in that, I want to see them accomplish something. I don't want to see them on one hand holding high to what we are going to do, the next hand pushing them down, I want to see a united effort to do the right thing to stop some of this ill-behaviour among the youth. I want to see them take the stand that if they see a fifteen year old boy with a bottle of beer in his hand, being man enough or woman enough to say that is wrong. Not because he is Annie Bodden's son or Annie Bodden's cousin, but we must correct sin at all angles, and that's what I feel we are not doing. I feel Sir, that if it is taken about and gone about in the right way it might work, I am not too sure but I hope and pray so.

And the Lesser Islands. I am proud to see and hear that the Lesser Islands are forging ahead, they are getting in the road. I always have said in the past that the Lesser Island people were the millionaires of the Cayman Islands, I never heard of any Caymanians dying in this day and leaving any vast amount of money, but Cayman Bracers have, they are a very industrious people, hard working, and I feel that they deserve to have some of the good which we enjoy. You know when they were trying to get a light and the Government had to loan I think it was ten thousand dollars many years ago, there were some people who opposed, I said after all there are our Lesser Brothers and sisters, our Cousins. We must help them, and finally they got it, and I feel that the same spirit should extend, we should not want everything for Grand Cayman, we should help the Lesser Islands or the Cayman Bracers I would call them to get something for themselves as well. If we in this Chamber are to work for a better Cayman Islands, Grand Cayman must have a share Cayman Brac must have a share and Little Cayman must have a share, otherwise we shall always have disorder, confusion and falling.

Now, I am glad to know that the Churches and all these service Clubs are interested in trying to bring this National Council Service up to date, I feel that's what we want to get anything united efforts. We the Church sometimes are very discouraged because we feel that the things that pertain to the higher life, they are neglected. But, it seems to me that if you are in a service club or a club, you can get things done much easier, so I hope that with all these people attached that the National Council Service will one day be a credit to the Cayman Islands.

Now, your Throne Speech Mr. President, tells us that there were twenty-six laws enacted in 1974. I agree Sir that we need laws, but we need people to carry out these laws. I feel Sir that our Clerk of Courts Office should be better staffed, I feel it should

MISS ANNIE H. BODDEN: (CONT'D): have a proper filing cabinet, and I feel that certain work should be allocated to people in a particular job, not one a million things. We have an able Clerk of Courts, he might be a bit slow but he is a very intelligent, well informed, very courteous gentleman and he is doing a good job. But as I have said, he needs some help, he might be doing the most important job, he will have to leave off to sign some of these information etc. We should have in that Court room a Deputy who can take some of the work from off his shoulders, and I am very sure things would run much smoother. He is doing a good job, he took a little while to catch up but he had to get himself regulated, he had to find files, he had to do a lot of things that the outside public would not know about. And I feel Sir, that he is a good Clerk of Courts. Now, I am not saying this for any axe to grind, I am not hoping to get any courtesies from him which he would not extend to other people, I am only speaking my conscience.

Now, we included in these laws - we have had some far reaching ones. We do now have some far reaching laws before us at this present Assembly, I cannot and I will not agree that any judge of our Grand Court should remain as Judge as such for a period of any longer than three years. And I will never agree for a Caymanian regardless of who he is, to be the Judge of the Grand Court of the Cayman Islands, Because human nature being what it is, if I had a son there who was judge I would expect he would give me facilities if I were not a law abiding citizen, and there are other people <sup>who feel</sup> the same way. We must want an impartial Judge. Now, I know of one Caymanian who I have always said, would make an able Judge, but on the other hand I still do not want any Caymanians to be Judge. Because, I say we are too intermingled as family, let us get a foreign Judge - a British Judge, not even a West Indian, one from the great mother country, an able learned man. We have had some wonderful West Indians Judges, but I feel that they with their knowledge of law have done a good job. But, let us if and when we have to get a Judge, let us get one of very high calibre, a family man, we don't want to hear about people who got girl friends and when they go to court they can get a divorce if they want etc. We want to have our Courts our every-thing above repute.

Now, we have able Judges, we have had them, we still have them and I hope that we shall continue to have no worse Judges than we have had in the past and the present one who now occupies the highest seat of a Judge. The Stipendiary Magistrate is also an important job, and I feel that we have got good people in the job thus far, but I still wouldn't want them to be here a life time. Let the changes come.

Now, with regards to these banks, that is a very solemn thing. I feel Mr. President, that our Government failed up to a point in not having a bank inspector, but as you said one was not so easily procured. Nevertheless, we must make every effort possible to get a proper bank inspector.

Now, Mr. President this calamity that this bank along the bay as I term it, has caused a lot of hardship. I heard only this week of a poor lady who had invested her all in that bank, and now she hasn't got a penny in her name. I will agree that it was lust to get more money that made a lot of people go there, I will agree to that. But, nevertheless its human nature to get all they can the easiest way they can get it, and putting money in this bank along the bay that was an easy way to get twelve or thirteen percent on their investments and I am very sorry that they have lost. I have in my office dozens of letters from people practically all over the world, Switzerland, Puerto Rico, Columbia, United States, Canada who have lost their all. I have to write to say unfortunately I can offer you no hope, I don't see how you're going to get any money.

Now, Mr. President in this Chamber it has been said time and time again, about our Attorneys at Law, I don't put myself in their category with making all this pile of money, I don't want

MISS ANNIE H. BODDEN: (CONT'D): it, I don't want it, I can't sacrifice my conscience to make a heap of money at somebody's else expense. But, I feel Sir that in this same bank we have got some people who are getting too much money, and its a great pity. I don't know who is responsible, I am not casting any aspersions but it is a great pity that we could not have some kind of control over the fees that they are receiving.

Now with regards to the Police Force. The Police are not very fond of me I might as well tell you Mr. President, and I could get in trouble for what I'm going to say. But, I feel Sir, I am not saying dispense <sup>with</sup> Caymanians if they are doing the job, be it far from me to say that, but I say dispense with anybody in the Police Force who is not doing the right job, anybody it doesn't matter where they come from. And one thing Sir is that I cannot agree that we should not see more of the Heads of the Police Department parading the streets of George Town or in Court and such like places. I feel Mr. President, that with a hundred and fourteen men or might be more, I see some women in the courts - that we should see more people on the street in the form of Policemen. And, I am not saying what they're doing or what they're not doing, I do not know, but I know there should be more available to the public when you call them.

The other day a man was passing my yard, tomorrow will be two weeks, and he said, "look here Annie Bodden, you see this knife, I will kill three thousand like you". He said, "You better not mess with me", I didn't speak, I barely called the Police and as of now the Police have not arrived. I would not like Mr. President to see these harden<sup>ed</sup> criminals walking our streets of George Town. After all sin is sin, and we have to pay the price of sin, and if a person commits a crime all of us can fall into temptation and be repentant and try to live a better life well and good. But, if I am a criminal I kill today, I go to jail, I come back I kill tomorrow, that kind of a person is unfit to mingle in the society of the Cayman Islands.

Now, Mr. President, the Governorship as you rightly said has changed. We had Administrators and the Governors in the past who did good jobs. I am not going to tell your Sir that you are perfection; you are like a human being, you have your errors and you have your good points. But, I will say this Sir, that you keep this Assembly in proper behaviour, and that is much to your credit. I feel Sir that under your able leadership, if we do not get too puffed up with pride and believe that we cannot be duplicated, well we might get into trouble. But, if we humbly follow your guidance I feel Sir that you will carry on the good works which have been done in the past.

Now, this Private Sector, I think I've touched on that already. We should be thankful that we have banks in our Islands, I remember in olden days - because Mr. President, I am an old woman, that if a person went to build a house they had to buy their little bit of land for sixty or seventy pounds; go with National Bulk carrier, come back in two years, buy a few blocks; then they go again, come back and build a cistern and such like. They had to build their houses piece-meal, and they couldn't get all their luxuries they have in them now Sir, but they did it in a piece-meal manner and we should be very thankful that we have had such a good strong stable Government that the banking world has found us out and came and assisted us.

Now, I am very sure Sir, those that borrowed money, they have to pay their interest but nevertheless it's a facility the Government could never hold out to lend everybody that wants to borrow money money now, it would break Wall Street I am sure, so these banks have done a good job and I would say that we should do everything to keep them going, to keep our tax haven clear and do everything we can so that nothing will befall us in the way of wrong.

Now, we have had two large supermarkets, which I would say have opened up the area where I lived, because I see more people up and down now than ever before. And I think that we should give credit to our local people who have that spirit to invest to try and build up the Cayman Islands. All we can hear we don't want foreigners here, but when Caymanians do the job I feel that they have confidence in themselves,

MISS ANNIE H. BODDEN: (CONT'D): confidence in our Island and confidence in the Government. Now, there is one thing that this supermarket which I heard a complaint of, and that is that the Planning Board will not allow the one down the road even to put up signs. Now, I think Mr. President that should be looked into, because when you go there you have to roam from pillar to post to find what you are looking for. I think that the Planning Board has overstepped <sup>its</sup> bounds when they say, you can't put up signs on the supermarkets to designate what is what and where is where, and I would leave that thought Sir that some steps be taken to correct this.

Now, Mariculture is flourishing. I recall when this law was passed, we called it the "Turtle Law". My colleague from George Town was sitting next to me and I laughed, I said, what would your father Captain <sup>would</sup> Charles Bush from South Sound, Uncle Joe who was a Mosquito Cay pilot, what they think of us passing a law to keep turtles in the Cayman Islands, they would laugh at us. I never thought it would materialize, but thank God it has, and it's a great boom to us. And I am very proud that the area has been cleared and that there is a good strong sound industry going.

Now, these port facilities. I am happy to know that we have sense enough to establish that in the Capital City of George Town, all you can hear now, Northwesters will blow it away, South Westers will do this and the other thing. Mr. President, I am very sure from the time that this Island was settled that little cove out there was used, and I am very sure that is the right place for it under the circumstances. We do not have twenty-seven million dollars to put in the North Sound and on the South Sound area is folly. Those who are old enough to know the 1932 hurricane, the whole southern coast was swept, if you put a dock there, well five million dollars would go down the drain; George Town is the place for it, and what would George Town be without a harbour with ships in it and dock facilities, what would George Town be like? We owe it to the Capital City of the Cayman Islands to have those port facilities there, and I hope and pray that my colleague from George Town who is so very interested and who has so much criticism will not get cold feet and shell down. Now I will back him up in this, he need not worry about support from Annie Hulda Bodden, and every good sound sensible George Towner will do the same. Where the money is coming from, I'm sure God will provide it. You know I believe that if we put God first we'll get things <sup>that</sup> secondary coming after, and I feel that God knows we are trying and if we humbly follow him, pray very carefully about things, if it is for our good I am sure he'll give it to us. And, I am praying, its my daily prayer that God will keep us on the right course, and keep us so that we will fear and honour him and he will bring what we need to pass. I am not saying we're going to get all we want, but we'll get what we need. And I feel that the harbour facilities is a need and one which we cannot do without, and I would ask all the good people in this Assembly and out of it to give this project the support which it warrants.

Now, this new Broadcasting Station. I can't tell you I'm so much in love with that, I would rather have seen television and Broadcasting. Now, I am a lone woman, I stay alone, I do not go to the theatres etc. I have no form of entertainment except reading and studying my business, and I personally would like to have a coloured television. But, on reflection it might do harm to the schools, so I am sort of half way in between. But, nevertheless I feel that eventually we must get television, and I hope and pray and trust that this Broadcasting Station will be used for the good of one and all. Not as I have heard it said in this Chamber, the next coming election will not be a free election, I don't want that to happened, I want a free election. I want Annie Huldah Bodden to occupy this same seat, and I might not have the money to fight if it's something that cost too much money, but I feel certain that I am worthy to come back



MISS ANNIE H. BODDEN:(CONT'D): here, and I hope you good gentlemen, those of you who are good will get back in too.

Now, the Education System. I am not too sure the G.C.E. or what ever the name of it is, should be abolished. I believe in this day and generation when you have to have these O'Levels and A'Levels and what ever they might be to get you into a college, that we should continue that system. I am not an educational professor, but I have some common sense. And I feel that we should not change our ideas too often. If the G.C.E. or what ever the name of it is is good enough to put you from that school into a college, let us keep it up, don't be persuaded by everything and anything that everybody tells you; use our own head piece.

Now, these Standing Orders. I agree that the present one needs some new changes, but I hope they will not be anything so drastic that will defeat our purpose of coming to this House. You know after-all I am a person who do not believe in too much changes, I believe in change for something when it's for the better, but not to change it and still be in the same position. And these Standing Orders I hope that they will eliminate any doubts that might exist in our minds when dealing with this present one, and that they will be up to date and carry us on no worse than the old ones did.

Now, regarding this port of registry, I am not going to comment on that. I have heard it discussed in the law society time and time again, and it doesn't seem that they have gotten very far with this idea. I leave that to the good Attorney-General and his board to work it out, but I hope that means will be made whereby we can get some more available cash. One thing that disturbs me is this, an old gentleman he is now the admeasurer of ships, I do not see any young Caymanians coming up to take his place, he is almost ninety years of age, but he is still doing the job. But, I have never heard of one Caymanian who is trying to qualify in that field, something like that should be thought about if we are considering having a port of entry, and these ships will have to be measured.

Now, this Development Plan. Many years ago - I have a map in my office compiled by the late Honourable Bertie Panton during his regime and there was a road splitting this whole George Town in half, now recently I have seen some other plans. I feel that we should get together as sensible people, not because the road will be opened up to suit Annie Bodden or suit this one or the other one, we must make a plan that will be the best for all and sundry, and if and when this plan comes to our Assembly, let us try to be sensible, don't try to over-ride and say we're no better than the others, let us all take part in it and try to make a plan that will be for the good of all and sundry.

Now, Mr. President I am glad to hear and see that these districts have their little sub-stations. I went to North Side about a week ago, and I must tell you Mr. President, I had to laugh when I saw the big cross and what Mr. Craddock called - caused Mr. Craddock so much trouble. Well, you see not the bad things we can make good things if we try. If they had destroyed it that would have been gone, but now they have made a good facility out of what Mr. Craddock called a "Disgrace".

Now, Mr. President, this Mitchell Creek. I am somewhat dubious, of course I can be wrong Sir that the Liquidators should have the opportunity to join in this venture. I don't think that is quite right, I could be wrong but I mean it gives an impression which is not too good in the mouths of the public. And I don't know if anything can be done about it, I don't know where its going to end, but I am going to tell you Mr. President the public generally are not very happy about that.

MISS ANNIE H. BODDEN: (CONT'D): We are speaking of inflation. Mr. President, what we have to do is to thank God that the means and ways have been opened up where we can get some money to buy the necessity of life. Before things might have been available but there was no money, and I have always looked on store keepers, business men as being a God send to our Islands. And I mean they have to live, we must not be too harsh on them and expect they will open their store daily just to see people coming, they have to make a living. And I personally have to pay a lot for what I buy, but I feel that they in turn what they need they have to pay for it too, and I could never agree for any board to be set up to control their prices. Because, if we control the prices in the stores we certainly would have to control labour, and I am very sure that the common working ordinary class as well as a high-faluting would not want that. So, I would say that we should leave well alone and competition will take care of the situation, I feel sure.

Now, I happen to be a member of the Fiscal Committee, and I try my best to outline and make suggestions that are workable, and I feel that the day is fast approaching when we shall have to raise more money. We cannot expect to get free services in everything, free schools, free hospital facilities in both cases, cemeteries cleaned up, roads clean, everything, and not one direct taxation. And I feel, I don't know what we're going to tax, but I feel when the time arrives and we do have to tax we shall have to tax things, but certainly not food stuff and the essentials of living.

I've heard the Honourable Member from Cayman Brac say, that motor cars - the taxation on motor cars is very limited to what it is in other countries. A motor car is a luxury in some instances and other instances it's a necessity, maybe we'll have to tax the cars which are luxury cars. I am not saying what we have to do, but I say if and when the time arrives that we are running short through using our money to good advantage we shall have to consider some form of getting extra money.

Now, Mr. President, I think you have a fairly good working Civil Service, of course they are only human and some of them are very quarrelsome. Sometime you go to officies and a person say, I am only getting five hundred dollars a month, what can I do with five hundred dollars? I said, lady you're lucky, you are lucky. When I went to work and worked sometimes twelve hours a day I got ten shillings a week, I made the best of what I could do, and you'll have to cut your garment according to your cloth. Five hundred dollars is not to be scoffed at, and if that's all our Government can afford to pay, you'll have to accept it or get another job. But, be loyal to your country, don't only think of money, think of the services that you're getting in return. You have free medical aid, free spectacles, free false teeth and all these fringe benefits to be considered. Well, sometime I talk to them and they respond, other times they say you just fight for the Government.

Now, Mr. President, I'll repeat. We must under divine guidance do what we're going to do, we cannot do anything in our own strength, we must pray about things, we must put God first and he will put us in the right place. I am reading now for the second time the copy of the new living Bible, and everyday I'm more convinced, if you follow God he will guide you, but if you disobey him there is a price to pay. And I want us here to work together in love, unity and good will among each other esteeming every man as our brother, (I'll call myself a brother in this instance) to work together for the good of the Cayman Islands on the whole, and may God bless us and give us the strength to carry on as we should.

Thank you Sir.

MR. JAMES M. BODDEN: Mr. President, rather than go by default, I'll try to speak.

Mr. President and Honourable Members of the Assembly, I would like too to echo my praise towards the speech that you delivered to the House, and I would like to thank the people of my constituency who have made it possible for me to enjoy listening to the third Throne Speech since we've been elected. And I hope that at least we will go on God's willing to enjoy one more.

This is a great privilege to be able to stand in a forum such as this and let's say, speak your conscience, because there're so many people today in the world that are not able to do as we do. It is the greatest privilege I think that can be accorded to mankind, is to have a free Parliament. And although we bicker across the aisles here and we take jabs at one another, I think that each and everyone in this House has been able to take it in the gesture in which it was given and be able to still go in the Committee Room and laugh and joke and smoke. So, Mr. President, I will try to get into the meat of your Speech, it's quite lengthy, I think it did cover just about all of our problems except one, and I will leave that for the last.

My first comment will be towards the Natural Resources Study, as I have tried to take this in the order in which you gave your speech. I would have to echo my sentiments as I have done in the past in wondering how useful this will really be when the story is told. I wonder whether at sometime in the future we could be advised of whether we know much more now about the Island than we did when this study was begun. And I will also wonder whether this Study will be completed anyway in the foreseeable future or whether it will be as Churchill said in one of his speeches, like the endless Mississippi that just keeps rolling on.

For the past year we have experienced an increase in the mosquito population. I would also like to know whether at sometime in the near future we could be told whether there's any hope for complete eradication of this pest, or whether again it is the problem that we will have to consider facing as we go endless into the future. I cannot help but wonder sometimes about this particular department, because it has done a great deal of good. But, years ago we were told that fogging and spraying were very detrimental and it was not the answer to our problems, but it seems to me that it has become the answer, because it is the most evident thing that is being done, is to see the fogging machines on the roads and to see the plane and helicopter spraying. I wonder again whether this spraying could not be detrimental to other insects, birds etc. because with this spraying there is a certain amount of oil being used, and oil has never seemed to be the best thing for birds and insects to live with. Ecologists throughout the world have been waging a fight against this, and thank God there are not so much in evidence here, but I feel like at this time the Mosquito Research Control Unit should be able to know where just about every mosquito breeding ground is in this Island. And I do not believe that the fogging and spraying are going to help or be the long term solution to this problem, I would hate to think that it is. Because, on many occasions as we look around the Island looks like a burning refinery or a battle field.

I must join with you Mr. President, in congratulating the Agricultural Department for the strides which they are apparently attempting to make this year. I am proud to see we have employed a director of this department who seems to be well qualified, and who seems to be mixing and mingling good with the community as a whole. I know that this is not the reason he was hired, but I hope that the success over the years will measure with the extent in which he is able to participate in the community. But, Mr. President I would very much like to see a larger experimental farm undertaken by this Department than the little garden plot that we have at Crewe Road, that is not large enough to have any impact on the community. I still feel like it's incumbent on Government to set the pace at which Agriculture will either be a success or not a success

MR. JAMES M. BODDEN: (CONT'D): in our country, because most people in the island donot have the experience to know how to deal with the problems that they will encounter in the Agricultural field.

To do agriculture successfully in this island costs a lot of money, and most of the people who would probably like to embark on it are not in a position to do so, because they do not have the resources, they do not have the experience and it is difficult for them to waste their few pennies that they may have earned on something else into a venture that could be unsuccessful. So, I feel like the Agricultural Department has the onus on them to put into play and a farm that would be large enough and varied enough that they could conduct Agricultural Seminars through this particular place to enlighten the minds of the people who would like to embark more fully into the Agricultural field. I could not agree at this time that we should consider setting up a market, because there is not much use of us spending the money to build the market when we do not have the produce, and apparently for a long time yet, will not have the produce that can be sold in this particular place.

Mr. President, I am pleased to see that we have excellent facilities for our Police Force. The Police Force is one part of the Government Civil Service that should be impermanance at all times, and I am proud to be able to say that we do have a nice building. And, apparently for once in our history we also have proper equipment for the police to operate with. But, Mr. President and Honourabel Members, we do not need just numbers we also need the expertise that will go along with the numbers, and unfortunately it seems to me that this expertise has been lacking. I would submit to the House Mr. President, that the Police should be made to be more evident in our community. So many times we go around town and we see the Policemen aimlessly walking along the road or crutched up by some of the banks, and it makes you wonder just what are we presenting to the people who come to our shores. They are not really conducting themselves with the dignity that should be attached to the police force.

A simple thing Mr. President, I would say, is the manner in which our flag is usually handled by the Police Department. It may seem as a very small matter, but I consider it to be a big matter, because our flag is symbolic of everything that we stand for, and that flag should be treated with the greatest of respect. But, instead of that Mr. President, I have seen on so many occasions where the flag has been taken down and dragged all over the road in front of the Post Office, it really hurts me to see that being done, and unfortunately I do not see anything much being done to rectify that condition.

Also Mr. President, you may consider this as a radical move but I think that nothing could have a greater impact on our community, that is our local people as well as the foreign people who frequent our shores than to see every morning that the attachment of at least fifteen to twenty police being marched around town in full uniform. When we came to this Assembly on Tuesday Morning, the police attachment was right a head of me, and believe me I don't know how anyone else felt about it, but it gave me a terrific feeling to see our police so smartly dressed, and being able to be on the military parade in the way that they were and how they were conducting themselves. And I feel like if we would consider this it could have a very broad impact on the entire community.

Now, Mr. President, many times in the past we have debated in these halls concerning drug trade and concerning traffic. those seems to be the two Departments that we speak on the most often in this House, I for one, I am not satisfied in regards to what is being done in combating the drug trade. I do not know what can be done to combat it more effectively, but I am sure that there is a way that it can be combated to where we do not hear at least so much rumor in connection with the drug traffic.

MR. JAMES M. BODDEN: (CONT'D): In regards to the traffic patrols, I feel like that is an arm of the Police that could be strengthened. It plays a very important part in the upkeep of our country and society in being able to drive on the roadways at least thinking that you are safe. In my opinion the police have one of the best tools that they've ever had, and that is the motor vehicle law which was passed in this House last year. And, I would like to submit to this House and request that at sometime in the near future that a memo be circulated to the members of this Legislature advising us how many people have been arrested or how many people have been charged to date, in regards to drinking violations under that law. Before that law came into effect we were constantly hearing that they did not have the tools to do the job, I believe at this time they have the tools to do that job.

Tourism continues to play a very important part in our economy. But, again I would submit Mr. President, that some attempt should be made to bring the more affluent people to our shores. I would have to join in support of the Lady Member from George Town in what she said a while ago, because it pains me to see that we admit to our shores people who I would consider if I saw them in the United States, Hobos. I do not believe that those people should be allowed into our country, I think in many a ways it has a demoralizing effect on the community. I cannot submit to this House whether it would be better if we put a couple of shower stalls at the Airport and a couple of Barbers whether that would be anyway of combating it. But, I think we should not continue to tolerate these people, and most of them it is not because of economic reasons, because most of them have money. It is just in my opinion that they are flaunting the traditions of society in the faces of the whole country, and they think that it is a new way of life which should be adopted by everybody.

But, when we look on the streets and we see people who resemble the pictures that we've seen of people back in the fourteenth and fifteenth century, and then we see the little back-packed. It reminds me of a story told to me years ago by a sales manager, and I wish I could be as dramatic as he was when he told it to me because it's always stuck in my mind as to what happened to him when he went into a little Southern Town, and he had canvass and canvass and had not been able to make any sales. So, he had to leave the town broke and took his handkerchief, tied it on a stick put the stick across his shoulder, and in the handkerchief was a few meagre belongings that were left to him. This is not indicative of what is happening because these people do have additional means.

According to the figures that were presented to us, we have seen that last year we have had a six percent increase in Tourist, but we have had a four percent decrease in beds. This is because, again I think that we are not catering to the right type of people, and we are catering to people who cannot actually pay for the type of vacation that is being offered in this Island. I think again it is due time that we give consideration to the prices that are being charged, we must be very careful that we do not price ourselves completely out of this worthwhile market. Because many places in the world today are competing with us.

I am pleased Mr. President, to hear of the progress that has been associated with the Cadastral Survey. Again, I would like to say that I would hope that sometime in the near future a memorandum can be given to the Members of the House showing the areas that have been completed and showing the parcels of land which Government has been able to claim, and on which their claim has been successful.

I am very pleased to see that the local custom in regards to interior swamp land and cliff land has apparently been accepted by the courts, and that people who claim them in the past will apparently still own them. It remains to be seen what approach will be taken in regards to the major swamp area in the eastern districts of the island. But, whatever that outcome maybe I am hopeful that it will be one that will be just and will be fair, and will be one that will take into consideration the things that have happened in the past, and will take into consideration that the stability of this Island is more to be considered

MR. JAMES M. BODDEN: (CONT'D): than just a few acres of ground. I would make a suggestion and hope that it could be adopted, that in the future when the Cadastral team is meeting or the Cadastral court is meeting, that instead of every<sup>one</sup> having to come to George Town which can be very inconvenient to some people, that the court meet in the Town Halls in each district and try to settle the claims in that particular area. I think it would work much better, because you would have the witnesses readily available.

I am pleased again, to have heard so much good in the last few months about the school system. Apparently a much better job is being done this year than was done last year, but I cannot heap too much praise on that system because we have beautiful buildings. We are spending a lot of money, we have a lot of qualified teachers but the results have not been good. It is difficult to imagine that out of the number of kids that took the exam last which I think was about a hundred, that we were only able to have one that could actually have qualified to go into an English University. I cannot associate myself with beliefs that the Caymanians' brain has deteriorated in the past few years to that great extent.

A few years ago when the G.C.E. exam was brought in, most of the kids were taught in the little tin-shack which was built here twenty years ago by the U.S. Navy. The staff were not really well trained, and every condition that was deplorable I would say existed at that time. Yet, in many years we had as many as six to ten students that would pass from three to six subjects. I wonder Mr. President, about this S.C.E. exam. I have to admit to this House as I admitted on the introduction of the eleven great bills which have come before this House, that I really did not understand the meaning of this particular part of Education. We were told that when the G.C.E. exam and the Comprehensive system came in, that it was the panacea that would take care of everything, all of our ills would've cured. But, I am wondering whether at this time we're being certainly told that the G.C.E. and the Comprehensive system is not working, and that a new must be put in. I would like to have forthrightness from the Member associated with this department in explaining to the House as soon as possible the reason for this other type of Education. Again, I reiterate I am not wise enough or educated enough to know what the system means, I'm only going by what has been told to us.

Mr. President, the education system of this Island is one of the most important things that we will deal with, because it will be dealing with the future of our country. And I submit like the Honourable second elected Member from the Lesser Islands could back me up, that the educational system is somewhat like a ship. Usually, the critical stage in the ship is at the twenty year examination, at which time she must be completely dry docked and completely overhauled. And I am wondering Mr. President, whether we have not reached that critical stage to where the dry docking and a complete overhaul is necessary.

Recently in this House we passed into law legislation dealing with the Medical Services. My colleague and myself waged a useless fight in trying to get some amendments to that particular law, since that time I am made to understand by many people that this law does not really serve the community with the benefits most people thought would be derived. And I also understand that we are one of the few places in the world that has such a medical board. I speak subject to correction on that, I have not reasearched it myself, I am only going by what I have been told by various people in the Medical profession.

Again, it is a pleasure to see that<sup>in the</sup> past year we have inaugurated the national Council of Social Services. This could be one of the **best** moves our country has ever made, but this cannot succeed unless it has the combined support of every person living in this Island. This could be the thing that would put many of our problems to right and bring this community back on to the road which it travelled twenty to thirty years ago. To accomplish this, it's going to mean that everybody would have to put his shoulder to the wheel, and everybody is going to have to dig just a little bit deeper than he dug before. I hope that the people of this

MR. JAMES M. BODDEN: (CONT'D): island will manfully face this problem, and will try to make a success of this. Although, I have to say that I criticized the manner in which it was started and the manner in which it was put forward to the public, I think that these are two things that could have hurt this programme, and it is two things that may set it back, but I hope it will not.

For years the Lesser Islands has suffered, because they have been appendages to a body. They have been unfortunate enough to have about seventy miles of water separating them from Grand Cayman. This does not mean that most of those people have not accomplished a lot, and that most of them have not survived where ten million Jews would have died. But, it is time Mr. President that I feel we must keep the life blood flowing into the arteries of those appendages. By saying that, I mean to speak in regards to the recent happenings where one of those Islands was about to be cut off from the airlink. I cannot stand in the House and tell you that I know anything about this particular problem, I understand the property on which that airport is located is privately owned. But, I would submit to this House that as land prices arising everyday it would be much better for Government at this point to consider the acquisition of that airport so that sometime in the future it could be improved, and maybe when we proceed further with our changes that the Honourable second Elected Member could become at least the mayor of Little Cayman. I do not say that disparagingly, I mean it in regards to something else you have said in your message Mr. President, which I think would be very helpful to this country.

The Development Plan will be coming before us shortly. Now, this development plan has been controversial as most of us know, it has had a very long gestation period. I hope that when it comes before this House as you promised us, that it will have a full airing. When it goes before the people they will have adequate time in which to view it and object. I hope that whatever is done under that development plan will be done wisely and justly, but I do hope that that development plan which has had as I said, such a long gestation period will not be a sort of a touched up version or a replica of the one that was turned down three years ago. Regardless of whatever the outcome is in the Development Plan it must never in any sense be used vindictively, it must never be used to someone's gain. And, if I may comment further on that, I would join with some of the other Members in this House who have expressed words on the particular boards which will handle this in saying, that I think it is time for us to consider the changing of the boards at least every two years.

From the figures given to us Mr. President, we have found that Government is now employing about 4.5% of the population. And I would join with some of the other Members in echoing words of praise to the Civil Service, because in the last few years I would say, the efficiency seems to have picked up, and that also they have learned to co-operate much more fully with the public. I do not know whether that's because of the raises they've obtained or what.

Mr. President, we anxiously await the arrival of the Broadcasting Law and of the Station, that will follow it. We hope that it will serve to put our Island on the airways of the world, and that a lot more people will learn about this Island. We hope at the same time that there will be equal opportunity for any member of the House to use this, but not to be used by only a particular group. As far as that is concerned Mr. President, I for one would say that I would be in favour if it was not used at all for any political means. But, I would hate to know Mr. President, that when this Radio Station goes into operation that we will be hearing every day that the Honourable Tom Sawyer took two sheets to the Hospital or that the Honourable John Walker met Mr. Tom Brown at the airport. Because, that is the type of Broadcasting that could seriously undermine the true meaning of what the Radio Station will mean to our country.

MR. JAMES M. BODDEN: (CONT'D): In the past few months we have had a serious set back in our community with the failure of some of the banks, apparently we are weathering this storm much better than I am sure most of us thought. This problem in my opinion could have been faced more boldly, but as it is now water under the bridge I think that it would not serve much purpose for us to go into a lengthy debate on it. And I think one thing should be pointed out from this collapse, and that is, that if our Government had had some sort of a central bank problems like this may not have arisen. I would also point out that I am hopeful that a bank inspector can be obtained and a competent one at that in the very near future, so that the creditable banking institution which we have on this Island can continue. If any crime has been committed in connection with this, I hope that Government will diligently pursue it and will face up to a successful conclusion if these charges can be brought.

Mr. President, at this time I think we have come to a point where serious consideration should be given by our Government in regards to our commitments to CAL. I, like most Members of this House, am very proud to know that our Island has been able to enter the Jet age. But, Mr. President, although we may have stumbled blinded in the past, I submit that there is no reason for us to continue to do so in the future. This year could be in my opinion an unfortunate year for the operations of CAL, as I have been told that on many occasions the plane comes here with eight or ten people aboard. I also understand that many flights have had to be cancelled, if they have been cancelled we only save money as far as the operations of the plane was concerned, we did not save money on overall lease. So, it is time for us to go into this matter and think about it and see if something cannot be done before we arrive at the time when we are faced with something we may not be able to meet.

In 1973 the plane that Cayman Airline operates had a gross revenue of approximately 2.8 million dollars. That is a very large amount to be earned by anyone single aircraft, it shows that we must have had a tremendous occupancy. But, the other point about that Mr. President is this, that from that large amount of money only a hundred and forty-two thousand dollars was net income, and that represents a return of only 3.09%, a very very small amount indeed, and certainly not the kind of return that Caribbean Utilities has been able to enjoy.

Along with this Mr. President, I think it is time that we ascertain whether Lacsca is paying its fair share of the operations in regards to management etc., that are supposeably should be finance from both operations. And I am wondering whether we do get any rebates under our leasing arrangement when the plane is used by Lacsca. Looking at the information which has been available to us we have found out that the plane must have flown an average of five hours and forty-eight minutes every day in order for it to run up the bill that we paid Lacsca.

Most of the Airlines in the United States today are experiencing the same thing that we are experiencing, only maybe more so. Some of those Airlines have now decided to trim their budgets to the extent that they are not offering food and free drinks. Between Miami and Grand Cayman there is only about an hour of flying time, between Kingston and Grand Cayman there is only about fifty minutes flying time. I believe that most people who travel have probably partaken of their meal before they get aboard the aircraft, and in most cases if they are afraid as I am, you can't eat it anyhow. But, yet in 1973 we spent not for food and beverage together, but just for food two hundred and three thousand dollars. And, Mr. President if we were to only cut out the half of that it may go along way to salvaging the amount that we may have to pay this year.

I think also Mr. President, that it maybe a good time for us to have a serious talk with the United States Government, and with the proprietors of Southern Airlines. I am quite aware of the bilateral treaties that are between the Governments, but I am sure that we would be in a position to make a very good argument as to why two aircrafts should not fly out to the same destination in the same day. And, it maybe possible that Southern would be granted a terminus point such as Atlanta,



MR. JAMES M. BODDEN: (CONT'D): and if this should happen I believe it would help tremendously the fortunes of CAL for this year.

Mr. President, I am concerned about the port cost. I remember being told originally by the Second Elected Member from George Town that we've had assurances from the architects and someone else in the association with it, (I do not remember who it was now) that the port facilities as drawn on the map presented to us would only have cost one million dollars. My remarks to him at that time was, I hope to God you sign that contract. Yet, we are being told Mr. President, that it is quite possible that that facility will now cost us in the neighbourhood of five million dollars. I am very pleased to see us embarking on a venture that will give this country appropriate port facilities. I have not argued this in the House one way or the other, because I am standing for the progress of this Island, and I am hopeful that whatever that decision is it will be adjusted in wise decisions. But, we must consider that this could be a location that could be effected by bad weather, and it also could be effected by congestion of traffic. It is a major investment Mr. President, and it's a lot of money, and I hope again that every move that is made will be made in a wise and just way.

The new Road Works programme is now on the way, and again I would submit Mr. President that I hope that the people responsible for this programme will see that only one side of this road is built at a time. Because, if we continue to do as I've seen done in the past to build the entire say thirty foot road across, and then traffic continue on it, in less than a year we'll be back doing the same thing again.

Mention was made in your speech - I'm sorry that my speech had such an effect this evening. Mention was made of the Sewerage system that could be considered, but again I hope that careful consideration will be given to this before it is put into effect. Because, we must realize that an Island such as this only has a limited amount of ground water. And if we were to use that ground water in the sewerage system, treated and pump it out to sea, eventually we could wind up in this Island similar to what happened to Long Island in the United States. Because, it is a proven fact that there is only so much amount of soft water floating on an amount of salt water in any territory such as this. After you have taken off the soft water you are then down to the salt water and if its not being replaced eventually the Island could become denuded.

I wonder Mr. President, where it is contemplated to get the water from to supply George Town, because from the studies that I have seen that have been conducted in the past, it is a proven fact that there would not be sufficient amount of ground water in the George Town area to service it. And in addition to that, it was also pointed out to me some years ago by a so called expert that in their opinion probably most of that ground water is at the present time polluted.

I am very pleased Mr. President, to have seen your reference and the action that you've taken in regards to making the Cayman Island a port of Registry. This could be in my opinion one of the best things that ever happened to this Island economically, and I believe that if ever we need it its like the old hymn "Lord Jesus it is now". It can be of tremendous benefits, and I hope that this will be persued tenaciously and that I will have the privilege of being able to vote one time with Executive Council and say, yes.

Mr. President, it is quite necessary and its becoming something that we cannot get away from, in the fact that it is time for our coast to be adequately patrolled. And I hope that in the very near future that this will be accomplished and it will not be with a small row boat.

In order for us to continue the local growth that has been continued into the past few years, serious considerations will have to be given in the near future to some sort of arrangement for long term financing for this territory. I am speaking about the Public Sector Mr. President, and I feel like it's incumbent on Government to also lea

MR. JAMES M. BODDEN: (CONT'D): the attack on this side. We can only grow into a pyramid on this side. We can only grow into a pyramid with a limited amount of resources locally, and this pyramid must never be allowed to happen, because once it does it could undermine the whole thing the territory has for its benefit which is its political stability.

I am very pleased Mr. President, to see that the poor relief for the poor people of our country is going to be considered. Its a matter of paramount importance in the community at this time, and I am hopeful that that law will also be forthcoming in due course. I would also hope that along with this somewhere in the near future Government will put before this House a bill which will give the Island a Social Security system. I for one would like to see a Social Security system that is based somewhat along the lines of the American system, or maybe the Scandinavian system, but it has to be a system that is going to be broad enough that it will be some help to the people in the future.

I await the arrival of the introduction of the new Standing Orders. The Standing Orders of this House are the beacons of knowledge that will guide our pathways, it has done it in the past it will continue to do it in the future, but whatever we do we must not tamper carelessly with those Standing Orders. I will remind the ruling party not to try and muzzle the opposition in those Standing Orders, because one day in the very close and near future they may occupy the same lowly seats.

Mr. President, you have introduced into this House something of paramount importance again. It's a revolutionary idea, and I am sure that it will be welcomed by everybody in this Island and every Member in this House, and that is your comments on the local Administration. It should make our people pool together, it'll give more people an opportunity to shoulder the public responsibilities which they should be shouldering today. And at the present time I can look in to the future and I can already see some of the Mayors that Bodden Town will elect. And I will assure my fellow colleagues in the House and also in the Executive Council that they should have no fear of following your ideas Mr. President, because Bodden Town will help you lead the way.

Mr. President, I was surprised in your speech that no mention was made of Caribbean Utilities and the rate increase which came into effect in the last few months. With your permission I will digress a bit from your speech and touch on it. I feel like this is a matter that greatly affects the entire country. And years ago I understand three Members of the Legislative Assembly were appointed to be watch dogs actually for the people of this country, at the present time I believe we only have two elected Members serving and there is also a private individual. I do not know how Government hands are <sup>tyled</sup> in this matter, but I would think Mr. President that a fair just way of handling this would be that we had three competent Civil Servants such as the Attorney-General, the Assistant Financial Secretary, because the reason I haven't said the Financial Secretary, is because I do not know where that man finds the time to do his work now; and probably the economist. These three people in my estimation would be the most competent people that could serve as directors to represent our country.

Mr. President, I have done some research on this particular subject and I find that in ten cities of the United States using an average of what they pay, that we are paying approximately five hundred percent more for electricity than any of them. We must realize that in a country like the United States there is any amount of taxation which companies have to pay, they have to abide by strict Unions rules which means high high wages. Yet, they have to pay for the power so much less than us that it makes us wonder, The highest rate I was able to find Mr. President, was in New York city where they are paying seventy-two dollars for one thousand kilo-watts of electricity. From that it goes down to nine dollars and seventy-four cents in Seattle. The average of the ten cities that I would mention would work out to thirty-four dollars and twenty-four cents per month per a thousand kilo-watts. Yet, Mr. President if we take the lowest scale that

MR. JAMES M. BODDEN: (CONT'D): that is being charged for homes by Caribbean Utilities we find that the average home owner has paid in our country a hundred and sixty dollars for a thousand kilo-watts of electricity.

Mr. President, I must submit to you and this House that I think something is wrong, and it is time that we give a lot of energy, a lot of effort and a lot of time in trying to find out what has gone wrong. When I brought a motion to this House sometime ago Mr. President, I advised the House at that time I could not vote because I had invested some years ago forty dollars in Caribbean Utilities. So far Mr. President, this year I have received in dividend a little over fifty-five dollars for my forty dollars investment, and I have been receiving dividends for several years plus the stock is now worth about fifteen times what I paid for it.

Mr. President, I am very pleased that I have been granted the privilege of being able to stand in this Assembly and join in the debates that have taken place. Because, I feel like history will say this was probably one of the most important hours in the history of the Cayman Islands, and I do hope that each of us will be wise enough to keep this Island on the course that was charted for it many years ago.

Mr. President, I do not hesitate in telling you this, that with the guidance that you have displayed since you have been in this House I have no fear in following you Sir. And I do not mean that idly, you have displayed to us co-operation and you have displayed to us fairness. And by doing so Sir, I think you have earned the respects of all of us. And Mr. President I can assure this House and the Members on the opposite side of the House that although at sometime they do not co-operate too good with us and we have to show our servility, I can assure this House that we are willing to co-operate in every way to try to carry this Island forward into the future with the help of our creator.

Thank you Sir.

MR. PRESIDENT: I doubt if we'll get much further tonight, and I suggest that we take a motion from the floor for the adjournment of the debate which will allow us to resume on Monday - before a motion for the adjournment of the House.

HON. D.V. WATLER: Mr. President and Honourable Members, I beg to move that the House stand adjourn until 10 o'clock Monday morning.

HON. G.E. WADDINGTON: I beg to second that motion.

MR. PRESIDENT: I'll take it that today's debate is adjourned, we'll carry on with it on Monday morning. The motion is that this House be now adjourned until 10 a.m. on Monday morning.

QUESTION PUT: AGREED.

AT 5.11 P.M. THE HOUSE ADJOURNED UNTIL THE  
24th MARCH, 1975 at 10 a.m.

MONDAY, 24TH MARCH, 1975

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL, CBE - PRESIDING

GOVERNMENT MEMBERS

HON. D. V. WATLER, OBE, JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON	THIRD OFFICIAL MEMBER
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT LESSER ISLANDS (MEMBER FOR INTER-ISLAND CO-ORDINATION AND INFORMATION)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT EAST END (MEMBER FOR TOURISM, LANDS, NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT GEORGE TOWN
MR. CLAUDE M. HILL	SECOND ELECTORAL DISTRICT GEORGE TOWN
CAPT. A. A. REID	THIRD ELECTORAL DISTRICT LESSER ISLANDS
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT NORTH SIDE

ORDER OF THE DAY

MONDAY, 24th MARCH, 1975

1. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH.

2. LAID ON THE TABLE - REPORT ON THE CAYMAN ISLANDS  
POLICE FORCE, 1974

BY HON. D. V. WATLER, OBE., J.P. FIRST OFFICIAL MEMBER

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MONDAY, 24TH MARCH, 1975

10 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. We will continue the debate on the throne speech.

HON. D. V. WATLER:

Mr. President and Honourable Members, apparently no one is anxious to start this debate, and first I would like to congratulate you on this masterpiece of yours, that you have delivered here. I notice that you took it from the maritime angle. You are from Scotland, but apparently sometime you think you are from Cayman - as a seaman yourself, and if there were a marine board here, I am sure you would get your master's certificate, because you did a masterly job in preparing this address. And it is good to have heard congratulations also that have been received from the other side. But also as a mariner you realise you have to have a little breeze around too, and you may have a little adversity; if you are getting too much calm you might not get any place, you need a little breeze sometime to be able to get you sails opened/<sup>up</sup> and be able to go - get on the way.

I would though, at this time, like to try to touch on some of the things that were said, particularly about the Police Department - if I can help out in any way. The Members will see on the order paper that the report for 1974 is going to be laid on the table. The police, and I am not going to say that they are perfect, but they are endeavouring to try to do their best. They have a new building, and for the first time, you are getting some training here for the local people, and for the recruits. We have a training officer, and that is a big step forward. Prior to this, whenever one was recruited into the service, they had to go overseas for their first indoctrination, and it is good that we now have a local training section open, so that there has been a step forward in the police department.

Likewise the special branch section has been divided away from the C.I.D., and the Special Branch is now operating very successfully under a superintendent and doing a good job. And as you will have seen from the throne speech, it is hoped to set up a new drug section also. All of this will help to streamline the efficiency of the police. One thing that is outstanding in it all is that during this year we did have a number of local people coming forward to join the police force, and I think this/<sup>is</sup> admirable, and it speaks well for the service that they been able to attract some local ones, because prior to this it was difficult to get local people into the service, and this/<sup>is</sup> Cayman and we should try to get as many Caymanians as possible in it, who know all the local customs and habits, and at the same time know the people.

Much has been said in respect to some of the failures and all this, but as I said before its not doing too badly. Many times you will say that has a case has gone, and that something has happened, and you don't see action, and many times you use this word; that it is public knowledge that this has taken place, or the other has taken place. It may be our public opinion that it has, but the difficulty that the police is having, or any one would have is to be able to have proof of these situation these occurrences.

HON. D. V. WATLER (CONTD.) It is all very nice to go to court, and those of you that have anything to do with the court, know that when you go into court you have to be able to bring proof, not what you have heard, or what you think, but there is a fact; here is evidence. And as the police being a small force, and covering all the Islands they cannot be every-where all the time, so it behoves each and every one of us, natives or Members of the Legislature or anyone else to come forward with the evidence, and be prepared to go to court and to substantiate it; I have seen it and therefore this is the position. But many times it is difficult to get a line, it is one of the difficulties that the police are faced with; to be able to get concrete evidence, and people to stand up and say I saw this.

There is a case as you know, is pending and still unsolved, because it is difficult to get someone; if there was anyone present to say we saw it.

In the report you will find, when you have it, that the total number of crimes that have been reported during this year, has been <sup>even</sup> more than what was last year. The total number is 838, and even thinking of the traffic, which can be criticised, because it is said that a lot of speeding is done, and no doubt that is correct. But in 1973 there were only 393 cases brought forward for traffic offences, while in 1974, 639. So apparently, that speaks for itself, that the traffic section has been on the ball and doing its endeavour best. Still in the case of road accidents there has been an increase also, because there were 253 in 1973, and 279 in 1974. But by and large I would say that they are doing a reasonable job, and trying their endeavour best, and with the co-operation of every one, I am sure that the future will be good.

Mention was made about a boat, and not getting the boat, and waiting. Well it is to wait until we get the drug section set up and be able to access it, and get the findings of that, and see how it is going to determine the type of boat and every thing else, and whether it is necessary or not. But the money that was voted this year, or has been voted, Members might be glad to know they are expecting to build three new stations, one in Rodden Town, one in East End and one in North Side. At present they are occupying rented quarters, and we appreciate the fact that we have been able to <sup>get</sup> quarters rented to have the force in, but rented quarters can never compare with our station, because the stations have to have their special facilities, so in that instance you have to make allowances; if the police is working out of quarters that are not exactly police stations, and though they are good, and we do appreciate, as I said before, being able to find places in the districts. But when they get their own quarters, you can expect even better.

Regarding the recreational hall, we are expecting to renovate the offices that are used by the Legal Department, once the new building is erected, to be able to give the police some place where they can have as their own to do some recreation, be able to play some games. It is unfortunate that they don't have any place now, but this will help to improve the moral and spirit in the force, and no doubt entice others to come in the force. I don't think one needs to fear too much about the music and the noise that you may hear from it. I know that you say that you hear some music up in that area, but you have to bear in mind that in that seem direction, and with the prevailing winds, there are two other clubs in that neighbourhood; further up the road is the Sea Inn club that plays, and then there is one by the theatre, at the ring road, in the back there, and with the wind as it is you can expect to hear some of the music.



HON. D. V. WATLER (CONTD.) Unfortunately, most of the places of entertainment these days, they do use these amplifiers in their music, and it does cause some amount of discomfiture. But again reports can be made to the police, and they can go around and try to check it, if they are becoming a nuisance to people.

Mr. President and Honourable Members, I don't think I should go off any further, there have been some questions, and I see we have the Member for Social Services here, and particularly in respect of the certificate of education, and I think that he would be able to explain that, because I am not sure that Members are all cognisant of what it is all about, and it is not just a new system of education at all; it is still the same system.

And with that I would like to thank you all.

MR. G. HAIG BODDEN: Mr. President and Honourable Members, I always like to speak immediately following the First Official Member.

Because this house is fortunate in having in it its own Dr. Kissinger, because if there is any man that can make peace in this House, it is the First Official Member. I remember very early in last week, when we were really getting into difficulties he came to our rescue, and in just one sentence he captured the whole problem in this House. When he put into one forcefull sentence what the First Member from Bodden Town had in mind, and just like Marlene Dietrich, he put a whole philosophy into one sentence. And for those of you who are not familiar with that quote of the famous movie star, I will give it to you; Marlene Dietrich once said, that "a man is more interested in a woman who is interested in him, than he is in a woman with a beautifull leg", and our First Member of Government has the ability to capture in a nut shell, all the sparks of trouble that would go unnoticed by other Members, and I have great respect for this Member.

I also Mr. President, must congratulate the Governor of the Cayman Islands, on delivering the throne speech in such a comprehensive manner, in fact, it is the only detailed throne speech that I have heard, it is the first one to my knowledge, that has given us statistics that we can go on, that has backed up the words with figures.

The debate on the throne speech is altogether different from <sup>other</sup> debates, it is unique, in that for all of the other debates, the President of the Assembly is in this Chamber, because of the other speakers. But for the throne speech, it is the reverse, we are here because the Queen's representative has put forward the policies of Government. I must commend you Sir, on your wisdom, in accepting the post of Governor of the Cayman Islands, because if ever we needed leadership, it is now. The First Member from Bodden Town delivered last week the mildest speech he has ever made in either the throne or budget debate, so you can expect that all the bad stuff will be coming today.

And I am glad that Executive Council is almost up to its full strength today, because last week there was'nt too many smiles on their faces, when they knew that they were perhaps out numbered, and they were without the Financial Secretary, and one or two of the other back-up Members.

MR. G. HAIG BODDEN (CONTD.) The most popular of all the deities amongst the ancient Romans, was the God Janus, and the reason for the popularity of Janus, was that he had two heads, he had the ability to look forward, and to look backwards. Well, none of us can see in the future, but we all have the ability of looking on the past, and we should be able to learn from the mistakes of the past, and I don't think we have. That will be the central theme of my speech.

At this point and time, we are undergoing so many changes; that we seem to have no precedent to follow; we have nothing to guide us. From the inception of our new Constitution we have seen many changes. Government has been changed from the old Civil Service type of Government to the type of self Government which gives Elected Members of the Executive Council certain powers, which they had not dreamed of here-to-fore. And because of this, a grave responsibility has been put upon the electorate, to watch the people they return to this Chamber, and not only to watch whom they return, but to watch them after they are returned, to see that they carry out policies, and that they form policies, which will be in the best interest of the Islands. Because the elected members of Executive Council, now enjoy privileges which at one time were the sole prerogative of the Governor, or the Administrator.

In the appendix to the throne speech, fifty-nine Bills are listed as priorities to come before this Chamber, during this year or next year. I don't know how many people realise this; but every phase of our life will be affected, and with the change by these Bills. We have in this appendix, Laws that will deal with every thing conceivable; from the divorce court, to the cruelty to animals; from the registration of ships to the water supply; from the age of maturity to the public nuisances' Bill. And our people had better awaken, because this Assembly is changing everything that they knew before. May I ask is the public ready for all this change, do they know what is going on; has it been sufficiently advertised? Are we prepared to make the necessary adjustments? More changes will have been made in the four years from 1972 to 1976, than were made in the forty years, from 1936 to 1976. So all of this adds up to the fact that our public needs to awaken, and to find out what is happening in their Government. They must no longer rely on hearsay evidence.

We could have a good thing in the Press and the Radio, providing they carry factual reports, and I am hoping that they will live up to their task, they have not done so in the past. Now in this very session, over the last few days, we have started a most dramatic change in the procedure of our Courts, I don't know that we are doing right, I can't agree with all of it, because on the very top<sup>of</sup> our priority list are Bills which will change the whole Justice system. The officers of the Court will have to go back to school to find out where they are. I understand on the authority of members of the legal profession, that these Bills will be changing the system as known here, the system which we followed/<sup>and</sup> was adopted from Jamaica, to the system followed, perhaps in other Commonwealth countries, particularly in the United Kingdom, and our local lawyers will be somewhat at sea until they get into this new system. Perhaps the lawyers that were practising in England, or in other Commonwealth countries, will be more at home with these new Bills, than our local Attorneys-at-Law. And I am wondering, if all this flood and dramatic change, is going to do us any good, and if it is going to work all right.

MR. G. HAIG BODDEN (CONTD.): Because the fact still remains, that our Court of Appeal will still be the Appeal Court of Jamaica. It is true that our final Court will always be the Privy Council in England, but how many cases ever reach the Privy Council, they have to pass through the Appeal Court, and we are undertaking a stupendous task, and I don't think the public even knows what is happening. But although we have fifty-nine Bills, some of the most important Bills are missing from that priority list. The most inaccurate Law on our books is still the Election Law, and no mention is made of that Election Law, in that list appended to the throne speech. We have very antiquated systems in our Election Law, particularly with the use of the postal ballot, with the use of procedure on voting day, and with the security for costs in Election Petition, and this Law must <sup>be</sup> stuck in this priority list, and dealt with in this year 1975. Because we have an election next year, and we should remodel and revise this Law, and bring it into keeping with all the other changes that are going on. I could mention several other Laws, which I would put on the priority list instead of some of these nonsense Bills like the Public Nuisance Bill, perhaps that Bill is aimed at me, but I don't think a good job has been done in listing the priority Bills.

One truism in your speech, in the Governor's speech, was that we can't do everything at one time. One Member said in this Chamber last week, that he believes we would need a budget of forty-six million dollars to do the things that the Bodden Town Members want done, I am sorry he is not here today so I can show him how wrong he was, but perhaps he will read it in the minutes. We do not need to increase our budget to do some of the things that are necessary, what we need to do is to change our priorities, so we do not need more money, what we need is a change of priorities.

Let me show you what I am talking about. <sup>the</sup> In/past week, nearly every Member in this Assembly agreed, that it is time that we look at our prison services, and we start to think about keeping our prisoners here, but everyone ended on the note that the cost would very high, we would need more cells, we would need more security. Where is the money coming from; all we have to do is to change our priorities. So that beyond the Justice system, and beyond the economics, we need to look at our cultural priorities. If we are to carry out these things, without spending more money. We have to change our emphasis, from the things worth having to the things worth being. Instead of having a building for prestige purposes, we must <sup>have</sup> it for its usefulness. So we do not have to increase the budget, we have to allocate our spending.

In the revised estimates of 1974, under a certain item of prisons services, we only spent one thousand dollars in a particular area of the prison services, as against that we spent eighty-five thousand dollars on telephone calls and a much large sum on electricity. We only spent three-thousand five-hundred dollars for the maintenance of Juvenile and Approved Schools in Jamaica, as against one hundred and thirty-six thousand, three hundred and eighty-nine dollars for the Cadastral Survey, and a very tidy sum on the Natural Resources. Now when we are spending in one year forty times as much on the Cadastral Survey as we are spending on the maintenance of Juveniles in Approved Schools, there must be something wrong with our thinking. We only spent six-hundred dollars for child care and protection, as against two-hundred thousand dollars for gratuity to contracted officers from abroad. We spent three hundred and thirty-three times as much on gratuities to contracted officers from abroad, as we did on child care and protection.

MR. G. HAIG BODDEN (CONTD.): We paid salaries to two people in the United States connected to the tourist trade, we paid them salaries, or it is budgeted for in this year eighteen thousand three hundred and sixty dollars, that is not so bad but for gratuities we are providing three thousand four hundred, and thirty-two dollars for our contribution to their social security scheme, twenty per cent of the salaries for contributions to the social security scheme. I am not sure of the exact figure, but I don't think that there is any employer in the States that is contributing more than five per cent of the salary, for the payment to the social security scheme. We spend four hundred thousand a year to kill a few mosquitoes, and nothing in comparison to the rehabilitation of juvenile offenders. We spend two hundred and thirty thousand dollars a year to promote tourism, and only two hundred and eighty dollars a year to promote the Sea Scouts and Girl Guides. We spend one thousand times as much on tourism, as we do on Sea Scouts. With this type of spending, is there any wonder that there is no money to put for juvenile delinquency.

We have established this year, a National Council of Social Services, and I am very proud, Mr. President, to tell you that one of the very first problems tackled by the Bodden Town Members when they came into this Assembly, was that of social problems. And although in the initial thrust, we were discredited for talking about social services. I am glad to see that Government has established the National Council of Social Services. What it will accomplish, will depend upon what the officers of that Council can do, as well as on the support that comes from the public. But I believe that instead of providing large salaries for people at the top, we should think about increasing the ratio of our Probation Officers to juvenile offenders. We now have one policeman for every one hundred people in the Islands, and it is time that we get more than one or two Probation Officers. Because with the few officers, we find that a child sees the Probation Officer, once per month for half an hour, and then spends two hundred hours on the street. It is an absurd premise, to think that that kind of contact can be of any good, so we must increase the ratio of our Probation Officers to our juvenile offenders.

This is a topic on which I feel very strongly about, and studying the Lockheed report I see that the two things cannot really be separated, although they may be separate departments, because there is a link between Probation and Social Services.

The First Member from Bodden Town touched upon tourism, but I want to make a far deeper probe into it. We need to take a new look at tourism. For several years now we have enjoyed an increasing number of tourists, but an analysis of the figures given in the throne speech, indicates that there is cause for concern. While the number of tourists for 1974 increased to fifty-three thousand one hundred and four, a sixteen percent increase over 1973, we notice that hotel occupancies dropped from 53.5 percent to 49.5 percent. This means that more tourists arrived in 1974 than in the previous year, but they stayed for a shorter time. This is what we need to dig into. We need to find out why they did not stay so as to give the hotels a better occupancy rate. Is it because the rates are too high; is it because the rate charged for one glass of wine is one dollar fifty cents, or a dollar seventy-five, when the hotel buys the whole bottle for a dollar twenty. There was a letter in last week's newspaper, by a tourist, who had high praises for the Island, with the exception of the high prices. Many of the tourists that I have talked to tell me that they do not pay the prices that are advertised in the brochures. What they pay when they get here is a compulsory fifteen percent gratuity, put on by the hoteliers.

MR. G. HAIG BODDEN (CONTD.): Should the hotels be allowed to put on a fifteen percent gratuity? They should not. A gratuity should be given by the tourist to hotel workers who deserve to be tipped. Further more it is my belief that when a gratuity is collected in a blanket bill the money does'nt go to the real workers. It is split up against Tom, Dick and Harry the Vice President in charge of mixing cocktails, and what not. Perhaps some of it might even go to the owner in some far off land. But it is my belief that the money is not going to the people that deserve it. Which means the tourist is not getting the service he should have, because the tips are not given for service. They are extracted, like Matthew collected the taxes. So we need to look into this matter of tourism. It is good that we now have a Member in charge of it, and the responsibility is on his shoulders to make an examination of these charges, and to find means and ways of remedying the evils that now exist. And he had better find the answer, and he had better find it fast, because the tourist who leaves because he was dissatisfied will never return again.

Earlier this year I stayed at the Montego Bay Hotel Inn, and it was full all five hundred rooms of it at a time when our hotels were nearly empty. What is the reason? And don't kid yourselves that because there be a little violence in Jamaica, or some other Caribbean Island that tourist will flock to Cayman. So if this/<sup>is</sup>our mean industry, as I have been led to believe by the propoganda that has been spread about it, it is time that we take steps to preserve this industry. The most alarming part of the tourist story from your throne speech is that not only had the bookings fallen off during the second half of 1974, but that the downward trend has continued into January of this year. I am quoting the exact words. When the figures were down 7.7 percent, over January 1974. When the hotel occupancy rate dropped below 60 percent it means that the hotel is not a viable business. The hotel needs an occupancy rate of 60 percent, and our hotels are now enjoying, according to the throne speech 49.5 percent. This is cause for alarm. Now what are we doing about it? I'll tell you what we are doing. We met here in November last year, and renewed the Hotel Aid Bill to encourage the building of more hotels, so that the occupancy rates can fall even lower. That is what we are doing just repeating the mistakes of the past. I am glad the Member for Tourism is taking notes, because he needs them. We must/<sup>be</sup>realistic, we must not continue what we have been doing. It is true the hotel industry still needs certain incentive, but I don't believe they need incentive to build more hotels, so that the occupancy rate can continue to drop.

I am hopeful that we will be through with this debate today, and so I am just touching the mere surface of these subjects, to give the Members time to reply.

One thing mentioned in the throne speech was the position of the Cayman Islands, with regards to Britain's entry into the European economic community. This is a very complex subject, and one of the few that is really beyond me, I must admit. Britain's entry into the European economic community pose many problems for Commonwealth countries that were making exports to Europe, and to other world markets. But this one instance in which our deficiencies seem to have worked good for us, we do not have to worry about the market price of our bananas or sugar, so we do not have that problem. It follows then, that our association with the European economic community would be almost a unilateral agreement, in which we would stand to benefit, far more than we could ever lose.

MR. G. HAIG BODDEN (CONTD.): You pointed out in the throne speech that a new source of aid would be opened up for the associate members, of which the Cayman Islands would be one, and that we will be eligible for certain aid funds, of course, you could not tell us to what extent. The only little draw back is that we will have to restructure our Customs Traiff, to afford the privileges to other European economic community countries, as we now afford to the the United Kingdom, and this is a very simple job.

If all the goods we imported from the United Kingdom received preferential treatment we would be losing a lot of revenue. if <sup>we</sup> had to extend preferential tariff rates to all these countries. But our Legislators in the past, were wise enough not to give away too many concessions, and the result is that in our Traiff Law today, the United Kingdom does not receive but very little preferential treatment from us. There are a few items, cigarettes, liquor, corrugated roofing and one or two more; I don't think the list goes on to half a dozen. There are only very few items from Great Britain that receive preferential tariff treatment, and those few items only receive a five percent reduction. It meant that if a person was importing corrugated roofing from the United States, he would have to pay a twenty percent tax, if he bought it from the United Kingdom he only pays a fifteen percent tax. What I am saying is that we can well afford to give to the other members of the European economic community the same preferential tariff privileges we give to the United Kingdom, and we won't be worse off. Our Legislators in the past must have been wise indeed, because you notice the items I have mentioned, of which the building material stands out as the most important one. If we now give, say, to any European county the privilege to send to us goods which will be taxed at fifteen percent, it will mean that we will, to a more or less degree, reduce the cost of building materials, and as a house is generally the largest purchase that any man ever makes in the Cayman Islands, this would be a good thing. So we can well afford to allow building materials from Belgium, or France, or what ever country they are, to come in here at a fifteen percent tax.

Not only that, I believe that this much closer association with Europe, will open up vast markets, new areas where our merchants can purchase high quality goods at favourable prices, and the sooner we can get this association, the better.

I emphatically agree with an observation of the Governor in his throne speech, that the time is ripe for the establishment of <sup>some</sup> ~~form~~ of local administration. This is perhaps the most revolutionary idea in the entire speech. It is small wonder that no <sup>body</sup> ~~one~~ seems to have thought of this before, because the need is here. If local administration is set up in the Districts, it will mean that Bodden Town and the other neglected Districts, including the Lesser Islands, would get better attention. It has always been my contention that Government behaved as if the Cayman Islands ended at Crewe Road. The Eastern Districts and the Lesser Islands seem only to receive the crumbs that fall from the master's table.

I understand you proposals to mean that local revenue from the districts, would be ploughed back into the District for the improvement of the town's amenities. This might mean that in Bodden Town the clinic might be fully staffed, it would certainly take a lot of headache from the Member responsible. It would mean that it could be run properly, without the Members having to come here, and fight it out on the open floor.

MR. G. HAIG BODDEN (CONTD.): We might even be able to get the community hall, which this Assembly agreed to build in December of 1972. You made a very astute observation in your speech in that no matter how important a thing may be locally, it can pale into insignificance along side national issues. For example the staffing of the clinic at Bodden Town is very dear to the hearts of the Bodden Town people. But it has been over shadowed by things of greater national importance, and I see the establishment of Local Administration as being a very good thing for the unfortunate Districts. I also believe that if the people in a District knew how their taxes were being spent, they would pay them more readily, this would relieve the burden of the Financial Secretary. If a man knew that his poll tax was going to keep George Town cemetery clean, some of them would pay it more willingly. If they knew that the tax from the dogs that roam the streets, would go to paint the Post Office, I am sure more people would licence their dogs. So I see this as being a good thing all round, and I hope we will not have to wait two years to hear some more about it, because it has come to <sup>my</sup> knowledge that since I have been here, that certain things appear in a throne speech or a budget speech, and the next year it is absent, and then in the next biennial year it is brought back.

I'll give you an example of this some-time ago some mention was made of Government looking into the possibility of establishing light industries. This was under the jurisdiction of Mr. Crook. The next year this item was missing from the budget speech, I commented on this, and I am glad to say that it reappeared last year in the budget speech, but I am sorry to say that it is now missing from the throne speech, and I would have liked to have heard some more about this in the throne speech. I must admit, Mr. President, that <sup>good</sup> <sup>only</sup> was the First Member from Bodden Town on <sup>behaviour</sup> last week, I too have been practising courtesies, and it is heartening to hear of the intention to construct Police Stations at East End, North Side and Bodden Town.

Last year we received a toilet for our Town Hall, and I understand that plans are under foot to make that a part of the Police Station, that would be a good thing, because we would <sup>be</sup> salvaging something from the waste that was carried out then. When the toilet was approved, <sup>very</sup> expert in Government was called together to waste Government's funds. They were able to build toilets at a cost of nearly ten thousand dollars each when two hundred dollars could have put a toilet in a little room in the Town Hall, <sup>but</sup> the engineers could not find out how to dispose of the sewerage. This is an example of waste of Government's funds, and if my knowledge is correct, and this elaborate toilet, which is suitable for Buckingham Palace, I must say, can be incorporated into the new Police Station, Government, will have salvaged something from their past mistake. Because the real mistake was not in the cost of the building, it was in the siting of the building. This toilet was set down in the centre of nowhere, so far away from the Town Hall, that a trolley car service is needed. Although the intention of putting it there, was so that the Town Hall can be used as hurricane centre.

This toilet in Bodden Town is put down in <sup>a</sup> piece of land, that is worth thousands of dollars. And so if this Taj Mahal that has been built for the glorification of some people can now be converted into something else, Government will be learning from their mistakes of the past.

MR. G. HAIG BODDEN (CONTD.): I also see that a new Police Station will be built in North Side. North Side was very lucky indeed with their toilet, in that they were able to be converted very quickly into a medical clinic. And I can't leave this subject, without paying tribute to the heroism of the North Side Member, who swore he would run a bulldozer through that nonsense they were putting up in front of the Town Hall door, at the advice of the experts. The toilet in Bodden Town is big enough for a mini Town Hall, and it is far enough away to be easily used as a toilet for the new Police Station. And this is what I meant, at the outset of my speech, that although we don't have two heads, and we can't look two ways, we can always look at the past, and learn from our mistakes, although some Members may argue that in these instances we did not make mistakes, but they would sound very ridiculous in their argument. And this story of waste, could be multiplied many times, but that would be a subject in itself, and I am here to debate the throne speech.

It is time that Government set up a committee, to go into waste in high places, because some things are done which seem to have no reason at all, and it is time that some of things be examined.

When the 1973 budget was presented, I made strong objection to putting the dock in George Town. At that time, I was told that it had to go in George Town, because to put it any where else it would cost too much money. At that time we were told that the dock would cost a little over a million dollars. I remember the Lady Member from George Town saying that she did not believe that. She did not believe that they could build the dock for a million dollars. Today I find that she is correct, because we hear from the throne speech that the dock will now cost, not one million, but 3.5 million dollars, plus seven hundred thousand dollars needed for space for warehouse space, plus another four hundred thousand dollars needed for administration building, bringing the total cost up to 4.6 million dollars.

The question that I would like to pose is why is it, that when ever the initial approval is sought, the cost is always played down. And after the public has become hooked upon the amenity, and after the approval has been given, the true cost is then given, a much magnified cost, a skyrocketing cost. This is the deceit of the highest order. I was not here when the initial approval was given for the Cadastral Survey, but I hear from Members here that the people who were spear heading that drive told the public that the Cadastral Survey would not cost the Government one penny. Yet last year this Government spent one hundred and thirty-six thousand, three hundred and eighty-nine dollars on this project, and they have spent a similar amount in other years, and the end of the exercise is no where in sight.

But what perturbs me most of all about the 4.6 million dollars, that we are now hearing about, is that this project, which we started out early in 1973. If I remember right, a certain Bill came before this House known as the Loan Capital Bill, empowering this Government to borrow money for the roads, the administration building, the docks and the airport terminal building. And that Bill authorised this Government to borrow a sum not exceeding five million dollars. I have the minutes of that meeting right here in my bag, but I don't think I need to take up the time of the House with quoting it the Members can look it up for themselves. So today we are faced with a situation, where the minimum cost on the dock will be 3.5 million dollars, minus warehouses and administration buildings.



MR. G. HAIG BODDEN (CONTD.): And may I ask what good would a dock be without the wherewithal to run it. Government needs to learn from its mistakes in the past.

Now in the way of new plans for 1975 there wasn't very much in the throne speech, and that is quite understandable, because two years ago we had committed ourselves for four very big projects: the four projects I have been talking about, and I agree that it is not right for us to think about too many new projects this year. Out of these four projects, perhaps it is only the administration building that will be completed. So in 1976 we will probably have three of the four major projects. So it is right Mr. President, that the Governor should not have mentioned too many new projects, because I believe we are now carrying all that we can bear. But among the new projects is the establishment of a Radio Station, one of the few things that we could have done without. This Radio Station will reach into every home in the Cayman Islands, and I am looking forward to hearing the Government Members outlining their policies over this broadcasting station. The First Member from Bodden Town last week put this quite eloquently, when he said you would hear how the Honourable Tom Sawyer, C.B.E., will have lunch with the head of the Cadastral Survey, and how the Honourable Jack Jones, O.B.E., will visit to confer with the Chief of Staff at the Natural Resources Survey, and I believe this is the type of thing, that will go on on this Radio Station, and I am worried about its establishment; I am worried because it will be a Government owned, and a Government run station.

I am perturbed that the public has not been asked to participate in this station so that they could defray some of the cost, and also share in some of the profits. But if the public participated too much in this station the station could not function the way that I believe it will function. Now what worries me is that Government has taken the decision to enter into the field of advanced communications. If Government is doing this, why not offer the public the sister child of radio a Television Station as well.

We will hear about the cost, the cost won't be more than the cost of the dock has gone up. It is my firm belief that the establishment of a Television Station would compete with the motion picture dollar. Talk is useless on this subject, because what Herod has written he has written: Government closed its mind to television. So we will have to wait until there is a change in the composition in this House, before the subject of television can be reopened.

Favourable mention has been made of the Lesser Islands. On my very first day in this Chamber I was almost kicked out of it, because the First Member from Bodden Town and I brought a motion asking that Government look into the economy of the Lesser Islands. We had ventured into somebody's secret domain. The motion was defeated, and Government has lagged in looking at the Lesser Islands. Right now we have here, hundreds of off-shore companies, which transact all of their business by mail, telephone, telegram, telex. These services are readily available in the Lesser Islands, at least in Cayman Brac, and I believe that our Government could invite the next fifty companies, that come here to register, to do their business in the Lesser Islands.

MR. G. HAIG BODDEN (CONTD.): And if there is no response, make it one of the condition of being allowed to operate here. We have a Planning Board we heard in this debate that <sup>can</sup> impose conditions of the greatest absurdity, so why don't we impose some conditions of real good. If Government does <sup>not</sup> take a closer at the situation in the Lesser Islands, the Bodden Members will be reintroducing the motion which they brought in December, 1972. The only difference is this time we know the artillery that will be aimed against us, and we will have the necessary tools to fight it with.

Mr. President, I will confine the balance of <sup>my</sup> speech to about fifteen or twenty minutes.

Mention was made in the throne speech of the Police Department. I have no special gripe with them, because I believe they are now putting out a very good effort to do a good job. I am not sure that the police is getting all the back-up they need; from the Legislative Assembly, from the Courts and from the public. I am not alarmed about the six hundred traffic offences we heard about, because most of these were minor ones. What I am really worried about the fatal accidents. In 1974 they were eleven fatal accidents on our roads. Five of them in the District of Bodden Town, in the area we have tried to reduce the twenty-five mile per hour zone. The only District that tolerates a fifty mile per hour zone that is why I say the police are not getting the back-up they need when fifty percent of the deaths that occurred within the district of Bodden Town, in an area that should be twenty-five miles per hour.

We are told about the introduction of a new system of examinations in the school, atleast a complimentary system, where children can now sit for two examinations. I can't see two examinations working well in a school so small. I believe that both of them will suffer. This is a time when most schools and colleges are upgrading their certificates. I understand the reason why this certificate of secondary education has been introduced. It is because, perhaps, some children are really not suited for academic studies, and could take advantage of the technical side of education. I believe in education as a way of fitting young people to take their proper places in society. It seems to me that too much emphasis is being put on testing and on job requirement. The Third Member from George Town hit the nail right on the head last week when he said that jobs are advertised so that they can't be filled by the local people. The requirements are so high that the local people can't meet them. Which is just another way of saying that our schools are not bringing the children up to the standards they should have. Most of these jobs require five or six 'O' Levels, and the majority of the children leave school with one, and that is probably in religious knowledge, which does not really fit the person for any job, with the exception of the ministry.

So we need to take a close look at our schools, and do every thing possible to see that the children leave school with the proper credentials, so that they can take the jobs that are made available. We can take this matter of testing a child too far. There are many children that are leaving which could well take some job, if we did not say we say you must have five this, and must have two that. Because most of the testing that is going on around the world, is of no absolute use to humanity. Physiologist have devised the college board test to show how well you will do in college, sociologists have devised test, to show whether you will be compatible in marriage, and they even test now to determine what traits an infant will have, as an adult.

MR. G. HAIG BODDEN (CONTS.): But if we take this road too far, if we follow this intensifying of testing, we will rob children of some of their advantages. When we tell a child that you cannot become the Governor of the Cayman Islands, or you cannot be the Chief of Police, or you cannot be in charge of the Hospital, or you cannot be the Chief Immigration Officer, because the school grades say it is impossible, we are robbing the children of their dreams and we are robbing these Islands of the service that could be provided by these children, and so I believe that the most scientific and penetrating technique of measurement will never measure the spiritual side of man, of the guts of an individual. And we therefore need to take a look at our schools and see that the children leave the school with credentials that will fit them for the jobs that are available in this Island. I think, we put too much dependance upon what outside experts tell us; they know the job requirement for a job in England they don't know anything about a job in George Town. And I think it is time that we tell some of these experts that they don't know.

The last compliment that I will pay to the Governor for the throne speech was for the mention of the setting up of a committee to look at the registration of ships.

Those Members whose minds have not been befogged by my talk this morning, will remember that in the last sitting of this House the two Bodden Town Members brought a similar motion infact I should say almost an identical motion. That motion was voted down, as all other Bodden Town motions are voted down; but I am glad to see that the Governor of the Cayman Islands did not vote along with the group that voted down that motion. I am glad to see that the Governor has set up a committee to examine the possibility of registration of ships. I am not going to argue the point of registration here since it seems that I did so well in the last sitting that it has been found acceptable, but there are a few points that I must bring out to show how lax we have been in this vital matter.

Up to the end of 1971, the total number of vessels registered here amounted to fifty-five. A decent number, but they were all small ships. The total dead weight tonnage on those fifty-five ships was only forty-six thousand tons, much less than the side of one, and the size of one average size tanker. So is'nt that a disgrace, that we have been sitting here, Islands, that pride themselves upon their heritage with the sea, Islands that put on their crest of arms "he hath founded it upon the seas". And we sit here, and the vessels registered here amount to not even one good size tanker. Forty-six thousand tons only, when today most of the super tankers are three hundred and fifty thousand tons. And on the drive boards, there is now several half million tons. Half million tons tankers, and other bulk carriers. And why have we done this because we listened to the experts. They have told us and we swallowed it hook line and sinker that it could'nt be done.

Sometime ago there was a tax seminar in this Island attended by some of the great brains in the world, and when they expounded upon this matter, they told us that it could be done. There were very few things in the way of it. One of the reasons why we have not attracted foreign shipping to register their ships here is because all registration all of these ships with the exception of the very small ones, would have to be of British Registry. I will not, at this time, go into the few changes/need to be made in our law and in our relationship with Great Britain, but it can be done. And I am sure Mr. President, that when that committee reports to you again you will be able to tell us that registration of ships is not an impossible task here.

MR. G. HAIG BODDEN (CONTD.) In the throne speech you paid a compliment to the Bodden Town Members in that you said that the setting up of this committee was in keeping with a motion brought by us. This in indeed, a change in the attitude of the powers that be. I can well remember in the past, when we were filled with frustration, because our motion had been trodden under the feet of Gamaliel. But now, I see that you are bold enough that the Governor of the Cayman Islands is bold enough and strong enough, and earnest enough, and straight forward enough to render unto to Caesar, the things that are Caesar's. I never thought I would have lived to see the day when this would happen; but thank God there must be some measure of understanding, where communications are concerned.

The last matter in my speech is again complimentary. But it is no more than to say that in/ <sup>the matter</sup> of agriculture, the throne speech seems to be following the pattern set-up in the budget speech/ <sup>in</sup> which agriculture has been moved from its lowly position, to heights that it deserves.

In closing Mr. President, I would like to take <sup>your</sup> my hat off to you for/leadership; what is leadership, if you don't have it you can't buy it. A law cannot be passed to give it to you. You can't win it at an election poll; it can't be assigned; it can't be transferred or it can't be sold to your heirs; it is non-negotiable. The mysterious qualities which type you as a leader, must be earned, and sometimes <sup>have</sup> it is a long and painful process. In all areas of society, we/seen those try to buy it with their wealth, without success. Others have tried to acquire it force, only to be broken in the attempt. History is replete, with the failure of those who had hoped to inherit it from their fathers. It is more elusive, than a dream, and as easy to lose as your reputation. As I said, at the beginning of my speech, probably not since <sup>no</sup> the time of Moses has the need for leadership been so great. And/where is it needed more, than in the Cayman Islands. I believe that you can offer that leadership.

And let me leave this thought with the Assembly. May the highest achievements of today be just the starting point for tomorrow.

CAPT. A. A. REID: Mr. President, I wish to commend you most sincerely on the throne speech.

I think it is one of the best I have ever heard. You mentioned almost every phase of Caymanian life. The main points - at issue, and nearly everything that confronts us today most of our problems. There was only one point that you did not mention, and I suppose you thought it was better to let sleeping dogs lie - that is one point that I thought I would like to have heard something of. But that I shall mention, or refer to in the last sentence of this speech.

You have shown us that you have the ability to make us feel that you are one of us. I was highly impressed one day when I went in to make my usual call on my good friend - the Third Elected Member from West Bay. I usually go to see them as often as possible. And you met me in the lobby and you spoke first, and you asked me if I had come to see you - I thanked you, and said no Sir, I've come to see Benson.

CAPT. A. A. REID (CONTD.): That made a great impression on me. It showed that you have the aptitude to get along, and to let us feel that we are men with you. And on other occasions, I have been passed in that lobby, and <sup>not</sup> even spoken to, or replied to when I spoke. But being thick skin and broad shoulders, that didn't bother me any either.

Mr. President and Honourable Members, you will have read the vicious attack made on <sup>me</sup> last Thursday in the pseudo paper by the pseudo reporter/editor, combination. He cried shame on me for suggesting that people go back to sea; he reported me in a most vicious manner - out of context - nothing was said of the preceding sentences, and nothing was said about the following ones. I know the man doesn't like me because he has met me on several occasions in close quarters, and he has shown his dislike. I'll come to that later too. But one particular time was in the court a few weeks ago, and he brushed into me, and never even said excuse me. That is because I have on several occasions spoken out against the type of people we bring here. And that I will always do. I've always said that we should be careful whom we allow to come into this country - they should be processed, and let me say I have nothing in this world against any Caribbean citizen, from the elite section. I wouldn't query him - but that too I have now changed my mind about. If he is under forty-five, and he has gone through the university - I don't want to see him here either - because that university is a hot bed of black power, and nationalism and hatred - and you name it, it is there. And we don't want any pseudo reporters coming here, to spread viciousness in our one paper.

There is nothing, in my opinion, to be ashamed of in going to sea. England's greatest men were sailors - that's where she got most of her fame - from her men at sea - her navy. And indeed some of them are immortal - some of the names will never die. The only thing I would be ashamed of - if I took a job - would be if I were in his position - where I couldn't take short hand, and I couldn't write a decent editorial, and I couldn't put a paper together decently. It is the one paper that I am ashamed of - the one news media that I really am ashamed of. Verytime I go to Jamaica my friends in the clubs pull my legs about it - they literally tear off my legs - it is not a case of leg pulling - it is a case of leg tearing, and I know it is all so true, that <sup>all</sup> I can do is to laugh. That is what I would be ashamed of - if I took on a job and couldn't do it efficiently - if I took a man's/ <sup>ship</sup> out of port, and couldn't find the next one - I would be ashamed of that. Running a paper the way that paper is run is something, in my opinion, to be ashamed of. He comes in here, he takes a few notes, and he is out again. He reminds me of the Pea/ <sup>doves</sup> and the White Wings I fed around my house - they fly down and get a morsel of corn, and they are off again. That is not journalism, in my opinion.

But I hope that the general public has enough sense to know that I have enough sense not to have expected the Caymanian policeman, who has joined the force within the last three months, to be a qualified policeman. I don't expect that kind of impossibility. I never knew when I spoke that we had had some thirty-five or forty new recruits vying for the police force. Truthfully, I knew only of six or eight Caymanians and three Cayman Bracers; infact until the day I went to court and listened to the Dixon case I never knew that we had a Cayman Brac Lady, as a police woman. So that I never knew that they ever had more than three Cayman Bracers, and possibly eight Caymanians. And I have quite a lot of respect for a few of the Cayman policemen that I know, and I think that in speaking that day, I did comment on the ability of the two in Cayman Brac.

CAPT. A. A. REID (CONTD.): One who is a Cayman Bracer, and has been there for sometime, and I think I did say that he was keeping much better order, with fourteen hundred people, than these were keeping with one to every one hundred and thirty people. I also remarked on the Canadian Police Force, which has one policeman for six hundred people, and the Jamaican for four-hundred and forty.

I said last year that forty good Irish men would do a better job than the eighty we had; I still say that. I said last week that fifty English men would do a better job than the one hundred we have. It is unfortunate that I have the sea some much in my blood, in my system that I said send the boys back to sea. I should have said send our policemen home because that is in fact what I meant. Or send them to catch flying fish.

In October, when we had the Commissioner of Police in the Committee Room I was the man who asked him the simple question who makes up your police force where do they come from. And he told us the majority of them were from Barbados a goodly portion from Belize, and the rest were Jamaicans and a few Caymanians, and that <sup>is</sup> what I thought existed today. I don't know if there is anything to be ashamed about going to sea - from these nationalistic birds that are coming up - these foreigners that come to our country who are telling us what to do. I was a sailor for fifty years, or I was at sea for fifty years - I was forty-six years a master, and I believe that my life has been as much of a success as any police commissioner that ever came to this country, or any commissioner in the Caribbean, or for that matter, any commissioner of police in England. I don't think he has done any better with his life. It's a credit to us to know that we are sailors - it's good to know that we are known all over the world as good sailors. And I don't think you can inflict a man any worse, than to put him in a position he is not properly trained for - then expect him to do a good job. Up to not so many years ago, our greatest source of foreign exchange was from the men we had at sea. And today we have men from Cayman Brac engineers and captains that I know are drawing between fifteen hundred dollars per month, and masters and chief engineers up to twenty-five thousand per year. It is certainly nothing to be ashamed of in vying for that job, anyone of our men who can go to sea, and earn twenty or twenty-five thousand dollars for the year, I would say is well placed. And we have atleast two Cayman Bracers today who are master of America survey ships. That job is worth atleast twenty-five thousand a year to those boys. So I am not ashamed to say that we could go back to sea, but I didn't mean it that way. I didn't mean to send everybody in Cayman back to England (sic - sea), and that is what the paper has purported to say that I said - that send them all back - that would indicate that I meant to send everybody out of the Government to sea, and let English men come and run the Island, that is stupid. It's a vicious attack and I hope that my lawyer can pick something out of it, and if he does I won't miss them. I'll teach them a lesson this time.

Now Mr. President, I still have some more to say about the police. Every meeting that was ever held in this country in the last ten years, since I have been coming back here the police have been criticised by every member in this house. And they have been rigidly criticised in the last two and half years that I have been here. But it has been a cry always about the police not doing their job.

CAPT. A. A. REID (CONTD.): I don't go around asking questions, but people come to me. A lot of Caymanians have come to me why don't you do something about the police - what do you expect me to do - don't you think they are alright - no they are skirt chasers, rum drinkers, and they are even mixed up in ganja - that is what is said in the street. So what you expect us to do; come here and keep our mouth shut - that is what we are told to do - that is what our constituencies <sup>ask</sup> to do - to speak out about these things - they can't come here and say anything - so we are supposed to talk for them.

But Mr. President, I know nothing about their morals - they tell me all about the children they have - I know nothing about their morals, and I am not concerned with their morals - I think <sup>a</sup> man's private life is his business. All I want to see is a job well done.

Now the biggest grouse I have with them is the speeding on the West Bay road. Only two weeks ago, I was standing up with a doctor who was out here - had four children with him. And I saw three cars making about ninety miles per hour trying to overtake each other. And it could have been a serious case if there had been one car coming North on that road that day, and that is what I am saying that speeding should be stopped, and it is the police who should stop it - its the police who should stop the spear fishermen shooting young turtles, and catching lobsters in the off season.

You will notice Mr. President and Honourable Members, I brought no motions to the House this time. And the reason for that is after due consideration I thought to myself we enough laws on the statute books, what we need is the infrastructure to carry out those Laws. The litter around George Town, surely the police should know that they have a voice in that matter. The police in other countries know it, and they act on it too. If you are driving in Canada or walking on the street, and you drop a match box in the street, it would be one hundred dollars, if a policeman saw you, and never think that you would escape it. No matter how it might hurt, how poor you might be, how much you may plead it would be a hundred dollars fine. And until we get police who know their job; we will always have the litter, we will always have the dirt around town; its a disgrace to see a little town, like George Town so filthy. And anytime you want to walk on that <sup>road</sup> you can see a thousand bottles cast on the side. Why they come in on private property and do the same thing.

We have a sign in Snug Harbour saying private property, children at play, drive slowly, but that does'nt matter; they come in and I was told by the man building the road last week that a car skidded - he showed me the marks - after he got inside of the gate, and turning on Andrew Road, he skidded and the dirt was dug out six inches on the side, and he turned around. Now that is not more than two hundred feet from that gate where he turned, and I could hardly see how he could get up that much speed, but he must have been coming through the gate a terrific speed, because it is a wide gate. I don't know what is wrong with the people - I don't know whether they are drunk most of the time, or whether just for the want of better sense, or what it is. But people are afraid of it - the tourist to whom we cater, or we should be catering to. They are afraid to walk on the West Bay Road - its a hazard to ones life to walk out on that road. When you hear a car switching by at ninety miles per hour: it puts the fear of God in you. If you are walking or driving : either one, and it should be stopped.

CAPT. A. A. REID (CONTD.): And Mr. President, there is no road in Cayman long enough and good enough for fifty miles, in my opinion. Maybe from Breakers to East End, yes, and the cross country to North Side. But I say that the speed should be reduced on the West Bay Road to forty miles per hour, and it could be lifted on School Road, Walkers Road, Smith Road and Crewe Road to thirty, that is what it is in the city of Kingston and Port of Spain, Trinidad, and I think that twenty-five is a bit slow. I think those roads could be lifted to thirty, but the West Bay Road should be put forty, because you can no longer consider the road on that peninsula a high way from George Town to West Bay. It is a road going through a highly inhabited area, densely inhabited now. Not only the tourist, but with local people people who live there. There are many expatriates living on that road, and there are many Caymanians living on the road now, and everybody lives in dread. There is no question <sup>and</sup> about it. The speed should be reduced to forty-five on that road/kept there.

The schools Mr. President and Honourable Members, I agree that a lot has been done to the schools. But I feel that a lot more should be done to the primary schools, because the primary schools should be feeding better materials to the high school, and it is my belief that the comprehensive school is a failure. Because if you take a boy at eleven, because he is eleven he has got to go to the comprehensive school, and he can't read and write - he keeps the school back - the top boy then is coming down to his level - that is the upshot of it. But if you feed better material to the school, you'll have a good high school, then you could have a department called an industrial school; for those who have a natural bend for carpentry, or engineering, and is not academic, that in my opinion is the answer to our problem. But there is certainly nothing wrong with our buildings, there are beautiful buildings, for which we can thank the British. But the school grounds, and this is casting no aspersion on the teachers, or the present headmaster, because he inherited it - I think that the school grounds is a shame, a disgrace - looks more like a dump heap, and I was ashamed; I was hoping it would have been cleaned up before Mr. Duff saw it, but I am afraid it wasn't.

When I went to school there were thirty boys I think thirty-two or thirty-three girls in the school, and every Saturday one of the boys had to clean the yard, and every week the girls swept the school rooms. But we saw to it too that while they did not have to clean the yard we did not let them make any dirt for us either. But I can assure you that when our turn came around if that school yard wasn't cleaned up the headmaster would whip us, and no boy was too big to get a whipping either. And I don't know how the school board tolerates it.

I must say a word for the hospital, because they have been taking a beating for the past atleast two and half years - and I think that the hospital has done quite well, and is doing quite well, and I've talked to a lot of patients who have been in there - some of them Canadians, and they were quite happy with the treatment that they got. And certainly, they are accustomed to good hospitals. I think we are very fortunate because we have quite a few good doctors there, and I know that we have an outstanding surgeon, and we also have four very good private doctors in the Island today - so I don't know what all this fuss is being made about the hospital, and about doctors. There is one doctor who recently came to the Island I think she ranks with any doctor I have ever seen or met. She is a first class doctor, and there are three other good private doctors that I know of.



CAPT. A. A. REID (CONTD.): So I don't think we have too many grouses about the hospital, but there are some people who would certainly kick in a ball game. They never stop kicking, and you're not a good member of the House - with the average Caymanian unless you're bucking the Government - bucking the establishment and finding fault of them - then you're a good man. You're not supposed to use your good judgement - your better judgement and know what is alright - we can't do any better right now - oh no you must get up there and criticise the Government, and you're a good fellow. But I have always had the courage of my own convictions, and I live by them.

The prison Mr. President, was one of my motions here - so long ago (I don't remember) - a year and a half or nearly two years perhaps - might have been the second session that I was in, or it might have been the third, might have been the first - I don't remember - but long ago I brought up that matter - (so long ago as I said, I don't remember) - but the Governor himself came to me and asked me to withdraw it - but I did not withdraw it until I made my point - because I think it is most important - I think it is cruel to send a man to prison in another country - even the Russians don't do that - they send them to Siberia, but Siberia is a part of Russia. The French stopped it long ago - years ago - sending them to Cayenne we have no right to send them to Jamaica, and I think it is a burden to the Jamaican Government, and I think it should be one of our priorities to build that prison as quickly /<sup>as</sup> possible; even if it meant stop spending money on the barber-green road - for stupid people, and drunken people to terrorise other people driving big automobiles at ninety miles an hour, and wasting gasoline to fatten the Arabs.

Last night I heard that the American Government is going to clamp down on speeding - it must not be more than fifty-five miles per hour - and don't worry they will enforce it.

I have spoken many times about inflation, and I intend to speak again today. I know that the shop-keepers don't like to hear to it - but I can't help that - because I hear it from the tourist to whom we are catering. Several of them told me that within the last two or three months - they can go to Tahiti and pay the extra passage, and get back home with less money, because of the prices. Now I know that our prices are too high, because this last trip I had to Jamaica - I took the trouble to go around to the stores to get prices - unfortunately I didn't have too much time so I've got to speak ad lib - I've got to speak from memory - but one particular item struck me - struck me very forcibly, and I brought the evidence. This bottle of pick-a-pepper is sold in Jamaica for sixty cents - Mr. President, and I know that the merchants here can buy that Pick-a-pepper for not more than forty-five cents per bottle, and his cost of duty does not exceed fifteen cents - his duty and his landing charges twenty per cent - it does not exceed fifteen cents - remember that when this merchant is selling this for sixty cents - he is paying excise tax on it - then I have one here that came out of a local store - one dollar and three cents - Mr. President, I have another - out of a store here - one forty-five - now somebody is a thief - or somebody is a fool - if the man selling for a dollar and three cents is surviving - then I say the man selling for a dollar forty-five is becoming a millionaire fast.

Now these are things that count big - consider yourself a tourist in America in the Summer months - you go up there you rent an apartment, and you are going to feed yourself, and you run across a condition like this - it will certainly make you scratch your head, and stop to wonder what is wrong.

CAPT. A. A. REID (CONTD.): Then I have lime juice for <sup>fifty</sup> ~~nine~~ cents a bottle - bought locally, and another forty-four cents - again I say - see Miss Annie - look at this one fifty-nine - what a disparity - Mr. President, Libbys cornbeef from the Argentina is sold in Jamaica for a dollar a tin, and some stores ninety-five cents - its a dollar eighty here - I am not advocating that this Government should set up a board to control prices - but what I am suggesting - that this Government - with some of those clever girls you have - I could name quite a few that could write a nice letter to the public - to the shopkeepers, and tell them - if they don't know it that they are killing the goose - they are killing it fast.

We don't advocate, as I said before the control of prices, but we could ask these people to think of the public a bit, and think of how the Americans, and Canadians and English - we bring here as tourist - how they feel about these prices - because they'll tell you there are <sup>the</sup> highest they have ever seen - now remember Sir, that Jamaica pays forty-five percent duties on English goods, and fifty-five per cent duties on American goods, and think of what this Government is doing - some of our foodstuff is in free, and the majority of it is twenty per cent - so there is no reason why our prices should be at such a disparity with the Jamaican price - and they are screaming now about the inflation.

I have to touch on - I don't know whether its - who did it - Cayman Protection Board - I believe - the little lobster boat was bringing fish in here, and selling it cheap - where the poor people could get fish cheaper - the lobster <sup>boat</sup> was not interested in shipping it - they couldn't ship it - they didn't want to ship it to America - their business is lobster, but they do catch fish, and quite a bit of it - along with the lobsters - so they cleaned it and put it up nicely, and it they were selling it exceedingly cheap, but they stopped them, and now they are selling it out in San Andres, Colombia. Now Sir, I want to know who are we protecting - why should that lobster boat been stopped bringing fish in here - we got five or six fishermen here, but they are several people - sometimes you can't get fish, and if the poor people could get fish at a cheaper price - let them have it - who are we protecting - but I am not so sure that were protecting the fisherman - because I think the fisherman sells his fish to the store - to the supermarkets, and therefore we are protecting five or six people while the community - as a whole suffers.

Now just to show you the difference - I have seen the Jamaican Government send a deputation to Portugal, Spain, Norway and Iceland to get the price of codfish down, because the Canadians raised the price on them, and they refused to pay it, and they spent all that money sending people abroad to get - and they got it for about two or three cents per pound less, and that is how it should be - its the masses that we have to look after - what is best for the most - not what is best for a few.

Now, I have to say a few words about the expatriates - I am a bit worried about the expatriates - about a thin line that I see drawn between expatriates and locals, and I've been trying to think what we could do to get them to meet on equal grounds - I went to a party the other night - you talk about a club - but unfortunately there was so much music and noise, one could do very little talking, but I do feel a bit worried about it because the word English is a nasty word here - unfortunately - for instance when I said forty Irish policemen would do better - not a word was said about that - because that is not quite as bad a word - as fifty Englishmen.

CAPT. A. A. REID (CONTD.): But I live for a number of years in Trinidad, and in Jamaica and Puerto Rico, and the elite of Trinidad and Jamaica mix with the English, Canadians and Americans without any problems - when I say the elite I mean the doctors and lawyers, and the people in position - I never heard anything about limey - I never had that feeling in my life, and I am wondering why it is here - in Jamaica the English meet with Jamaicans of all classes, and - hail fellow well met - they're welcome, and the Jamaican was proud of his British heritage - very proud of it - as a matter of fact when he was going to England he always talked about going home to his old country - and that is the spirit - of course I know that the plantocracy brought the heritage there, and it was kept up by the fact that Jamaica, and Trinidad both were shipping fruits - shipping produce, and the banana boat went over every week, two of them - one with one hundred and twenty passengers, one with twelve - so the contact was never broken - and I can say to this day - up til last week I was in Jamaica - that feeling of comradeship still exists with the Jamaican elite and the British - its only the rag-a-muffin (I don't know if you meaning of that word - but he is a no good) in the street who is against the establishment - who hates everything in life that is decent and clean, and hates you if you've got on a clean shirt - they're the only people that are against Englishmen - but of course Cayman never had that connection - after the pirates and buccaneer left us, our contact was practically broken with the British, with a few rare exceptions where a few of them have gone to England and lived - so that I think is the cause of it, but I would certainly like to do something to bring them together, and I would suggest to the expatriates that they don't talk too much, and be careful of the remarks they make to their servants, or in the presence of anybody who may resent it. I will criticise a Caymanian - if I feel like it, I don't want to hear an Englishman doing it, and I don't want to hear anybody - an American - doing it - that is my prerogative, but if I could do anything - and I am trying to bring them together - I shall - and I think it is a worthwhile cause, and I think all of us should put in a word now and then, and try to stop this stupid talk that goes around on the street.

Mr. President and Honourable Members, I think the Bahamas have taught us two very good lessons - they taught us one that we shouldn't follow, but they've thought us one that we should follow. Now, I know quite a bit about the Bahamas, I never lived there, although I bought land to go there and live, but I decided not to. But the other Government did everything possible to encourage tourism, and they were certainly successful with it. When I was there in '21 they had one little wooden hotel - Colonial, and it got burnt down in '22, and it was rebuilt in '23 I think, and it certainly boomed in the last forty years - well we all know when it stopped booming - when the new Government, with the new policy and black power came in.

They allowed the Americans to build homes, they allowed them to build apartment houses, they allowed them to build hotels - build a big harbour in Freeport - they allowed the Americans to come in and cut their pine - they couldn't do it - they had enough sense to know what they could do, and what they couldn't do, and the only thing they didn't permit them to do was to run ships from Miami to Nassau, or to run a store in competition, and that was reasonable. When I applied for visa, or permission to go there and live, they told me I could come, by all means, but I could not run my ships from Miami to Nassau, because that trade belonged to Kelly and Company etc., (Simonette).

CAPT. A. A. REID (CONTD.): That is fair enough too, but I could run from Jamaica or Trinidad - I could bring asphalt - I could do anything - run to anywhere else - I thought that was <sup>very</sup> reasonable reply to my application - but they went further than that to make the American happy - because - (I don't know if any Americans are listening up there) - but they know nothing about exchange - they can't figure it, and when you tell him his dollar is only worth eighty cents - he gets hurt - he gets annoyed over it - imagine this little country, and your money a dollar and twenty cents against mine.

Well, the Bahamians converted from sterling to dollars; they made their dollars ninety-eight cents, or worth ninety-eight cents American, and Canadian, which was a smart move, and I have always said that if I had been here at the time, and I had been put on that board, that is what I would have suggested, or atleast don't call it dollar, call it ten shillings - but it is not too late now to do - because let us face it - tourism is a big item on our book, and it upsets them; I can assure you - they take a dim view of it - and even now, we could say to the banks - the man who has got five hundred dollars - give him credit for six hundred - that is your five hundred dollars convert into - it can be fixed at par even now with a little thought - that our dollar could still be fixed with the American dollar- at par - because the bank will give you credit for <sup>what</sup> you have accordingly. I don't know how many of the Members mix with tourist on the West Bay Road, but I mix with a lot of them - I see a lot of them - talk to alot of them, and this is how they feel.

The Cadastral Survey - the Member for West Bay was vociferous in his condemnation of the Cadastral Survey - well I for one voted for it - in the last stages of it, and I think it was the best thing that ever happened to the Islands, and certainly, it was a good thing for Cayman Brac, because it put some money there - it employed people who had been unemployed for some time, and they did quite well, and I think it was money well spent. Nobody can deny the fact that we always had trouble over land, and we would continue to have trouble, and a lot of money would be spent in the future on law-suits over land, had we not had the Cadastral Survey. There is nothing wrong about us paying for the local help, because we're getting the benefit, and we're getting the benefit of the experts, and the surveyors, and some of our boys are learning something about surveying, in the meantime.

I must not pass up the Caribbean Utilities. Mr. President, we are paying the highest rate for electricity of any country on earth, and don't let them kid you about that - if they ever come up for an increase - I know (in future I mean) that if my vote can kill it it certainly will. I was told by a shareholder in Cayman Brac that he never had such a good return on anything in his life - and he said did you get any shares - I said no I wasn't there - ah what a mistake you made - I wish I had ten times as much - he said I never got so much profit out of anything in my life - I said yes at my expense.

A year ago I was in Canada with my wife - she was sick for one month, and I came back - my bill was thirty-six dollars - nota light was turned on - just an ice box that defrosted itself, but I had to pay it - I disputed it, but I had to pay it - that alone tells a tale - but there is no question about it - I heard the Member for Bodden Town gave figures, and I know he was correct - its nearly three times as high as it is in Kingston - I ran three airconditioners in an office nine and ten hours a day for thirty dollars a month.

CAPT. A. A. REID (CONTD.): So lets hope - let us sincerely hope that Caribbean Utilities is satisfied - they held us over the barrel the other day - last year in November they held us at ransom - I know one man who suffered four months loss time in his rental just because they would not connect up his house - not that they couldn't it was proven after - because long before they installed the generator they were able to connect it - it was a matter of holding it for the price.

A Member spoke about child welfare - he expounded on it - I began to feel that I was in some socialist country. I can't agree with turning this country into a socialist country - not yet - but it is one of the things I was thinking about when I was condemning the importation of hundreds of people whose best known ability is the reproduction of themselves, and they made children here, and probably have gone away and left them; that is what I am against - I never thought at any time in my life about Cayman becoming over populated; in fact in the Exodus in nineteen hundred when a lot of people left this Island, and in nineteen-seventeen to twenty-one when they left Cayman Brac I thought to myself this is the end - we're going backwards now, and we did for sometime, but today George Town certain sections of it is over populated with unwanted children - now it is not too early for us to think about birth control with certain members of the public - I say if a man or a woman, or the two together (it takes two to tangle) if they have children they should watch it - they should not have more children than they can adequately support and educate - its a criminal offence on society to be breeding children that you have no intention to do anything for - and expect the public to feed them - or if you go off drinking liquor and neglect them - its a jail house - it should be used for that - that is one way of correcting that. Let us as politicians make no mistake about it - let don't get in the same trap the Caribbean is in - because that is their problem - birth control should have been introduced in the Caribbean one hundred years ago, and it should have been compulsory - that is one of the big problems - that is the root cause of their trouble.

The Member condemned the hotel industry - or the hotel association for spending so much money - we have to spend money on the hotel industry - if we want it to proceed, and progress, and is one thing that can give us revenue - can give us jobs - so that the mothers of these unfortunate children can find a place to work if they're not educated sufficiently to get an office job - at least its employment, and if our hotels were to close up we would find we had quite an unemployment problem, and I am a firm believer that if you're going to help someone - help him to get a job where he can be proud of himself, and <sup>not</sup> feel ashamed and embarrassed over receiving gifts and tips.

When I was a boy we used to have a few people come around there, and they used to ask questions and that sort - my father always told me don't you ever take a tip from him or anybody else - that makes you inferior, and don't you ever accept a tip - you don't need it, and don't take it - that is the spirit that we should all have. So while I am in sympathy with any child, who is destitute, and would certainly help him - I am not in favour of getting up here and expounding for the reasons of politics - that this country should take care of all the children - these expatriates and a good many of them unwanted here - should have up in the bushes for us to support. Now, I am not for the object of a vote - I am not going to say that - in fact I am voting against it, and its not too late to think of it. I said in this Chamber many a time that I was afraid of who you brought here, and I said too that if you take my advice - a long term view of the situation - and I know I am right - and I know that history will write it in the histroy books - that Reid was right.

CAPT. A. A. REID (CONTD.): I said I would go to the Azores, and get people that were placid, and good natured, and hard workers, and I think that Bermuda has taught us a lesson there - Bermuda has the best hotel service that I have ever seen in my life - in all of my travel - I have never seen service like it - and they use them in the hotel in the Winter, and they farm like the Trojan horse - they work like a horse when the season is over - in the Summer their job is to plant onions, and grow food. Now, I am sure they wouldn't be leaving children behind for us to support, and its not only that Sir, but the Caribbean - I know the world has had trouble - I know the world has had plenty of trouble, and still having it - America has always been a violent country - so pay no attention to that - it will always be - but they have got two hundred and ten million people in America, and you can go in places of America today and your house open - they don't even hear about - they don't even read about it - they never hear about murder incorporated - that is in the big cities - confined to the big cities - New York particularly, and Chicago - you don't hear about it in the mid West - so that is not the problem there that it is here - I know that the Arabs have been violent, and revolting the violence, but they have a case in point too - they've been embarrassed - their land has been taken from them - and I believe that if it was given back to them it would stop - I do - and the Irish have been violent - the whole world has shown some amount - but the Irish have a point too - the Irish want their country free - they want it to be the Republic of Ireland and that is their point - I am not agreeing with them - I don't violence is the answer to it, but I am only saying that is it - but I would like to know who has the answer for all of the violence in the Caribbean - when you hear of a little place like Dominica - one of the places that I used to say I could live - I liked it - liked some of the people that I knew there - and a little place like Grenada, and Antigua, St. Croix - some of the most dastardly crimes that were ever committed - were committed - for no reason whatever - senseless - absolute senseless murders, and by whom - by black power - which was imported from America - it came to Jamaica from America - it came to the Bahamas from America, and who knows who is what - anytime you see him with a tan on his head - that is one sign - that is one insignia, and the ants nest is another - so when I speak about that some people don't like it - I know - but I have a reason - I have knowledge of the situation - if the Commander of the Trinidad navy hadn't been so alert, and shot down the shale from a mountain, and blocked the roads - if that army had <sup>got</sup> through they would have murdered everything in Trinidad - everything that was elite - every person that was somebody - that was their intention - the papers came out with it - all their secrets were let out - but he stopped them - because there was no road to pass - look at what happened in Tobago - people were murdered out there - the tourist fled - <sup>they</sup> took boats - I wouldn't be surprised if some of them swam out when they had the riot - we don't want that to happen here - this place when I was a boy I never heard about anybody stealing anything - we never had a key for our house - we shut a door, and <sup>that</sup> was it (only to keep a wild cat out or something) - I never heard of any theft in Cayman - I never heard of ganja being sold in Cayman until the expatriates - these work man came in here - they are the boys who introduced it here - I don't believe our boys would have gone in for it - I know we don't have ganja farms - so if these qualities come <sup>out</sup> in the people we bring here - why shouldn't we be afraid of them - why shouldn't we be sensible and stop it, and make every effort - and I say if you must get people - I don't care where they come from - they should come through the labour department with a clean police record - but people we have been careless about <sup>it</sup> - we have been indiscriminate about it - some of our own people have brought them in here -

CAPT. A. A. REID (CONTD.): they've come - they've told them they can come - we'll give you a job when you get here, and your money is so much, and you/<sup>stay</sup>here otherwise I'll send you home - that is greed, greed is the problem.

And Mr. President, the one thing that worries me - or worried me quite a bit - has always worried me, and I am sorry that you didn't come to this country four years ago - because I know now that you are a man I could talk to - I hate saying it, but I couldn't talk to the other Governor - and I knew how I felt about Interbank, and its not hindsight - I could call the names of twelve people I kept out of trouble by telling them - I wouldn't put my money there -/couldn't say anything outside of the House, because I knew that Jean Doucet would have put me in the Court House if I had called his name, and being as frank as I am the only way I could have called his name would have unfavourable to him. I feel Mr. President, that every effort should be made to bring back that scoundrel to this country, and let him face the music. It is my belief that he came here with that idea to collect money from people to use it to buy good will; to squander it; to fool people, and I can assure you Sir that the Montreal papers were full of it; it makes you tremble to read it; I wondered when I was reading all this stuff from Canada, what will be the end of it; how far will it go; what are the repercussions going to be like; how much damage are we going to get from it; the New York papers were the same - I have relatives in New York, and I have them in Canada, and I get the papers so I know we got a black eye, and if this man had had any decency in him if he had not been a crook, he would have stood here - I've seen people go in bankruptcy - several people have gone in bankruptcy in my time in the different places I have lived, but they stayed and fought it out - I was involved with a man who went in bankruptcy, one of my ships took lumber for him, but he stayed there, he wasn't ostracized - he was in bad luck - may be it was bad management, but I got back about fourteen shillings in the pound, but the man stayed there, and the Government took it over, and guided it.

Well, if I were a creditor, I would love to see Doucet come back to this country, and go in jail, it would give me that much pleasure - it may not bring my money back - but I say if he is in a country where they have extradition - get him back and let him face the music - if he is in some country where they have none - then hire a good old Jew like the one who kidnapped Bikman, and get him to bring him here. The man should be punished for his atrocity. There are some people in this country that were hurt to the core - poor people who had two thousand dollars - five thousand dollars - one half cripple one lost everything he had there - one captain who used/<sup>to</sup>work for me lost about one hundred thousand dollars - the man was spending just about fifteen to twenty times as much as he was earning - any fool should have seen it - I saw it and said so, and said if nothing else was his Waterloo Governors Harbour and Mitchell Creek had to be - how can you spend money in that fashion and come out - I know all too well; you put your life blood in a business and sometimes you find it hard to show a profit - but this man was throwing money around - he was crazy some times - but there was method in his madness - he was buying goodwill - but it would hurt me if I was a subscriber to his institution - to know that he is in Monaco feasting/<sup>on</sup>caviar and drinking champagne - while my money went down the drain. There is no good of talking nonsense about him coming back here - he would get killed - well if he does that is alright too - I think it would show the country up - I don't he's got a right to escape - and I think it would show the public - the world in general - well feller better not fool around Cayman with any of

CAPT. A. A. REID (CONTO.): his capers - if they brought him back and made him pay the penalty - it would teach the next one a lesson - but then I don't think we should need that lesson - I don't think we'll let that happen again. The man went out and had a big spree the last night he was here and signed a chit for it knowing quite well that that party would never see it again - and two days before he left he took a lot of money from one party - some five thousand dollars - knowing that she could kiss it goodbye - he is a criminal of the lowest order - if he hadn't been - he would have stayed here - why did he run - he had it all fixed up - and you know how I estimate him - I figure he wasted on parties, and paid his staff more than he should have paid them - he inflated a balloon and then he stuck a pin in it and it fell flat, and left us - but he wasted about fifteen million dollars on buying goodwill - building up his image - the little frog - and then he wasted about fifteen million on bad investments - and I believe he got the other fifteen million right there where he is today - living in luxury. If ever a man deserve the jailhouse - that man does - too bad that he won't see the press - too bad that the press isn't capable of printing anything - they can only get <sup>what they get</sup> from the House.

Mr. President, I know of atleast six people, in New York and Canada who all think that the best thing that Cayman could do is to make an effort to bring Doucet back - and one of them is embittered - he had four hundred and ninety-two thousand dollars there - and I couldn't help but say to him one evening in my house - how did a man with all your intelligence - because I know you are intelligent - how did you get mixed up with a man like him - how could he pay four or five percent more interest than anybody else was paying - how could he borrow money short term and lend it long term and survive - how could he buy ships, and a real estate project that would go twenty-five or thirty years - it will be thirty years before - may be fifty - if you <sup>put</sup> Governor's Harbour in it - it will take fifty years to develop it - the population isn't here - well if you can't develop something in ten years you are in trouble - and even then it is ten percent bank interest you've got to fight for.

Another important thing Mr. President, is our construction. Where are we going to get sand from - now we have the ecologists trying to tell us that everything we think about - everything we do is wrong - they stopped America building the pipe lines from Alaska - I know that was wrong - but pretty soon we won't have any sand to put up a building - our beaches will be destroyed - people are stealing sand all about - I don't know what the Government is doing about it - but I know that there are several hundred thousand tons of sand in East End sound - and it is my considered opinion that that sand will have to be pumped out of the East End sound - or South Sound, or Frank Sound, or Red Bay - somewhere where there is plenty of sand inside of the reef, and the same thing is applicable to Cayman Brac - in fact that is almost worse. Some enterprising person could get a barge and a tug, and take sand out of the ( I'd better call it Blossom Village because Capt. Theo may get vex if I call it South Hole) - but there is a million ton of sand there - when I was a boy the harbour was eight feet deep - to-day it is not more than five - so that sand has come over from the reef - the rocks grinding continously outside, and the sea bringing the sand in - and there is no harm in taking it out - of course I don't know what the ecologists will tell you - they may tell you that the mosquitoes will die if you pump it out - I don't know.



CAPT. A. A. REID (CONTD.): But, I think Sir, that we've got to think about sand if we're going to think about any further construction, and they are the two places it can be had from.

There are many things to talk about, but I think I will leave it now, and let us have some refreshments.

I thank you, Sir.

HOUSE SUSPENDED

HOUSE RESUMED

CAPT. A. A. REID (CONTD.): Mr. President, in your throne speech you mentioned the Cayman Brac Bluff Road, and you graciously said that by the help of private members, and the Government the road was being accomplished; I am glad that you mentioned the private sector in your speech - it's just another thing that shows how fair play you are. That was one thing the pseudo reporter to the pseudo paper did not mention - he deliberately left that out - evidently I am his arch enemy, and the reason why he left it out was because everybody in these Islands know that that somebody was myself, or my (I should say it the other way) good friend - my colleague - the other Member, and the Reverend King - we are the three people who worked hard on that road to get it started, and we accomplished what they didn't accomplish in three hundred years, and I am not asking for any credit for it - I am just asking that they appreciate it somewhat, and I was the first one who put money - I put the dynamite there. Some nearly six hundred dollars worth of material that started it, but I reiterate that the three of us, and I did forgot one person who was very helpful in at least making suggestions, and doing what he could, and that was Mr. George Eldermire; he is a man who has a great interest in the country, and a great boy - but that is not the end of the bluff going across the Island from side to the other - the ultimate fight is to get it going up through the middle of the Island - to the East End - to the light house, because that is where the arable land is, and if we are going in to agriculture, that is where we can produce agriculture, and I am sure we might even get some foreigners to come in, and get interested in agriculture if our people won't - but I believe there are lots of people in Cayman Brac, who would gladly go up there, because they have good land up there - the problem is to get up there - and believe me to climb one hundred and sixty feet, on a sheer drop - almost sheer - without a basket is a problem - but to come down that one hundred and sixty-five feet - because one of the sections is that high - and many of them around one hundred - one hundred and twenty - it's quite a work of art, and you've got to be sure footed to come down there with a load on you - I know one man who decided he couldn't make it so he threw his yams down, and when he got down they were pulverized.

But the money for the road on the bluff Sir, is almost as much of a priority as the prison - I would put the two of them on the list for the next expenditure - one in Cayman Brac and one here - we must get the road on the bluff. Now, as soon as we get the road across we are going to start a little campaign up there to raise money, and some of the people who have land up there will have to pay some money to get it go East. I think - in fact I know that the middle of the Island is the proper place for it, because it is the most fair play - if it is ever developed for a tourist resort, or for rich retired foreigners - they're going to want to live on the edge of the bluff - near to the edge and it would be fair to go through the middle - so that a man owning land then must make his own road, from the main road into his property on the edge of the bluff - he must

CAPT. A. A. REID (CONTD.): build his own roads, but if you were to put it on the side of the bluff - either North or South side - would be unfair to the other land owners - so it must go in the middle, and in the middle there is about - I believe nearly five miles in length and a mile and a half in width - six thousand feet any way - in some sections more, an average at least a mile and a half of land that is as level as this floor - soil three or four feet deep - so that is where we can use our good man Doctor Jackman - to tell them what is best to plant, and when it is best.

The Honourable Member for Bodden Town, although I appreciate his graciousness in his suggestion about building Cayman Brac, we only need his help when we put in a motion, and if it is reasonable, I'd like him to vote on it, but I don't want him stealing any glory from us, not that I am worried about myself, because it wouldn't matter too much to me how they feel - I know I am doing my best, and if they don't think so - that's their potato, I don't want him taking any of the wind out of my colleague's sail, in other words I don't want politics brought in to the House in speeches. We know very well that it is only talk, you cannot legislate for a man who is coming here to open a company, or whatever it may be unless of course, somebody came to start a little industry - he'd get better labour up there that's for sure, but to tell a man he must go to Cayman Brac and open his company - the first question he will ask you - are there any lawyers up there, and you have to tell him no, and he will tell you well I must have lawyer's advice - I must have a lawyer, if I am going to operate a company, and unless we can get together on that with a lot of people, and then get a lawyer, and get him to consent to go there to live I am afraid it's only wild talk.

Now Mr. President and Honourable Members, the other thing I want to talk about is water. And you know there are some people everytime they open their mouth they put their foot in it, but I am one of these unlucky ones I don't put my foot in my mouth, because it doesn't strike me that way, but somebody misinterprets for instance the pseudo editor; he misinterpreted everything and blew it up out of all proportion, and things that I have said here been blown up too; for instance everytime I speak about water, they say he is getting after Norberg - no such thing - Norberg is my friend, but I told him he is wrong - I tell anybody when I think they are wrong.

Mr. President, ten years ago, or I would stretch it further than that - that's when it started to increase - but fifteen years ago, there was no problem - I never even gave it a thought - water was perfectly alright - but not so today. I took a sample out of the centre of South George Town - the best section - the best water that could be found - in the best area right in the highest part of it - furthest from any swamp - and the engineer ( this is before we had a water engineer here - of course I couldn't belittle him, that much - this a year ago) and the good gentleman said - plenty of bacteria, and five hundred parts of salt - if you continue to drink five hundred parts of salt Mr. President, you will soon have to look for somebody with a kidney to give you one - no body's kidneys can take that amount of salt water indefinitely. And I said to him the bacteria perhaps it must be the best filter in the world - our lime stone structure, because I am afraid if it wasn't good we would have had an epidemic long ago - he said ah! you're lucky this bacteria all you have to do is to boil now - if you boil that water it is safe, it will also boil the salt out of it, but he said - you're quite right that the limestone has effect on certain bacteria, but after a while bacteria builds up a resistance. Now Mr. President, it doesn't take Einstein to figure this one out - you can go in South

CAPT. A. A. REID (COWED.): George Town - for instance Melmac Road - the houses are stuck together there - ten or fifteen on either side - ten at least on either side, and who worries about it - they never gave it thought - nobody can tell me that the pump in this case is here ( I mean the pump pumping the water to the well) - and the septic tank in each case is over here, and the septic tank in the next house is here - it was never arranged - it was never thought about - I can tell you that there are wells in this country in that South George Town today that are not more than twenty-five feet from a septic tank - the effluence is within twenty-five/<sup>feet</sup> of many of them, and it would have to be planned, and the other man who built the next house would have to go and investigate - dig and find out where the well was, and put his next to the well - so that his septic tank would be on the other side - but nobody ever thought of it.

I can take you Sir, and show you a building that is housing forty people, and forty people are drinking water from wells - it is theoretically, and practically, and physically or any other adjective you want to apply to it - impossible for those septic tanks to be/<sup>more</sup> than thirty-five - forty feet maybe - I don't know how you could work it out - but I have tried - I've put it on paper - the furthest away I could get either one would be forty feet. Now Sir, it means trouble - not today - because so far today is gone - but not too far away - sooner or later - tomorrow - we are bound to have trouble there, and I want to know why why the Cayman Water Company cannot get permission to put a pipe line on the West Bay Road so that all the hotels can get water. It is a serious matter Sir, if we were to get an epidemic - let us say in the season at Holiday Inn it would be the most serious thing that ever happened to this country - it's so serious that I don't even like to think about it. Now, we are most careful, but I know that other people are not too careful - I wouldn't drink water from that desal plant brought to me in the tanks that are supplying water because I know they cannot, and they do not wash those tanks out, and if they did wash them out that wouldn't be good enough they would have to be sterilised - so as to make it safe for water to be pumped into those and brought to me, and even then I'd boil it - not many people doing that I am sure.

But why should we neglect the hotel district - water should be piped there - those people tell me that they are capable now of fifty thousand - they are going in for another desal plant - they're going to expand to one hundred and fifty, and then they could go to two hundred and fifty thousand - three hundred thousand if necessary, and I am sure the hotels would rather buy it via the pipe line and the meter - what is the reason for it, are we protecting two or three people who /<sup>are</sup> handling water - well we could get them a job in the water plant, but something should be done about it - there is too much at stake to let this thing go on - I have built eleven houses in this Island in the last few years - I have built eleven houses, and with those houses I have built two hundred and twenty-five thousand gallons cistern - one of them have a thirty-five/<sup>thousand</sup> gallon - all the others have about twenty - twenty-five, and we have had - October we had eleven inches of water - November we had two - December we had two point two - January we had two - February we had two point three, and so far in March we've only had point eighth of an inch - now Sir, if this drought keeps up another two months as it may well do - March - April, and May - if we don't get water until June I shudder/<sup>to</sup> think about what is going to happen to South George Town - we are getting near the epidemic form right now - position - can't escape it long - it's impossible for us to escape it - there are fifteen thousand/<sup>them</sup> people - or fourteen thousand people in this Island - most of the/<sup>to</sup> concentrated in George Town - most of them taking water out of that water table - all

CAPT. A. A. REID (CONTD.): the hotels - nobody is making an effort even to dig a well up in Lower Valley where I understand there is good water - but that is too far you would burn too much gasoline - it's coming out of that tank, and I can tell you Sir, I have tasted water down there, and the salt is predominant in the dry weather - now one thing I forgot to say that when this water was taken to Jamaica for testing last year it was done in the height of the rainy season so the water was at it's best at that time - right now Sir, the water is at it's worst, and in another two months it's going to be worse yet - so what/<sup>are</sup>we going to do - are we going to let these people sit down up there and punish with their big investment, or/<sup>are</sup>we going to give them permission to pipe the water in - I want water in Snug Harbour - I have a twenty-one thousand gallon cistern, but we've had to economize, and cannot water our plants - I have seen lovely fruit trees that I had up that high ---- dying - going - leaving me - and it's pathetic - I've lost two already for the want of water - I cannot afford to water any more because my cistern is half empty, and there is no reason why if the man wants water, and I want it, and we are prepared to pay for it, and the hotels want it, and they are prepared to pay for it, so who is holding up - as the man in the cave said - what is stopping this hole, and the feller said well if this tiger's tail breaks off you will know what is stopping the hole.

Well Sir, it is one of the most important things where tourism is concerned - we haven't got the hospital or the doctors to take care of all the patients that could fall ill over-night from contaminated water in either of these hotels - even the smaller ones. I have a garden that is one hundred feet wide and five hundred feet long where I have thirty or forty fruit trees planted - where I want to plant more - I want to plant decorative plants - I want to plant other things - I can't plant anything now, because water isn't there - if I could get water in on the property I'd have pipes all around there - and I would show the people that you can grow trees in this country.

Mr. President, I know that something is holding us up, and I want to know what that something is, because this is not the first time I've spoken about the water problem, but I do know it's getting more serious now. To give you some idea how particular engineers and people - sophisticated people who know these things - who come in contact with these things all the time - the engineer said - hold on what sort of bottle did you put this in - oh! I said it was washed out clean - oh! that's not good --- I said oh! yes - empty whisky bottle so don't tell me I know that isn't contaminated - oh! he said they have a special way - a special way of sterilizing bottles - a special method of sterilizing bottles, and special stuff that they sterilize with when they go to take water sample - that's how particular they are.

Now, one last subject Sir, I have heard a lot of rumours around George Town, of course, it is a master country for rumours, there is no place - I thought Jamaica was bad enough, and Cayman Brac, but I think that George Town beats all of them. And I've heard that (they wouldn't call any names, of course, you know it's all this sh-sh- don't tell any body I said so, but now that's not me; if Joe is wrong with me I'll tell Harry that Joe is wrong) - but they said that several members of Government are against the oil transfer station in Little Cayman, but Mr. President, I know that we are all sensible men - now I don't know that /<sup>it is</sup> politicians, you know, I said in Government service - so I am not accusing any politicians, and I would hope not because we all know that our economy right now is not too strong, we need something, we need an injection of new blood, and there has never been a time in our life: that we need this thing more

CAPT. A. A. REID (CONTD.): than we do now, because we've got the taste of riches in our mouth, and we need money to run this Government, we need money to get things with, and plenty of men need good jobs, that's where they could excel - there again it's the line of the sea, and that's where a lot of them could be employed. And I heard from the man only last week, he told me - the first day we were in the house, and I told him he couldn't speak to you then - he asked me to tell you - which I did - you know that Sir - that he is all prepared now just a matter of getting the documents made up, and he is expected here any minute, but I've heard this rumour about so many people in the Government as I said they wouldn't say whether it was Joe, Harry or Tom. But I do hope that there is no one working behind the scenes to stop it; one thing I would tell him he or she - if he does don't ever put his foot on Cayman Brac - unless I am there with him, and Trevor on the other side we might save his life, but I think they'll dump him in the sea. I really don't know who could be silly enough to object to it, because it cannot hurt the Island - tourism for Little Cayman is a pie in the sky - it will never/reached<sup>be</sup> - it's up there - and if we ever needed anything it's now, and on the West end of the Island - it will hurt nobody - if a spill came it won't come here - if a spill comes it won't go to Cayman Brac - it will go to Cuba perhaps - I don't think it will even go there - it will go up the gulf stream - but they are not going to let it spill oil is too precious - and they have ways and means of protecting it, and there is nothing in the air - may be it will cause a few vehicles to be imported - but what will twenty-five or thirty vehicles do - in an Island like that - with a strong breeze blowing all the time - there is nothing - no pollution - one way or the other - and indeed I hope it comes and I hope within two, or three or four years will follow an oil refinery; that will be all that we shall ever need in Cayman Brac and Little Cayman; it will be enough for us and we shall be happy to be able to send some money to Cayman.

I thank you, Sir.

HON. W. W. CONOLLY: Mr. President and Members, I should like to take this opportunity of making a few remarks on the throne speech if we are at the present time debating such.

I too would like to add my quota of appreciation for the manner in which his Excellency delivered the document which contained the state of the nation. and I am sure that using the chart and the sextant that have been used there is no doubt in my mind that the future will be prosperous for the Cayman Islands.

Mr. President, I should like at this time to make reference to certain criticisms that have been levied at Departments and subjects for which I am responsible, and I should like to start with the M.R.C.U. in saying that I agree with you that we have had no co-operation from the mosquitoes, and this I am sure is not strange, as even in this House we do get kicks coming from the other side. Nevertheless, it is hoped that with the programme of physical control we should see a great relief in the coming year. I would like at this time to make a very blunt statement in this regard that as far as the Mosquito Research Control Unit is concerned, I think I am safe in saying the word eradication has never been used, if it has been used, it has been used out of context, because in all of this exercise it is a matter of research and control; no one guaranteed anybody that there was going to be eradication; what the unit was set-up for is to study the mosquito (that is the research part of it), and to recommend to Government certain measures of control.

HON. W. W. CONOLLY: Surely it is an Island, and I am told by the experts that eradication is possible, but it is a very expensive exercise, and it would go hand in hand with reclamation, as we are told we have something in the region between seventy and seventy-five percent of the land area on this Island swamps, and when one thinks of between thirty and thirty-seven thousand acres of swamp land which is the breeding place of these mosquitoes, one can readily see that with the finances of this Government eradication is a mammoth job. I look forward that with the research and the control that is within the limits of our finances that people can live on Grand Cayman with a measure of comfort.

Next, I would take the Cadastral Survey; much has been said about the Cadastral Survey not too much in criticism only the cost. This has been debated before in this House, and I have no intention of going over it, but I think I will agree with the last speaker, the Honourable Member from Cayman Brac in saying that this is one of the best projects that has ever been attempted by this Government; because land is wealth, and if we in our wisdom secure the title to these lands for the future generations of the Caymanians, then I think we have been doing them a great service. In this exercise, not only will the lands be surveyed, but what is more satisfying is the fact that when these plots of lands go on the register Government is in a position to guarantee a title. No one has said that this will be the end of disputes as long as we have land as long as we have people we are going to have disputes, but what one is saying is this that this should put an end to the disputes as far as the titles are concerned. And I believe that if we in this short time even though the expense is great can leave this <sup>to</sup> posterity I feel like we have done a wonderful job, and I am sure that our future generations will bless us for it.

Some Members have spoken briefly on agriculture, and all I've heard on agriculture is gratifying. There was quite a praise for the development, or the interest that Government has displayed. The policy as far as agriculture is concerned in the Islands - the policy today is no different from how it was, two or three or four or five years ago. The Government had set out a policy whereby this Government sets up a department capable of advising people on types of fruits, types of vegetables, the types of pesticides, types of fertilizers, and what not, and this I think is something that is <sup>about</sup> as much as this Government can enter into at this time. I would like Mr. President, however, to do a little bit of comparing figures on agricultural produce in this Island. We talk a lot about encouraging agriculture; we talk about growing food stuff to reduce the cost of living to the poor man; this is very good. But the situation we have in Cayman today, and a week ago I did a little survey, and I found myself in a position to buy fifty pounds potatoes - Irish potatoes grown in Maine in the United States for the sum of four dollars and ninety-five cents, and to buy fifty pounds of yams grown in North Side it took me twenty-five dollars. Here we have a situation Mr. President and Members, here we have potatoes, cassava, yams grown in the Cayman Islands, and being sold at a greater price than potatoes grown in the United States after freight charges, after ad valorem duties, after profit mark up has been put on. So you see this is the situation that we are up against here, and I am sure that Members of this House have supported me in the effort of developing agriculture, on the other hand one has to think very, very seriously about it. We have another item - meats. Locally produced meats sold for a dollar twenty-five, a dollar thirty-five, a dollar forty-five cents per pound, and here we have beef produced in the United States flown in by air and sold for a dollar sixty-five cents a pound. These

HON. W. W. CONNOLLY: are some of the situations, these are conditions that one has to think about, and while the Government is doing everything possible to encourage <sup>agriculture</sup> /yet we have to bear in mind that we don't want to be a penny wise and a pound foolish.

I will touch on tourism because <sup>this is</sup> the major department of <sup>my</sup> portfolio, and it is one that encompasses all of the other departments so far; Mosquito Research Control, it touches agricultural produce, and this <sup>is</sup> - the tourism development in these Islands that has been now for several years, I think one of the great contributors to our economy. Much has been this morning over tourism; I think everyone agrees that tourism has been developing and taking quite a prominence over other developments here, and I think the section in the throne speech that raised the point - was in tourism a close watch will be kept on the numbers of tourists arrival, and every effort will be made to consolidate, and <sup>of</sup> if possible improve the department's success in attracting a flow /visitors during the lean Summer months. Mr. President and Members, there is no secret, and there has been no surprise to myself or the department that we are looking forward to a lean Summer.

In fact, if I am permitted to go back a little over a year ago - in November nineteen seventy-three we had the first of the world crisis that really affected tourism here, which was the oil crisis. Things were going well for Cayman at that time; our airline was coming/filled, our hotel occupancy rate was fair, and our whole bookings for the Winter of nineteen seventy-four seemed quite well. The Winter of nineteen seventy-four which was last year, went on undisturbed - the oil crisis had very little effect on that because people had booked prior to this situation, but the department was aware that from the late Spring and the beginning of Summer we would have seen the effect in the Cayman Islands, and from May last year we saw a decline in tourism; the decline was gradual, nevertheless, it was evident. The department lost no time to consolidate, and revamp our way of thinking on the situation, and if Members reflect the last budget session they can remember I suggested a policy to institute a reservation service in Miami. This was done to assist travel agents in getting free and easy knowledge of whether a person could have a hotel room in Cayman or not. This service was quite new to a lot of areas, and while we are/bit too small to boast I may just say this in passing that I have learnt that the Bahamas have followed suit. This service has succeeded in sending quite a lot of business down our way, business that probably would have gone elsewhere. But let us take the cold facts why do we have a slump in the tourism development in the Cayman Islands; we know the prime reason you know the prime reason; it's not the high prices; the main factor is the recession in the United States of America, where some ninety percent of our tourists came from. Surely, when people are out of jobs over eight million American people are out of jobs surely if you don't have money you can't travel, and there is something else that dictates travel, we must remember that the tourism industry has been dictated to for several years by the airline industry; when the airline industry got their draftsmen to the drawing boards to put out planes that would bring them profit, the result was jumbo planes - planes with two hundred and fifty, three hundred and fifty seats. As the result of that the hotel had to follow suit so the hotel industry had to build hotels of three, four, five, six, seven, eight hundred rooms - would there be any sense of a jumbo jet bringing four hundred, three hundred passengers into George Town when we don't have hotel rooms for them - no. So what we are left with is an industry- an airline industry with large transports, and on the other hand we have a hotel industry with large super-structures. Now, these people who dictate the terms have to

HON. W. W. CONNOLLY: make money and as a result of this what you find is that these large hotels and the airlines get together and they put up special packages, and that's why you will find in certain areas, that's why some members say that you can go to Tahiti, or you can go to Barbados, or you can go to Jamaica, sure you go on what they call an I.T.C. ticket, you go on a group fare where you go for four nights and three days hotel beds included, airline ticket and everything for x-number of dollars.

Mr. President and Members of this Assembly, our industry in the Cayman Islands is not geared-up to that we don't have that type of hotels we don't have that type of airlines running into this Island so we have to depend on a very select service, a very select clientele, and that is an American or a Canadian, or an English or a Jamaican, or any body who has an average income of up-wards of fifteen to twenty thousand dollars a year. This meets with what the Honourable Member from Bodden Town - in his speech a few days ago he said we should not allow these back-packed people to walk about here, and to come off - we have no control over that - there the immigration department I am sorry to say the department of tourism does not encourage that type of tourist to the Cayman Islands, of course, we have <sup>to be</sup> reasonable, and we have to be sensible; if someone has an airline ticket, and someone comes to the Island, and he has money to pay for a bed he has to be sold that bed, or he is sold that bed whether he has long beards, or whether he has long hair or not. How do we achieve this goal is something that is kept under review quite regularly; we achieve this goal by advertising to a special type of clientele, and in the news media that we advertise in, and we do advertise in some of the better magazines in the United States - the New Yorker magazine - we used to advertise in the Esquire - but it has become a little bit too expensive, and <sup>as</sup> you know you have given me a very limited and restricted budget on advertising, and I have to watch my pennies; so I have to advertise where I can afford - Travel East and Travel West - we do get a lot of mileage out of travel writers - like the Washington Post - travel writer was here sometime ago - we do get the Miami Herald, and I think we do get quite a bit from New York - <sup>we</sup> <sup>to get</sup> hope this radio station W.N.E.W.T.V. soon will be carrying something on us, and this is the type of advertising that we do. The trouble is that we are faced with a situation over which we have little control. Much was said about people coming here, and a rate was thrust on them and they knew nothing about it; I don't know who the informant was; I don't have bottles like my good friend from Cayman Brac but I do have brochures that we carry, and <sup>I</sup> am permitted Mr. President and Members I may read from one of these - this is one of <sup>our</sup> current brochures - and it says down here not included in big bold print - the meaning of the symbols - not included in this is the airline fares - gratuities - Government tax on rooms and meals - airport departure tax, and all this, and it says service charge made by hotels in lieu of tipping is indicated by asterisk where there is one asterisk here that's ten percent, and where it's three asterisk, is fifteen percent; so people do know before they come here - it is <sup>in</sup> black and white, and this is our current rate sheet for nineteen seventy-four, seventy-five, and in this most hotels - written in broad letters - most hotels charge a fifteen percent gratuity fee in lieu of tipping - so any person who didn't know I am very sorry about that, but of course, I don't think that the department can be blamed in saying that knowledge was not aware of it - I've only brought two pieces of documents here these are two that are currently in demand.



HON. W. W. CONNOLLY: Now, let me say this much has been said about the prices, and that we are out-pricing ourselves, and all this. This may be true; I've just told you what happened there that if a tourist comes down from New York, and he asks for piece of Cayman yam that holtelier would have paid at least <sup>fifty cents</sup> per pound for that yam; in Jamaica it probably was about fifteen cents per pound; this only one of the items - not that I am grinding any axes for the hotels, but I am <sup>just</sup> trying to compare figures on this, and I may go a little further than that - there has been a lot of rumour here that the hotels are charging so much, and the hotel rates are so high, and all this so I brought some statistics along, and this was done so that I could be up to the minute on what is really happening. Now, let us take this as some sort of guide as to increases compared to services. Now, the <sup>coming</sup> first expenditure that the tourist has when he leaves his country/to our shores is his airfare, and I have found here that the airfares have gone up - from New York to Cayman to New York is gone up nineteen point one percent - that's on a week-end excursion - in the mid-week it has gone up twenty-three point two percent. I take Chicago to Cayman to Chicago the weekend has gone up eighteen point nine percent, and the mid-week is nineteen point five percent. I take Toronto to Cayman to Toronto, and that remains fairly regular with just a three percent increase. Now take the Miami to Cayman in the Winter nineteen seventy-four, seventy-five - the airfare between Miami to Cayman to Miami has gone up this season to thirty-three point three percent, now that is the first expenditure before the person ever gets to a hotel. The second I have here is the taxi because when he comes into the airport he gets a taxi to go to his hotel - taxi rates were increased by fifty percent to all points except from the airport to White Sands was increased forty point nine percent - the airport North Sound fare increased by thirty-five point seven percent, and George Town to Savannah forty point nine percent. Then we come on the hotels, and the hotels have gone up in the Winter we have here - with the exception of one hotel no hotel increase has been equalled to the airline crease: there is only one hotel on this that has gone up equal with the airline increase.

This shows us, Mr. President and Members, that there is a package of increases; not only the hotels, but it is the airlines, it is the taxi, it is the hotel, it is the food, it is the drink, and this today makes a vacation that much more expensive, and at the present time with the recession in the United States, people just don't have that extra money to come, and if Members have read Time Magazine recently, you've seen where in the United States that they've gone out on a series of programmes showing people in the United States where they can still have there vacations near to them instead of going over seas they can see right around the whole area all of these things are against us these are conditions over which we have very little control. In speaking of prices, and in comparing your hotels in the area, I feel justified in comparing our largest plant, which is the Holiday Inn with the Holiday Inns throughout the caribbean, and as one knows this is nearly a uniformed cost - the prices of them - within a few dollars depending on the areas, but I have some valuable information on this sheet, and this shows me that we are doing as good if not better than a lot of other places. We have a place like Freeport in the Baahamas with a sixty-five percent occupancy this year, and that is completely all group fare this is where people are coming in these large planes, and going to these large hotels group fares. Nassau is doing well eighty-five percent, but over half of this is groups again. Jamaica doing well, but they are the same most of it is jumbo jets jumbo hotels packages - the advance bookings very poor; other large hotels in Jamaica - like the Intercontinental is about the same - in Kingston as Members may know a large hotel - the Forum . . .

HON. W. W. CONNOLLY: hotel was closed recently - rumour has it that the Skyline will close this Summer - no <sup>one</sup> knows I mean it's just a rumour, and it is also rumoured that the Sheraton may close; there is a rumour that three smaller hotels have filed for bankruptcy - these are in the Montego Bay area. In St. Lucia where you have the Holiday Inn they are running a thirty percent occupancy this year a very poor season. In St. Kitts virtually empty - Grenada empty - St. Thomas a very poor season - Aruba doing well - Aruba is doing quite well, but as Members know they are attracting a business that we have objected to and we are not catering to - that's gambling - Curacao it's about sixty percent, and these are mostly gamblers again. This is the situation around the Caribbean area - I will say this that the president of the Caribbean Hotel Association he has publicly stated that he expects as high as forty percent of all the hotels in the region will face severe financial problems leading to bankruptcy during nineteen seventy-five.

I thought that I would bring a few of these figures out to show Members that despite the criticism of the high cost, and that we should revamp our thinking on tourism here that we are in a boat - the whole Caribbean area is in trouble. We have here in Cayman - our Holiday Inn ran fifty-five percent in January, seventy-one percent in February that shows us in this business that we have here is full rate business - not any cut-rate business; so we are doing as well if not better than most places. Of course, Mr. President and Members, I would like to say this that Government does not intend <sup>to be</sup> satisfied with past achievements; the department realizes that this is the time when we need to have an all-out effort, and for the information of Members I have requested that our sales force in Miami immediately get on the road - a promotion trip that was slated for May has been brought forward to the first of April, this is to boost the Summer trade. And I would like to make one point, and to make this very strongly that these are the times when we need to put all our efforts, and our efforts in tourism is our sales force our advertising our collateral - these are times when we have to go really out to get the traffic - we have to do it - we have as was stated in the throne speech another airline serving the Cayman Islands - Southern airline - Southern has a lot connections in the South and mid United States, and we are hoping that with their co-operation that we can boost Summer trade.

I would like to say that cruise ships calls appear to be coming <sup>in</sup> for this year - this season - if things materialize, which I hope they will; I look forward to seeing more calls than have ever been before in George Town, and this should also prop-up the economy - the taxis - the stores - the dive shops - and the rent-a-cars - the rent-a-bicycle should make some money.

Mr. President, I hope I've gone some way to clear up the doubt deep in the minds of Members, that the policy put forth in the throne speech has been one that has been carefully thought of, and has been one that has been tailored to the finances that were available to the department. Surely, if we had more money we might have been able to advertise more; we might have been able to go in different places to advertise - we had to do the best we could with what we had.

Now Mr. President and Members, much has been said about generally on the Throne Speech of this reckless spending; I should like to have a word on this. Surely if one sat down - the Government here sat down and did nothing one would have been criticized for not doing anything; it's human nature that when one does something

HON. W. W. CONNOLLY: he is criticized; well I like to be counted with one in the number who attempt something anyway, and I feel like while one may say that this particular Chamber is extravagant we waited a long time; we were one of the last Islands in the Caribbean to have a Chamber for the Members of the Legislative Assembly; we were one of the last Islands to embark on this, and we did/ <sup>it</sup> we took the opportunity of building - I wouldn't say prestige - I think its an <sup>an</sup> image that is well worth it - what can be more than <sup>an</sup> image of your national pride your national assembly where the laws of your country - or your country comes from. Surely every country/ <sup>prides</sup> every democratic country prides that House of Parliament or that House of Congress - that House of Legislative Assembly; I feel very proud of this building, and I am not worried about the criticism of being too elaborate or being excessive in spending; other buildings here - the administrative building looks rather glassy I agree but I don't know how that building will look twenty-five years from now - we are not building for today - we build for tomorrow, and I believe if one is going to do something - do it good, and surely the building that houses the administration of your country should be a building where <sup>equally</sup> has the respect of the citizens of this country.

I don't think the roads could be termed extravagant; we do have pretty good roads now - yes that is true, but it <sup>was</sup> decided in this House, and not by the Members presently in the House this has been of the failings as far as I am concerned away back in the nineteen fifties after the building of the airport when a decision was taken whether we should walk out on education - fill our schools - every Member jumped <sup>up</sup> and said we want roads - so surely the people of Cayman want roads, and I've heard it in this House - we want roads so we can drive our big Cadillacs and our big Buicks, and our big ( what other) Plymouths sure we want roads that is what the people want, and as I said I supported the Member for Works; if we're going to get roads why put down a road that every time the rain comes you're going to have pot-holes - we do the job good now. The dock I don't see see any reason why we shouldn't have a reasonable dock what I have seen on paper I don't think that's any way extravagant; any way I hope that the dock will be something that is going to be a money earner - I am sure it will be - eventhough it might cost us a little more - goods and services, but there will be better working conditions for people <sup>better</sup> handling of cargoes, and it will, too, help cruise passengers / <sup>even</sup> if it's landing from a barge - so surely I am going to support this - I support the dock.

Now one of the things that I have Mr. President, that Members have said a lot about, and I feel very, very - I don't know the word to use, but I have my reservations on all this prison business. I know today that in a society you have lock-ups, you have to have prisons, and I might sound foolish to get on my feet and say that I disagree with prisons, but I really do. I know today that it is bad and I agree with Members - the point was raised in the court years ago that when you send a prisoner from here to Jamaica since Jamaica gained independence that you're actually exiling a person sending him away from your home, but surely circumstances are such we have made no provisions at home to change that, and I would think that we are fortunate that the Jamaica Government is doing that service for us. There is not only that particular service that we have to think about we have associated with that our asylum services that the Jamaica Government is taking care of, and looking after the situation as I do it's alright for Members to talk, and to say well oh! you get a prison up here you get a farm, and you let the Member responsible for Agriculture look over it, and you do this, and do that, and all

HON. W. W. CONNOLLY: that that is easy talking but let me say this the responsibility of looking after a prisoner means a twenty-four a day service; it doesn't mean one warden; it means you have to have all of the facilities it's going to be a costly something it's going to cost us quite a bit, and as far as I am concerned now I am not speaking now with any view, or any policy of Government as I said I am speaking personally on this subject, and I feel very strongly about prisons; I would rather spend fifty thousand dollars on adult education, rather than spend fifty thousand dollars on a jail, this is how I feel about it, personally, I may be criticized for saying so, but I do feel that in a small community where less than a hundred years ago you could trace your forefathers back to about four parents, and today should there be this much problem. Some years ago - ten years ago I was in the Isle-of-Man with a population of fifty-eight thousand people, and their full jail capacity is twelve persons. Why shouldn't we in Grand Cayman have that same way of life in an Island here with fourteen thousand people, and you can - as I said less than a hundred - you can relate each family to one another, and why should we go now and embark in putting up a prison service of hundreds of thousands of dollars - why?

It's good to talk about Government embarking on a welfare scheme, child care and protection; it is my opinion that pressure should be put on people the responsibility should rest where it lies, or lie where it should rest, and that is on the shoulders of the parents, and it is my opinion that as long as Government institutes any service here, where they are going to take the responsibility of looking after the children we're just going to multiply that, and we're going to have more and more of it.

Mr. President and Members, it is an easy thing to criticize a Government's policy - surely - you don't have to go any dictionary you can pick-up any kind of book, but on the other hand remember Sir, that <sup>in a</sup> development taking place as fast as developments have taken place in the Cayman Islands in the last five years, I consider that all in all the policies, the decisions taken by Government have been decisions that can well stand the test of time. I am sure Mr. President, that <sup>as</sup> you've said that your short time here you are pleased with the support you've got from the Members of Executive Council; I would like to say this Sir, that as long as I am permitted to be responsible for subjects <sup>working</sup> of which I am now responsible, I look forward to having a good relationship with you, Sir, and Members of the Legislative Assembly.

Thank you, Sir.

#### ADJOURNMENT

HON. D. V. WATLER: Mr. President and Honourable Members, I beg to move that the House adjourn until 10 o'clock tomorrow morning.

HON. G. E. WADDINGTON: I beg to second that motion.

QUESTION PUT: AGREED

AT 5.40 P.M. THE HOUSE ADJOURNED UNTIL 10 A.M. WEDNESDAY THE 25TH OF MARCH, 1975.

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

Hon. D.V. Watler, OBE, J.P.	First Official Member
Hon. G.E. Waddington, CBE, QC.	Second Official Member
Hon. V.G. Johnson, OBE	Third Official Member
Hon. Trevor Foster	Third Electoral District Lesser Islands (Member for Inter-Island Co-ordination and Information)
Hon. B.O. Ebanks	First Electoral District West Bay (Member for Education, Health, Social Services and Labour)
Hon. W.W. Conolly, OBE, JP	Sixth Electoral District East End (Member for Tourism, Lands, Natural Resources, MRCU, Agriculture and Surveys)

ELECTED MEMBERS

Mr. T.W. Farrington, CBE,JP	First Electoral District West Bay
Mr. John Jefferson	First Electoral District West Bay
Miss Annie H. Bodden	Second Electoral District George Town
Mr. Claude Hill	Second Electoral District George Town
Capt. A.A. Reid	Third Electoral District Lesser Islands
Mr. James M. Bodden	Fourth Electoral District Bodden Town
Mr. G. Haig Bodden	Fourth Electoral District Bodden Town
Mr. Craddock Ebanks	Fifth Electoral District North Side.

ORDER OF THE DAY

TUESDAY, 25th March, 1975

1. TO BE LAID ON THE TABLE - REPORT OF THE CAYMAN ISLANDS  
BY THE HONOURABLE D. V. WATLER, OBE., JP

2. DEBATE ON THE THRONE SPEECH TO BE CONTINUED.

3. BILLS;-

(a) The Currency (Amendment) Bill, 1975

(b) The Poor Persons (Legal Aid) Law

(c) The Summary Jurisdiction Law.

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TUESDAY 25th MARCH, 1975

10 a.m.

MR. PRESIDENT: Please be seated.  
Proceedings are resumed

HON. D.V. WATLER: Mr. President and Honourable Members I beg to lay on the Table the Report of the Cayman Islands Police Force for the year 1974.

MR. PRESIDENT: So ordered.

MR. JOHN JEFFERSON: Mr. President are we allowed to say something at this time?

MR. PRESIDENT: I think a motion can be put down for debate on the paper at a later stage. But this is simply a formal laying on the Table and Members may have an opportunity to debate it later.

MR. JOHN JEFFERSON: I understood you that we will have an opportunity to debate it later on.

MR. PRESIDENT: If Members so wish.

MR. JOHN JEFFERSON: I would so move Mr. President because I would like.

MR. PRESIDENT: Good I'll take note of that.  
We'll proceed to item number 2 on the Order of the Day - continuing the debate on the Throne Speech.

HON. TREVOR FOSTER: Mr. President Honourable Members of this House, I'd like to take time to compliment His Excellency on his very comprehensive and informative speech.

Mr. President your detailed speech shows Members of this House also the public the keen interest which you have so ably applied to your position since your arrival in these islands. I'd like to bring a few thoughts forward why this has come to my mind. Namely it has been many years Sir since a Governor has visited our various districts as you have instituted since coming to these islands. This to many might seem a very simple formality, but I think it does a lot of good. It brings the ties between administration and the various districts a lot closer. I'm not quite aware of how it has effected the various districts in Grand Cayman, but it is to my knowledge with the people in the Brac and Little Cayman. They appreciated this very much, they look forward to it again, and more so than the constituency. I must say that I have personally taken note of this, that your arrangements were made on your first visit, and as time went on you've set the stage for your second visit to the various districts of your own accord without being asked by the various members, and I think this is a good gesture. As I've said I'm certain that my people have appreciated it very much, and indeed they look forward to your next visit to the Brac.

Mr. President your speech as I've said has been very informative. It has covered every aspect of development within the islands, and as you so well said in your speech you have positioned us as of March '75. There again this has coincided with your method of administration since taking your post here. One can very well notice you have visited the various departments of government, which brings you up to date with what is taking place, and I daresay it has put you in a much better position Sir to convey to this House, and to the public of the Cayman Islands what you did in your speech which is from first hand knowledge.



HON. TREVOR FOSTER (CONT'D): It has also been said that the private sector has appreciated your interest in the various service clubs in the various businesses etc., and on the whole your humble and polite manner in which you meet people of these islands. I've often said that the Caymanian people can be led, but they're hard to push. I think Sir, just as long as your term goes on if this attitude is continued, you will find that it will work well, and I can only say from my own knowledge that this all adds up to better public relations between administration and public, which over the years has been very well needed in these islands.

Mr. President you've touched on various departments, and from it as well as I know major emphasis has been placed on Medical and Education, which no doubt over the years it has been very well needed. And when I look back to the Cayman Islands in the last seven to eight years one sometimes wonders how this government has afforded to do what it has done. Our medical situation is coming up very well, the hospital is being refurbished which is very well needed, and I think every phase of the medical division is building its own energy up, although it's far from being perfect, I can only say from my knowledge that this government has placed emphasis on this department. It's one of the needed services within the islands, and as one member said, the first thing is health, and I think it's evident, not only members but members of the public can see that government has placed stress on this, and is moving forward to make it a service which the people of these islands can be proud of.

Education has been looked at in the same light, and although many criticised our Education Department it could be worse. I myself had limited knowledge on our education system here, as I put in quite a few years in school in these islands, and needless to say Mr. President that the difference today as it was ten years ago one could hardly believe it. I'm not trying to say that there's not room for improvement, but we have gone a long way. As far as the education system in the Brac is concerned, I think we're about in the same boat, we have gone a far way, we're not exactly satisfied with what we have at this point, but let us face facts, when a human becomes satisfied, he has lost his energy, and he becomes too complacent, and therefore if everything was quite right what would we have to grumble and fidget about. Therefore we have a far way to go still, particularly in the Brac with our education system as we would hope to see it one day. But with co-operation from the department, the member in charge I feel certain that this can become a reality in the not too distant future.

Agriculture has begun to take its position, the mere factor that we have a Director of Agriculture has helped to build its image. But as I've seen it for quite a while it is going to be the foreign developer in the agricultural field as we're seeing here in Grand Cayman now, in the various points from which they have started, the vegetables, the cattle etc. I think we have a far way to go into agriculture, it just depends if the Caymanians over the years will become agriculturally minded, and set himself to that task, I think it can go and become profitable. Nevertheless, this is left to be seen, but government is trying to set this forward, and give the needed help which is possible from the department.

Mr. President I'd like to touch briefly on Tourism. There's no doubt that members feel that quite a bit of our funds, our annual Budget is being spend on Tourism; this may be true, but I feel we have a far way to go. The old saying that advertising pays is still very true. Nearly every other tourist that you ask or make an enquiry from will tell you they have found these islands usually by word of mouth from another friend, probably two out of eight will tell you they've seen an advertisement or a brochure. The North American area which we cater to is a large area, it's an area that has progressed through the method of advertising, and I fear if we are to get into the limelight, we are going to have to put a lot of money out on advertising. I don't think

HON. TREVOR FOSTER (CONT'D): we have begun to touch the areas yet. We have three offices in the United States, and large areas yet that we haven't begun to touch. Surely we have had a drop in our tourist industry, it goes without saying that its from the recession in the States, people are short of money, jobs etc., and that means that we have more reason to advertise, and concentrate our advertising to the people that can afford to come to these islands. It means that we have to promote these islands in the specific areas that can best serve us with the type of visitor that we would like to entertain in these islands. I must say that I think the department is doing a good job, no doubt continue to do so.

Now Mr. President and Honourable Members, Cadastral Survey has always been a controversial issue from its inception in this House, but you know I can't help but think that from time the Brac members first heard of Cadastral Survey, and what it meant to do in the islands, we have always taken the attitude that it has been a blessing to us in disguise, a piece of development which we didn't have to fight for, an expenditure that came our way without being asked, and this was one time we were blessed with it, because we had two islands on that side of the group, as compared to one here, and it has spent a lot of money in the Lesser Islands in the form of labour, in the form of general work on the whole. It still continues to do so particularly <sup>on</sup> Little Cayman, and monies that have been spent over the two year period in the Brac and Little Cayman, if it had not been for Cadastral Survey no doubt it would not have been spent. So to us it has been a blessing in disguise to our economy, and I am certain that it will have it's favourable points at the end of it. People will be able to know who owns land, they will have good title, and we can rest assured that it should not at least be as many disputes as it has been in the past.

Mr. President development in the Brac which has been limited has moved on so slowly in the last two or three years, we're proud to say that our Bluff moves along slowly but surely. It has come through a lot of should we say lobbying, a lot of hard arguing and debates. But nothing that is attained easy gives one that inner satisfaction, as when you have to fight for it. I came to those islands and found it being done in this manner, and I daresay I will die and leave it being done in the same manner. We have always had to fight a strong battle, be courageous and usually start on our own development, and convince our government it is needed we can do it, and then we get on with the job. It has been so in hospital, it is so in our road, nevertheless I feel that the day is coming when this government has realised the necessity of dividing a bit of this boom with Cayman Brac and Little Cayman as we are part of the Cayman Islands as well.

Our Airport since your speech Sir I'm happy to say that the rock crusher has arrived, no doubt by now they're getting on the way to crush rock for the re-surfacing of the airstrip which has been on the way for the last two years. When it wasn't one set back it was another, but nevertheless all of these problems have been solved, and we seem to be on the way to do the job now. I can only hope that it will be successful and the needed surface will be there within months to come.

Our 75 project in re-construction of roads is on the way. There again it was old roads now being re-constructed, roads which were originally built by hand, black topped by hand also. We're getting off to getting our new doctor's residence under construction, land is now being found for this purpose, and with the help of our Finance Department here, we hope to find the funds for a community centre or hurricane shelter, we should call it. And I think Mr. President that we have set forward in the last two years development for the two islands at least what our Public Works Department and our other departments in the Brac with its limited facilities can handle. This year also in Little Cayman will be the office building which should get under construction shortly. And this again Sir, we've been able to attain in the last two years that government could find its rightful position in that island even

HON. TREVOR FOSTER (CONT'D): though it's limited to one officer. But we've purchased land and setting up an office, and government is finding its position there also. This we feel very proud of, and we feel that this island will continue to develop, it has the resources for it, particularly in the tourist field, and we feel certain that it will continue.

Mr. President as one member said I am not very familiar with the European Economic Community, however I can only say very briefly that indeed I hope that this government will benefit for its association, we hope to benefit financially, although it might not be that higher sum, but let us hope that it will be a benefit to our government.

Mr. President a particular point in your speech that I took note of Sir, and this has been my thinking for many a year, and I am glad that you brought it up, and I can assure you that I will not make it die, and that is local Council or local Administration.

Cayman Brac and Little Cayman have been termed a district of the Cayman Islands. This Sir we can accept in some phases, and other phases it is an impossibility. The mere factor that we're divided by some eighty miles of water makes this a human impossibility. When other Caymanians can drive to their capital city, it goes without saying we cannot. When they can participate of the facilities within the city, we cannot. We're not ashamed of it, we're very proud of our two islands. Nevertheless we like to be put in our direct positions. I can see Cayman Brac and Little Cayman in some cases and not in all, may I stress being part even of the laws of these islands, because in many cases a law which is brought about in Grand Cayman does not effect Cayman Brac and Little Cayman, and if it did effect it in any case, it would adversely be that as it may, we're part of the Cayman Islands, we expect to play our role, but we expect what is fairly ours. I feel like if this Local Council, or Local Administration was brought into being it could be a roaring success for us. In fact if you would like to look at it broadly, we nearly have this now, at least we like to feel so, and think so. Revenue that is taken in in those islands is spent there, plus what we draw from shall we say from the Federal Reserve from the Capital. By no means do we want it stopped, this has to continue, and I daresay as the years go on it's going to be larger amounts. I see Mr. Financial Secretary giving me quite a smile here on the side, but money will come in, it's no problem. One thing about it we will never spend what we don't have. We get it first, spend it after, this I agree with. Nevertheless Mr. President I feel that this could be a very successful stage for us. I feel that it could give the local people more thought, more responsibility into their government, knowing what's going on, know how the whole system works, and as the old saying is, once you lay responsibility on a man's shoulder it's going to quiet it, he's got to face up to facts then and realise how the whole thing operates. I feel it could be very successful, and as I said could bring administration a little closer to the public.

Mr. President over the years the human cannot expect to be anything but a human, they're jealous, they're deceitful. Our people see what is taking place in Grand Cayman although I feel certain that we're not living below any standards, but no doubt the bright lights of the city get to them. You say to our people the Legislative Assembly Building is part of the development of the Cayman Islands that effects one and all, yes, but it's in George Town, it's no help to us. Administration Building, yes, it's in George Town. We have to take a more broader look in our development, in our priorities, and each year as has been done in the last two years, priorities have got to be set for the two smaller islands as well as the larger one. When this is done it brings the feeling of one or togetherness of the people, and they in turn would then feel more apt to be called a district of one people. Giving that we're a different kettle of fish altogether, but we're understandable, and we can co-operate, and we can work along, but we must and indeed get our fair share of the development. I can only say in discussing this matter of Local Council, this is one time I feel certain that Cayman Brac and Little Cayman would take on the

HON. TREVOR FOSTER (CONT'D): position of being the guinea pigs, if this government could see it fit to try it there first, we certainly would appreciate it, and I feel we would put our shoulders to the wheel and make it work. This Sir I would like you to take a lot of personal thought on, and indeed we will try to follow it up as time goes on, but I feel definitely that it can be of help to our smaller islands, and not only them, but also the other districts within Grand Cayman.

Mr. President I feel that I would be doing myself a bit of injustice if I did not make mention of the method in which our press here operates. I have noted right at the start for fear of wrong, they never seem to do right. I cannot help by saying Sir, they come in they take extracts from some speeches, they go off, it's printed not usually in the context that it has been given. Some members' thoughts have not been printed at all, and to be honest with you, I feel that they're doing more harm than good. Nevertheless it has totally convinced me that this government has made a correct decision in our Broadcasting System for the Cayman Islands. I must say that when this first came about, I probably was one of the members in Executive Council that was not very certain if it was within the best interest of the Cayman Islands that this should be government owned and government operated. I however was convinced, and I am more so convinced now that this is within the best interest of the Cayman Islands that our Broadcasting System be owned by government, operated and controlled by government. I fear Sir if it was in the hands of private enterprise, our problems would multiply instead of deteriorate. The Press does a very wonderful job in taking the truth you have spoken, twisting it how they would like to see it, and in many cases they have set a trap for fools, and they go right along devouring statements.

Mr. President the stability of these islands has not come overnight, they have come from our forefathers down the line to Members of this Legislature. The Vestry in years past set the base as time went on. We here in the last seven, eight years are putting on the upper structure of a base that has been solidly constructed. And one cannot but stop and think that in this day and age we want members of the public, whether it be the Press or any other phase of private enterprise that will contribute to stability of these islands, and lend themselves to what will build a better Cayman Islands, and not what will break it down, its easy to break down, its not so easy to build. I think that our Press needs to take a close internal view of its position, and get its own backyard cleaned properly, and then start to lend itself to the building of this country, and not to be breaking down, and stirring and making turmoil within our people.

Mr. President, Honourable Members I've taken note in your Speech where you've mentioned the good association with members of the Executive Council, and members of the Legislative Assembly Civil Service etc. This Sir we are very thankful for your statements, we feel proud to know that the various divisions have adapted themselves in this manner. I feel certain that the Legislative Assembly and the Executive Council will continue to do this in the future. I feel certain that the people of the islands will also do this. And Mr. President I can't help but thinking that although we have contributed to our share to this association that again the foundation of this has been set by yourself in your good office in taking over this position in this island. When one sets a humble and informal attitude to the people this goes a far way, As one member said you can be reached, you understand our problems, you understand our people, and once this attitude has been set. I feel all the other problems can be overcome. Surely there're going to be smooth days, they're going to be rough days, when the individual idealogies come out, which we have no doubt seen in this House, in Council before now. But I feel that we can control these, and that in the end they will all add to make these islands better for all concerned.

HON. TREVOR FOSTER (CONT'D): Mr. President your Speech has been one that has been very detailed, It has covered the various departments, it has taken a slight thought into the future for '75. It goes without saying as the context of the Speech has brought forward that the major projects which this government has undertaken in '74 have to be finalised. The government is heavily committed financially, and therefore this year is a year of trying to finish some of the various projects that have been started. It is a Speech that if one without knowing too much of the islands takes time to read, he could foresee the position of the islands pretty well as they are today. I am not one that blows my own whistle, and I don't think neither has the Executive Council taken that attitude, but I think Mr. President that we've worked together to the best of our ability with your good guidance since you've been here, and your predecessor for the betterment of these islands. I feel that we're responsible people, I feel we will continue to do so and I can only hope that the coming year will be as blessed to our Treasury as has the past.

Mr. President I don't want to stop and elaborate in detail over the Speech, it speaks for itself. But to conclude I would like to say that it gives me a great pleasure and a feeling of responsibility to be part of this government, and this Legislature for the last seven years. I feel the Legislature, the Executive Council, the various departments have quite efficiently performed their duties, the proof of which speaks for itself, the proof which has built these islands over the years, the proof of which will continue to build them in the future; that is a stable government, a loving and hospitable people, and a solvent financial position. Mr. President I feel certain that in many cases we are an envy of many Caribbean areas. I thank you Sir.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members of this Assembly, I would like to take this opportunity at this time to say a few words in congratulating the President of this Assembly, and the Governor of the Cayman Islands. I would crave Sir that you do not accept these few words as flattery, I am saying this conscientiously from the depths of my heart. I feel Sir with you coming our way has been a blessing of the turning point for the betterment of these islands.

You have come here Sir and you have expressed, and you have gone further. You have attempted to try to prove what you said on the evening of your being sworn in as Governor of the Cayman Islands, but you didn't feel that you could do a job sitting all the time in your office. You have left your office, you have gone out and met the public, and in meeting the public you did not attempt to carry your capacity as Head of State over or above the people. You met them with an outstretched hand, that I feel that I am one of you as human beings in the Cayman Islands.

Mr. President you attempted to do what not many others that filled the capacity as Head of State as you have done. I can only say Sir, it is as the Scripture - when the little woman tried to push herself through the great crowd, she wanted to have the opportunity to touch just the hem of the garment of Jesus. Seemingly she was probably a little bit afraid, but nevertheless she still tried, and she reached to where she could touch his garment, and probably she was much more afraid when he said, "who touched me." But he repeated, "woman thy faith hath made thee whole." What I am trying to say Sir, you have reached out, and reached and touched the people of these islands. As far as I can understand from public talk, public meeting people, you have reached further than most any other. I heard a young man a few days after the Agriculture Show say that he saw you walk across to a crying boy, (coloured boy), and after a few seconds as it were you talking to him, you took him across to one of the snack stands, gave him a hamburger and a cool drink, and helped the little boy along the way. You have reached beyond seemingly the depths of that man, other words he has expressed himself that we have got what as it were we were looking for - a good Governor. I am sure Sir the way you have attempted to go along and meet the people that you won't be swerved, you won't be dragged down. You have assured the public that if no other way, you will attempt to be the last to solve their problems, you will do so.

MR. CRADDOCK (BANKS) (CONT'D): Mr. President I can only again give you my wholehearted congratulation in the way that you have started off your term in office. And as an Elected Member from one of the remote areas, I am prepared to give you my whole support in your time of office.

Mr. President I will now attempt to go into some of your Throne Speech. I'm not attempting to take my time to tear on Members, particularly the Executive Members as they might have been thinking. Why I have lingered so long before speaking, I'm going to use my time other than that but it would be good if they would make themselves a little more frequent to speak before most Elected Members, then we would get some feelings of what they've done, and what they're attempting to do as they see things and what not.

The last speaker just made mention about the Press, I too would like to say at this time if the Press can't come in here and use the Press we don't expect them to say word for word what any member has debated, but the substance ought to be the truth. And they have put in the Press more than one time out of this House what members never really said. I saw in the Press only this week gone (last week's Paper - 20th) that a member of the House, that they didn't make mention of me with a lady and my brother with a huge crop of yams raised at White Hall Estates. I don't know if my brother knows where White Hall Est. really exist. He never worked in that are in his life, yet the Press is saying it was my brother, the MLA from North Side, his brother, and this huge crop of yams raised in White Hall Estates. Now how can one get such things as that, I don't know.

Mr. President and Members, it was said government gets too much criticism, with all that it has done, with all its attempting to do they should <sup>not</sup> be criticised the way they're being criticised. Now all the members that have spoken on your Throne Speech, no member has got up and made it as short as saying this is perfect, I don't have anything to add, or anything to subtract. Members have taken a long time, I'm not trying to complain that they were too long, not at all. But it had to be criticisms, either destructive or constructive, or both together. So its no use of members complaining or saying that with all that government is doing its no room for blaming them, criticising them and what not. I admit we couldn't expect to have everything one hundred percent, because we will start thinking and probably going crazy. But the reason for the debate on this Throne Speech, because members see that there could be a lot of changes, things could be done better, different. And if a lot of things were done better, different, not so much money wasted sometimes, it wouldn't be all of this debate on things.

I could use this as an illustration. During the war we had a dozen or something like that mine Sweepers, that worked in the Trinidad area, and you would have turns of going out for a number of days and coming back and spending a few days in port. A Lieutenant - New Zealander came down to Master one of the Sweepers once, and when he walked aboard the ship the first thing he did was, he walked into the galley and told the cook and the steward when its steak in the officers mess its steak in the seamen's mess. When its sardines in the seamen's mess, I am expecting sardines in the officer's mess. Other words, it wasn't no division on that ship as long as he was there, And in less than six months it was the cleanest ship in the fleet. It was the best kept ship, the crew had more time off than any other ship in the service. Why, because the Head was then prepared to work with the rest of the crew, and what was good for one was good for all. And that's why, because it was properly organised, it was properly run, there was then little or no room for criticisms. So no one can't tell me that when things are properly run, and it can't unless it's properly organised, then it doesn't then leave much room for criticisms.

MR. CRADDOCK EBANKS (CONT'D): Mr. President I will go along touching on the different sections of your speech, and I congratulate you Sir in this. Its well worded, you just brought seemingly what was required to meet in every way, but it wouldn't be fair for one to just say thank you for this and sit down.

You made mention of the four-pronged investigation of the Natural Resources Study. I remember Mr. President when this was being debated, while no member contends that it wasn't a good thing, but in the debate it happened to fall in the lap of the Third Official Member for him to cast his vote that when we were debating it in a Budget Session that he was for it, he had to support it, or he supported it to that extent. It was quite a lay out of money, we felt like that money could be used for other things at that time, but as a Democratic Government, the majority. So we still haven't had the result, it appears like we will soon get the results of the Survey study. But we don't know what the results will be, they may say that you will have to stop rooting up some of the mangroves, you can't pump anymore fill - marl, then what will happen to construction in the island as much of this material is needed for fill, for roads, for various developments. Now we can't have everything, we can't have the amenities, the facilities of life and not be deprived of some things. But I'm hoping that whatever the report may be it will not be to where we may suffer too greatly.

The work of the Mosquito Research and Control Unit continues. Mr. President I well remember when this unit was being organised - set up to fight the pest of this island, it was pointed out to us that there could be an immunity stage with these mosquitoes, and I am telling you Mr. President it seemed to have reached that stage. Eighteen months - two years ago one could seemingly go any place around in the jungles, on the beach, in the mangroves, in the swamps any place, and you could easily fall asleep, not being bothered at all by mosquitoes. But in the past year or eighteen months particularly, I am saying for the district of North Side in that area they have just been miserable most of the time. There've been days when we have to keep our smoke pots going around the yard all day sometimes, not that they don't do a reasonable amount of fogging and aerial spraying, they do. Sunday gone a week a few folks were from Town, and they came by my way and they were talking, "but you have a lot of mosquitoes here, they don't spray," I said yes they do; half an hour after that the plane came and crossed that area two or three cuts, and Monday evening I think they must have been twice as bad as they were Sunday evening. They just don't seem to have any effect. Anyway I'm hoping that we will live to see the time when they will even be better further controlled, even get back to where they were two years ago, and I hope that they will be able to come up with something to combat against these. The area in Town may not be encountering them so much, but out in the outer districts in the land where the farmers are trying to do a bit of the work, they're having a tough time with these mosquitoes.

The Department of Agriculture - we got a new Head of this Department, and apparently great strides are being attempted to help revive this our bread line. I am hoping that with the knowledge and experience of this Officer, that we will be able to achieve a bit more in the way of our local agriculture. It seems to be some of the local farmers who are being driven back as it were to the farms, they have taken a new look in the development, and the construction field have fallen off some, and I'm glad that in my constituency that there are a number of the boys, young men are now turning back to the good soil to help produce some of the food that we all were raised on. Because undoubtedly we do have some of the best cultivating land in the island, and to the North Side area. With a bit of advice and a bit to fertilize it the way it can be used and what not our crops I am sure will increase. But this is one of the biggest boosts we have had in the agriculture field for quite a while. Other Heads of Government when they came in they seemed to think they had to take a look which was the most profitable, imports or agriculture.

MR. CRADDOCK EBI (CONT'D): Importing foods is not the big thing as one has said, it's whether you can get it or not. And if the importer can't get it, and the local people don't grow it, well then what good would money be to us. And we're hoping that with the local people that seem to be returning to the farm, and with the new enterprise of the organisation of the farmers that are now attempting to help develop agriculture in the island, I hope their attempt will prove a success. But what seems to bother me, that every investor that come into this island to invest they feel that the public should pay for their investment before they even get it off the ground.

There's the Caribbean Farms, the milk people, they've never been able to supply the island to a hundred percent with milk, and yet their prices are above the imported milk. How would they expect to establish a good sound business in that way? If they expect every individual in this island to have a glass of milk a day, then they must be prepared to lay out the capital, to get it started and then fix a reasonable price, but not to get it half way off the ground and expect the consumer then to bear the burden of the high cost and finance it from there on. It's not reasonable, and that goes along right on down the line to most investors that come into this island. They wanted the franchise for the whole island, but they weren't prepared to lay out the capital to begin with, the consumer had to bear the burden.

Tourism - it's one of our biggest revenue earners, it brings in a lot of money to the Treasury, and with the figures that have been given in your Throne Speech, we realise that we're still a bit on the upward trend, we're not completely in the bracket like many others, primarily the Caribbean areas as have been pointed out to us yesterday by the Member responsible. But we do find that some of what seems to be the grievance of some tourists to the island is the high cost, the high prices. And no doubt about that, many of the prices are probably much higher than where they came from. I read I think in last week's paper that one visitor to the island, but they hope to come back, they said the prices were high, and they got their first impression apparently on an average they seem to pay about two dollars per mile for taxi fare, they must have thought that was very ridiculous. And that being their first facing fact of prices then it sort of left them thinking that all of the prices are much in the same manner.

I was talking to a lady recently who operates the Hole in the Wall across the street over here on prices and how they seem to go with tourist and what not. She said they've had people to come in there and complain about the prices that they pay in the hotels compared to what they can buy there. She pointed out to me one type of liquor that they sell at a retail price for \$9.70 or something like that a bottle, and people from the hotels say they're paying up to \$21.00 for the same bottle in the hotels. When the hotels are buying it at a wholesale rate, they probably get it for \$6.00 or \$7.00, but they're retailing it for nine. and yet the hotels can sell it up as high as US\$21.00 for one bottle. Now that's a business that is catering to tourist, and they're the ones that are driving the the nail help apparently kill it.

Most visitors to the island seem to express coming to the island a pleasure, the people, the climate, the surrounding and what not, but they do say the litter, and it's true. Even though something like forty seven thousand cubic yards according to the Throne Speech have been collected during 1974 it appears like that amount could almost be collected along the road sides, and business places, government areas and what not. The cost has gone up for this year and there seems to be no better service, so we're paying for what we're not getting. May be government will feel why should we talk about just a few dollars increase even if the service is not any better, we ought to get what we're paid for, and when we do that then it wouldn't be any room for talking or grumbling or complaining. And this Mr. President I feel that it's a lack of proper



MR. CRADDOCK EBANKS (CONT'D): supervision, proper organising, a system that can work how it ought to work. One never sees the responsible people in the different fields in the districts seeing for themselves what is necessary to be done or what is needed to be done, and the way they should go about it. And until these things are done then we will find ourselves still in the same slip slop way of doing things, doing it any haphazard way, any time seemingly will do.

I feel if those that are responsible for that department was to get out and see certain areas they should and ought to do something about it. Round in the area of these bar-restaurants and what not, some of the most filthy places that anyone can see. A few days ago someone burnt out rubbish or grass across the street from the Apollo, and half of what liquor had been consumed in that place the bottles and the cans must be across the street on somebody's property. I don't think it would be anything wrong for some department to close that place. Mr. President until these things are looked into and gone in then we will have people complaining about the sanitation, the litter of our island. If we're to clean it, or see that it's cleaned, it's a big job, and it ought to be. It comes under the Public Health Department, we have that department, we have a number of people in it, we've brought in people that are being paid to do the job, and they ought to do the job. And when anyone fails to do their job, do what they ought to do to make a better place, then it's time and it shouldn't go on for years to find somebody to replace them.

MR. PRESIDENT: If the Honourable Member is prepared to interrupt, we might take a short suspension at this stage.

MR. CRADDOCK EBANKS: Yes Mr. President I'll accept that, thank you.

MR. PRESIDENT: In that case I'll suspend the proceedings for fifteen minutes.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

MR. CRADDOCK EBANKS: Mr. President and Members I was on the section of the Public Health. I said government needs to see that this thing is really taken care of. It's much to be cleaned up for the place to be attractive and clean then it's a big job. I am not saying that it should be left entirely for government's expenditure, but I think that some sort of cleaning programme could be arranged to have some of this done, and to get some of the litter and filth out of our island. As visitors to the island wherever they may be destined for, whether it's on the seven mile beach area, or whether it's for Tortuga Club, or whether it's for the Cayman Kai, they get some impression as they ride along, and as the little old proverb says, the first impression is the lasting one, whether it be good or bad. And we ought to endeavour to try to eradicate most of this unsightly scene of things, litter piled on the side of the roads.

You spoke highly of the development in the last year of the inception of the Cayman Islands National Council of Social Services. I feel Mr. President that most members have had something to say about this, while it's a good thing, and is something that the island needs badly, it should have been one of the last things that we would have to try to introduce in this island. But nevertheless it has come about, the need for it, and we will have to labour and do as much as we can to support this hoping that the fruit of its return will be too far away. But it's the view not only of members in this House, but a lot of the public, <sup>said</sup> that it's going to be hard to get off the ground. It's not getting the support it should get, and as always many people don't have time for some things. Now a lot of blame has been spear-arrowed in different

MR. CRADDOCK EBANKS (CONT'D): directions, but who is to be blamed for all of this is another question. When I say who is to be blamed, some may feel it's the teenagers, the young group, the children are to be blame, some may feel the parents are to be blamed, some may feel the church is to be blamed. Some may feel that the schools are to be blamed. So undoubtedly if we all don't get together heart and hand, we may not be able to solve this problem.

It was a motion before the House a few days ago asking government to look into the Cinematograph Law and Regulations, and attempt to do something about immoral pictures. The very picture that seemed to have kindled a fire in this land a few days ago, or a week or ten days aback caused a bit of alarm and excitement, and asking that something be done. In my debating on this motion, and the books that one can purchase from the stores, I think I made these remarks about the type of books that I have seen children going to school with, they probably may have been getting them at home. I am somewhat convinced a little different now, I hope the Honourable Member will be able to clean this up when he speaks. But the books of such moral that they don't buy apparently they're in the library at school. So I am kind of convinced that the books that I see children passing around on the bus from time to time, they don't buy them, they get probably most of them from the library in the school. Because I understand that it's somewhat a ruling that a student ought to attempt to read at least one book a month from the library. So that would appear to me that the children are allowed to take the books home, and I suppose then they pass them around, and what not.

One school boy had just said that that very book that covers that picture a week ago is in the library, "The Exorcist," or what is the title of the picture. That book is in the library at the school. Now if that be true, and I believe it to be true, because I am positive this boy didn't see the movie. And when he can relate what was into this book then if that be the case then I'll further substantiate what remarks I made a few days ago. I hope we don't get disappointed with the results this year from the school's returns. Then where will we end up with these teenagers? Parents are not responsible, they're not setting the example, the school which ought to be the next parental guardian and discipline and along with education is failing, then or help dragging the brain and the thinking and what ought to be the behaviour and decency of a child is dragging him down to ruin, shame, destruction and ruination, pointing him to the way of the gutter.

I've contended long ago over the last few years when we talked about our Comprehensive School, and what I see in the area, the behaviour of children then we still need a principal to set principles for a school. Somebody might have to be a principal educationally, and the years of experience, but if they cannot discipline whom they ought to discipline, what's under their control, then it's still something wrong. If instructors of the Armed Forces weren't able to control the thousands of men that they drill, they teach, they train, they discipline, what you think the world would be like, or what wars would be like. Then if we have people who can train and discipline men, then why we can't have men and women who can train and discipline children. I know members say, this is the world all over, why do I have to credit my boys with bad behaviour because John Brown's children are bad too. Let me fight mine and forget about John Brown with his - use no comparison - I got my own problems. We don't have to look at the outside world, because students' creating riots, demonstrations, and doing what not. Do we have to accept that and be loose and relaxed with our children, We mention it from time to time they're the ones that we're looking to for our tomorrow, well God help us if they don't change, then it won't be any tomorrow or mighty dark ones.

Gazing at the paper this morning even at the funerals now they're starting to riddle the people down, so you won't be safe anywhere apparently. That's what I'm saying, do we have to accept and look at the other side of the bridge because some others are having problems, that we should just be relaxed and go along with them. We ought

MR. CRADDOCK EBANKS (CONT'D): to endeavour to do everything to bring our school children, children that are going to school, whether it's the High School, Comprehensive School, Primary School, or what school, under rigid discipline, and if you can't do that, we're lacking some place, those that are responsible for that.

Mr. President you made mention of twenty six Laws that were enacted in 1974, I am wondering with those Laws enacted in 1974 if they're doing what I feel that they ought to do. Other words are they being administered to their full effect. Now it just doesn't seem reasonable, sensible to stay here and pass some Laws, and beat up our faces about it, when the same thing that the law was to cover it never appears to be done. In our Roads Law when we talked about garages, workshops on the road and what not, oh the new Roads Law would take care of all of this. Today you can go around the various places and you see garages still on the road. The public motorists are being hampered with this type of work going on the sides of the road, traffic is held up, cars parked in every manner and what not. Then the laws that we passed in '74 and this is '77 and the same things are still going on.

There was the Liquor Law that as far as I'm concerned was wasted time, because one of the main objects of trying to bring a more comprehensive law into effect would curb some of the bad behaviour in the selling of liquor, and the consumption of liquor and what not. The one main thing that this law is doing now it's protecting those that are selling it primarily to the under age. As that word "apparently" in the law, and so as long as it remains there the police hands will be tied as to making an arrest on anyone selling to the under age, because he or she can easily say, well they appeared to me to be twenty one or over. So it appears like this was brought for that reason to protect the selling and not the drinking. And we do have our teenagers wallowing in liquor - the island this size and the population ratio with Jamaica that is one of the biggest liquor manufacturing countries in the western hemisphere, I think the drinking percentage is far beyond that even in Jamaica with their population and ours. You can see more alcoholics more under the influence of liquor staggering about our roads than you can see in any big country or city. Why should it be?

I feel Mr. President and that has been some of the arguments of some of the members in this House. The first step of curtailing much of this is for all liquor premises to be closed on Sundays. I know when you say that the fellows start to ruffle a little bit, the tourists, the tourists. Any tourist that come to our country and can't live for twelve hours or twenty four hours without a drink of whisky, rum or whatever it may be, then we don't need that tourist, the country is better without that tourist. And we can't make a blood/ one and bone of the other. It's not feasible right, it's not humanly right to make a division in this, that hotels could be opened on Sunday and all other places closed. And the only way in my way of thinking that we could reasonably start to curb this trend of bad drinking behaviour and liquor sales that they be closed on Sundays, every licensed premises in this island.

Mr. President you made mention that the Draft Development Plan was brought to this House in the very near future. Reading from what you have stated in your speech in the development field a great deal of hard laboratory work was achieved towards the production of the Draft Development Plan. A new Director of Planning was appointed, and two highly qualified United Nations advisors joined the Financial Secretary's team. This Development Plan we've been asking for long ago, in fact it was to be brought to the House years ago. The only thing I can see about it now, just like asking an architect to give you a blue print to build a certain structure, a certain type of building. Before you get his plan you start the building, when the building is three quarters completed, the architect's plan, that's where we have sort of got off with the development of this island. We've been developing, we've been building, and doing what not without a plan, now the plan is about to be brought to this Honourable House, and as you have rightly said Sir, no plan such as

MR. CRADDOCK EBANKS (CONT'D): that that all members of the Assembly or members of the public when its taken to them would expect them to agree with it.

The thing that bothers me somewhat Mr. President, would it be fair to say that the population of these islands can't see or understand when something is said, or when something is done its whether good or bad. That seems to be the attitude towards most or all bills when they're brought to this House. If members of the public get on to the bills they see certain things about it that they disagree with. Members of this House find things that they disagree with, yet it seems to be the feeling that we don't know what we're saying, or what we want, or we don't know what is best. If we that were born and raised and live here don't know some things, then I'd like to know how somebody that came in here for six months, and when they've accepted an appointment to go to the Cayman Islands, the first thing they'll ask, well where's the Cayman Islands? I've never heard about it before. Yet they come in here then six months after that they try to tell us that we're dumb, green, we're not educated - I know we're not, but we've got a lot of common-sense. And any educated man or woman that don't exercise their duties with common-sense along with their education then as far as I'm concerned <sup>are</sup> what I term "educated fools."

Much has been said of the Cadastral Survey, it has been a sore spot from its inception as far as I'm concerned. Because when you go about doing something in the wrong way then it will always be the feeling that it is something wrong about it. Regardless of the cost, whether it be considered minimum when it's finished or whether it be considered an extravagant expenditure, the fact cannot be denied that the people were told bluntly it will not cost you or this government anything. It further made me feel it wasn't worth having, if it didn't cost anything. There's a guarantee - a land title, it's not boundaries. The disputes will be the same, yet we were told you'll have no more disputes, you'll have no more problems, you'll have no more family breaking up. You'll have no more law suits, you'll have no more court cases, you will be happy. How can you be so simple not to grab at an opportunity like that. I don't think any member will know a true figure if it ever comes to what it costs.

When we were studying the draft Bill we had only the privilege to take it to Grand Court for an appeal. Yet every other court case whatever the surroundings might have been, they had the right to make their appeal to the Privy Council if they so desired. Yet a man with his one little piece of land, his family and his house his appeal must stop at the Grand Court. Its very unfair, but after long hours of battling we achieved that we should have the right to the Privy Council if we so desired. It was only trying to deprive us of our rights. Every attempt was made not to establish custom in the law, if we hadn't done that then we all would have been in the sea. Even that has been trying to be over-riden. Anyway I'm hoping that my years maybe many, and I hope I don't live to see any land disputes if its finished. But the big countries, the big nations that's their problems today, land boundaries, land disputes, that's why its wars and fighting. Then how can we be eliminated having our little bit of land, our small island surveyed even if every piece of property in its defined, named to someone, how could anyone expect the people of this island to be so silly to accept the flowery roses that were being used to try to reach this. Tell the people the truth, and there can't be any fiction. Not everybody will understand, maybe not everybody probably would agree, but the majority will, when you tell the people the truth.

You mentioned Mr. President there was no something like foreseeable of any income tax. Maybe that's a long way off, but you didn't mention that there wouldn't be any foreseeable future of a land tax. And in my humble opinion two or three years after this survey has been completed, it may not be in your time of office, which I do hope Sir you have many years in this island as Head of State, but there will be a land tax, and this was the only way to get a true picture of what would be taxed, is having a survey and the amount of land that one owns. So

MR. CRADDOCK EBANKS (CONT'D): when government is prepared to impose a tax it's no use of me running across to the office, and say well you know I only own five acres of property, when it's already in black and white a hundred acres. So government only has to go down and impose the tax probably according to the value of the land, its area and what not. But it will come, no question about that. While your predecessor didn't seem to believe in the meaning of the dictionary whatever appeared in it, the dictionary does say that that's what the survey means, and it will be passed on to us after awhile. I am not so simple Mr. President to think that we can continue to run this country without taxation, we must get money, we wouldn't have a staff of Civil Servants to run and do the duties of this government if we didn't have money to pay them. But when we're going to do something let's do it in a clean honest manner. I am not saying that if time lasts long enough, another three hundred years probably might be time enough, might be one of our last resorts if we wanted to impose taxes to keep up our revenue. But even when this probably may be imposed, we could have found may be other ways and means of minimising taxation so that the burden as always don't fall too hard on the majority, especially the poorer sector, poorer class as we say, because they are the ones that always have to bear the burden of these increases.

We are forever bringing in Heads of Departments primarily or appointments to departments, and it still seems never to get done what they ought to do, what we say we would like to see done. You made mention of a new Traffic Officer, what are his duties, what should he be doing? I can't see very much. About ten or eleven days now I've seen a burnt car lying up here on the Red Bay road, who's responsible for this. If the owner isn't responsible to move it, then it ought to be the Traffic Department to see that it's moved, whatever other steps are necessary to be taken ought to be taken in connection with the owner. But why should a burnt out automobile remain there on the highway for two weeks to be a hazard to other motorists on the road. Lucky it hasn't created another accident. Yes, there could be no excuse acceptable for this as far as I am concerned.

Early in January I asked the Officer what about some radar checks from the North Side area. Well we're inspecting cars now, and we can't make radar checks while we're doing this - Foolish answer. What difference did it make to him or anybody else if John Brown hadn't come in to have his car inspected for a new license to be installed on it and he's caught with his old license exceeding the speed limit in whatever area it might have been. What difference does it make? I have had the second time of going back and asking, nothing hasn't been done yet. We don't have the cars, and we don't have this, and we don't have that. If it's only one car in operation it should cover the whole island. We don't expect it to do what Mr. Royal said to a fellow here once, he said Jim when you're not south you're north - he got mad. We don't expect the car to be East End and West Bay at the same time, but we do expect that they ought to do their patrol that will take in all the island within a twenty four hour period. Why do you have to wait to get a half a dozen patrol cars so that North Side and East End can have a patrol once in a while. That ain't good enough. We're always left 'til we get this 'til we get that, we don't have this and we don't have that. Well it still comes back to what I said a while ago, lack of knowledge of knowing how to organise a system and see that it's properly run, that's all it boils down to.

is  
Mr. President from your Speech, the Civil Service faced with increased volume of work and pressure of business as the economy expands. Increase from an establishment of five hundred and fifty six to six hundred and twenty at the beginning of 1975. Some sixty four officers are serving from the United Kingdom, and approximately one hundred are recruited from elsewhere in the Caribbean. Mr. President and Honourable Members then according to these figures we have one hundred and forty six people from overseas working for this government more or less in the Civil Service field, leaving us with four hundred and fifty six. I am saying here Mr. President that these figures should read different. Some

MR. CRADDOCK EBANKS (CONT'D): of the people in this one hundred and sixty four group should and could and ought to have been Caymanians into these jobs. I am not here to pick them out, but I will draw to your attention briefly some of what is happening, and even though Sir you are prepared to get out on the outside to see and to learn of some of these things for yourself all wouldn't come to your ears in that manner. And I feel Sir that you ought to be informed of some of the happenings..

We have a department to deal with applications and what not, when government wants a post filled notice is sent out asking for applicants, this is what is done in the Press, and not only with government but in the private sector as well. And it has been known Sir that when the time for receiving applicants and this primarily goes to the private sector, the times of appointment to interview applicants, many of our local people have applied and wait and the answer they got, sorry we already got someone. That one was already employed before the notice was sent out asking for applicants - That's not good enough. We got when it comes to government the department to deal with this, applications are supposed to go to a Board or a Committee to study the applicants make recommendations to government, in their recommendation that John Brown or Suzy is the proper one for this post, leaving the decision to be taken by you Sir, or as the case whoever was in the Chair. Sometimes these applications never reach your Sir, the decision is made by the Board it is twisted around, and somebody else wiggled in in the place.

We got a Store Keeper at the Public Works Department a number of Caymanians applied for it and they were deprived. The first attempt was made to put a fellow from Guyana into it, but it was killed. Other applicants applied, when the Board met it was washed around some place, with some got their in law in. Now you got a retired American respect to all Americans, it's a wonderful country, and wonderful people. But why should this country be deprived of one job, a common ordinary job that a school leaver should be able to take care of, be deprived of that for a retired man to come in here to live off his pension, his securities and what not, because it's my brother-in-law. Mr. President this type of thing going on is not good enough, and if we're going to remain a peaceful people, I feel Sir that your good hand of guidance will get into this and see some of these things rectified. I don't go around probing into affairs of government, into people's business, but I cannot hinder my ears from hearing and my eyes from seeing things.

A young lady recently applied for a job in this government, and the job that she applied for, when she got a reply it read, we're sorry but there isn't any vacancy in government that we could use you at this time. And she applied for the job when there was a notice out asking for applicants. The young woman had years of experience in the field that she was applying for, this government sent her overseas to be qualified in that, and yet she was recommended, she was told it was sent to you, but I am saying Sir with my humble opinion I don't think it reached you; and it's been warped and twisted around by an individual. Those type of people Mr. President they shouldn't be earning tax payers money, because when you can't be clean and honest to your people, then you shouldn't be drawing tax payers money. If it's anybody to go back to sea it ought to be such a person as that.

MR. PRESIDENT: I wonder how much longer the Honourable Member is going to speak, because again we might interrupt at this stage.

MR. CRADDOCK EBANKS: Well, Mr. President I accept your interruption, and I wouldn't want to time myself, it's the only once a year, and I don't intend to rattle through this, and as I said in the beginning I didn't want members to feel that I was going to pull them to pieces, not at all. I just want to give my views on some of these things, and hoping that it will reach you Sir, and I wouldn't expect you to agree with everything, but I feel that you ought to know some of the things that are happening Sir. So I accept your ruling for adjournment at this time Sir.

MR. PRESIDENT:  
this afternoon.

Well I suspend the sitting until two thirty

HOUSE SUSPENDED

HOUSE RESUMED

MR. CRADDOCK EBANKS: Mr. President and Honourable Members I quite realise if the debate had to go to a motion we will lose, but I can only say as the American Soldier told the Russian Soldier when they were fishing on a little bridge across a brook. The American Soldier seeming to every out cast he would catch a fish, and the poor Russian on the other side wasn't getting a bite at all. So after a long torture bearing with this he did turn to the American Soldier and said, "What happen you're getting all the bites on that side." He said, "yes they're not afraid to open their mouths on this side." And that's my only consolation with this, we're not afraid to stick on this side.

Mr. President where I left off I was only trying to point out that justice should be dealt with in fairness, and if we have to think in terms of our people whom we're trying to educate to run the affairs of our country then they must be dealt in honesty with whatever field that they fall in. Whatever attempt they have to do to get a job in government service, they ought to be treated with due respect to their applying and asking for a job. I feel that whenever an individual joins government service in whatever capacity or whatever field, they join with the intention with the hope that tomorrow they will be higher up the ladder, and they ought to be treated that way those that prove their efficiency in their work when they put in reasonable time; and its a change of officers from one sector to another, or from one inner promotion field then it ought to be someone to keep coming in and filling as these changes come about. But in like so many cases one is anchored at the foot of the ladder and remaining there for God knows how long sometimes.

Whenever an appointment is made to the Service its somewhat on a probationary basis, then to whether the applicant will suit the Service, is prepared to work, prepared to learn, or can fill the post then. And it is a known fact that many of those our people have remained stale, from one year to the next two years in the same place, not even with a Letter of Appointment. Then that deprives them of all the privileges that government should be or is offering to Civil Servants. They can't get a vacation on pay, they can't get this, they can't get that, yet you're using their service. And if one can fill a particular position or a post for a year or two years, three years then they ought to be good enough long before that for an appointment, that they can then look forward to obtaining and getting the benefits that government offers Civil Servants. Again Mr. President its turned the other way sometimes, a week two weeks after someone joins the Service they got a Letter of Appointment. Then when other Civil Servants know this, then it must create an unhappy feeling, and you can't blame them Sir. Any right thinking person couldn't blame them for being upset about it; and as I've said I just don't go in digging into these things. But recently I walked into one department, and I heard the conversation going on, "yes he's only been there two weeks and he has an appointment, I've been here eighteen months, and I am still in the same place." ...fair.

Mr. President you have covered a lot of territory since you've been on this island, I don't mean by walking around, and I am hoping Sir as you see things, and I feel that I can conscientiously say that you will be guided to see that justice is done and carried out. If not Sir, then we cannot forever go on trying to muzzle and smother these things, because it only spells disaster and any way that things are done in a corrupt manner it got to be disaster sooner or later. And that's why many of our young men, young women that once worked for government are not working for them today, because they haven't been fairly treated. Now I must admit Sir that I feel that a lot of these young men and young women ought to stick it out, they ought to be somebody against the wall, or get against the wall where they can't be easily moved. But we're all human, we're not

MR. CRADDOCK EBANKS (CONT'D): made all alike, we can stand a certain amount and no more.

I think Mr. President you will understand in brief from what I've said on this department, that you will keep a keen eye and look into these matters when they come before you. We do recommend and expect some things to be done. We bring some motions from time to time to this House, and most of the times they are beaten to the floor. One that was recently brought covering the Registration of Ships, you in your wisdom saw it was something that we should attempt to go into at least. When it was brought here it was a waste of time as far as the majority of members were concerned. But I am glad that you in your wisdom and good knowledge and understanding have revived this by setting up a Committee to go into it.

Mr. President and Honourable Members I hate to attempt to say anything arising out of the Throne Speech as to what has been said about the roads, because all members in this House know my feelings about roads and their costs, and the interest placed in those that are responsible to see that we get good roads. The one thing that I disagree with Mr. President and what was said about in the starting of these roads, for humane sake it appears to me like those that live in the Eastern District an extension of their lives might have occurred if we could have gotten this road what is started in West Bay at least started Savannah and back to George Town. Because if its any part of this island that got bad roads then it's that area. George Town West Bay road is five hundred percent better than Savannah - George Town. We're paying the same for our vehicles, and they're just beat to pieces, they're destroyed on that road. And it would appear the difference in the amount of traffic between West Bay and George Town, and George Town and the Eastern Districts; I admit that there is more traffic on the West Bay road, but at this time, at this stage West Bay road is one hundred percent better than any part of that road in that area. And it would have relieved the punishment if that section of road would have been done first with this hot mix.

I know Mr. President what you have said here, the way that you feel or have been told that the road programme will probably go, but let me tell you Sir, that that isn't six months from now that road will be done - not so much longer time away from it than that. There's one beat up their faces about getting good in here more than I have done, and I am glad we're got to the place where we say then we're going to get good roads. Some members have expressed their feelings that better roads will cause more, you're building roads for idiots - no we should build jail, and we got the Court House for idiots. Build roads for good law abiding citizens, and deal with the fools. If I remember correctly, speaking subject to correction, I thought that we were told today that the road programme started in West Bay that it was figured they would do approximately a mile a week. In my shortcoming Mr. President, after seeing the way it seemed to have been started it wasn't feasible possible. I made it my business and drove to West Bay yesterday morning before coming in here, and yesterday would have made something like eighteen working days on that project into that area. I know and say, well they had some break down, all right, give them the benefit of six days, then you had twelve days and we got less than one mile in twelve. Then where were we going to get out from the estimate of one mile approximately per week, and they've already gone over two weeks, and don't have one mile. That's expert advice, that is what the expert told us - man responsible, the engineer.

Mr. President when you visited the district of North Side a week ago, two weeks ago, I drew your attention to some chips that I had put around the Post Office to save the water from beating it out. I think you admitted and agreed that it was the proper thing to do, yet I'll tell you Mr. President the day that we went to the Public Works in connection with this visit, if it hadn't been for the due good respect that I have for you as President of this Assembly, and Governor of the Cayman Islands I would have spoilt that tour that day. I was born and raised here, and I think I have respect in this country, I haven't gone to jail, I have



MR. CRADDOCK EBANKS (CONT'D): gone to court, I don't owe anybody, and I think I have a clean face in this country. And for somebody to be brought in here as an employee of government, way junior in age to me, and to tell me that I asked for a truck load of marl instead of gravel, telling me that I'm a liar and the only reason why I didn't spoil the tour as I said Mr. President, I'll repeat because it's the respect that I have for you, but for a little stripling, for an engineer to tell me that I'm lying about something that he knows wasn't any lie, I nearly committed myself, but I extended it to the respect that I had for you. They're the kind of people that we have to deal with. Then as I said when he said that approximately one mile per week into three weeks and we don't have one mile, then what time will we ever reach Bodden Town - a long way off, and the cost will be in the millions. If I remember correctly when it was asked about contractors some indication was given that the contractors would say it would cost about a million and a half, government felt it was too much, but when it reached Bodden Town three million would be in the rear. Because what I visualised Mr. President with those trucks to go into that plant and be loaded, when it takes fifteen to twenty minutes to get a load, then the spreader may be laid, because the trucks are not in flow to keep the Spreader continually going. And if that Spreader has to be idle fifteen, twenty minutes between truck loads, then in one year I can tell you will be a lot of money gone, and we won't have the roads for it. I'm not any expert, I know that, we get a lot of imported advice in here, but we don't get many experts. They think it ridiculous for members of this Assembly, or members of the public to say that government is wasting money, throwing away money, and it's the fact Mr. President.

One area in Lower Valley in the past six months that section of road was ripped, material put in, graded for about four times before it was surfaced, now it's just been surfaced. Then when people see that daily how can they other than say it's money being wasted. Every two months the machinery goes there and brings this road up to standard, they leave it there, and in a month's time it's dragged to rags again, and then go back the second, the third time; and if I'm not mistaken the fourth time it's not there was when they sealed it. Well then that piece of road of a few hundred feet has cost four times the amount that it should have cost, and then it isn't money wasted. Anyway Mr. President I hope we'll find some ways and means of speeding this up, and get in full time day's work out of this equipment, because it's expensive, and if it has to drag along due to work in one week that should be done in one day or two days, then it's going to be a drag out. And as I said, I don't know just what is the estimated cost to do this twenty eight miles of road, but in the next sitting of the Assembly it will be some questions asked on this, and I hope the member then responsible for Communications will be present and will be able to answer these questions.

The next Mr. President was water and sewage study - it's a good thing, the only thing that I see about the water system may be if it's established those people that are catching water from their roofing in their cistern, now government may say now you can't catch this water anymore, you got to buy water from the company. Well I hope that doesn't come about, but if our development has to continue like hotels and apartments and what not, it will take a lot of water, the water is needed, and we just can't all the way depend on rain to supply these types of business. But as I said it's one of the main reasons for establishing this pipe water, it's considered urgent on health grounds. Well much has been said about the polluting, or getting the water table contaminated, and I don't think Mr. President anymore for anybody doing anymore to contaminate the water table than government itself. Because the countless drain wells that are drilled over this area of George Town to drain off the water after a rain is draining every imaginable thing that would cause and could cause an epidemic or anything else into the water table of our island. All that has been spent, and all that is being spent to try to keep these going; when Cable and Wireless were digging their trench to lay their cable across the middle of George Town out here, government had tied in and could have got a bigger trench that they could put a drain in, could run the water out of

MR. CRADDOCK EBANKS (CONT'D): the middle of town into the sea, and it would have been lots cheaper, but no, dig holes and contaminate the water table. After a heavy rain to see that the dredging fleet comes out, and start to pump out the drains so that water can run off. Just a continual spending money, it just seems to be doing a job that we'll always have a job on hand, never no end to it.

Mr. President you did say in your Throne Speech by the end of 1975 this Cadastral Survey will have completed all work on Cayman Brac and Little Cayman and all of Grand Cayman west of the Frank Sound/North Side Road. I hope so because I would like to see them out from in there before that if possible, but that is still yet to be seen. Three months are already gone, and if we get a lot more rain like we do then they'll be deprived of few months of getting into the jungle. And if they have to think in terms of doing all the land into the North Side Area in the back lands, then it's a long drawn out something. They won't find that as walking along the roads or out in peoples' pastures, they will renig some time in my opinion when they get into that high jungle of forest, cliff, where there seem to have been the trade - win - body going into it, but I hope they'd get through with it, I think I've said as much as I would want to say on that awhile ago.

Mr. President you made mention that probably around the second of April that the Development Plan would be introduced to members of the general public shortly afterwards and the Development Adviser, Director of Planning and other officers who have helped the Planning Authority with its production will put a public exhibition and explanation to enable citizens to find their way about a long and complex document. I do hope Mr. President that that is the case, and I look forward to it coming about, and I do trust that whoever may be the officers to go out to have these meetings to give the public the break down on these, they will give it to them in truth, and not to try to wrap up and mislead as was in the introduction of the Cadastral Survey. Because that was what caused the trouble, or attempt of the misleading, and this could be the same. But I'm hoping I will give my every support to help get this going provided we're not asked to accept things, that we can see and know don't give us the most good.

Mr. President you made mention that our Constitution is robust and healthy. It is to an extent Mr. President, but members, at least some members have been thinking about a few minor amendments to our Constitution. What ought to be in our Constitution, we know under the Law that we have now as gaining Caymanian Status, we got a lot of people in our island that are eligible for Caymanian Status, and it doesn't take five years very long to run up, and we do have people that are living in this island are very serious about standing for election in years ahead; and one of the biggest mistakes that this government could make at this time is to see other than Caymanian born sit around these tables, and occupy these chairs to run this island. The day in my opinion Sir that it starts falling out of the hands of the true born Caymanians, then we're headed for muddy waters. I am not saying that there couldn't be a possibility of finding an individual that is whole heart and interest and work mightn't be for the Cayman Islands and its people, but that's too much of a risk to take. The majority wouldn't, and I think every effort ought to be made that we retain this as a part of our liberty, that we can stand on our own ground, on our own feet, and not to be dictated by someone else.

Under the Caymanian Protection Law I don't know whether the Caymanians are getting protected or not. Its so much discrepancy that <sup>goes</sup> on its hard to wonder why it should. And Mr. President we as members of this Honourable House, and people of the community can see these things, they know it. The Planning Authority is the same way, one applicant can get battered to a frazzle, and another applicant on the same grounds on the same basis, clean free sailing. Its not good Mr. President, and these are the things that hurt, these are the things that burn, and these are the things that create these unhappy feelings, and they will burst some times.

MR. CRADDOCK EBANKS (CONT'D): Mr. President I think that what little I have said you have got a glimpse of certain conditions and things. But for one last thing I'd like to mention I see in the Bills that probably will be coming before the House in the three next sittings, I see into one of those arrangements which were most gracious of you to send out such information to members in advance with this type of business that members will be faced with at the different sittings over the next nine months. And in our next sitting I see where a Motor Drivers Indemnity Bill will be coming before the House to deal something with this motor insurance business. Mr. President if it ever been any one business established in this island that has taken the people for a ride, it's been the motor insurance business. That in its introduction was misleading again, even though I didn't accept it. When it was introduced to the House there was someone brought in to pilot this bill as it were across to members the way it works, and what it would mean, and what would be all the preambles of it. And we were assured without fear or favour that the highest rates at that time would be paid on any vehicle, commercial, private or what not. on the commercial side of it, the bigger vehicles that were then on the island the most that their premium would be would be thirteen pounds and a few shillings.

Mr. President we were then thinking about a Party System, I said to the Leader of the Party of the one side that I was on, I said let's oppose this; he said no, I said no more. Anton Bodden now not a member was then a member he asked that his objections be recorded that he was against this, and we were the only two members. I didn't have my objections, but we were the only two members that had any inclination of opposing this, and we have suffered unlimitedly with this business. When it came into effect, when we asked for an insurance on a five yard truck, or a five ton truck as we would refer to it then - we don't insure that type of vehicle, if we did that that vehicle would cost you seventy five to a hundred pounds. Yet we were assured that it could not exceed thirteen pounds - about £13. And the rates have just been going that way ever since, The older your car or vehicle gets the higher the rates go. You don't have any claims, your rates still going up. I know what they base their argument on, we have a lot of cars we have to pay for - shouldn't have to pay for them but once. But when you insure the same driver that have mashed up the first, second, third and fourth cars, then sure you expect me to pay for it. But is that justice? And Mr. President I do hope in your wisdom that you will go into this and get both sides properly weighed, and that we'll be able to do something about it. Even now we have companies operating here, they have a license, they operate a motor vehicle insurance business - I went up to one of them a few weeks ago, what would it cost to insure so and so, we don't insure that type of vehicle, we don't insure a bus. Yet they're given a license to operate a motor insurance business, yet they're privileged to pick it to pieces and insure who they want, and what they want. Is that the kind of business that we want in our country Mr. President? Every cent of the money it goes out of the country, what are they doing to help develop the country? Is government retaining a certain amount of their profits that it could use to help develop the country? No, just leave them with it, scoop up because the rain is falling, the grass is green, let's make harvest now. That will come to an end Mr. President, the public is going to explode with this motor insurance business, it has borne long enough, and I feel that something should be done about it. Talking to a lot of the public they are not against the insurance policy, what they are against is the continual climbing of rates, and so many making no claims, is the hurtful part about it. And I cannot see how so many of these rates are justified.

When I bought a car three and a half years ago, the first one I owned, I had it insured Comprehensive for two hundred and twenty five dollars, the next renewal time it would be two hundred and thirty five or something, I made no claim, had no nothing. I asked another agent, the car is one year old now, he gave me a quotation of three hundred and thirty five dollars. I went to another, he gave me a quotation of four hundred and thirty five dollars, for the same car one year old. I said I'd

MR. CRADDOCK EBANKS (CONT'D): better stop here, and revert to Act. Mr. President it has something wrong for each business setting such a difference in standards of rates. I mean it answers itself, let's dig out of them all we can get at this time.

The bus that I'm driving is a used bus, when it came out from the States they had a full Third Party Insurance on it. And their full Third Party was equivalent to what were CI\$55. And then the policy wasn't expired, they refund me fourteen dollars, no insurance here would have done that - the same vehicle I am paying the Third insurance for CI\$250.00, if it isn't something wrong then Mr. President the sun won't set this evening. And I hope Sir, as I said you will look into both sides of this, the Insurance Agents, weigh their side of it, and weigh the side of the grievance to the public. Because I can assure you Sir, if and when it has to go further I will be in it.

Mr. President thank you very much for your time and patience and fore-bearance with me. I again Sir assure you as in your capacity you will have my whole support in every effort, everything, and every work. I'm prepared to go in hands, heart and shoulders to make this Cayman Islands the place that we would like for it to be, a happy loving place, in unity, and enjoy the things that we are working for. Mr. President I do trust that your term in office for this term and which I hope will be many terms added to it, that you will not be pulled to where you might have to take a firm concrete decision on your own. And I think Mr. President I can repeat again that you have the backing, you have the support of not only the Assembly, but the public on the whole who say have reached out and touched. And they are prepared to follow you, stand by you, and back you in all of your efforts. I thank you Mr. President.

HON. B. EBANKS:

Mr. President having been away for some days, my remarks will be rather brief, but there are one or two points concerning the portfolios which I am responsible, that I feel I should touch on.

I must say that in most instances with the the speakers whom I heard, when they began to speak I thought that we were witnessing a transformation, and indeed I wonder if there had not been some reincarnation going on. But as time progressed I found out that that was not the case. We are faced with the same hydra-headed difficulties and evils that we have been faced with in the past. Now there has been some reference to mythology, and in case any member might be at a loss to know what hydra was - In Greek mythology it was a nine headed monster slain by Hercules, and when anyone of its nine heads was cut off it was succeeded by two others, unless the wound was cauterised. Now what seems to be happening in this Assembly is that members don't realise that the wounds are being cauterised, and they are still getting on as though the two evil heads were replacing the one each time it is severed.

The last speaker began by saying he would have hoped that members of Executive Council would have spoken first to give indications of what they had done, and of what they planned to do. And Mr. President except for matters which are personal observations in this Speech, and which can be clearly detected this is exactly what this Speech represents. When I plotted the position of Cayman Islands as at March this year it is what had been undertaken and achieved, or started in each department under a portfolio an Elected Member or one of the Official Members in Executive Council. And the plans that have been outlined for 1975 likewise represent what each department hopes to achieve, I'm mentioning this to show the misunderstanding that seems to exist in this Chamber.

Similarly, I'll go back to where I came in on the debate now, and that was when the Second Member from Bodden following the First Official Member of course started yesterday morning. And I think his would have been quite a good contribution to the Throne Speech had he finished when he fixed the responsibility of members of Executive Council, and then added that change had been so rapid and effective since 1972, that he himself much less the public was at most times at a loss to find out where he was at. And ended about the need for leadership, what leadership

HON. B.O. EBANKS (CONT'D): is, and all that it stands for. But instead of that we heard something else.

Now exception was taken about the number of bills that are proposed to <sup>be</sup> put before the House. And quite rightly Mr. President you mentioned in your Speech that our Nautical Tables are out of date, and unless these are put in date we are likely to lose our way. I think most of us would understand particularly that Nautical Almanacs are good for one year, and if you try to use the Tables in this year for last year you'll likely to get in trouble. And I make no apologies for the fact that some of the Bills listed are in the portfolios for which I have responsibility - The Juveniles Bill, Workmen's Compensation Bill, Education Bill, Minimum Wages Bill, and I would include the Employment Bill. And I would go further to say that it is my sincere hope that I can add to this during 1976, if not 1975, I have one in particular that I would like to see added to it.

The Second Member from Bodden Town bemoaned the fact that we were spending so little on the maintenance of Juvenile Approved Schools in Jamaica, and I really wonder what was the point of that contribution. I would hope that there was no amount under that heading, and the fact is that's why there is such a small amount because during 1974 two only juveniles were sent to Approved Schools in Jamaica. Mention was also made that the Probation Service was over loaded, my indications are that six juveniles only were placed under the surveillance of Probation Officers during 1974.

Much was said about the National Council of Social Services, and I agree Mr. President that in the sphere of social services this is probably the most significant development during the year. It is well known why this Council was established, it was established to co-ordinate and promote the social services in the islands, to try to help in the determination of priorities and the avoidance of duplication by bringing the various service clubs, youth organizations, churches, sports clubs, and government social workers together. I don't think anyone can deny that in the past there <sup>have</sup> been considerable duplications of efforts.

I was disappointed too Mr. President to observe that the only apparent benefit some members saw from the introduction of a Radio Station in the islands was that there would be announcements of members' activities. And I was also perturbed when a member said that he wondered why the sister media of television was not mentioned, and expressed the opinion that that was due to the fact that television would compete with the motion picture dollar, and that one would never see television in the Cayman Islands until there was a change in government.

Now Mr. President as far as I know the member responsible for Communications has on previous occasions gave clear and quotient statements why government had not elected to introduce television at this time. Furthermore Mr. President the member responsible for Communications and myself are to my knowledge the only two persons in the government who have interest in the motion picture industry in the Cayman Islands. And I would just like to say I don't think this needs saying, I think I can stand on my performance and record, but I would say that I have never in my public life made any decision based on personal consideration. Nevertheless I hope that the statement that was made yesterday does not go unnoticed, because I think it is a clear indication of what the situation could be if the shoe was on the other foot. In other words what I am saying Mr. President as a man thinketh so is he.

MR. G. HAIG BODDEN: On a point of order Mr. President, Standing Order 38 - the member must not impune another member.

HON. B.O. EBANKS: Mr. President this is what I am calling attention to. I thought the member would have thought of this yesterday.

HON. B.O. EBANKS (CONT'D): Now I understand Mr. President that members - I'll get on to Education, one member said that the Comprehensive System was a failure, that was a categorical statement. I understand that another wondered whether there should not be a complete dry docking of our educational system, and I understand that quite a few were at a loss as to what were the implications of the Certificate of Secondary Education.

Now Mr. President in the opening of my remarks I mentioned that there were certain personal observations in this speech for which members charged with the responsibility could not and would not take credit. And I would refer members to the observation on page 4 regarding the High School, where it said, "anyone visiting the School cannot fail to be impressed with its organisation, the calibre of teaching and the attentiveness of the pupils." And it went on to say that this is also true of our primary system.

Mr. President it is true that our system of education on the Secondary level can be said to be on a comprehensive model. but to say that because it is argued elsewhere that the Comprehensive System has failed, it is also a failure in the Cayman Islands is to beg the question. The decision to go comprehensive in Cayman was based on the fact that it was more economic to build one well equipped secondary school than to build two schools with their duplication of equipment, man power, space and everything else. It was also considered to be socially desirable that this should be so. And I can add to your observation Mr. President, the persons who have visited the school from abroad in recent times have said that the school in their opinion is comparable in quality to anything they see in the metropolitan areas. Children who transfer to the school from Canadian schools, American schools and elsewhere have nothing but the highest praise for the school. I think that we are off to a good start finally and we should not just cry "wolf" to make sure that the school does not succeed.

Now why the Certificate of Secondary Education? When the two tiered system existed in the Cayman Islands, that is the Secondary Modern and the Grammar School. Children at the Grammar School were able to sit the G.C.E. examination, and I believe arrangements were made for some at the Secondary Modern to sit the Jamaica Certificate of Education when that existed. But the truth of the matter is that Certificate had no basic ability, and in fact the examination was phased out. We went to the Comprehensive System and as is the case in any school of this sort there are children who are not of highest academic standing, and they were unable to sit the G.C.E. examinations. But we had an unfortunate situation where every child who reached the fifth Form was graduating as they called it, and were getting a certificate. This bothered the department and in fact last year we insisted that if each child was to get a certificate his level of achievement was to be registered on that certificate. That is whether the child had sat G.C.E. exams or had not, and so on down the line. We felt that to give the same certificate to a child whether it achieved significant success or whether it just put in the required time in school was not fair to the employers. It was not fair to the labour markets so we searched for an examination, and we came up with the solution of the Certificate of Secondary Education, and I hastened to assure the member who thought that this was based on expert from outside the territory that this was a decision taken locally. The person who visited the island in this connection some time ago came merely to acquaint himself with the situation that existed so that he could better carry out the functions that were required of him.

Now having said that I want to make it quite clear that the Certificate of Secondary Education is a very versatile examination. There are three modes to the examination, mode one would mean that the children would sit an examination prepared entirely by the Authority in the U.K. Mode two would mean that the children are examined externally by the Examiners in the United Kingdom, but that the local authorities would have an opportunity to suggest changes to the set curriculum to suit our local needs. The third mode would mean although still monitored from overseas it would be done by local evaluation. Now the department has settled firmly on mode two, that is we are satisfied that we must have an external examination

HON. B.O. EBANKS (CONT'D): done by external examiners if the system is going to do what we would want it to do. Because to be done locally in a small place I am afraid that mode three would come in for a lot of criticism. But in order that students might have the best of two worlds, for example that in History they can study West Indian History as well as European or British or American History as the case may be, and in Geography likewise it means that they would arrange or approve a syllabus in those subjects for the local school.

Now there are also various levels or grades at which a subject taken in this examination can be passed, this is where the real profitability of the examination comes in. Because we are not doing away with the General Certificate of Education Examination, this is an additional examination and an extension to our services. But if a teacher is of the opinion that a student perhaps is not completely up to mark to take the G.C.E. O Level, the teacher might suggest to the student that he takes the subjects at the CSE level, and if he is successful at grade one level this is equivalent of an O Level pass in the G.C.E. examination. So if the teacher has misread the student in any way, the student has not lost anything. The mode of examination is also a broader based mode of examination, its not based on a single written essay examination. It's not sat on a single day, there are several papers to each subject, so that a child is not penalised if he happens to be a bit off colour one day because he didn't sleep well at night, or may be he didn't have a good breakfast that morning, or something. Part of it additionally is oral and so on.

Now this examination has been going on in the U.K. for ten years, it is accepted by the universities as part of the matriculation requirements. Children who gain passes at the grade one level can go on and do A Level studies in the subject. And in fact it might be of interest to this House to know that when news broke that we were introducing this examination a local person who has a child at school in the United Kingdom told me that he was glad to hear of this, because in the case of his son he had been advised to take Biology at CSE level instead of G.C.E. level. He obtained a grade one pass, he went on to do A Level work, and this is consistently his best subject in A Level studies. So that in many respects you see the advantages that this second examination gives.

Additionally in 1975 there are some eighteen subject areas in which the school is offering candidates. I hope I have Mr. President succeeded in making it very clear that we are not in any way doing away with the G.C.E. exam, we are not changing our system of education nor anything else. What we are doing is introducing a new system of examination an additional system of evaluation and examination.

Much was said Mr. President also about the garbage, I think it is well known that this service although no one could be completely satisfied with it it has improved, and I would also mention that members would be well aware that the department requested additional equipment during this year, instead of two trucks we were told we could get one and unfortunately already we have had to cannabilise two to make one. So that we are almost back where we started as far as vehicles are concerned, and we can only do the best that we can with the tools that we have. But I doubt, and I must defend the department in one respect, and that is with its organisation, because I feel that the department is well run, the personnel do get around and about, and are aware of what is going on, and in fact with the assistance of the service clubs they're doing a good job on removing the derelict motor vehicles.

There is one point that I don't want to miss Mr. President and that is the amount of mileage that is being attempted to be made out of the fact that you mentioned in your Speech, that you had established a Committee under the Chairmanship of the Honourable Attorney General to examine the whole question of establishing the Cayman Islands as a port of registry. And I think I would like to read what was said in the Speech to make it quite clear what we're talking about. Because talk is

HON. B.O. EBANKS (CONT'D): cheap and some people seem to get even better bargains than others on it, and I want to set the records straight. The paragraph on that reads as follows:- "The Attorney General has agreed to be Chairman of a Committee which I have established (that is His Excellency the Governor) to examine the whole question of establishing the Cayman Islands as a port of registry. This is the culmination of a long period of examination by the Government and accords with the spirit, if not the precise text, of a recent motion introduced in this House." And while I do not have the text of that motion before me, I am sure members will recall that that motion not only moved for the Cayman Islands as a port of registry, but it also embraced other matters such as the establishment of a training school, certification of officers and so on. And it was couched in most positive terms in fact if I had been presenting the motion and was as certain of my facts as that motion appeared to be, I don't think I would have asked for a Committee. I think I would have brought a Private members' Motion to set to introduce the Law right away. But I am sure that members realise that it isn't that simple. And furthermore as has been said here this is no new thing, this has been expounded time and time again by various bodies, in fact I recall that the Chamber of Commerce many years ago set up a Committee to study this and to make recommendations to government, which was done, and they didn't have the right mix either. As far as the context of the Speech that accompanied the Resolution, I had the exact Memorandum in my brief case at the time, on which most of the debate was based. It is not a simple matter, I hope that it can be achieved, but it won't be a simple exercise.

Mr. President during the course of one member's deliberation the view was expressed that the member hoped that I would be able to say whether or not a certain book was in the Library at the school. I'm sorry to disappoint the member but school is out of session, and on such short notice I cannot give him that answer. But I can say that I have on very good authority that if any member is interested in reading the book it's in the Public Library, and has been there for many years. Now I would not deny it categorically that the book is possibly in the School Library, because I know that the school recently purchased a used library, a personal collection of books, and in the opinion of the responsible people they got a very good bargain, those books are presently being filed and catalogued, so I am not saying that that book might not have been among the collection which was purchased, since it was purchased as a lot. But I can say this, that whether the book is at the school library or not, it certainly has not had the effect on the morals of the community that some members might have given the impression that it did. Inasmuch as the book could not have been at the library for more than a few weeks, if it is there. But school is out of session as you know, and I am not in a position to verify this at the moment.

You quite rightly said Mr. President that the idea being expressed regarding local Councils was an idea that had not yet been discussed in Executive Council, and it was a personal idea. You also said that it was a matter which called for careful study and discussion with the people. I agree that this is a good idea, but I would underline the context in which you mentioned it, that is that it is an idea that needs careful study, careful discussion with the public and very careful understanding of the implications and any legal provisions that might need to be made. Because it could be a two edged sword.

The question of Local Authorities, while it has worked well in some countries has also been the damnation of others. For example it is certainly what is responsible for the disparity in the quality of education in some American counties or cities as compared to the other, where education for example is supported by local taxation, therefore in poor countries there must be poor opportunities. And unless in our own setting we clearly understand the implications for sharing of the common revenue and assets it could bring a lot of dissent. For example one member quoted what could be done in his district with the collection of taxes on dogs by the collection of poll tax.



HON. B.O. EBANKS (CONT'D): Now if my figures are correct, and the estimated population for that district is right and it is based on the 1970 census figures which gave the population to have a total of nine hundred and seventy six persons, and its estimated that in 1974 it would have fourteen hundred and twenty people, I am being generous and I would deduct twenty five percent for those below taxable age, and then that would leave ten hundred and sixty persons, and I would assume that the population would be at least equally divided between male and female. And since females do not pay head tax, and older people it is reasonable to assume that at least half wouldn't pay, so that would leave five hundred and thirty three people at two dollars, would be a thousand and sixty six dollars. I don't know how many dollars there are at twenty cents a head, or fifty cents whatever, but I doubt that the member could on that meagre budget staff the clinic better than it is today. When one takes into consideration that that clinic, as I said before is manned three mornings a week every week on one day out of the month the doctor visits the district with the team, so on that week you've got four full days, because in the afternoons the team visits the shut-ins, and tends to other public health matters. So let us be careful that we - ~~sometimes~~ you know government members are accused of losing sight of what goes on in the district because of things that go on at the national level. But we will recall that although some members pride themselves on the research that they do before entering into debate, we will recall that the insinuation made in a certain debate was that the clinic to which I've just referred was only staffed on Thursdays, that happened in this session. And certainly I am occupied on a national level but I know little bit more about what goes on than that, so we have to watch for these dangers in this, and think out this strategy very well. And mind I don't want to give anybody the impression that I am throwing cold water on this idea, I think it has a lot of merits. But I am only calling attention to what was said in the Throne Speech, that it needed careful consideration, very careful planning, and a lot of discussion to understand what we were getting into, and to understand the basis on which any local Council would be financed.

Mr. President I would like to thank most members at least those that I've heard, they were complimentary in most respects, to the Health Department, Medical Department, and I hope that within the very near future we will be moving into our new buildings, with better equipment, so that we can better cater to the needs of the people of this territory.

Having spoken the way I did Mr. President I don't want to leave the impression that I am in any way trying to detract from the style of your speech, and I would like to join those who have commented and paid tribute in the way it was presented. I would like to assure you and members that you can depend on my wholehearted support, cooperation, and when the time comes for decisions to be made I will certainly make them to the best of my ability, and what I believe to be in the best interest of the country and its people. Thank you Sir.

HON. V.G. JOHNSON: Mr. President and Honourable Members like the last speaker I will also say that I was sorry for not being here last week to hear the delivery of the Throne Speech, and also to hear the debate thereon which took place afterwards during the week.

I would like to offer compliments to you Sir. The preparation of such a document is not such a simple task as all that, it takes a lot of time and effort to gather information and put it together. I therefore compliment you on the effort to produce such a master piece, as it was so rightly termed. I am not debating this to take part in any political speech, I only want to clarify a few points and try to rub the edges off.

Mention was made during the course of debate regarding the four projects now being implemented by government. That is the Port Project, the Administration Building, Road Programme and the Airport

HON. V.G. JOHNSON (CONT'D) Terminal. To finance these four projects a Law was introduced in this House seeking approval to raise a loan in the sum of five million dollars. The Law was introduced in March 1973, and the assessment, the cost of the project was made in late 1972. Mr. President it is not a matter of deceiving anyone as far as the cost of these projects are concerned, I am sure that all members of this Legislative Assembly are aware of the rise in cost over the last three years, inflation has been terrific, and escalation of prices almost beyond control.

I would say that escalation in cost has risen at the rate of approximately twenty five percent over the last three years, and certainly from the time that the first estimate was made on these projects. And it goes without saying that if escalation was at the rate of twenty five percent per annum compounded the projects would cost twice the figure today. For instance the Port in late 1972 was estimated at 1.25 million dollars; well in fact the four projects were estimated at 1.25 million each, making a total of five million dollars. The estimate today - some of these prices are fairly reliable prices are as follows, Port 3.43 million dollars. the Administration Building 2 million dollars, Roads 2 million dollars approximately, and the Airport Terminal Building million dollars. These figures total approximately ten million dollars, and if the cost of these various projects would escalate in price over the three years to double their original cost then that figure is fairly correct. So Mr. President I am pointing out that its not fair to say that we are endeavouring to state incorrect cost when introducing these projects. Its a matter that there is this vicious circle in the escalation and prices over which we have no control.

Having said that Mr. President I would like to mention that two of the projects that is Administration Building and the Road Programme are now being financed by a local consortium of six local banks. It is hoped that there will be no difficulty in completing these projects. The Road Programme is uncertain at this stage because there have been quite a number of delays in starting construction and this was no fault of any individual. We hope that the programme will be completed within a reasonable time, and the cost of the project will not exceed the sum presently estimated, that is two million dollars.

The Port Project is just about to start. Last year Caribbean Development Bank would undertake to finance this project. Agreed to finance it at that time to the tune of nine hundred and seventy five thousand dollars out of a cost of approximately one million two hundred and thirty thousand dollars. The rest of the money was to be found by this government. This was based on the consultants estimate of the cost of the job, and so immediately it was approved by Caribbean Development Bank, and new consultants were appointed to prepare final drawings, and tender documents. And fortunately when the job went to bid the contract price surprised all concerned, and the price at the present time far exceed the original pricing estimated by the consultants. There was the main which was the original project and there are additions to it, the main project is now costed at three million four hundred and thirty thousand dollars. There are additions, that is a northern extension to the Port, the main project, and a Port administration building both costing approximately one million dollars.

Caribbean Development Bank has just re-examined the project this was the reason for my visit to Barbados last week, where the matter was being discussed at the Banks Board of Directors' Meeting. Caribbean Development Bank has agreed to finance the main project, that is the project that will cost 3.430 million dollars to the tune of two million two hundred thousand dollars. This will require the Cayman Islands Government to find a sum of one million two hundred and thirty thousand dollars to make the total of three million four hundred and thirty thousand dollars. In fairness I would say that Caribbean Development has made a fair offer to the project, because the loan which they have approved, that is the two million two hundred thousand dollars is made up of soft loan one million five hundred and forty thousand dollars, that is at a rate of four percent interest payable over a total period of approximately twenty years. The other portion six hundred and sixty thousand dollars is granted

HON. V.G. JOHNSON (CONT'D) at eight percent payable over fifteen years exempting the period of construction. It is now for this government to move on to conclude agreement with the contractors, and to get along with the project.

As the Airport Terminal Building nothing definite has been reached on this project, but an application is also before Caribbean Development for the financing and the amount being requested is approximately two million dollars Cayman. But the financial arrangement will be dealt with in due course. And that is the position at the present time Mr. President of these four projects.

I couldn't help being attracted this morning when I heard comments on the level of expenditure in government, and the suggestion that the present level was quite sufficient, and that priorities required further examination. I would perhaps agree that the present level is adequate, because otherwise we may have to investigate new areas of taxation. But nevertheless with the escalation in prices taking place from day to day, it is expected that cost of services, labour and wage will continue to rise, and that therefore the level of expenditure will continue to rise as well. But in the same token the level of revenue will also rise, because as imported goods cost more so would it produce more revenue. And so there are both sides of the ledger to look at, and one rise is simultaneously with the other.

Mr. President mention was made as well commenting on the tourist industry, the fact that the Cayman Islands should have introduced a currency with a value equivalent to the American dollar or slightly below as in the case of other countries for instance the Bahamas, I'm sure that those members who've been here before the introduction of the currency will remember that this is exactly what the Cayman Islands intended to do, that the Cayman dollar was to be based and a value equivalent to the value of the American dollar. And everything was set for it to be this way, the Law was provided in this way and all arrangements were being carried out just in this manner. But the currency was scheduled to be put in circulation on the first of May 1972, and in February 1972 the United States Government devalued the American dollar, and it placed us in a very embarrassing position, and with very little to chose from. And the simplest solution to the problem was to continue the then currency status quo which was a ten shilling dollar. This Mr. President was accepted I know in good faith especially locally merchants and business people because it created no confusion and no particular arrangement for the change over. All prices continued with the same values, and the Cayman dollars was valued ten shillings instead of the proposed eight and four pence dollar.

It did effect the tourist industry because tourists especially American tourists coming here are not quite aware of the problems or the complexities in currency valuation, even though they have had quite a lot with their own currency they still expect to find currencies which are named dollar to be equivalent or below the value of the American dollar. Well this is unfortunately not so here, and it was not deliberate, it was created so by difficulties with the American dollar itself.

Mr. President I heard mention in a debate concerning Civil Servants being not in favour of promotion of certain activities in the smaller islands. And I don't know what prompted those remarks, I am a Civil Servant and I think one of the present proposals for development in the smaller islands has been placed under my responsibility, and as far as I'm concerned I have done everything possible to promote it. And speaking about Civil Servants' interest I went back to my Budget Address on the 3rd of December, 1970 when I made a bold attempt to mention the situation which existed then in the two smaller islands, and I prefer to read what I said then. Apart from air services difficulties (this was the time when the people were having a lot of difficulty with the air services arrangement.), Cayman Brac seems to be faced with a serious social and economic

MON. V.G. JOHNSON (CONT'D): problem which requires some thought. Because of a stagnant economy comprising of seamen's earnings and a few tourist visitors the population is decreasing. The tourist trade has made little or no progress and foreign investments are not very noticeable. As prospects of a livelihood dwindle people are looking elsewhere for employment and in some places to take permanent residence elsewhere. The electricity light company is now planning extending electricity along the entire south coast and although this makes little economic sense the project must be encouraged so as to provide labour and some incentive to development. Likewise Government must provide a bit of employment for those who must stay at home. Recommendation is being made under Development Aid for the commencement of a Bluff Road in 1971 for the purpose of creating employment and also to provide better access area for agricultural purposes. The reconstruction of the airfield in 1971 will also help. That was delivered in this Assembly Mr. President and it goes to show that Civil Servants did have a great amount of interest in the economic situation existing in the smaller islands at that time.

On my recent visit to Barbados I examined the financial position of the airfield before going to Barbados and discovered that there was going to be a shortage of some fifty four thousand pounds or approximately a hundred and eight thousand dollars under the present programme of construction, that is the rehabilitation of the Cayman Brac airfield. And I have put the case to the British Government for supplementary financing, and I am happy to say that the development division in the Caribbean will recommend the application to London.

Last week there was some question arising in the debate concerning Cayman Airways Limited, and the accounts for 1973. Apparently the member thought that the disparity between the high revenue intake and the expenditure produced a very small income on investment. Well this is quite true, but members will remember that Cayman Airways inaugurated the Cayman/Kingston service and operated this for a few years with a shortfall each year. And that the first profitable operation it entered into was in 1972 when it established the Miami/Cayman route. Well in the first year of operation there were quite a bit of losses suffered over the previous year to be written off, but by the following year the end of the '72 - '73 year members will recall that the company declared dividend in the sum of a hundred and thirty five thousand dollars. And government's portion was received and is placed to a reserve account. I do not think personally that the company during the short period of operation especially the short period of operation on the profitable route has done badly. If business had continued perhaps there would be brighter days ahead, right now the situation is not very rosy, because of two factors really, one is the recession which has had effect on traffic into the Cayman Islands as you have heard from the member responsible for tourism. And secondly because there is another carrier sharing the traffic route. However we do hope that at least Cayman Airways will continue in operation until the situation improves.

The member suggested that perhaps a sum of money which is paid for food and drink on the flights could be reduced. Well that had been discussed at a Directors' meeting not very long ago, and it was the strong feeling of the meeting that this was the only incentive which was offered by the Airline, and that we perhaps should not deprive passengers of that. Under the Iata Arrangement that is International Air Transport Association no carrier who is a member of that association can dispense hard drinks without payment for same. But because Cayman Airways and Lacs are not members of Iata they can dispense hard drink free of charge, and this has certainly been an attraction on those two carriers. The little snack that is served I think it is something which passengers look forward to on any airline they travel. Some people take it some do not, but nevertheless the majority of people look forward to the little snack, and therefore the Board of Directors thought that it would be most unwise to remove that bit of incentive to passengers on flights.

Another question which was asked was regarding the leasing of plane by Lacs, that is the plane now used by Cayman

HON. V.G. JOHNSON (CONT'D): Airways, and whether Lacsca pays for the use of the plane when it is used, and the answer is "yes" Lacsca pays for the plane at the same rate which Cayman Airways pay.

Another question was if any of the flights were cancelled would the rental of the plane be reduced. And unfortunately there is doubt as to whether this could be because the arrangement is that Cayman Airways leased a plane from Lacsca which means that the plane is always at the disposal of Cayman Airways, therefore there is a firm and fixed charge for that facility. When the plane is used then there are other charges covering fuel and maintenance and the rest of it. So it is not possible to reduce the cost of the rental when fewer flights are made. Perhaps if fewer flights are made then new arrangements will have to be entered into for the leasing of a plane, and I don't know whether this will be satisfactory. Because members will recall when Cayman Airways was using the plane on a per flight basis, many times we had to wait on delayed flights to commence our scheduled flight Miami/Cayman. And there was a lot of dissatisfaction over this, and for that reason Cayman Airways had to enter into a firm arrangement to lease a plane to be placed at the entire disposal of the service.

Mention was made that (I can't remember the word) but it is tantamount to as sure as there are stars in heaven that a Land Tax will be introduced. Well Mr. President I would like to say that a Property Tax not a Land Tax was under consideration long before Cadastral Survey was introduced. And the only reason why it was not pursued was when the Land Adjudication system was being introduced an accusation was made that one of the reasons and the prime reasons for land adjudication was in order to introduce land taxation, and so government has placed the proposal on the shelf just because of that. But I can tell you that the original thought was to introduce a Property Tax. I don't know what the intention is, its altogether different from a Land Tax. Property Tax will be a tax imposed on offices, private residence, and hotel and other business buildings.

Mr. President there are other points to mention which I did not make any note of, but I am sure that they were covered in one way or another by other speakers from the Government Bench. I would like to say again that I admired the presentation of your Throne Speech, and in bringing members and the general public up to date with the position of government. Thank you Sir.

HON. G.E. WADDINGTON: Mr. President and Honourable Members as last man in the batting order, I have no intention to play for a draw or to act as night watchman Mr. President, but simply to go in have a quick knock and get out. So I do not intend Mr. President to spin out these proceedings much longer, but I do feel that I cannot allow the debate to conclude without expressing my appreciation also and thanks for the delivery of your Throne Speech Mr. President. And if you will pardon me for so saying I would like to say that in my opinion it was a model in reviewing in so concisely yet in so ample a manner the achievements of the government over the past year, and the prognosis for 1975.

I do not intend Mr. President to range over the entire area of your Speech, but simply to confine myself to the area which concerns my department, that is to say Legislation. And in this respect I would simply deal with the legislative programme for 1975 and onwards, which you so wisely Mr. President annexed to the circulated brochure of your Speech.

Apprehension was expressed in some quarters to the volume of the legislative programme of old, but Mr. President if members would study the list carefully it will be seen that the laws proposed are no more than what is considered to be necessary and requisite in any developing country.

HON. G.E. WADDINGTON (CONT'D): Mr. President Lord Oxford and Asquith described the people of the Cayman Islands in his Constitutional Report in 1971 as a law abiding people provided they did not have too many laws to abide by. But Mr. President we've come a long way since that report was written, and with the sophistication which now exists in the social and financial institutions of this territory I think members will agree with me that it is highly necessary that we should be geared to meet situations which may arise, and these laws are indeed designed not so much to provide more laws for the people of the Cayman Islands to abide by, but indeed in order to protect them and the territory from possibly unscrupulous and unfair practices by persons seeking to take advantage of loopholes that at present exist in our laws, and in the complete lack in other instances of necessary legislation.

Some months ago Mr. President an article appeared in "Time" magazine in which it was implied that there were no laws in the Cayman Islands, and that any one could go there and do what ever they liked with impunity. Mr. President these laws are designed to create a sound legal system for the islands, a system which it is hoped will result in a rude awakening and disillusionment to anyone who may think that they may come here and do as they like with impunity. They are designed Mr. President speaking in nautical terms as you Mr. President did in your Throne Speech to provide the beacons to mark the difficult channels through which the good ship has to pass, and to provide proper markers to prevent the ship from running on the shoals and on the rocks which abound in such profusion on all sides, and to enable it to come into a safe haven.

Mr. President the programme may seem to members to be a very heavy one, but as you said in your Speech Mr. President the Assembly can only be expected meeting four times a year to process so much legislation, and it is important that this should be programmed so that low priority bills do not take precedence over more urgent legislation. And although the programme seems heavy Mr. President I can assure members that they will be taken in easy steps, and that members will not be presented with larger portions of the legislative diet than they can comfortably digest. Members can also be assured that there will be no haste in pushing these laws through the House, and that there will be ample opportunity in the Committee stages to suggest any amendments which may be considered necessary and appropriate.

Mr. President I have had my knock and I think we can now declare the innings closed.

MR. PRESIDENT: Does the Honourable Member from North Side wish to wind up, or be content that the motion goes to the vote.

MR. CRADDOCK EBANKS: Mr. President I think I'll have to leave it with you to wind it up.

QUESTION: THAT THE DEBATE ON THE THRONE SPEECH BE CLOSED: AGREED

HON. D.V. WATLER: Mr. President and Honourable Members I move that this House adjourn until 10 o'clock tomorrow evening.

SECONDED BY HON. G.E. WADDINGTON.

QUESTION PUT: AGREED.

AT 5.25 <sup>P.M.</sup> / ~~P.M.~~ THE HOUSE ADJOURNED UNTIL 10 A.M. WEDNESDAY  
26th MARCH, 1975.

WEDNESDAY, 26TH MARCH, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON. D. V. WATLER, OBE, JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONNOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT GEORGE TOWN
MR. CLAUDE M. HILL	SECOND ELECTORAL DISTRICT GEORGE TOWN
CAPT. A. A. REID	THIRD ELECTORAL DISTRICT LESSER ISLANDS
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT NORTH SIDE

ORDER OF THE DAY

WEDNESDAY, 26th MARCH, 1975

GOVERNMENT BUSINESS:-

BILLS -

- (1) THE CURRENCY (AMENDMENT) BILL, 1975
- (2) THE POOR PERSONS (LEGAL AID) LAW
- (3) THE SUMMARY JURISDICTION LAW.



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WEDNESDAY, 26TH MARCH, 1975

10 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. We have three Bills under Government Business this morning.

CLERK: The Currency (Amendment) Law, 1975.

INTRODUCTION AND FIRST READING.

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING.

CLERK: The Currency (Amendment) Law, 1975.

SECOND READING.

MOVED BY HON. V.G. JOHNSON

HON. V. G. JOHNSON: Mr. President and Honourable Members, the Memorandum of Objects and Reasons of this Bill.

Not very long ago we received a communication from London, the Bank of England who indicated that the Currency Law, 1974 had been re-examined by their Legal Department, and it was discovered that there were two areas which required a bit of amendment. And they encouraged the Government of the Cayman Islands to move ahead to recommend these amendments. The first one deals with Section 11 of the main Law dealing with contracts to be in the currency which is legal tender in the Islands. When the original Law that is The Cayman Islands Currency Law, 1971 was introduced, the Jamaica Currency was then legal tender in the Islands as well as the Local Currency which came into circulation on the 1st May, 1972. The Jamaica Currency was withdrawn from circulation on the 31st August, of the same year, leaving only one currency as the legal tender of the Islands, that is Cayman Currency.

The Law that is Section 11 of the Currency Law made mention of contract, sale, payment, bill, note, etc., being deemed to have been executed, entered into, and in relation to the Jamaica Currency. Well the bank thought that this should now be corrected, even though, the present Law, The Currency Law, 1974 also made mention of the Jamaica Currency. It was thought that this was an oversight at the time, and that we should move forward now to amend that Section, so that it could read as the new Section has it that as from the first day of April, 1975 all contracts and other documents etc., should be settled in the Currency of the Cayman Islands. Now I know that there are many contracts and other documents, such as conveyances and other land transactions, which are also expressed in other currencies, that is mainly United States dollars. And this has been accepted from time to time as a custom within the Cayman Islands. And in order not to remove this facility the Section 11 goes on to say "unless it is expressly made, executed, entered into, done, had or settled in the currency of some other country". Which means that it allows the custom of expressing such documents in United States dollars to continue.

It was examined and thought to be a reasonable request for amendment, and so it is now recommended to you here in that manner.

The second point deals with the quantity of coins which can be presented at any one time, and to be within the term of legal tender. The Law in Section 12 permits that any one can produce a sum of ten dollars in coins from the denomination of five cents upwards at any one time as legal tender. If the amount exceeds that then one may refuse to accept that amount of coins in exchange for goods or services.

The main point is that the Cayman Islands are now issuing proof coins, of denomination beyond ten dollars. And legally such a coin would not be acceptable as legal tender, because if it exceeds ten dollars, then it is outside of the provisions of the Law. We have issued in recent times coins of face value of twenty-five dollars. There is an issue to be released shortly the Churchill Issue, which will include a gold coin of the face value of one hundred dollars. Now if there is no provision in the Law to assess a coin or a quantity of coins beyond the sum of ten dollars to be accepted as legal tender, then these coins cannot fall within the province of the Law. And the second amendment here seeks to amend the ten dollars as stipulated in the Law to read one hundred dollars instead so that when a coin with a face value of one hundred dollars is presented any where, it is acceptable as legal tender. I doubt very much that any one will present a hundred dollars in five cent pieces, because they are not that plentiful around. But the amendment is merely to take care of proof coins exceeding the value of ten dollars now issued by the Currency Board.

Those are the two main amendments, Mr. President, and I would ask Members to accept the recommendations, these have also been examined carefully by the Legal Department here, the Attorney-General, and have agreed with the views of the Bank of England that these amendments go forward.

Thank you Sir.

SECONDED BY HON. D. V. WATLER

QUESTION PROPOSED:

MISS ANNIE H. BODDEN: Mr. President and Members of this House, after hearing the explanation as to why this amendment is necessary, I feel better about this matter. My dread was this, that we all know from the time Imperial United States dollars, while not a legal tender, was an acceptable currency in our Country. And I feel, Sir, that this should be protected and taken care of, and we should never pass any Law that would debar or make illegal this U.S. dollar. Well I see here that unless it is expressly made, executed, entered into, done, had or settled in the currency of some other country. I feel, Sir, that should take care of the situation. There are a lot of Americans when buying land they prefer to have the consideration stated in their own dollars, they say, I don't know if it is right or not, but in regard to taxes etc., when they have expended their money abroad it is deductible.

Well I don't suppose they know too much about our currency, and I feel that if this practice is allowed to continue, that a man buying property in the Cayman Islands can say, "for and in consideration of the sum of ten thousand dollars, United States currency", instead of the amount being listed in our Cayman dollars, it would be more acceptable. If that is in order, Sir, I have no comments other to make on the bill, unless it is to say that I agree to the stipulation.

Thank you Sir.

MR. G. HAIG BODDEN: Mr. President and Members, The Currency (Amendment) Law is a Bill which I can give some measure of support to. It is not often that I can make a remark like that, but whenever I do I am saying it in a very genuine manner. I pride myself as being no hypocrite, and like the member from North Side said yesterday not afraid to open my mouth, because I may fall into it.

One of the smartest moves ever made by this Government was the introduction of our own currency. From the beginning this move had my full support, although I cannot claim credit for having engineered it. Not only did this act of Government meet with my approval, but strange enough the workings of the Currency Board have met with my approval from time to time. I dare say that this Board is a model of excellence in our Government. It has performed its functions in a most satisfactory manner. From the report which I received recently, I noticed that the Currency Board has been earning money for this Government, the sale of proof coins and other profits made from the use of our own currency is something that the Board can be justly proud of. The Board<sup>has</sup> so far shown its wisdom in all of its decisions and it seems that the public, as a whole, has been satisfied with the major decisions that the Board has had to take from time to time, and I believe the whole world is proud of the high quality of our notes, and the high craftsmanship of our coins. I would say that it is perhaps second to none around the world, with the possible exception of the U. S. currency.

Whenever an amendment is suggested to the Currency Law, particularly<sup>if</sup> that suggestion comes from abroad, I would say the Members should examine it closely. I have examined these amendments in my usual thorough fashion, and for once I am in agreement with these amendments. I will perhaps be dealing with them in the reverse order and taking the last amendment first.

The last amendment, that is Amendment "C" will be raising the limits of the coins for legal tender, from ten dollars to a hundred dollars. The only criticism is that this could have been done a little sooner, perhaps from the time that we issued our twenty-five dollar pieces. Nevertheless, it is necessary, because people do have these coins bought in the beginning as a collector's item, but you never know when hard times will strike, and it may be necessary to spend these coins. I will always pride myself that I am never broke, because I was able to put up one of the twenty-five dollar gold pieces, and I never know when I will have to dig it out to pay for something.

But there is another reason why we should increase the limit from ten dollars to a hundred dollars. The first reason is that we will have a hundred coin; the second reason is, that right now many transactions are carried on where the amount of coins exceeds ten dollars.

You know in this Island the coin operated machines business is growing, and I believe that the situation must arise when the operators of these coin machines may be tempted to do business where the sums of money represented by coins will naturally exceed ten dollars. What I am saying is, that in a month's time a coin machine will probably take in a hundred dollars, or hundreds of dollars, in fact I understand that pool tables average about four or five hundred dollars per month. And the operator who takes that amount of coins from a machine may need those coins, if the machine was say, a drinks machine to pay for his stock which he will put back in the way of drinks, and it would really be asking too much to tell the man that he couldn't hand over eleven dollars for a few cases of drinks, if the eleven dollars was in coins. So I think we are doing right here in making it practical for people to deal in coins in larger amounts.

The second amendment, that is Amendment "B", is highly necessary too, as stated in the memorandum of objects and reasons, to render more explicit the legal tender provisions. It gives the Board the sole right of issuing legal tender. It sounds like a small thing, but to my mind it makes it very difficult for any one to issue counterfeit bills, I hardly see how they could get around this section. We do live in a small place but we should watch world trends, and what is hapening today on the North American continent, is that the mafia and other organized crime syndicates are changing the emphasis from the old rackets to new ones, what I am saying is, that today the mafia is not using the amount of violence used in the past, they no longer mug you on the street, they do not rape your daughters as often as they did in the past, what they are doing is entering legitimate businesses, they have gone into the banking business, I don't think it would be hard for us to believe that here, they have gone into counterfeiting postage stamps, credit cards, money, they have used their money to enter legitimate businesses, they are now corrupting judges, politicians for that matter too and any one else they can corrupt, and because of this shift in crime today, we have to be careful to protect the issuance of our money from crime, and this seems to me to be a very smart move but a move that I know the Currency Board is capable of, because from its very inception, as I said in the beginning it has shown that it can and will handle this matter of currency.

Amendment "A" is the one that bothered me, until I talked with the Third Official Member, and until I listened to his explanation and also until I went back and read it another time. This amendment seems to me to be saying that for a contract to be valid it must either be written in Cayman dollars, or the contract must expressly state the currency in which it is written, which to me means that if a person is purchasing a piece of land, for the contract to be valid the document must say that it is eight thousand U.S. dollars or it would say that it is so many dollars, which would necessarily be Cayman dollars. What this amendment is really doing is making legal what was being done any how, and if the Law here allows contracts to be written, say in U. S. dollars, it would also mean that it would now be legal and acceptable for a taxis driver to take a five dollar U.S. bill from a passenger that he had brought from the airport, which it is the way it should be, because some countries do put very stringent restrictions on foreign currency, those countries who do that suffer.

Recently when I was in Sri Lanka I was astounded to find out that if I did not cash my U. S. dollar in the regulations prescribed by the Ceylonese Government I would receive only thirty-five cents for it. But the end result is that the people in Sri Lanka are in such a situation that they cannot buy much needed foreign goods, they cannot do businesses which they should do, the end result is, thirteen million people living in abject poverty, because of very stupid exchange controls, and I believe that if they could get the loan of our Financial Secretary he could give them some tips on re-vitalizing their economy. So that I believe a Government, like an individual, should do not only what the letter says, but should do what is practical and what will, within the limits of the Law give the best results.

There is a another side to this story, if you are born using the U. S. dollar or the English pound, or whatever currency you are used to, no matter what changes the Law makes the person will forever continue in the back of his mind to value things by the standards that he or she was brought up with. What I am saying is, if a person, a tourist, comes here and that person is told that the article in the shop is fifty-nine Cayman dollars, it does'nt mean very much to that person, before that person can know whether he is getting a bargain, or whether he is being cheated he first has to do a mental conversion to find out what that fifty-nine Cayman dollars is in U.S. dollars , and it is only natural that our Law should make provision so that when a person is purchasing a piece of land, a person can see on his document that this a good buy or a bad buy, and Mr. President I am very happy this morning to be able to support these amendments, because they seem worthwhile to me, I am also happy that for once no controversy can enter into my remarks, and I am especially pleased to be able to agree with the Government bench. They have perhaps in some things in this session gone a little bit too far with their recommendations, some their changes have been too sweeping and they have heard about that and will continue to hear in good time whenever they step out of bounds, but today I am in full agreement with the amendments to The Currency Law and can only conclude on the note that I trust the good wisdom shown in this Law will also be exemplified in other transactions.

MR. JOHN D. JEFFERSON: Mr. President and Honourable Members, I am at a loss, sometimes I am wondering if at last the new dawning of the day is'nt the dawning of a new day. I looked this amendment over, and I had written I rise in support of the amendments, but after I heard the often spoken of as the opposition Member rising, using such quotations as he did this morning I had to sit down and look at it a second time to make sure that there was'nt something really wrong with it. The Member said that, "this is one of the smartest moves Government has ever made," the issuing of its own currency. I join that Mr. President. I remember when we thought of embarking on this course, there were with that as with all other things, objectively that people think to do, there was a thought that embarking on a course of issuing your own currency was going to prove too expensive, and maybe you are trying to move out there a little bit too fast. Well, I am happy this morning that we can stand here in an atmosphere which we have in this Chamber, to say that the issuing of our own currency has proved a very profitable programme which this Government has embarked upon.

The Member said that "it is a model of excellency, I could rightly agree that it has performed its transactions well. I believe Mr. President, that I agree with the amendment and certainly I have to say that, as far as I am concerned, joining the other Member, the Currency Board has been doing its job, and doing it well.

This morning I am happy that having issued our own currency has also given us far as we are concerned, given us recognition, given us identity, which I believe that these Islands need. I want to say that as far as the Bill is concerned the amendment to it is straight forward, it is seeking to do exactly what it says, Section "B" says the opportunity is taken to render more explicit the legal tender provisions of Section 12 to increase the permissible value of coins provided by Section 16, in order to render legal certain coins collector's pieces. I feel, Mr. President, that we have to be very proud that Government has embarked on a course to which all Members in this Chamber this morning whole heartedly subscribe, and have nothing but thanks for the fact that we are in the position that we are in financially.

Thank you very much.

HON. W. W. CONNOLLY: Mr. President and Members, I will just say briefly that the Bill, the Currency Bill or the Currency Law, is a technical Law and naturally from time to time these technical amendments do crop-up. We have heard from the memorandum of objects and reasons as ably stated by the Honourable Financial Secretary, the Third Official Member that this has become necessary due to the development in the Islands. I can see this and I am sure that it is an amendment that everyone can very well agree to. It gave me quite a bit of consolation to hear Members referring to the introduction of our own currency as one of the most beneficial, profitable things that has been undertaken by this Government, I voice that opinion, that it was and it is a very good move that we did so. I was also a little bit surprised to hear the Honourable Member from Bodden Town admitting that he had read this Bill a second time; at first he said he disagreed with it a little, and he read it a second time and he understood it, may be if the Honourable Member would take the same pains taken with the other Bills we would run into less problems in the House here. I believe that if we read these Bills the second time, and if we take time off to understand them they are not quite as bad as some Members would like the public to believe. Surely Bills whether they are amendments or whether they are enactment of new Legislation cannot in every detail satisfy every individual in the Islands, but surely, and I think this is the purpose of having a Democratic Parliamentary system, that while we have to take full cognizance of the minority we have to accept the wishes of the majority of people, and I believe that it has been and I would hope that it will continue to be the mind and expression of the Government to put forth Bills with this in mind, with the interest of the majority of people of these Islands in the forefront, not the individuals. Mr. President, we have come a long way to enact our own currency, it has been quite a technical piece of Legislation and the time has come now for us to have a minor amendment in order for us to make some added revenue, and to still keep within the limits of the Law; I feel like this is well, that we have put this forth in the manner that it has been put forth, and I am sure that it will be supported.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, if I don't finish for coffee break I'll try to conclude for lunch break. We got this Currency Amendment Law before us for a few minor amendments, as it were, while it means a lot. But as to remarks just made by the Member of Executive Council if we read the Bill over the second time we would'nt find so many grievances. When we read them the third time we get deeper and deeper to some of the things that we are told in most cases in the introduction of the Bills are straight forward. I agree that reading a proposed Bill a second or the thrid, or the fourth time is'nt too much, and as well as you can better understand and find the good so you got the same chance and opportunity of finding loop holes. The remarks that my good Honourable colleague just made in such astounding support, in the beginning of the attempt first to have our own currency, even though he was not a member of this Honourable House at that time, he felt that it was of the wisest and of the best attempts that this Government could undertake. It just brings out some of my remarks yesterday that don't look at the people on the outside as being short sighted, and they don't have enough common sense to know what is really good from what we probably could get along without, whether you call it bad or not.

Mr. President, listening atleast to a part of the Third Official Member's explanation on this, and further reading it, I quite understand and agree with these amendments. I can only give my support of this being brought here and ask that we consider this amendment as an important matter, but it is one thing that I would like to see after thirty years; we got a lot of our men still overseas, in the North American continent sailing out there as seamen obtaining American currency, as they earn money it is sent home deposited in the bank, and when John Brown wants fifty dollars out of that money that he so hard worked for he got to ask somebody permission if he can get fifty dollars out it and give reasons why he wants fifty dollars. I think its high time that, that should/ be abolished out of our system of Government. It might have been alright during the war or shortly after, but when you work for something, whether it be Japanese yen or what, it ought to be your privilege to have the use of it without having to ask someones' permission to whether you can get it not, and you can be denied, because when you got to ask permission for something it takes one of two answers, yes or no. Probably the answer could be from the Third Official Member that nobody has been denied yet, or we won't deny you. But that does'nt solve or cover all the problems; its one of two answers, yes or no, and/ when you are filling out an application, when you are asking for something, then you can be told either of the two, then if you are told no, what are you going to do about it.

A little bit off from what the proposed amendment is calling for just thought that I would use this opportunity of injecting my feelings as in connection with that Mr. President, but I give my whole support to this Bill or to this amendment, I see nothing as it were wrong with it at this time, and I trust that it will work as smooth and as helpful as was the intention of bringing it to this House for this amendment.

Thank you Mr. President.



MR. CLAUDE M. HILL: Mr. President, Honourable Members, I rise in support of this Bill, which seeks a Law to amend The Currency Law of 1974. After listening to the Third Official Member outlining and also reading the memorandum of objects and reasons it is a desire, in my layman's way of looking at it to encourage the circulation and use of the Cayman currency, and the amendment to Section 11 of the Law 1974 is an amendment which I feel will play a very active role, or take an active part in future use of American money or Cayman money in general. I do not see where anyone should be at a loss here when it is so clearly outlined to us why this Bill came to the house. Members have spoken of it as a good Bill and I am very pleased that I participate in also speaking good of the Bill.

Let us together try to make the best use <sup>uses</sup> or of our ability in representing the people of these Islands, where there will be <sup>gainful</sup> opportunities in the future for the people in regards where <sup>money</sup> or monies are concerned.

I thank you, Sir.

CAPT. A. A. REID: Mr. President, I give my support to the Bill, but I am afraid what I am going to say may be take a different slant. Perhaps a warning to the people, who believe that things can go on indefinitely the way that they have gone on in the last ten years without all of their energy being put in it, and their moral support and everything else that is required to keep a country's success or prosperity going, its good relationship etc.

We are very fortunate to be able to have no control over our currency. There is'nt another country in the world that I know of except America, and she has introduced some controls in the last two years. Prior to '71 you could send any amount of money out of America without permission, today you can't send more than five thousand dollars without permission from the Treasury. All of the other Islands in the Caribbean have rigid control over their money, their foreign exchange, and we have to meet a balance of payment, and that balance of payment with us is primarily American currency. Now where does it come from, a few years ago we had a huge amount coming <sup>in</sup> on lands sale, every day almost, and we had a large amount coming in from tourism, both of them have been hit, we had a sizable amount of American money coming through our good sailors at sea, especially from Cayman Brac, and I think even that has been curtailed to some extent. So if we don't earn hard currency, and hard currency means American currency, we certainly won't have it to spend, and since nearly everything we eat comes from America, even the things that we should grow here, we now find that we are buying it from Costa Rica and America, both hard currency.

And I say to the people of Cayman, which includes me too, that everyone of us owe this country this thing we polite to the American, or Canadian or English tourists who come to our shores, <sup>don't</sup> be nice to them it does'nt cost you anything to smile with them, <sup>the way</sup> interfere with them in one way or the other with <sup>the way</sup> they live, that is their business, how they chose to conduct themselves on the beaches if they want to go with bikini bathsuit, that is their business and if you pass them on the road offer them a lift, if they don't want it, if they are taking exercise, it doesn't hurt you any, if they are even going out of your way, it would be a good thing to drop them there, I have <sup>have</sup> done it many a times. It is one of the sources of our income that we <sup>have</sup> to watch and nurture now, and I also think that the restaurants would do well, particularly the restaurants in watching their prices, the other night I took my daughter and her daughter and my wife to one and we paid eight dollars for a bottle of Matuse, that I buy for two-forty. when I buy a case. It is my belief I am going to check on that, that when they buy ten or fifteen cases, which I am sure they do, they probably get it for two dallars or two-twenty, and I think that is too much profit to be made on a bottle of wine.

CAPT. A. A. REID CONTD.: There is nothing wrong with the Bill and there is nothing wrong with us having our currency, I think it is a very good thing, but I reiterate, that very few Americans or foreigners can work out exchange, especially the Americans it puzzles them more than anybody else, because they never been use to anything but the dollars and cents in their country. In England while she had <sup>the</sup> pounds everybody was so close to the decimal countries, it was easy for an Englishman to operate in French or Belgium or German currency, not so with the American, he is handicapped, has always been and will always be, and I feel that even now it would be sensible for us to call our dollar ten shillings, do as the British have done; they still have the pound and their silver is the decimal, their new pence they call it, we could <sup>still</sup> leave our silver where it is, and the next time we print money call in our old currency and either call it ten shillings or make it equal to the American dollar, nobody will lose a penny.

The intrinsic value of the money you have in your home or in the bank will be there, plus twenty percent extra, if the dollar is changed over into American currency. I really think it would help.

We don't have too much in this country to offer the tourist, I am sure we all realise that, except our smiles, and our wonderful beach, which nature has so blessedly taken care of. The Ecuatorial current keeps our beach clean, and where everybody else is sweeping up beaches very morning, our beach remains clean. But recently I have known of three cases where some of these boys have molested people on the beach, and that is something for the Tourist Board, or the man who handles tourism to look into. We don't want that to happen, especially with the name that the Caribbean has developed for itself in the last eight or ten years. I can name one little one that is very much like Cayman St. Croix, it was so much like it that the first time I went there I was in a hurry to get ashore just to explore the place to see what it was really like, the people, everybody were just like Caymanians. They <sup>have</sup> chased everybody away through, well we all know, I don't want to repeat it black power, it is a ghost town now, it was a booming country three years ago, it is now a ghost town, so that I say again to Caymanians you cannot be too nice to the people that come to your shores, and if you pass them on the street, and it is raining, slow down, don't drive at ninety miles an hour through water. It doesn't cost anything to be polite, it is fortunate that I have seen several letters in the paper recently, that have spoken of the politeness and friendliness of the people, and it is my hope and prayer that it is kept up.

I thank you, Sir.

MR. PRESIDENT: If there are no further speakers, I shall ask the Honourable Financial Secretary to wind up.

HON. V. G. JOHNSON: Mr. President, perhaps the first notes sounded by the last speaker, although it had very little bearing on the amendment before us was the most important thing said here this morning, balance of payment position. I would like to say that if Members review my last budget address dealing with the economy and balance of payment you will see that perhaps one of the main reasons, and this was never questioned, why I ventured deeply into the field of agriculture to recommend its promotion and development was <sup>the</sup> fear I saw ahead with adverse balance of payment position, and <sup>that</sup> the only way in which we could avert such a crisis in time to come, was to be a little more self sufficient, and this could only be achieved through the encouragement of local industries, agriculture and other forms.

HON. V. G. JOHNSON CONTD.: So the words of the last speaker are words of wisdom as far as the trading position of the Cayman Islands is concerned. A few years ago there was no fear, the foreign currency position was quite good, we earned much more than we spent. I am afraid that today the position is not quite that bright, and so we have to give much thought to this as years go by.

Secondly Mr. President, as Civil Servants we do not glory in compliments, but we like and appreciate any remarks for our work when that work is worthy of such consideration, and when the Honourable Member from Bodden Town was speaking my mind went back to the original Currency Committee which did all the preparatory work for the introduction of the Cayman currency. Our Clerk of the Legislative Assembly here was secretary of that committee, and there is one member who would have liked today to hear those compliments, unfortunately he is now just blessed memory. Other members of the present Currency Board I am sure will like the compliments which were paid.

Mr. President, I quite agree that the amendment especially in Paragraph C could have been brought about before, and in fact it could have been the subject of inclusion in the Currency Law 1974, when that Law was introduced towards the end of March 1974. Members will recall that there was a very tight schedule in which to produce this Law, that is The Currency Law 1974 in order to effect the change<sup>over</sup> of parity of the Cayman dollar from Sterling to U.S. dollar to be effective on the first of April, 1974. There was great significance for this date, because it was a date when Sterling guarantee arrangement in <sup>the</sup> United Kingdom was up for revision, and therefore a suitable time for the switching of the parity of the Cayman dollar. And so all aspects of the Law could not be seen at that time; the twenty-five dollar proof coin was in circulation, and perhaps it has been used as legal tender without proper authority.

Nevertheless we do discover these things from time to time, and certainly it is just a year now since the Law has been introduced, and I don't think anyone has been put to any disadvantage because of the fact that the twenty-five dollar coin was not covered as legal<sup>tender</sup> by Law. The one hundred dollar coin has<sup>not</sup> been put in circulation as yet so the Law will be provided in good time for that particular issue. With those words Mr. President, I now ask Honourable Members to accept the second reading of the Bill.

QUESTION PUT: AYES

MR. PRESIDENT: THE AYES HAVE IT

BILL GIVEN A SECOND READING

COMMITTEE THEREON

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED: HOUSE IN COMMITTEE

CLERK: CLAUSE 1 SHORT TITLE AND COMMENCEMENT

QUESTION PROPOSED:

HON. V. G. JOHNSON: Mr. Chairman, I would ask for an amendment of the words to be added at the end of the second line of Section 1 "THE GOVERNOR BY Notice published in the Gazette". In other words it would read "this Law may be cited as the Currency (Amendment) Law 1975 and shall come into effect on a day to be appointed by the Governor by Notice/<sup>published</sup> in the Gazette".

QUESTION PUT: AGREED: CLAUSE 1 AMENDED

CLERK: CLAUSE 2: LAW 1 OF 1974 AMENDED

QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: A LAW TO AMEND THE CURRENCY LAW 1974

QUESTION PUT: AGREED: TITLE PASSED

HOUSE RESUMED

REPORT THEREON

BY HON. V. G. JOHNSON

SUSPENSION OF STANDING ORDER 54

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED: STANDING ORDER 54 SUSPENDED

THIRD READING

CLERK: THE CURRENCY (AMENDMENT) LAW 1975 THIRD READING

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED: BILL GIVEN THIRD READING AND PASSED.

THE POOR PERSONS (LEGAL AID) LAW

INTRODUCTION AND FIRST READING

CLERK: THE POOR PERSONS (LEGAL AID) LAW INTRODUCTION AND FIRST READING

MOVED BY HON. G. E. WADDINGTON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED: BILL INTRODUCED AND GIVEN A FIRST READING

SECOND READING:

CLERK: THE POOR PERSONS (LEGAL AID) LAW SECOND READING

HON. G. E. WADDINGTON: Mr. President, I beg to move Sir, the Second Reading of a Bill entitled The Poor Persons (Legal Aid) Law.

Mr. President and Honourable Members, this Bill is yet another in the series of Bills designed to upgrade the administration of justice in the Islands, and although this Bill does not directly concern the jurisdiction or the procedures of the Courts it is nonetheless an important cog in the judicial machinery as it is designed in order to insure to a large extent that no one will, because of poverty be denied legal representation before the Courts in certain criminal and civil proceedings.

Although there is at present provision for legal representation of poor persons in civil proceedings, there are no provisions for legal representation in criminal cases, except in two cases, namely in a case of murder or manslaughter. Mr. President and Members, in most enlightened countries of the world today legal representation is afforded to persons accused of criminal offences, who by reasons of lack of sufficient means are unable to provide themselves with such representation. Because of these provisions in other countries the accusation cannot be made that a person has been denied of justice, because he has not been able to afford an Attorney to defend him, and so it is considered that in the light of the modernization of our judicial system on which we are embarking that it would be desirable that similar provisions be introduced in the Islands.

Now Clause 3 of the Bill enables the Court, if it appears to the Court that a person is charged before it with one of the offences set out in the Schedule to the Bill, or that that person desires to take or defend the legal proceedings in the Grand Court, which means civil proceedings, and if it appears to the Court that such person has not the means to instruct a legal practitioner to advise or represent him in any such proceedings, then the Court is enabled to grant to such person a certificate entitling him to free legal aid, or as the case may be subsidized legal aid for the preparation of his case and generally throughout such proceedings/right through to an appeal if necessary.

HON. G. WADDINGTON (CONTD).: The effect of the certificate will be that the person to whom it is granted, shall have assigned to him the services of one or more, subject to the approval to the Court, legal practitioners, who shall be entitled to such fees as may be prescribed and such travelling and other expenses incurred in the investigation and conduct of the proceedings as may be certified by the Clerk of the Courts to have been reasonably<sup>so</sup> incurred. And in order to prevent an abuse of the issue of the certificate there is a provision for<sup>a</sup> penalty of two hundred dollars, or imprisonment up to three months for any person who by misrepresentation as to his lack of means obtains a certificate.

The Bill is a very short one Mr. President and Members, the Schedule contains the list of offences, criminal offences in respect of which certificate may be granted and there is an omnibus clause at the end covering any offence which is punishable with imprisonment for a term of fourteen years or more. I am sure Mr. President, that Members will welcome this Bill; if it is passed it will place the Cayman Islands in line with other up-to-date enlightened countries, which provide this sort of representation for persons who are unable to afford to employ Attorneys to represent them.

It is a very short Bill Mr. President and Members, and normally it would be a Bill which I would ask that it be taken to a Committee of the whole House at one sitting, but as it does form part of the series which we are endeavouring to have passed, I<sup>think</sup> it should be dealt with in the same manner as the other Bills, and for that reason I would hope that Members will not treat it at this stage as controversial, and that they will consider it, give it favourable consideration and pass the Second Reading.

SECONDED BY HON. D. V. WATLER

QUESTION PROPOSED:

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I rise to support this Bill seeing what it seeks, and listening to the Second Official Member outlining the objects of reasons of this Bill

The upgrading of justice in the Cayman Islands, where legal representation for poor persons with civil suits will<sup>be</sup> dealt with, although on our statute books at present we do have a Law which takes care, as he said of certain proceedings under Cap 127.

This Law seeks to aid people who have committed crimes, and wishing for an appeal against the conviction of such<sup>a</sup> crime, and as is practiced in most countries, and considered very useful as he said, it leaves<sup>and those concerned with the accused</sup> in the minds of the accused, that there is no advantage being taken if they are by no means in a position of obtaining a Lawyer or legal adviser. Government will willingly assist in giving them aid in representing themselves under certain cases in Court

MR. CLAUDE M. HILL (CONTD.): It is a fact that we here in these Islands have encountered quite a bit of this. I would not say it was 'nt/<sup>done</sup> in a manner where it would be considered unjust, but he is now seeking to extend for further representation for poorer persons, who are incapable of retaining a lawyer.

I feel it is a very important Bill in the upgrading of justice in these Islands, and with that Sir, I wholeheartedly support this Bill.

And I thank you.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I too support this Bill.

I have gone to Court, and I have seen poor accused people there, who having/<sup>paid</sup> certain lawyers the sum of two hundred and seventy-five dollars, and because the lawyer wanted another twenty-five or fifty the man say that he does 'nt have any more money, the Attorney-at-Law quietly withdrew this, no more to do with your case, finished with you.

I am sure the Judge felt so sympathetic in the circumstances that the man although he was guilty, he imposed the very minimum sentence. Now Mr. President, while I do not condone wrong I feel that people who are accused of crimes should have a fair chance. And it is virtually impossible for an ordinary person, but I will agree that criminals are not ordinary, most/<sup>of</sup> them have a tongue that they could confuse any lawyer some are very smart, but the ordinary poor ignorant criminal should have somebody to defend him.

I do not pride myself as being such a high-falutin Attorney-at-Law, I pride myself as a very ordinary humble human being, and I do not like to have anything to do with criminal cases, but in some instances I have been tempted to help those who I consider as being taken-in. I usually go to Court with people on civil cases, most of which I never get one penny for, because I feel in most instances they have 'nt got the money to pay and they should not suffer, just because they happen to be on the poorer class list. I remember going to court with a lady for ten long days, I fought one of the most eminent land lawyers in the Cayman Islands, I won the case after a battle, having my name torn to shreds by that lawyer and the lady promised me if I won the case she would give me one hundred feet of the land, which I was fighting to get. I did 'nt put it on paper, I didnt sign any contract, I took her to be a woman of her words. When the case was all over she said you know what you get married and I will give that hundred feet of land as a wedding gift, unfortunately I have not discovered the man yet, so I am out of both my money and the land. But be that as it may I feel Sir, that we should give protection to people who cannot protect themselves.

Now I wondering Mr. President, if this Law/<sup>will</sup> also apply to who we term foreigners, or is it strictly those criminals must be Caymanians, because in some instances I have seen foreign elements come here who have broken our Laws, and some of them are able to protect themselves, some are not. Does this Law also include people who come here who have broken our Laws? I feel after all they are human beings, and they too should have some aid, after it is discovered that they do/<sup>not</sup> have any money to pay an Attorney-at-Law.

MISS ANNIE H. BODDEN (CONTD.): I feel Sir, it is a good Bill. There might be some little paragraphs in it which we might need more explanation on, and which can be explained, but we must seek to help those who are unfortunate, and after all a criminal is an unfortunate person. It is something radically wrong with their brain, their minds, their thinkings, their surroundings, or something wrong with them. And you know they have families most of them, and the people can feel, well they are being taken advantage of, because we are poor, because we are only on the fringe of society etc. Such feelings are expressed and very loudly to the public. I remember a case that was going on not too long ago, and when the sentence was passed, which I think was a very deserving sentence to be passed on such an act. Some of the people outside rebelled, we are going to kill so and so. So and so done this not my brother or my son, as the case may be, he didn't have a fair chance. Such accusations are always heard

And I feel Sir, this a good Bill to protect those who are accused of crime. We should not in any way try to push under the down-trodden, we should lift them up if possible, and I think one of the first ways that we can help them to build up themselves anew is if we have to take them to court, and they have proper representation that they get a fair sentence, that there can be no question that the Government, or the public or any individual may be trying to trample them, because they are not up to the scratch, they are not the elite of society.

Therefore Mr. President, I feel that I would not be doing my duty, if I did not agree with such a Bill as this, provided when it goes to the Committee Stage that we can iron it out, and if there is anything into it that should be corrected I feel that the able Attorney-General, will be able so to direct us.

Thank you Sir.

MR. JOHN D. JEFFERSON: Mr. President and Honourable Members, I rise in support of a Bill to make provision for legal aid to poor persons.

The Memorandum of Objects and Reasons; the Law of the Islands makes provision for legal representation of poor persons in civil suits by the Poor Persons (Legal Proceedings) Law (Cap. 127) but there is no provision save by very restricted Rules of Court for providing legal aid for poor persons accused of grave crimes or wishing to appeal against conviction for such crimes. Such provision is made in the legal systems of most countries and it is considered that it is desirable that it should be introduced in the Islands. The opportunity is taken to consolidate this Law with Cap. 127.

As I sit here in this Chamber many days Mr. President, listening <sup>to the</sup> experts expounding on the system, thinking about what is wrong with it, what should be done, I am happy to say that we have here this morning a Bill before us that makes provisions to see that every person in these Islands have an opportunity of being able to be righted in Court. This Bill Mr. President, is a Bill that in my opinion does what is needed, and a Bill that would only come in a Democratic Society, something such as ours. The point I want to make is that in a system where nothing seems to be done right, as so often said I want to say here this morning that this Bill speaks for itself.



MR. JOHN D. JEFFERSON (CONTD.): The English system of Justice, Mr. President, all one might want to say about it, all one might want to criticize it, the fact that the English system of justice is the best system of justice in the world today. Like one master once said, there was criticism about various things, and quite a bit of criticism about the system, he said I quite agree, the only thing is the other system doesn't work. So thank God at least we have a system that works. In the English system I believe that the accused have a far better chance than is in any other part of the world. I have seen instances, in my opinion, where I wondered if the scale wasn't tipped too much, as the balance was not too much in favour of the accused. I cited a case here in the past, where in our Court a man was ably defended that the Crown was put, as far as I am concerned in a most embarrassing position. The Crown was in a position without any doubt in my mind,

to establish in a case of murder, they were able to establish if it could have been admissible in court, or if they could have been able to have it admitted in court as evidence would have made the case pre-meditated murder instead of manslaughter.

The defendant had one of the best Q.C.s., in my opinion that comes to these Islands, in addition to another Barrister. The Crown had one person, and as far as I am concerned the Crown was put in a very embarrassing position. One of those Barristers in my opinion would have been able to do the job well enough.

But I am glad that in our system we make provisions to give people accused, without <sup>the</sup> financial assistance a good opportunity to defend themselves. But the point that I was making, I don't believe that we should tip the balance in favour of the criminal, or the accused, and I hope in the future that these points will be well looked after.

The case was brought before the Court. The key witness made preparations to leave the Island. Evidence was taken by the Crown and no how in the world could the Crown even get its evidence admitted. The case was like during World War 11; a destroyer going out to battle, a battleship of the calibre of the Missouri, or some of Her Majesty's ships. He was out-gunned, out-manned and the balance was tipped in favour of the accused.

I whole heartedly support our system of justice, I have great faith in our legal system, I believe that this move spells out in detail the feelings of every Member in this Chamber this morning that we want to see that no under privileged person suffers for anything unless it is proved in Court he being given an equal opportunity to defend himself. But as I said, I trust that no time in the future will the Crown too be battling in a position of weakness, but it too will be able to battle from a source of strength. I have noticed in the past years, two years, there has been a tremendous amount of beefing-up. As far as I am concerned in the Crown's position, we have a gentlemen in the position of Legal Assistant, which I think does a tremendous job.

This morning Mr. President, at this very short Bill, I think it is a very important Bill, I think it is worthy of our support. I looked the Bill through and I like what I see, I see that while there is an opportunity for someone without financial assistance to get help, I am glad that the system is also, I believe fool proof, because it means that it will be investigated, and then there is a penalty for those that might try to misuse the assistance, or obtain a certificate without being in a position that the Law describes.

MR. JOHN D. JEFFERSON (CONTD.) I know in the Court this past year of an instance where a woman was accused, or charged with having in her possession ganja, she secured an Attorney, paid the amount. Later on the Attorney was banned, and the woman was forced to go to Court without having anybody to defend her at all. Money that she had paid one Attorney she was not able to be able to obtain that back which would have put her in a position to be able to hire another, that is'nt good enough for us, that is'nt good enough for the system in which we believe the society in which we live and which we pride.

We trust in the future, that these things won't be able to be practiced. I also see may be in connection with the Lady Member, that I trust, <sup>in</sup> instances like some years ago the crook that escaped our prison, won't be able to fall back on a position like this, to be able to take aavantage of this Government .

But Mr. President, I think it is a good Bill, and I support it to the hilt.

Thank you very much.

MR. G. HAIG BODDEN: Mr. President, Honourable Members, I see that Government is so sure that I have read this Bill a second time, and that I understand it, that they have ventured to put it forward at this time, even when they are only running at half strength.

Reading a Bill over and over does not guarantee my support. Today this is the second Bill we have dealt with , which I have given my full support to. Unfortunately, this has not been the case in the past. Some Bills have been presented to us quite recently the more I read them the more obfuscated I became. In fact one Bill was so undermined by the word "apparently" that the more I read it the more apparent the undermining became. But it is good to be able to commend the Second Official Member of Government for putting forward this Bill, which is in my view the only noncontroversial Bill in the package of six or seven Bills, which package is before this sitting. We had a Law on our books to provide legal assistance to people who came before the Court in civil suits, but it is of far greater importance to be able to afford legal assistance to the poor, if the poor person is accused of a grave crime, so the former Law which had been on our books for many years was deficient in that it made the necessary provisions for people to be given assistance when they were brought before the Court in civil suits, yet when they were brought before the Court accused of grave crimes for which the people could lose their liberty, there was no provision or assistance to the poor, with the exception as a Second Member for Government mentioned, if the person was accused of murder, or manslaughter the person could have some relief. This Law will remedy this situation.

We have a situation in this Island where manslaughter does not seem to draw as long <sup>a</sup> prison sentence as some of the other crimes mentioned in the schedule to this Law. So we are doing a good thing today when we provide people with the very necessary legal assistance, which they cannot afford to pay for. Today lawyers do charge very high fees, in fact in this Island it is only the very rich that can afford some of these high fees. I feel that no one should suffer in our Courts because he is unable to hire an Attorney. I always think back at my own my case. At the end of 1972 when I was accused falsely of some of the most dastardly crimes in the books, fortunately I was able to hire some of the best legal brains in the West Indies, and today I am able to stand here in this Chamber. It cost a lot of money, thousands of dollars, but I think I won a point for others who come after me, and others whose rights would be taken away if they are not able to defend themselves.

MR. G. HAIG BODDEN (CONTD.): And I give this Bill my full support.

I agree with this Bill in its entirety, particularly the parts of it that guarantee that the assistance which is rendered by this Bill will not be abused, people cannot just say I have done wrong I need help. The case will have to be examined by the Court, a Probation Officer will investigate the particular case, and depending on the merit, the Probation Officer will make a report to the Court, and then the Court in its good judgement will issue the necessary certificate to provide the free services of a capable lawyer to defend the accused. I heard what I considered to be some nonsense sputtered here this morning, about our Government in recent cases providing good legal assistance to criminals, while the Government was in a sense unrepresented, and the Member went to say he is not in favour in tipping the balance in the favour of the accused. His whole talk was against principles of British justice and against the justice system as we know it in the Western world. Our system of justice and the system practiced in the United States puts the responsibility on our Courts to give the accused person every reasonable chance to get away if he is innocent. Because the fundamental principle is that it is far better for ten guilty people to get away, than for one innocent person to suffer. If we are to give more than lip service to the principles of British justice we must afford to unfortunate people who come before our Courts the right to fair and free trial, if the person is unable to pay the extortionate prices that are now requested by the legal profession.

So Mr. President, again today for the second time, and I believe I am making history today to support for the second time fully everything in the two Bills that have come before us this morning.

MR. T. W. FARRINGTON:

Mr. President, I too rise in support of this Bill.

As a matter of fact after reading over the Memorandum of Objects and Reasons, I must confess that I did not know that there was aid for only a certain amount of (legal aid) for poor persons accused of grave crimes or wishing to appeal against conviction for such crimes. Now I thought that was always the Bill but I learn now that it is to be incorporated in this Cap. 127, and I think it is a good Bill, and it is one which could be commended, and to which I am happy indeed to give my support.

Thank you.

CAPT. A. A. REID:

Mr. President, I am so shocked this morning to hear the Member from Bodden Town agreeing with everything, and I am wondering if it is because he has'nt got his lieutenant with him this morning why he is so amiable. And I surprised too to hear him so willing to give away the Government's money, in such a free lance style.

CAPT. A. A. REID (CONTD.): I believe the Bill is going to be debated in the Third Reading, but just in case it isn't since this rebel has dropped all of his arrogance in everything that goes against Government Bills, that it may go through, and I am going to say what I think on the matter.

And I would like to know how far we will go with this spending of tax payers money. There must be some limit to it; are we <sup>not</sup> satisfied with the kind of defence they could get here. Are the lawyers in this country not qualified enough to argue a case in Court; will we always have to go to Jamaica to get a Barrister and get the best and most expensive one for that purpose, or would we even resort to going to Great Britian to get the best talent there to defend the man and would that same treatment apply to an expatriate working here, a criminal for instance. Would we have to go to Great Britian to get a Barrister to defend him in a murder case, then appeal it and go to the Privy Council and pay another one further expense. They are things that we would like to know how far we have to go, or will go or prepared to go, and why can't criminals be defended by our lawyers here?

I won't have any more to say until the Third Reading if it is being discussed. I will bring up the various points again.

I thank you Sir.

MR. CRADDOCK EBANKS: Mr. President and Honourable Memers, I don't know that the official side should feel a little bit funny this morning, I suppose they seem think that, this side as referred to, must have been out on a long night. But it brings seemingly the one opportune time that if you were as boisterous and determined <sup>the</sup> to kill Bills, particularly or motions that are brought from Government bench, it look like we could really use our opportunity this morning and not go so free in supporting the Bills presented to us. So it ought to answer itself we are not quite as reluctant of going in and studying the good, whatever it might be, whether a Bill or a motion for the benefit of the country.

Mr. President, we do have this Bill before us, and as has been pointed out by the Second Official Member that we will have the opportunity to go into these Bills, since they are apart of the other Bills that we went into a few days ago, and have them in a Committee stage, that whatever might be the odds and ends of objection we will have time of explanation and reasoning, and to whether there would be any room for any amendments to the proposed Bill.

So in the light of that, Mr. President, I support this Bill, and look forward to not too distant time when we will be able to meet in our committee stage to study these Bills, and go through <sup>them</sup> and do what we feel best about them, so I give my support to the Bill.

And thank you Sir.

MR. PRESIDENT: If no further speakers, I will ask the Honourable Attorney-General to reply.

HON. G. E. WADDINGTON: Mr. President and Honourable Members, it is very gratifying to see that this Bill has met with the universal support of Members of this House, and there is not much more that I can say in replying, except to deal with two points which were made, one by two different Members of this House.

The Lady Member for George Town asked the question does this Law also include foreigners who come here. Well the short answer to that Mr. President and Members is that any foreigner who comes to the Cayman Islands, the moment he lands in the Islands he becomes subject to the jurisdiction of our Laws, he has to comply with our Laws and therefore our Laws apply to him. And as Clause 3 of the Bill states "where it appears to any Court before whom there appears any person", so that if a foreigner came here and commit an offence contained in the schedule to the Law, and he satisfied the Court that he had not the means to defend him self, then he would be entitled to aid that this Law provides.

The second question was raised by the Second Member for the Lesser Islands, who was concerned with how far we should go with the tax payers money, and he particularly asked the question whether we should afford legal aid to people accused of crimes by getting the best legal brains from Jamaica or even from Great Britain. The answer to this Mr. President and Members is that the Bill speaks of assigning one or <sup>more</sup> legal practitioners to appear on behalf of the person charged. Now a legal practitioner cannot practise in our Courts unless he is on the roll of our Court, either permanently or temporarily. And the Bill contains provisions for rules <sup>to be</sup> made by the Judge of the Grand Court for prescribing the fees to be paid, and for the better carrying out of this Law, and the present Law has similar rules under which a roll of legal practitioners who are prepared to accept these assignments is compiled. It is not every legal practitioner that the Court can call upon, and say well you should appear for an accused.

What happens in fact is that the legal practitioners are asked to submit their names for inclusion in this list, and when that list is compiled, then the Clerk of the Courts <sup>goes</sup> through the list by rota and assign members from that list to represent an accused person. Of course, it would be open to the Court, in the discretion of the Court, if for any reason it was not possible or practicable for a local legal practitioner to appear, the Court <sup>could</sup> in its discretion assign a legal practitioner from abroad Jamaica or elsewhere who would be admitted temporarily to the roll of practitioners. So that by and large the matter is one for the discretion of the Court, and in practise as I have said there will be this list of practitioners who have volunteered to do this sort of work, and in practise the practitioners will selected from such list.

There is nothing more that I can say, Mr. President and Members, except to gain move the Second Reading again of this Bill.

QUESTION PUT: AYES

MR. PRESIDENT: THE AYES HAVE IT

BILL GIVEN A SECOND READING

HON. G. E. WADDINGTON: Mr. President and Honourable Members, in accordance with the procedure adopted in the other Bills, I would at this stage move that this Bill be referred to a Select Committee of the whole House, in accordance with Standing Orders 55(b) and 62.

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED:

BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE

MR. PRESIDENT: In accordance with Standing Orders 62, I hereby appoint the Honourable Attorney-General as Chairman of the Select Committee, and in accordance with decisions of the Assembly on the earlier Bills the quorum will consist of at least seven Members.

AT 12:35 P.M. THE HOUSE WAS SUSPENDED

AT 2:30 P.M. THE HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

THE SUMMARY JURISDICTION LAW

INTRODUCTION AND FIRST READING

CLERK: THE SUMMARY JURISDICTION LAW INTRODUCTION AND FIRST READING

MOVED BY HON. G. E. WADDINGTON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED: BILL INTRODUCED AND GIVEN FIRST READING

SECOND READING

CLERK: THE SUMMARY JURISDICTION LAW SECOND READING

HON. G. E. WADDINGTON: Mr. President, I beg to move Sir, the Second Reading of a Bill entitled The Summary Jurisdiction Law.

Mr. President and Honourable Members, this Bill is yet another, and an important one in the series designed to provide a modern system for the administration of justice in the Islands. The present Law which deals with the appointment of the Stipendiary Magistrate, and sets out his jurisdiction, is wholly unsatisfactory. Under that <sup>Law</sup> which is the Judicature Stipendiary Magistrate Law, the Stipendiary Magistrate is required to attend the Petty Sessions Courts and the Petty Court in Grand Cayman and in Cayman Brac.

However, under the Judicature Administration of Justice Law, the Stipendiary Magistrate is <sup>also</sup> designated as the Judge of the Grand Court. Obviously, he cannot perform, or exercise all of these jurisdictions at the same time, and if indeed he did exercise his jurisdiction in the Petty Sessions Court, difficulties would arise in the case, in case there was an appeal from that Court to the Grand Court, because obviously he would not be able to hear the appeal himself, and it <sup>would</sup> necessitate bringing in another judge from some where else to hear the appeal.

Now this anomaly has up to the present time been overcome by exercising the powers given by Section 5, Sub-Section 1 of the Judicature Stipendiary Magistrate Law. Under that section the Governor can appoint a person to act temporarily as Stipendiary Magistrate on the grounds of expediency if it appears expedient, and so that is the section which has been made use of for the appointment of our Magistrates, and a person so appointed has all the powers of the Stipendiary Magistrate, except that he may not preside over the Grand Court. Now that, to my mind, Mr. President, and Honourable Members is an unsatisfactory state of affairs, and ought to have been remedied long ago, but it has been allowed to persist up to the present time.

Now this Bill will put an end to this anomaly for one thing, by providing for the constitution and the jurisdiction of a Magistrate's Court, and for the appointment of a Magistrate who will in practice preside over that Court, and in so presiding he will sit, either alone or in criminal cases he may sit with one or more Justices of the Peace. And just as at present also, any two Justices of the Peace may also exercise the Criminal Jurisdiction of the Court, but their powers will <sup>be</sup> subject to restriction by the Judge of the Grand Court, and I should think that in practice the Magistrate's Court would be presided over by a professional Magistrate.

Now the qualifications for the appointment of the Magistrate is set out in Sub-Section 2 of Clause 6 of the Bill, and it reads as follows "that any person qualified to practise as a Barrister or Solicitor in England or in an equivalent capacity in a Commonwealth country approved by the Judge as having comparable standards for call or admission to practice and has so <sup>practised</sup> for not less than five years, such a person will be qualified for appointment as Magistrate", and I think it is only right that the person who is appointed to be Magistrate should be a person of the calibre indicated in the Sub-section. At least he would have had at least five years practice at the bar, and would therefore have had some legal experience.

HON. G. E. WADDINGTON (CONTD.): The criminal jurisdiction vested in the Court is set out in Clause 13 of the Bill, and that jurisdiction is as follows "that subject to the provisions of this Law, and the Criminal Procedure Code Law, the Courts shall have jurisdiction to try summarily any person charged with a criminal offence in respect of which jurisdiction is by any Law expressly conferred upon a summary court or it is expressly provided or implied that such offence may be tried summarily". Well that is the position at the present time, except that at the present time there are certain specific sections of criminal law which are set out as being within the jurisdiction of the Magistrate, so that this is a somewhat wider jurisdiction than exist at present. At present his jurisdiction is restricted to the <sup>specific</sup> sections of the Law mentioned in the Judicature Stipendiary Magistrate Law.

In addition to this jurisdiction he will have jurisdiction to hold preliminary inquires, and to commit accused persons for trial before the Grand Court, which is the same as at present, and there is also provision for him to deal with persons apprehended within the Islands under the EXTRADITION Acts. Now in addition to the criminal jurisdiction of the Court, the Courts will have a civil jurisdiction in proceedings arising, whether arising in contract or in tort, or in both, and in respect of trespass to land, where the debt or damage claimed does not exceed a thousand dollars, and in which no question of title <sup>of any</sup> real property arises. And that is more or less the position at present in the Petty Court, where the Stipendiary Magistrate has the power to take civil proceedings, but his jurisdiction there is limited to an amount of two hundred pounds or four hundred dollars. And in its civil jurisdiction the Magistrate must sit alone, in other words Justices of the Peace would have no civil jurisdiction, the Magistrate would have to exercise that jurisdiction sitting alone.

There is provision in the Bill for appeals from the Magistrate's Court, and appeals will lie, in both criminal and civil matters to the Grand Court, and of course from the Grand Court, there is a right of appeal from <sup>all</sup> judgements of the Grand Court to the Court of Appeal, and from thence to the Privy Council, so that a matter which starts in the Magistrate's Court can end up in the Privy Council, by way of appeal.

The Bill repeals all the existing provisions for the exercise of Summary Jurisdiction which will hence forth be exercised by the Magistrate's Court, but they are saving provisions in order to save all the existing procedures forms and fees and so, until such time as new provisions are made by the Rules Committee to be constituted under the Grand Court Bill. So here again this <sup>is</sup> one of the Bills, which are inter-linked or inter-related with the other Bills, because as Members will recollect, the Grand Bill provides for the setting up of a Rules Committee, to make rules under the various Laws, and they also have the power to make rules for the Summary Court.

There is hardly much more that I can say Mr. President and Honourable Members. The Bill ought not really to be too controversial, because in effect it is merely consolidating and re-enacting provisions which to a large extent exist at the present time, and as this is an important Bill in the series, it will be <sup>the</sup> charter for the Summary Courts. I recommend it for the favourable consideration of the House.

SECONDED BY HON. D. V. WATLER.



QUESTION PROPOSED:

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I rise to make my small contribution to the introduction of this Bill.

In my layman's way of looking at it it is an important Bill. The Law deals as the Second Official Member stated setting out of the duties of the Stipendiary Magistrate, and I am sure that we can fully trust his guidance, and as he said it is not much; that he who is our legal advisor at present can say on the Bill, more than what he has just said, and I am sure that this Bill will go to committee, and I suppose he will be the Chairman of that committee; we will be guided as we go along in the committee, dealing on matters that we don't know about, and matters that we think that we know about. And with that Sir, I whole heartedly support it in this present form.

Thank you Sir.

MR. G. HAIG BODDEN: Mr. President, Honourable Members, there can be no doubt as to whether there will be an attack on this Bill, the only wonder can be from what angle the attack will come.

I see that Government has brought out all the available reserves in anticipation of a heavy fight. They shall not be disappointed. This Bill is a part of a series of Bills that have been attacked over the past week. The only reason why it will get some semblance of fair treatment is because the battle has been won on the Bills which preceded this one. I too brought in my lieutenant who was absent this morning for this attack.

The crux of our contention on all these Bills has been that there is too much change too fast, neither the public nor the officers of the Court have been prepared for these changes. Once the Grand Court has been remodeled it is only axiomatic that the Summary Court should also be remodeled. This remodeling does not seem to be as far reaching as the remodeling of the Grand Court, it is more like the Second Member said, "a consolidation of different procedures, which had created anomalies in the past". But there are certain defects in this Bill, which cannot go unnoticed. One of these defects is in Section 12, where provision is made for Justices of the Peace to sit along with the Magistrate.

But before I deal with that defect, I would like to pay tribute to the part played in the past by the noble people who have filled the offices of Justices of the Peace. From time immemorial the Justices have performed many functions in our Island, they have acted as judges, they have acted as officers for the administration of votes, and they done all of this well. What perturbs me at this moment is that these people are not now treated, neither by Government nor by the public with the respect which is due unto them. They have performed valuable services, they have done it free of charge, they have done it proudly. Perhaps it is just the trend of the times that we tend to ignore those people, whom we feel that we could <sup>get</sup> along with better if they were not here. This Law abolishes the Justices of the Peace Law Chapter 77, and the Justices of the Peace Law Chapter 78. Nevertheless, it has in it the saving provision whereby Justices are retained, perhaps in a lesser degree.

Mr. C. HAIG BODDEN (CONTD.): This idea of ill-treatment to the Justices started several years before your arrival Mr. President and it is now common knowledge that the Justices of the Peace are ignored when it comes to social functions, both Governmental and private. If a Justice of the Peace is invited it is probably because he is/ <sup>the</sup> member of tourism, and not because of his capacity as a Justice of the Peace. Our Justices have been over worked, in that they have been called upon at all hours of the night and day to administer oaths, to probate documents, services for which they receive no pay, on the other hand our Notaries Public's are well paid for the signatures which they affix to certain documents, and it is time that we do something to bring back the honour of the Justices of the Peace. I am not at this time advocating pay for these people, but I believe one thing that they would appreciate, is to be put on the pensionable establishment of this Government. Most of the Justices of the Peace, with the exception of the Justice for East End, are people that are well advanced in years, and undoubtedly would appreciate if after ten years service they could be given a small gratuity. To further enhance the status of a J.P. we ought to provide them with seals or rubber stamps, so that there could be some officialdom about their signatures. I feel very strongly about this, because it is quite possible that anyone could forge the signature of a J.P., particularly on a document that was intended for use abroad. All our J.P.s are able to do, is just sign a document with an ordinary signature, like any other ordinary purpose, and when that document goes abroad, the people who handle it, do not know of the high station of our J.P.s' Furthermore it help to eliminate forgery of signatures.

This Island being a very small place, all of our J.P.s are well known, and if Mr. Tom Black is a J.P. every body knows Tom Black's signature. But if these documents travel abroad, there should be some mark of authority on the document to show that Mr. Black who executed the document was a person authorised by this Government to such a thing. A Notary Public has his seal of office, which stamps his document with the symbol of his high office. We could at least provide such a utility for our local J.P.s. This is a thought I am throwing out just to provoke the minds of the sleepy Members.

Now to come back to Section 12, which makes provision for one or more Justices to sit along with a Magistrate, it seems that we could have done a much better job on this section. I read in it that if there is a difference of opinion, the opinion of the Magistrate shall prevail. The question I want to ask why do we bother to have the Justices along? This is definitely not democratic, it is not in keeping with the principles of justice which this Law is trying to enshrine upon our books. Whenever a Court meets, and there is a multiplicity of judges, it is common procedure for the majority verdict of the judges to rule, but here we are setting up a situation, where you may have two Justices and one Magistrate, and the opinion of the Justices would not be worth the paper upon which it was written. I do see that the section does grant them the courtesy of recording their dissenting opinion, perhaps for posterity to see. The uselessness of having Justices on a bench where their very presence seems to be superfluous. This appears to me to be the worse section in the Bill, and it appears to be the worse treatment that has ever been handed out to the Justices of the Peace in this Island. I know they are some people who believe that if two people agree on anything the other person is'nt needed at all, but I don't think that is democratic.

MR. G. HALE BODDEN (CONTD.): If we have bench made <sup>up</sup> of three judges (I am using the term loosely) the majority opinion of the judges should rule, and when this Bill goes to its committee stage, I will make every effort to take out this clause, to take out the line that says "the opinion <sup>of the</sup> Magistrate shall prevail", and put into it that the opinion of the majority shall prevail.

I agree with the introduction of this Bill, one would only have to listen to Second Official Member to know that such a Bill is necessary, but there are many defects to be remedied in this Bill, but because from 10 o'clock I have been practising my good behaviour, I will speak about some of the things that I think are commendable in this Bill.

I notice in Section 10 that provision is made for the Governor to hold officers of the Court responsible for their duties, and for the accounting for and payment of all monies received by them under this Law. This is a very good point. In fact I would say that this section could be broadened, and the same principle could be applied to the whole Government service, by that I mean that the time has arrived for Government to look into the funding of all Public Officers, who handle the Government's money. This is common procedure in all businesses. We have been very fortunate in our Government that up to the present time no money has disappeared from it, but money can disappear in these Islands. We had an instance quite recently when the assets of an entire bank disappeared. So we must look at the bonding of Public Officers who collect money, and who spend money for this Government. I imagine the easiest way to do this, would <sup>be</sup> for Government to find out a good Bonding Company, and to make a blanket arrangement, whereby each public servant could be bonded. The cost would very small, but the protection would be great, not only for Government, but to the person concerned. In the case of shortages Government would refer the matter to the bonding company, who would immediately put up the money for the Treasury, and the bonding company would then <sup>have</sup> to deal with the person who had created the shortage. So the idea behind Section 10 is a good one, perhaps, such an idea had been in the old Law.

One other Section of this Bill seems to make provision for proper records to be kept in the Courts. I can remember hearing at some time in <sup>the</sup> past that when the new Court House was built, we would then be able to keep proper records, we would have a place to store them, but I don't believe the situation has improved much. The system is just as <sup>old</sup> as it has ever been, and the loss of records from the Courts office has been a grouch with all those people that have to deal with Court cases. I have heard of many instances where the records and the files had been lost, and if Section 27 of this Bill is properly implemented this should greatly increase the facilities for record keeping, and give a guarantee that records would not disappear in the future.

This Bill is certainly needed, for that reason I can't be harsh on it. The Members for Government this morning had to admit, although not by words, that we <sup>do</sup> read Bills the second time, and when-ever we take the opportunity to read them a second time our understanding is greatly improved, but the many times a Bill is read does not improve the understanding, if the Bill itself is defective, like so many Bills have been in the past. I look forward to tearing this apart clause by clause as we go through it in the committee stage, and will guarantee that it will receive a true washing along with the other Bills in this series.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I support this Bill up to a point.

But there are certain sections in it that I cannot agree with. What really startles me is; how at this late stage we have discovered, after these many years that all our Laws pertaining to Courts, they are so defective. Now, Mr. President I agree that they can stand some improving, but I can't really readily accept that every thing we have done in the past was not up to scratch.

Now Mr. President, commenting on these Justices of the Peace, I would say they done a noble work. Now the only aspiration I ever had after nineteen-sixty - (I was sick for five years Sir, and God raised me up) - was that I should like to be a Justice of the Peace, well it never came my way. I was appointed a Notary Public, and I have tried to perform that to the best of my ability. The Notaries Public are not handsomely paid, like has been suggested, they receive one dollar or ten and six-pence it was, if they have to charge. They must have been very important people in the olden days, because the <sup>Law</sup> dates back very far, and from that time the fee was ten shillings and six pence, which it still is today.

Now, Mr. President, as I have said, Justices of the Peace have played an important part in the administration of justice in these Islands. And in those far off days, they were men of high repute, not even women were allowed to stand on the inner sanctuary, they had to stand a far off, until modern days some women had the honour of being elected as such. And I must agree with the Member from Bodden Town, who said that "they have been completely ignored for their services". Not one to my knowledge has ever been honoured by Her Majesty the Queen, not one has ever had any recognition in the social life of our Island and Government. I have a good friend that is Justice of the Peace, and when ever any big social, or visit of any ship, or visit of any high person, they don't even know about it, they are completely ignored, and I do not think that is good enough. I feel that they should get their due reward, and the least they can get is to be able to meet with the dignitaries that come this Island.

Now I see Mr. President, in paragraph 8. 'the Governor may direct at any time that the name of any Justice of the Peace, or the entry in relation to any public office, be removed from the Roll of Justices of the Peace; and upon such removal being notified in the Gazette, such person, or the holder of such public office, shall cease to be a Justice of the Peace'. Now, Mr. President, that is putting it very broad, it does'nt say they have committed a misdemeanor, or they are too old or what, just the Governor may direct. Now I feel Sir, in the person of yourself, you would take it your business to have some investigation, because for instance if I were a Justice of the Peace and somebody did'nt like me they could get it engineered some where around that I be struck off the roll immediately, I might not even have a chance to defend myself. And I think Sir, that should not remain as it is.

I agree Sir, that if this Bill can improve the keeping of records in our Courts office it will have accomplished a great thing. Because Mr. President, the records in our Court are not kept in a manner in which they should be kept.

MISS ANNIE H. BODDEN (CONTD.): Now I have to compliment the Registrar of Lands, at the old Court House for the efficient manner in which he and his staff keep their records. You can go there day or night, and say I want the map number so and so, without any trouble, it is taken<sup>out</sup> and shown to you, you get the information you require, not so at the Courts Office. You go there, you'll want a case that was heard a couple of years ago, it will take may be two or three weeks to discover where that file is, if it is ever found, sometimes it is not found. And I would really agree that we must have a better filing system, but putting a Law on paper is not the answer, the answer is action, putting men and women in the office to do the job, and having the office staffed properly. Now I am not laying any aspersion on those who work there now, I am saying that particular office is under staffed, and I would agree that if we put more personnel there, and they fall down on the job then we have some complaint, but as it is now it is not properly staffed.

Now I see Mr. President, in Part 11 (6) "The Governor may appoint persons qualified for appointment under subsection (2) to be magistrates, to have and exercise the powers and jurisdiction of the court as provided by this Law. Every person so appointed shall be ex officio a Justice of the Peace. Well, Sir President, I have no grievance with that, what I am a bit concerned about is section (2) Any person qualified to practise as a barrister or solicitor in England or in an equivalent capacity in a Commonwealth country approved<sup>by</sup> the Judge as having comparable standards for call or admission to practise and has so practised for not less than five years, shall be qualified to be appointed a magistrate. Now, Mr. President, I do not agree that the Judges should have that much power, I feel that should come from higher up than the Judge. Because while I am not disputing his authority in his judicial capacity, I feel that if I am here from Timbuctoo and I have a cousin there who wants to come here, I will pull the strings and get him, and I do not feel that we want any more imported people in<sup>our</sup> community to act in our Courts. I understand from the Third Elected Member from Executive Council, that my comments regarding a judge chosen from a Caymanian, that it received bad reception from the public. Now the people who put that story out is not saying in what context I said it, I am very sure of that, they distort every thing that they want to bring trouble about, so I am sure that is what happened. But in this case Sir, I feel that should be included in this section (2) "not coming from England or a Commonwealth country". In this lower court I don't see anything wrong with us having a Caymanian as the Judge, because I feel that we have now in our midst qualified people who could really be judges, even of the Grand Court, provided they were not so intermingling in families, and I would like to see some insertion to that effect.

Now with regards to these two Justices of the Peace sitting along with the Judge they would be as in the case of the assessors sitting with the adjudicators barely there to show their good looks. Now I do not agree with that Sir, I feel that in any Court<sup>we</sup> have three Judges on the bench, the majority decision should stand. We have just had an example of it in the Appeal Court of Jamaica, with the Caymanian status affair, while some people say the judgement was not right, I say it was right, I have always said it was right, and in that case right or wrong the majority overruled, and I feel Sir, that in any Court where we have three Judges that each one should be allowed to state their opinion of the case, and of course, the majority rule or if it is unanimous so much the better.

MISS ANNIE H. BODDEN (CONTD.): On the whole the Bill is not so bad, but it needs a lot of ~~washing~~ out, and I feel Sir, that when we go to the committee stage we shall be able to do a good job, or at least I hope so.

Now Mr. President, I don't pride myself as being so very versed in Law, I do not. But I feel Sir, that I have good common sense, <sup>and</sup> especially so, good common sense for a woman. Because Mr. President, in my work I hardly like to work for women, they are <sup>so</sup> contrary in most cases, they seem so lacking understanding to me; or they don't understand me, or I don't understand them which, but I find it much harder to work with women than with men. We have some very intelligent women in this Island, I am not referring to the other two, I don't go there so I don't know, but I guess they must be, but we have some very contrary ones. But Mr. President, I feel that we who try to lead examples, we should not put anything obstacle in the way of women taking <sup>a</sup> prominent place in this society of ours. We have some Magistrates, I call them, that was their old time name; who are so sound in their judgement that I would like to see them on the bench with a qualified Judge, but, I would not like them there just to show their new clothes, I would <sup>like</sup> them there to express their opinion, that opinion to be heard.

Now Mr. President, I will not take up any more of the time of this House, because I feel that when we get to the committee stage we can very thoroughly go into this Bill, and as well as the others, and weed out anything that is wrong. What I am hoping and praying Sir, is this, that no dissention will be in those committee meetings. Not because I am on the opposition, as we are termed, I am not on the opposition, I am in a united front, for the betterment of the Cayman Islands, that is my stand here, and I want that spirit to cease. I don't like it to come here and be told "on the opposition what you're doing", or "the house of lords what they're doing", if we are to get any where in this Chamber it is with a united front, because united <sup>we</sup> stand divided we shall fall, and I would implore these people to give up this stupid talk, about on the other side, or the house of lords, we are here as good citizens trying to do our best to further the good will and the strength of our good stable Government as which we now enjoy, and I would implore these people to stop this stupidity and do what is right.

Thank you Sir.

MR. PRESIDENT: If there are no further speakers, I shall ask the Honourable Attorney-General to reply, if he so wishes.

HON. G. E. WADDINGTON: Mr. President, I am glad to see that there is general approval for the Bill, and that there were only one or two points made by two speakers on one particular section of the Bill, namely Section 12, which sets out the composition and the constitution of the Courts.

Now the chief cause for complaint is the fact that if the Court is constituted by a Magistrate sitting with one or more Justices of the Peace, that subsection (2) of section 12 provides that if there is a difference of opinion arising in respect of any proceeding before the Court, that the opinion of the Magistrate shall prevail, but the section goes on to say but every dissenting opinion shall be recorded.

HON. G. E. WADDINGTON (CONTD.): Now the first point that I would make Mr. President and Members, is this that the Magistrate will be a professionally qualified person, a lawyer, and it would be rather farcical or invidious in my view, if a difference of opinion arose on a point of Law for the opinion of two laymen on the point to prevail over that of the professionally qualified person. The professionally qualified is there to guide the other Magistrates, and apart from that, it must be remembered that the Magistrate need not sit at all with two other Justices of the Peace. He will have full jurisdiction, if he sits alone. And the Second Member for Bodden Town facetiously referred to the recording of the dissenting opinion as being posterity, but that was not the intention of the section, it has nothing to do with posterity. It is intended to indicate to a person accused before the Court, that at least he might have the ear of two of the Justices of the Peace, they might be with him on the point raised, he will know that with that in his favour he might stand a good chance on an appeal, and the dissenting opinion is recorded also for the use of the Court of Appeal, it has nothing at all to do with posterity, and it is there for a very, very good reason.

The only other point of any substance that was raised was by the lady Member for George Town, who also took that same point, but the lady Member for George Town also took the objection with Clause 8 of the Bill, which provides that "The Governor may direct at any time that the name of any Justice of the Peace, or the entry in relation to any public office, be removed from the Roll of Justices of the Peace", well this provision is only in keeping with present provisions. As a matter of fact, at present there is no Law, that is to say written Law, providing for the appointment of Justices of the Peace. They are appointed in accordance with ancient tradition, and under the Interpretation Law any appointment made by the Governor is subject to revocation at any time, whether for cause or not. It is hardly likely that the Governor would, in removing the name of the Justice of the Peace from the Roll do so, except for very, very good cause, but none the less the power must be there to enable him to do so, and indeed that power, as I have said is now at present contained in the Interpretation Law. What this Law is doing, is really to enshrine the position of Justices of the Peace in a statutory provision, by making statutory provisions for the appointment, and so on.

Those seem, Mr. President and Members, to be the only points of any substance made against the Bill, so at this stage there is nothing more for me to say, but to again move that this Bill be read a second time.

QUESTION PUT: AYES

MR. PRESIDENT: THE AYES HAVE IT

BILL GIVEN A SECOND READING

HON. G. E. WADDINGTON: Mr. President I beg <sup>to</sup> move Sir, that this Bill be referred to a select committee of the whole House, in accordance with Standing Orders 55(b) 62.

SECONDED BY HON. D. V. WATLER.

QUESTION PUT: AGREED

BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE

MR. PRESIDENT: In accordance to Standing Orders 62, I hereby appoint the Honourable Attorney-General as Chairman of the Select Committee to go into this Bill, and in accordance with decisions taken earlier by the Assembly, the quorum will rest at, at least seven Members as with the other Bills referred to this Committee.

MR. JOHN D. JEFFERSON: Mr. President, I am being guided by you at this stage, but I am wondering in relation to that committee that was set-up, there was something like two Members that stepped down. What would be our position at present? Could we at this stage, may be try to reconstitute that Committee.

MR. PRESIDENT: I think the position under Standing Orders is that four Members was required under the terms of the resolution to be appointed, and four Members were appointed. Two have resigned which leaves two Members of the Committee, <sup>and</sup> technically the Committee can still function with two Members, unless Honourable Members wish to put forward other suggestions to replace the two Members who have resigned.

MR. JOHN D. JEFFERSON: I would so move Mr. President, that Mr. Craddock Ebanks be nominated.

MISS ANNIE H. BODDEN: I beg to second that, Mr. President.

MR. JAMES M. BODDEN: Mr. President, if we are going into this, then I would like to nominate the Fourth Elected Member to Executive Council.

MR. CRADDOCK EBANKS: I beg to second that motion Sir.

HON. W. W. CONNOLY: I beg to decline Mr. President.

MR. PRESIDENT: There is a motion that the Honourable Member from North Side be appointed a Member of the Committee.

MR. JOHN D. JEFFERSON: Mr. President, I would also like to again nominate the lady Member from George Town.

MISS ANNIE H. BODDEN: Mr. President, with all due respect, I have resigned, and I intend to stay resigned. Thank you Sir.

MR. PRESIDENT: Well can we take a vote on the proposition, that the Honourable Member from North Side be a Member.

QUESTION PUT: AYES

MR. PRESIDENT: THE AYES HAVE IT. THAT GIVE US THREE MEMBERS.



MR. JAMES M. BODDEN: Mr. President, in that case I wonder if we could elect the Fourth Elected Member as an honorary member of this committee, Sir.

MR. JOHN D. JEFFERSON: Mr. President, I beg to nominate Mr. Claude Hill.

SECONDED BY MISS ANNIE H. BODDEN

MR. CLAUDE M. HILL: Mr. President, I am very sorry, as a member of the committee of the Cinematographic Board, I decline the nomination, Sir.

MISS ANNIE H. BODDEN: Mr. President, if I am out of order, please Sir tell me, but as I understand the First Official Member is the Chairman of the Cinematographic Board, I am wondering if there would be any harm in him taking a post on this very controversial subject.

HON. D. V. WATLER: No, well the day that you were making the appointments before, I declined then, I still have to.

MR. JAMES M. BODDEN: Mr. President, if I am out of order rule me, Sir. But it is difficult to understand why Members of the Government bench usually like to take credit for so many things, and are so active in serving on committees, <sup>and</sup> yet this particular committee Sir, none of them will serve on it, there must be some justifiable reason, I think the House should so be told, if there is.

MR. JOHN D. JEFFERSON: Mr. President, I move to nominate Mr. James Bodden, the First Elected Member from Bodden Town.

MR. JAMES BODDEN: I decline.

CAPT. A. A. REID: Mr. President, may I suggest, since all the Members are declining this high position, could we get some citizens from outside to accept the post, and on the next sitting of this House, we will advise you who is willing, and have him come to the House.

MR. PRESIDENT: I think if it is to be a select committee it must be made up entirely of Members of the Assembly. I think that is the term of the resolution.

MR. JAMES M. BODDEN: Mr. President, you would permit me Sir, I was the person I think, who brought this to the House, if not I was the seconder, and being I brought this and asked for a four member committee, in view of the fact that none of the Government bench would like to serve on this worthwhile committee, I would therefore ask that it be reduced then to the three members that we have Sir, instead of the four.

MR. PRESIDENT: I don't think that we can alter the terms of the resolution, but there is no reason at all why the committee should not function with three members: four have been appointed, two have resigned, a second appointment has been made today, there is no reason why the committee should not proceed with the membership of three.

CAPT. A. A. REID: Mr. President, I nominate the First Elected Member for West Bay to be a member.

MR. T. W. FARRINGTON: Mr. President, the same reason Mr. Hill gave, I could not accept the nomination. I decline.

MR. PRESIDENT: I think we had better bring this to a close; we've got a perfectly acceptable membership of three members, and I think they are quite capable of submitting a report to the House.

MR. JOHN D. JEFFERSON: I wanted to thank you Mr. President, and I intended to say, that as far as we are concerned we are prepared to live up to our obligations and responsibilities. And I also, if this is the last order of business for the day, want to take the opportunity of saying how pleasant it has been in the first session of the year 1975. Certainly it has been a good fight, it has been very profitable legislation brought before this House we are getting on with the business of the Territory, and certainly again to say that under your able leadership I think the good ship shall, with Good help, succeed.

Closing with a little bit of humour, it certainly is the first time that I have seen in this Chamber, the opposition was elated over the winning of two motions in one day, the First Member from Bodden Town broke -off his microphone. It goes to show us that sometimes we do get pretty well excited. But Mr. President, the spirit in which we have conducted business in this session I think the spirit that speaks highly for the people of the Cayman Islands, and for our representatives on the whole.

I want to thank you very much, and may God bless you.

HON. D. V. WATLER: Mr. President and Honourable Members, it seems to bring us to the end of the order of business before the House, not only of the day, but of the House, and I would move that the House stand adjourned to a date to be fixed. No doubt it will be after the meeting of the Select Committee, but to a date to be fixed.

SECONDED BY HON. G. E. WADDINGTON.

MR. PRESIDENT: Before I put the motion to the vote, I would like as usual to pay tribute to the Clerk's office, <sup>and</sup> the Serjeant-at-Arms for their assistance with the business of the meeting. I'd also like to thank Honourable Members for remarks which they made about my stewardship during the debate on the speech from the throne. I can accept up to a point the compliments on the preparation of the speech, but that was greatly assisted by Heads of Departments and Civil Servants who made the material available for its preparation. As far as the plaudits which was given to me as Governor for the policies and plans of the Government, I think Honourable Members themselves must take the credit for this state of affairs, and particularly the Executive Council, who are responsible for advising the Governor, and submitting plans and policies to this Chamber for debate, for the legislation to be prepared, so that I want to make it clear to the public that, in the compliments that were paid to me as Governor, it is you Honourable Members who really deserve any compliments made towards the throne speech.

I think too that Honourable Members, would like me to express thanks to the Honourable Attorney-General, although Members may not be agreed on all sections of the Bills which have been presented, but it is little doubt that his able presentation on these <sup>complicated</sup> legal bills has greatly assisted the House as a whole, to examine them properly and carefully, and I am sure that the Select Committee will profit from his chairmanship when it goes through these bills in committee. So I thank you very much for any remarks paid to me during the course of debate in this meeting.

QUESTION PUT: AGREED. AT 3:55 P.M. THE HOUSE ADJOURNED SINE DIE.

PRESENT WERE:- HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL, CBE  
PRESIDING.

GOVERNMENT MEMBERS

Hon. D.V.Watler, OBE., J.P.	Chief Secretary and Leader of Government Business. First Official Member
Hon. G.E.Waddington, CBE., QC.	Second Official Member, Attorney-General
Hon. V.G.Johnson, OBE	Third Official Member - Financial Secretary
Hon. A.B.Bush, J.P.	First Elected Member - Member for Works, Communications and Public Transport.
Hon. Trevor Foster	Second Elected Member - Member for Inter-Island Co-ordination and information.
Hon. Benson O.Ebanks	Third Elected Member - Member for Social Services, Education, Medical and Labour.
Hon. W.W.Conolly, OBE., JP	Fourth Elected Member - Member for Tourism, Lands, Natural Resources & MRCU

ELECTED MEMBERS

Mr. T.W.Farrington, CBE., JP	First Electoral District, West Bay
Mr. John D.Jefferson	First Electoral District, West Bay
Miss Annie H.Bodden	Second Electoral District, George Town
Mr. Claude M.Hill	Second Electoral District, George Town
Capt. A.A.Reid	Third Electoral District, Lesser Islands
Mr. James M.Bodden	Fourth Electoral District, Bodden Town
Mr. G.Haig Bodden	Fourth Electoral District, Bodden Town
Mr. Craddock Ebanks	Fifth Electoral District, North Side

ORDER OF THE DAY

EMERGENCY MEETING OF THE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

THURSDAY, 1st OF MAY, 1975

at 9.30 a.m.

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PRIVATE MEMBERS' MOTION

TO BE MOVED BY MR. JAMES M. BODDEN TO BE SECONDED BY MR. G. HAIG BODDEN  
CONSTITUENCY OF BODDEN TOWN

WHEREAS DUE TO THE FACT THAT IT IS CONSIDERED  
THAT THIRTY DAYS IS TOO SHORT A TIME FOR THE PUBLIC TO INTELLIGENTLY  
DEAL WITH THE DEVELOPMENT PLAN AS OUTLINED IN THE LAND DEVELOPMENT  
LAW OF 1971  
THEREFORE BE IT RESOLVED THAT THIS HONOURABLE HOUSE APPROVE A MOTION  
INCREASING THE TIME AS CALLED FOR IN SECTION 8 SUB-SECTION 3 (a)  
LAW 28 OF 1971 TO AN ADDITIONAL SIXTY DAYS FOR A TOTAL OF NINETY  
DAYS.

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EMERGENCY MEETING

OF THE LEGISLATIVE ASSEMBLY

THURSDAY 1st MAY, 1975.

9.45 a.m.

MR. PRESIDENT: The Assembly is in Session. I shall ask Rev. Banks to say prayers.

REV. BANKS: Let us Pray. Almighty and Everlasting God, our Heavenly Father, source of all wisdom and of all power, we pray for those who govern these Islands, we pray for Her Majesty the Queen, for all Members of the Royal Family, we pray for Her Ministers of Government in Britain and in the Cayman Islands, and especially we pray for His Excellency the Governor of these Islands, we pray for the Members of the Executive Council that on this day at this opening of this special session, we pray especially for this Legislative Assembly that they may be granted Thy Divine Wisdom that in these days of swift change they may be helped. That these islands may continue to be the place of love, justice and of security. Bless each one of them in these deliberations in Jesus' name we ask it, AMEN.

MR. PRESIDENT: Please be seated.

There is one matter for discussion on today's Order Paper and before we begin the debate I would like to remind members that the debate is about a motion for an amendment to the Development Planning Law and the debate is not about the contents of the Draft Development Plan. So we shall proceed that way with the matter before the Assembly.

PRIVATE MEMBERS' MOTION  
PROPOSED AMENDMENT TO DEVELOPMENT PLANNING LAW

MR. JAMES M. BODDEN: Mr. President, Fellow Members, the motion before you reads -

WHEREAS DUE TO THE FACT THAT IT IS CONSIDERED THAT THIRTY DAYS IS TOO SHORT A TIME FOR THE PUBLIC TO INTELLIGENTLY DEAL WITH THE DEVELOPMENT PLAN AS OUTLINED IN THE LAND DEVELOPMENT LAW OF 1971  
THEREFORE BE IT RESOLVED THAT THIS HONOURABLE HOUSE APPROVE A MOTION INCREASING THE TIME AS CALLED FOR IN SECTION 8 SUB-SECTION 3 (a) LAW 28 OF 1971 TO AN ADDITIONAL SIXTY DAYS FOR A TOTAL OF NINETY DAYS.

This motion has been circulated to the House and gotten your approval, Mr. President, for the calling of this special meeting - it had been signed by seven members of this Assembly and it has been duly seconded by my colleague from Bodden Town.

Mr. President, we are assembled here today for what I consider to be a momentous occasion. We see our democratic system in action - we see the work of our Constitution and our Standing Orders which has enabled us to be able to call this session. I am proud, Sir, to be moving this motion and to be one of the members associated with it.

What we enjoy here is British justice, which has been handed down to us from the days of the Magna Carta and we are here today in our small way and in our small Island to defend the right that we believe we have.

MR. JAMES M. BODDEN (CONTINUING) In the medieval system of years ago it was considered that all men were subject to God. In the new Cayman system, unfortunately it seems that a few men have become Gods and they wish to rule us, use us as instruments of their will. If these things were not happening, Mr. President, there would be no reason today for this special meeting. Power and glory seem to have a way of undermining the judgment of some people and it does seem to plant delusions of grandeur in their minds.

Mr. President, this matter is an old matter to the people of these Islands because it first came to us in 1971. In 1971 it created havoc in this Island - it put this Island on a course which it had never followed before. Thank God, the people were intelligent enough, although people thought otherwise, to bear it like men and women and we had no trouble, but we must remember that time changes and people change and the people are prepared to accept only so much.

1971 would probably like to be forgotten by a lot of members of this House, but we are now in 1975, four years later and we find much the same thing, only worse than what we were faced with in 1971.

The people in 1971 stood strongly against the Land Development Bill and the Plan that went along with it and I would submit to this House that that was a good, compared to the one we have now. During that time we saw a warship brought to our shores, the first time it has been done in hostility, we saw our Assembly boarded up, men and women being frisked as they went through the doors because of panic and, Mr. President, I am certain of the members of this House join with me in saying that we do not want to see such a thing as that happen again, in 1975.

I will agree, Mr. President, that the responsibility of high office can sometimes be burdensome, but it must only be remembered by men and women who actually sought or freely accepted them - men who not only accepted the obligation to use power but the obligation to account for its use as well and that is one of the reasons that we are assembled here this morning is to bring those to accountability who would like to think otherwise.

I have no hesitation, Mr. President, in submitting to this Honourable House that in my humble opinion the members of Executive Council have not fulfilled the obligation to the people because it is them who must first vet laws or bills, regulations and so forth before they are submitted to this House and to the people. Yet our elected people who have been put into Executive Council to represent not only the wandering fools on this side of the House, but the entire country of the Cayman Islands, have seen fit not to do so. They have not fulfilled their obligations to the people. We, as their representatives, should have known something more about this plan than what we knew. As far as I am aware it was not one member of the Legislature, on this side of the House, who was ever acquainted or asked any opinion, yet I think if we take the law and we read certain sections of it you can readily see that it could have been done and you would not have been contravening the law.

People have said that it was not necessary to call the Assembly in session to deal with this, but I submit that that is the only manner in which this matter could have been dealt with. The Law plainly states "30 days" to make objection and if we were to allow that thirty days to elapse, nothing could be done until it got back before the Assembly and may be four or five of us on this side vote against it and the Ayes on the other



MR. JAMES M. BODDEN (CONTINUING) side carry it. This is only the first salvo in a long war. If any one has the idea that the people of these Islands are prepared to accept a plan which we consider very ridiculous.

I would like to remind the House that years ago three boy scouts in the United States report to their Troop Master of the good deed they had done that day. When asked what it was they said they had helped an old lady across the street. He asked them why did it take three of them to do so - Mr. President, the answer was "She did not want to go". My answer today is, I do not want to go, the people whom I represent from Bodden Town do not want to go and the people of this Island do not want to go, and most of all I will say, Mr. President, as long as they feel that way we will not go either. We will be like that old lady - it'll take more than three people to put us across the street.

I feel, Mr. President, that my colleague and myself, in leading this motion here today, are duly qualified to do so because I consider we have a mandate from our people. We have circulated a petition and on that petition from our own district we have approximately four hundred signatures. I do not know how many of the other members have signatures to theirs, but we have it to ours, and as long, Mr. President, as we have that type of support we are going to be here a long, long time arguing about this.

The Development Plan, Mr. President, it has been circulated to us, has been a long time in coming and I will give credit where credit is due by saying that it is probably one of the best put-together pieces of material that our Government has ever amassed. It has given us a lot of facts and figures but, Mr. President, that is a very long document - it takes a long time to read it and I am sure that the members on the other side will say it'll also take a long time to consider it, and understand it.

But most of all is the cost involved. It is too lengthy to submit to the people and it costs too much which means that most people in this Island today probably know but very little of what is in that plan or even why we are meeting here today, because some of the people in the Island have really not been recognised for it to be presented by their Legislatived Members.

Four years ago the plan was rejected by the Assembly - it was rejected by the people and yet for four years that plan has been in existence, has been used and we have been governed by it - that is the plan that was thrown out of the window - was not supposed to have been used yet we were hood-winked and it was used. Now, we are being given another one that leads us further back into the wilderness. The people of the Cayman Islands have but very few assets. The main asset in Grand Cayman happens to be land and as long as that remains in private ownership the people have a form of social security for their old age. When we do some of the things that we are thinking about doing, those people are going to be left as paupers - what are we going to do with them? Have you people no conscience?

If we keep up the way we are going, Mr. President, we will soon be finding something similar like this before this House, (which I am surprised it hasn't come already) this is a bill which will come into law <sup>in England</sup> in October this year. It is a very controversial bill - The Community Land Bill - read it and find out what's happening over their good land, and I am telling you as long as one drop of blood runs in my vein I don't even have to sit in this House to object to that

MR. JAMES M. BODDEN (CONTINUING) I'll be objecting otherwise, because something like this will never come here, I hope.

Our people, Mr. President, over three hundred years ago fled their mother countries - regardless of what country it was and they came to these shores and so far we have had a Government here, we have had a country, that has been stable and has been considered to be democratic and by God's help we are going to keep it that way.

We must change this, this morning to allow the people to have an additional 60 days to make their objections - 30 days is insufficient, particularly when it has to be written. Most people do not like to write besides that they can easily be lost someplace. We are asking for the 90 days and in that 90 days we hope that there will be enough signatures on that that something can be done further than just the meeting today. I had thought about dealing into different parts of the Development Plan, but I think I will leave that for winding up. I would only like to say to the people of this Island, do not be deluded when the people from the Civil Service Branch of Government, and may be some of the elected representatives tell you that have no fear of it after it comes into law you can do anything you want with it - we'll change it to suit you. I am submitting to you that the only place in that law that calls for discretion is not going to help the man on the street - that discretion there is loaded, it is loaded in favour of of someone else - it is not loaded in favour of the man on the street. That Law cannot be changed by the whims and fancies of anyone, until it comes back to this Legislative Assembly and is approved here, so anyone that misleads you by telling you, have no fear because we've zoned this - that's protected - because if you don't like it that way we will let you get away with it - that isn't so. If that happens, Mr. President, we are going to have more trouble than we have here today because these types of laws are what is making crooked people out of honest people.

We should have, at a later stage, before this House a new Law completely on the Development Plan, and in the next one we should have it to where the meetings are public. Anytime that you can hold a meeting in private and are able to condemn a man without him facing his accuser you do not have a democracy - that is one of the objections I have had about this Law from the time it came into force, so Mr. President, I hope that someone will see in the near future that some changes are made, not just what we are arguing about today but to the entire law that we are faced with.

We have approximately 14,000 people on these Islands and we do have quite a bit of land. We have some poor people here that own quite a bit of land and when we protect that that we protect it away from them, when we make farce out of it, when we make it protected mangroves, just what are the people going to do with it? The economic value of it has lost, believe me, our economy is fragile enough as it is. We cannot stand too many rumblings. We start tampering with a lot of things on which we have built this tax haven aspect, on which we have built the country that we have today, you are going to find that the investors are going run from our shores, not flock to it, and we will have no one to blame for it but ourselves - we can only protect ourselves as long as we want to be protected and you cannot protect a man against himself. Protection is good for the people to appoint but please let's not overdo it.

MR. JAMES M. BODDEN (CONTINUING) Let's give the people a little bit of freedom, let's give them a little bit of choice as to what they want. Let them say if we even had to have a referendum on this particular subject in the future let the people tell us what they want. If a man is willing to loose his land then let it be by his own free choice. Let it not be by fifteen of us in this Assembly taking that man's land, his only asset, and telling him we are going to give you two dollars a month under the Poor Relief Law because you've lost your land.

I imagine, Mr. President I had better stop because this is a subject if I got wound up on I shall speak til tomorrow, but I am hoping that some of the members coming behind me will forget that this motion was put forward by the two Bodden Town members and support it for the good of the people because they are not supporting the Bodden Town members - we don't care, all we want is the entire population of this Island supported that this be done, Sir. So I hope they will be able to bury their feelings for once and vote for the good of the country. Thank you, Sir.

MR. G. HAIG BODDEN: Mr. President, I second this motion.

MISS ANNIE H. BODDEN: Mr. President, I rise to support this motion. The only difference is that if I had my way it would be postponed for six months.

Today marks a historic day in our Island - this first day of May, five years ago, we had the biggest demonstration that was ever seen in our Assembly. We had a warship laying in the harbour - we had policemen with guns and ammunition in the Town Hall - we had the windows barracaded and there was general confusion - an uproar, simply because of the Interim Control Land Bill and its Regulations. Now we, Mr. President, averted a calamity and I trust that we shall be able to do the same with this new Law, not a new law exactly - a four-year old law, but a law which is now to become effective.

We are asking, Sir, and I sincerely hope that we get the support of the Honourable Members of the other side like we had it five years ago. My colleague from George Town, my colleague from North Side tore the barriers away from the windows so that we could have fresh air to breathe. The Police had to give up their guns and their tear-gas and we had, after that, a cool, a collective meeting and I trust that we shall never have to resort to such measures again.

As was stated in that meeting, I have a book here - Politics - Caymanian Politics - which give the details of the march, the meeting and the final conclusion that we had the Regulations changed. Now, Mr. President, that came about because of an Interim Control Land Bill to take care of the old Planning Law from 1935. I am happy to say that in that Interim Control Bill there were three opponents, my colleague from George Town ( I am not calling their names) and myself - we saw that it would eventually bring calamity but we averted that in that instance, but now we are faced with something worse. We, as legislators, I must tell you, Sir, have been completely ignored. We passed this law in 1971 and the plan was delayed, finally we insisted that we have a plan to be put forward by June. Now this has been, I would say, a conspiracy, because we were never told, even when there would be a public meeting - that happened, we saw it in the newspapers - we were never consulted - we were never asked. I would like to add here this is not a political issue, this is a national issue and I as a legislator, although I am a woman, intend to fight, not to give my blood, as some of the people have threatened, but to fight it in a sane, sensible way and I feel, Sir, that what we are asking today there should not be one dissenting voice -

MISS ANNIE H. BODDEN (CONTINUING): not one, in fact there should be a counter motion to make it six months to study this, because this Plan, this law is taking away the rights of the people and we, as a democratic people, can-not allow that.

There was a public meeting in George Town on Monday night and there was one speaker who said there we will expect this kind of a plan in Russia, or Cuba or some communistic country, but not in a country where we pride ourselves that we are a democratic people. And I feel, Mr. President, no blame can be attached to you, because this thing has been brewing for the last five years and I feel, Sir, under your able leadership that you will give directions to the people who should assist in making this extension possible. We are not asking for anything out of reason - what we are asking for is for protection for ourselves and the future generations.

Aspersions has been made that on the Plan which I am not going to refer to that there are concessions given to certain people because of who they are - we don't want that sort of thing. We are not hoping to make a plan that will please each and every individual, but we are hoping that we can get this extension of time so that this plan which is now before the people that they shall have sufficient time to go into the merits and the demerits of it. And I feel, Sir, and I hope, I pray and I implore you, who represent the people, that you will take a stand today to show that you are really worthy of their trust. Thank you, Sir.

HON. V. G. JOHNSON: Mr. President, Honourable Members, I rise to speak on this motion, this private members' motion. At a recent informal meeting, Mr. President, with Members of the Legislative Assembly, the question of the time allowed for public viewing of this Draft Development Plan was discussed, and at that informal meeting the Honourable Attorney-General advised the position and outlined the procedure if such request was formally sought from Government, and I take it that it is as a result of that advice that a special meeting of the Assembly was summoned and such a motion put before the House.

I think the request is supported generally for the extension of time for public viewing as set out in the Development and Planning Law, 1971. The time allowed in the law is one month. Now, Mr. President and Honourable Members, a great deal has been said about the Development Plan - it has been referred to as a Plan which was dealt with four years ago - what was dealt with four years ago was the Planning Regulations made under the Development and Planning Law. The Development Plan which we are now discussing and now out for public viewing is a document which is required under the Development and Planning Law to be presented to this Legislative Assembly by the Central Planning Authority. The procedure for dealing with that plan, Mr. President, is laid out in the law - its there to be read by all concerned, members and the public alike, and I would like to say that there is no such thing as any member of Government or any Civil Servant seeking power and glory and seeking to rail-road anything across. We quite recognise the right of the public, we recognise the right of this Honourable House and there is no intention to do otherwise.

Members will recall that a motion was presented to this Honourable House on the 11th of December, 1973 and the motion required Government to place before this House a Development Plan and a time limit was for the Plan to be presented, and that time limit was the 30th of June, 1975. Mr. President, if Honourable Members referred back to the notes on the debate on that motion it will be seen that there were Members,

HON. V. G. JOHNSON (CONTINUING) and especially the Member who presented the motion wanted to restrict the presentation of the Plan to an earlier date and that date was suggested as the 31st of December, 1974.

I am not too certain what members or anyone else had in mind that would comprise a development plan, but certainly it was seen by Government at that time that unless the document would consist of perhaps a dozen pages written hurriedly that such a plan could not be ready in that short a time. I am sure that Development Plan is a subject which is well known in all countries - it might be new to the Cayman Islands but there are many people who have experienced of planning in other countries, and I am sure that this Honourable House knows that to produce a development plan which is a reasonable document will take some time, some countries many years to produce it. But, Mr. President and Honourable Members, because the Government wanted to be very sincere with the wishes of the Legislative Assembly and with the contents and requirements of that motion of the 11th of December, 1973, it set out about to provide the machinery to produce that plan. I would like to say that it was no easy task - planners are difficult people to find, experts in putting materials together are not that easy to find, in such hour of need.

As I said before planners are difficult to find, perhaps after the plan is produced we can find a great number.

But, Mr. President, as I said before, as the Member Responsible for presenting this Plan to the Legislative Assembly, I support the motion which is brought here but there is one thing which I am a bit worried about, and that is the programme which has been set for presenting this Plan before the Legislative Assembly and secondly, that we must abide by the provisions of that motion which was approved by this Honourable House and which has not yet been amended. We are still committed to present this plan before the Assembly by the 30th of June, 1975.

The document is a fairly lengthy document - its contents are fairly complicated but I am sure that after the first and second reading of the document, which should not take very long, (we are all fairly bright scholars and I am sure that it does not take very long to read a document that is perhaps a hundred and odd pages), and at the second reading we should be reaching some decision as to whether we accept or we reject the contents of that plan. Mr. President, I would like to say here that there is no obligation on the part of this House, on the part of Government, or on the part of anyone to accept this Plan or any other plan presented to this Legislative Assembly - the prerogative is entirely with the Legislative Assembly to accept or to reject, so please do not accuse Government of reaching for power and glory in trying to get a document across this House - this is definitely not so. The Plan has been presented by a team, which I think deserves credit and I agree with the Honourable First Elected Member from Bodden Town with his remarks and I thank him for the compliment to the team - they deserve it - it is a very good document. As to the contents, it is now to the public but, regardless of what the public or the Planning Tribunal may recommend after examining public objections and comments, the final decision is with this Honourable House, so Members here are going to be ultimately responsible for the Plan.

The contents of the Plan are the things which we need to look at, every person has the privilege and prerogative to make his objections or his comments. The question before this House this morning is what time is required for this particular process in which the public must examine this document and intelligently make its objections and comments.

HON. V. G. JOHNSON (CONTINUING) Mr. President, I am suggesting that if there was a dire need of extending the time to three months I daresay that Government would be willing to forego the programme to prepare a new programme and to go all out to meet the wishes of the public, but it is my personal opinion that a period of two months instead would be a reasonable time and by adopting two months the public would still have sufficient time, because right now everybody knows the contents of the plan - there are signatures - someone spoke about a hundred and odd signatures and perhaps by the end of the process there will be a thousand signatures - well, it means that if somebody is putting their signature to something that they must be know what they are signing for - I don't put my signature to a document unless I know what I am signing. Unless the people have placed entire confidence in their leader and accept what their leaders are doing. In that case the leaders should be able to do this in a month - not two months or three months.

Mr. President, I rose to support the motion, I intend to support the motion, but I am putting forward to members that in order not to upset our programme and in order to comply with the wishes of the members by that motion of the 11th of December, 1973 that we extend the period for public viewing from one month to two months.

Mr. President, I would also like to say again that the motion, regardless of in what form it is accepted whether in the original form or whether in an amended form will have absolutely no effect on the time provided for public viewing unless this is followed by other action, and the other action must be to amend the law to provide for this extension of time and I would like to say that if the amendment to the law is not completed before the expiration of the present one month, which is allowed for public viewing of the plan, then the amendment will be of no effect as well, because the law would have run its course. Therefore I would like, Mr. President, to propose an amendment to the private members' motion, and before I present that amendment, Mr. President, I would like to say that a lot was said about the 1974 (sic 1971) demonstration, but that particular incident touched on the planning regulations, members recall a lot of unpleasant things have happened during that time but I think if we take the amended regulations and compare them to the first set of regulations which caused disappointment, caused people to gather together and rise against Government in demonstration, that we will see, as far as the public is concerned, that greater restraint was placed against them in the amended regulations.

Today we are not talking about regulations, Mr. President, today we are talking about a Development Plan which is required by the same planning law, Development and Planning Law, 1971 and I would like to say that the boat was rocked in 1970 through that demonstration and fortunately for us, we were entering a period of economic boom and the disaster of that particular time died away quickly. We are facing a recession at this time and I dare say that another disaster at this time will not end in the same way.

There is no reason for concern by the public or by the Members of this Legislative Assembly as far as this Development Plan is concerned because everybody has his equal right to deal with the plan as he sees fit. The Law provides a process by which the people or the people's wishes can be examined and justice meted out. There is no reason for a demonstration or for any such thing, unless we do not wish to proceed according to the provisions of the Law, but I think we are all law-abiding citizens.

There is no intention whatsoever, Mr. President of taking away any privilege from the people through

HON. V. G. JOHNSON (CONTINUING) the provisions of that Development Plan - there is no intention whatsoever of taking any land from anyone - I want this to be clearly understood, whatever is presented in that Plan is presented for the benefit of the people and whatever is there is for the people and no one else, If they wish to object to it, object to it, but Government has no intention of depriving or taking away anything from anyone. The land is the people's and they have a title for it and it shall always remain in their possession.

Mr. President, we are not allowed to debate the contents of the Development Plan and rightly so because the first time that that Plan is to be debated by this Honourable Assembly is when it is formally presented to it, the Plan has not been so presented as yet and therefore we cannot go into any detail that would prejudice the minds of the members of that Tribunal and others if we begin to mention any of the contents of that Development Plan, therefore we must stick strictly to the motion that is before the House.

Mr. President, I would now wish to present the amendment to the private members' motion and I would ask Members to consider it in the light that it is put forward by Government in the best interests of all concerned. There is no intention whatsoever of depriving the public or Members of this Honourable House of any of their privileges - they are there - all we are saying is that in order not to greatly upset the programme or to upset the provision of the motion which was accepted and passed by this Honourable Assembly on the 11th of December, 1973 that we should confine the period for public viewing of the Development Plan to a period of two months instead of three months and I would also like, at the same time, to add a second resolve section to the motion.

Mr. President, I will now read the amendment to the private members' motion -

" At the end of the resolve section delete the words "sixty days for a total of ninety days" and insert "thirty days for a total of sixty days" and the addition of a further resolve section to read -

AND BE IT FURTHER RESOLVED that Standing Order 21 be suspended in order to enable the introduction at this meeting of the Legislative Assembly of a bill to amend the Development and Planning Law, 1971 accordingly".

Mr. President, I put forward the amendment to the motion and I do sincerely ask all members to support the motion because it is presented in the best interest of the people and members of this Honourable House. Thank you, Sir.

HON. D. V. WATLER: Second.

MR. PRESIDENT: An amendment has been proposed to the private members' motion which reads as follows -

That the motion be amended by deleting the words at the end of the resolve section "sixty days for a total of ninety days" and inserting "thirty days for a total of sixty days" and the addition of a further resolve section to read  
AND BE IT FURTHER RESOLVED that Standing Order 21 be suspended in order to enable the introduction at this meeting of the Legislative Assembly of a bill to amend the Development and Planning Law, 1971 accordingly.

MR. JOHN JEFFERSON: Mr. President, Honourable Members, I rise to speak to the motion that is before us and to the amendment to the motion.

The original motion before us

WHEREAS due to the fact that it is considered that thirty days is too short a time for the public to intelligently deal with the Development Plan as outlined in the Development Plan of 1971

THEREFORE be it resolved that this Honourable House approves a motion increasing the time as called for in this section of the Law, the Development Planning Law, 1971, Law 28 of 1971, section 8 sub-section (3) (a) from one month three months.

This motion, Mr. President deals with the time of extension which will enable people to study the detailed plan that covers every phase of life in the Cayman Islands.

I feel, Mr. President, that I too have an important role to play here in this Legislature in the fact I too represent the people of the Cayman Islands to which I feel humbly proud to be able to do.

Let us be honest and realistic about the Development Plan - it is always a most controversial plan and as you rightly said, Mr. President, in a meeting in West Bay that in a lot of countries the Development Plan is presented to the Legislators and the public have not a chance to object - when they do see the plan it is brought it has already been made law. But the people of these Islands, Mr. President, and we are unique in this - that we have an opportunity to object, make any changes in the proposed development plan of the Cayman Islands.

I heard a lot of statements made, a lot of rumours and I must say a lot of irresponsible statements in relation to the proposed Development Plan, because the proposed Development Plan is exactly what it says, as far as I am concerned. It means that no planning authority in these Islands or any other Islands can enact any plan to be brought into these Islands without it is the duty of the Legislative body of this Chamber to do so and no one else has any such authority.

I do not associate myself and I would say that I disassociate myself with any statement that Government is trying to rail-road any such plan down the throats of the people of these Islands. I am a responsible leader, Mr. President, and I share no such thoughts, I am not a part of any such statement because I know it is untrue. I have been in this chamber from 1968 I've been elected and I have never up until this day ever witnesses this Government trying to rail-road anything that would be to the detriment of the people of the Cayman Islands.

Mr. President, as leaders we have to keep our ears to the ground - we have to know what the people want but there come times in our lives as leaders that we have responsibilities and that is to lead our people - that's the responsible road that our representatives have, that our constituents have elected us to - the role of leadership in these Islands - the role <sup>of a</sup> proper representation to which I feel I can challenge any member in this Chamber or anywhere else in the fact of honest representation for the people of the Cayman Islands.

In 1970, Mr. Chairman on the introduction of the Interim Land Regulations, as you have much quibbling in this chamber about the introduction and what it brought, let me



MR. JOHN JEFFERSON: (CONTINUING) TELL you what I am proud that it brought - it brought the qualities of the Cayman Islands people that had for so long prevailed - the qualities of understanding and peace and Law-abiding which I am glad this morning that I can feel where we rightly belong.

It is true that there were demonstrations brought in this Island but I lay that demonstration to two faults - one is that Government never, as far as I am concerned, ever done a poorer job of presentation than was done in the Regulations, and two, that responsible leaders didn't do their share to lead their people - I stand, Mr. President, on that statement because I feel it is true.

We were told then, like we are now and in ever other, no doubt, law that's gone before this chamber that this will kill the development of the Cayman Islands, but to the contrary we have never yet had the development that we have had since the introduction of the Regulations - people wanted to know - they wanted a guide. The outside investor appreciated the Regulations - we sought to do a good job. And the only, I believe, changes that were made in those Regulations have come back in this Chamber and those same original amendments that were changed have come back and again placed into those Regulations. Why? Because those regulations did one thing and that was those REGULATIONS were made for the benefit of the people of these Islands and for the good Government of this territory.

What have we changed in those Regulations? Everything, I believe, that was changed we had to come back and again bring about the same amendments but, to our dismay, some of them were too late - the damage had already been done.

The statements made in relation to worships being brought to this territory....

MISS ANNIE H. BODDEN: Mr. President, on a point of order, I resent any aspersion made to the speech that I have already made.

MR. JOHN D. JEFFERSON: Mr. President, I shall get on with my job.

The statements made about worships being brought into the waters of this territory, Mr. President, the time had come for men to stand up and be counted and thank God, they did - today we still live in a law-abiding country - we still live as Honourable citizens in a free country and I am proud to be a part of this territory.

Mr. President, in reading the proposed Development Plan I, for one, wasn't too concerned, I, for one am not a real concerned citizen about this proposed plan because this proposed plan is no more than a piece of paper, as far as I am concerned and any plan that is brought before this Legislative body will have to be tailored to meet and fit the needs of the people of the Cayman Islands.

There is one thing, Mr. President, one note that I shall not overlook and that is that my job as a representative is not only to look out for the few people but my job is to look out for the mass.

All the statements I heard here this morning, Executive Council hasn't done its job, Legislative body - Mr. President, that plan was not presented by the Legislators - that plan didn't come from us - that plan came from the planning authority. I say this that as far as I am concerned when we approve of the Development Plan, I am sure it won't look the way it looks now - I'm sure it wont look the way it looks now.

MR. JOHN D. JEFFERSON (CONTINUING) Mr. President, let us be honest - the member speaks of having something like over 400 signatures - I wonder how much time those people have had to study what they have signed....

MR. JAMES M. BODDEN: Mr. President, let the member speak for himself - may be he might get some in his own district.

MR. JOHN D. JEFFERSON (CONTINUING) Mr. President, we need a Development Plan - I believe we have materials before to enable us to get what we want. I believe that the planning authority has done a tremendous job. A lot of time and study and expertise has gone into this proposed Development Plan. But make no mistake about it - I believe that I am <sup>and</sup> representative of this Chamber are better able to know what we want than anybody else in this territory. But they have done the job, I believe, in all fairness - a job that we have to compliment them for.

The motion, Mr. President, which seeks for an extension of time, I have no qualms about that - I have made up my mind on this Development plan that, as far as I am concerned, I am going to do everything possible to feel and get the pulse of the people and I am going to do everything possible to give them the representation that I believe that they rightfully want and need. By the other same token, I want to give everybody else I believe what he deserves - what is just.

This Government, Mr. President, I am assured is not seeking to work hardships on the people - there are lands - there are going to be certain restrictions - let's not kid ourselves about that, but it is for us to find ways and means to make sure that there is no suffering brought about by the introduction of this plan.

I am not debating the merits or demerits when that time comes I have a lot that I want to say on that. But there is one thing, Mr. President, that I am happy about in the Cayman Islands in these past years and we, many times, talk about the good old days and we are glad that there have been some good old days, But there were days that weren't so good, the thing that makes me happy today is the fact that everybody in this territory has an equal opportunity.

Mr. President, the member bringing this motion asking for an extension of time. We go back to the Hansard report in December the 11th, 1973 and let me quote - the first member from Bodden Town -

"Mr. President, Honourable Members, I have to go to some length to explain the reason for bringing this " (that was a motion they were bringing) " and this is of paramount importance at this time and as soon possible that this Assembly be presented with a Development Plan to comply with this law or then scrap the Law."

They insisted, Mr. President, that this Plan would be brought before this Assembly last year, 1974. We extended the time to June the 30th, 1975. Now does that look like we are trying to rail-road something - does that look like we are trying to force something down somebody's throat?

And then on page 18 again and I quote the member -

" So definitely, Sir, the time has come when this should be done - the time should come when this should be done and the Plan should be brought before these Islands, before this people".

And then we see the seconder of this motion, Mr. President, the Hansard report of the fourth meeting of Tuesday 11th, 1974, the seconder. The official member brought a motion, an amendment and that amendment was introduced

MR. JOHN D. JEFFERSON (CONTINUING) by the Acting First Official Member at that time. And that amendment read like this -

"WHEREAS the Central Planning Authority has not yet submitted for the approval of the Legislative Assembly a Development Plan in accordance with sub-section (1) of section 6 of the Development and Planning Law, 1971

AND WHEREAS it has proved impossible for the said authority to submit the said Development Plan within one year of the appointed day,

BE IT RESOLVED that the time which the said Development Plan shall be submitted is hereby extended to the 30th of June, 1975". That was the first official member introducing that amendment in this Chamber, to a motion brought forth by the Two Members bringing the motion, and the seconder of the same.

So you see, Mr. President when we stand up here and talk about we are championing the people's cause, you know we got to be honest about it - we've got to quit playing politics in this Chamber and get on to the proper job of representation for the people of the Cayman Islands.

Let me quote the Second Member as he spoke on the amendment to that motion, that's December the 11th, 1973, twenty-second page

"There is some merit in the proposed amendment brought forward by the Acting First Member of Government, but it seems to me that the time he has set is a bit long and while I would go along with the amended motion in principle, I would like to see the time set at June, 1974 instead of June, 1975".

That's the seconder of the motion, Mr. President! You know I have a responsibility to the people of these Islands...

MR. JAMES M. BODDEN: Mr. President, on a point of order, please...

MR. PRESIDENT: Does the speaker give way to the.....

MR. JAMES M. BODDEN: We have an amendment for a resolution, Sir, to the floor and the member that is saying his recitation here, Sir, is out of order because he has lost the complete meaning of what was behind the resolution that was brought to the House by my colleague and myself in regards to the Development Plan - it has no bearing on the extension of it at this time. I will clear it up for his foggy mind in a few minutes when I get to the floor again, Sir, but he is completely out of order because it is irrelevant on the motion that is before the House.

MR. PRESIDENT: I think the early resolution of the Assembly which dealt with the time by which the Plan should be presented is relevant to the extension proposed in the motion for public comment.

MR. JOHN D. JEFFERSON: Thank you, Mr. President, I think that member just thinks that there are not other members in this Chamber who have a right to state their opinion, and believe you this, Mr. President, as long as I am an elected member of the people of these Islands, I am going to exercise that right under any circumstances, and I am allowed to quote "there is some merit in the proposed amendment" - (I am going on to the twenty-second page), the seconder said, and again I quote -

"but it is my opinion that if this plan is too long delayed it will serve no purpose at all, particularly in George Town because I fail to see where the development Plan can anymore be in the centre of George Town, and while I would along with the

MR. JOHN D. JEFFERSON (CONTINUING) First Member with his amended motion I definitely could not extend the time of grace to..... 1975".

Now you see why we have this Plan, Mr. President in 1975 instead of 1974? Because the Honourable Members of this House objected and went along with the amended form, the amended motion and extended the time to 1975 instead of 1974.

Then the seconder goes on in the page twenty-two and he says - quote -

"So, Mr. President, I think the First Member from Bodden Town will go along with this motion but he has indicated to me that the time-limit is too long,".....unquote -

Now here Government is trying to railroad a plan down the throats of the people of the Cayman Islands - they are forced to take something they haven't had time to extend, haven't had time to understand, and we have extended that period of time to 1975, the 30th of June, instead of the 30th of June, 1974.

We are asking that it be extended, the time of objections by the public from 30 days to another 30 days - the motion says another sixty days, which in truth and in fact gives the public, would give the public ninety days instead of thirty days. The proposed amendment, Mr. President, is in order, as far as I am concerned, the proposed amendment extends it for another thirty days, which gives the Members of this Assembly and the public an opportunity to the public to the public to sixty days and the members of this Assembly have an opportunity for one hundred and twenty days to read this Plan and come here and debate what they want included, in the Development Plan.

I can't see anything wrong with that. It is a known fact that in any country that a Development Plan is brought among the Legislators its controversial and there will ever be controversy and it has the right to be controversial, because we want to make sure of what is placed there to govern and to guide the development in these countries.

Mr. President, the democratic system in this Chamber is at work, and I rightly agree with that and I trust it ever shall be and as far as I am concerned, it always will be at work in this Chamber. The democratic process that is governed by the mass, not the minority.

I don't see anybody in these Islands that have set themselves up as Gods -ridiculous statement to make. The thing I don't like is the inconsistencies that I find in this Chamber so many times.

I agree to the extension of time - 30 days which enable a law to catch up with some of the other things, other time-tables - I am in agreement with that extension of thirty days and I can promise you this, Mr. President, that if whenever that Development Plan is brought before the Legislative (because its not brought before us yet), whenever that is brought before this Chamber I can assure you that I am going to look to make sure that everything reasonable and everything just is going to be done to make sure that no sufferage (suffering) is brought to anybody in this territory by that Development Plan.

I thank you, Mr. President, for the opportunity to express myself in this Chamber.

MR. CLAUDE HILL: Mr. President, Honourable Members, I would like, first of all to thank you, Mr. President, for the form of democracy you have shown in having this meeting here today. Second, I would like to say that we started with a prayer and I think/prayers are answered and need to be answer - its now.

MR. CLAUDE HILL (CONTINUING) Mr. President, I rise in support of the motion which is before us by the First Elected Member of Bodden Town. The facts are that a Development Plan, as outlined on the Land Development Law, 28 of 1971 states that if any objections or representation in regards to any such Plan or proposal is made in writing to the Authority within one month after the publication of the notice referred to in section 2. Now, this Land Development has been published as the Law, 1971 reads and it is quite true that the approval of the Plan has to come before the Assembly and as we are not discussing the Plan I care not to say anything on it at present but the time given is what we are seeking - we are seeking time to study this plan intelligently and 30 days as was given in 1971 for the Plan to be studied is not sufficient. We are seeking now for an additional length of time to study the Plan.

It is then an opportunity given for Members of the public, as well as Members of the Legislature who are serving the people, who are the servants of the people, to study this plan intelligently.

A man who is a layman, and I am sure the majority of people who are in the chamber are mostly laymen, with a given amount of knowledge, with a given amount of knowledge to extend their intellectual to understand what is proposed before them, and on the present law we have 30 days given to study such a plan. It took a number of years to comprise this plan and I would say that I am sure that Members in 1971 when they passed the Planning Law, 1971 law 28 of 1971, they did not realise how sophisticated the law was at the time. We are aware of the fact that it takes time to do this. As it was once said that every man is the creature of the age in which lives, but very few are able to raise themselves above the ideas of the times.

We hear much said about rail-roading. I do not think, for one minute, that any one member is of the opinion or of the mind of rail-roading any law into this Island and no one is of the opinion of any law being rail-roaded to put before the public something which they cannot understand.

This Chamber consists of mostly laymen and the public in general consists of laymen. I do not see where it is necessary to elaborate on anyone's failures of doing something that they didn't know, or didn't know what they were doing at the time - it is not necessary to elaborate on the law which can be amended, and should be amended, and must be amended.

Confucius once said "If a man take no thought about what is distant he will find sorrow near at hand". Any man can change his mind. If the mind of the First Elected Member from Bodden Town who has this motion before the House now and has a seconder from Bodden Town, if he has changed his mind on what he has stated previously, it is his due right to do so - there is no need for comments on previous happenings when this now confronts us and is of vital importance to each and every living human being on the Cayman Islands.

A Development Plan must and will be had for these Islands if they are to develop, but when it becomes so sophisticated we have to take time to look into and study the Plan.

Before us, the Third Official Member gave us an amendment to the motion and I am sure that Members will be considering it, those in favour or those against, every man has his due right to pass his opinion. The matter of time is the whole meeting here this morning - it is a matter of time -

MR. CLAUDE HILL (CONTINUING) whether they go with the motion as it stands or the amendment. Time should be had that people can look into this Development Plan as it stands and I am sure that there will be petitions against the Plan and they have their right, their due right.

Four years ago the Regulations were made for this Plan and I am sure, Mr. President, that we, in this Chamber, although we may not get exactly what we wish, we will endeavour to carry on to represent our people in the best of our knowledge, at all times. I thank you, Sir.

MR. FARRINGTON: Mr. President, I am very glad indeed that I didn't follow the remarks and the rumours. I am still here on my feet. If the story had gone around that I was out in my garden trying to show people, give people an example to grow some stuff.

However, I have not very much to say - the thing is clean cut - there is a resolution before the House and there is an amendment. I heard some member refer to being here from 1968 - I have the honour of being an elected member of this House ever since 1921, so I think I should have some experience and I think on this matter of rail-roading, I don't think it is the intention of the Government to rail-road anything, but I do feel this from experience, bills were passed in this House that weren't fully considered and we were able to regret. That isn't any fault of Government.

Now, coming back to 1971 when the Planning Law was proposed I think the records will show that I defended the Bill, and I was the lone member, - the Members of Executive Council at that time, "No, no, we don't want this". I think you will find it in the records - I said "Gentlemen, I think we should really go through this - the plan - let it go through the 1st and second readings and then we will go to the Committee stage, and the objectionable features, as far as we know it, would be taken out. They agreed to that after I made the suggestion. One member now, all the others said "No, we don't want this, we are not going to have it", and I was lucky enough to have been able to persuade the then Executive Council members, which had been a very good thing.

I was elated this morning to hear that my member, sitting on my right was on the Executive Council - that's what I understood him "We of the Executive Council" - I don't know when he was appointed a member of the Executive Council but I will say this, he is taking their part very nobly. (MEMBERS - LAUGHTER).

You will see that I have no fear of any rival so far as politics are concerned - I fear no rival - I have gone through it for 54 years and at the last election I topped the Poles.. (MISS ANNIE H. BODDEN: - AMEN!) I won the confidence of the people and I have held the confidence of the people because they knew for a fact that I was protecting their interests and today if an election was called and I was one of the candidates I have no fear and I am not going to play politics - I don't have to play politics - I don't think at this stage of the game I don't have to play politics.

I do feel, Mr. President, that in preparing this document, this land Development Plan that due consideration was not given to local experts in preparing it. Not to come to this stage now and say "here" I think they would have been well-advised to have sought the advice and experience of local people who, after all should know, better than the experts, just what should take place here in the Cayman Islands. And that's why I feel that time should be given, and at the same time, speaking on the amendment, I feel certain, although I am not too much in favour of reducing it to thirty days, I do see a difficulty, and, by all means we must

MR. T. W. FARRINGTON (CONTINUING) have a law to bear this out, whatever we pass this day, we must have a law and therefore I am in full agreement with the Member, the Third Elected Member, when he said that there should be an amendment - there should be a time given for the Introduction of this law, in the form proposed before we can do anything. I think we followed the advice of the Attorney-General. This matter was discussed in Committee and this thing was raised that we think this is entirely too short a time for people to consider a document which evidently had taken years, and for the people, who, after all to study this intelligently said "No, I don't think anybody as a matter of fact, because it is too obvious".

And I don't profess to be a preacher, I do know this that we started with prayer, and I don't know, we have gone along with even a sermon, it seems like (MEMBERS - LAUGHTER) AND I think that after all I am not an expert, but I think I have had enough experience and I've tried to pass on what experience I've had to those of my colleagues, but as I've said, I'm not blaming Executive Council, I am not blaming Executive Council entirely, but I do say that when the thing was first introduced to the then Members of the Executive Council, they were definitely opposed to it, so if they find members here now taking that same attitude, they ought to be able to understand that each man has his way of looking at it and I do hope that this thing will be accepted and that due provision will be made for this law to be amended and I thank you, Sir.

CAPT. A. A. REID: Mr. President and Honourable Members, I am in support of this motion being extended. Mr. President, this is a concise, a very concise book, a 191 pages and I daresay if I were really retired ( as some people would like me to be) I would buckle down to it and read it and understand it and get a full grasp of it in a month. I feel that it should be read at least three times to fully comprehend the whole thing. But I am a very busy man and I haven't got that much time to devote to it. And anyone who says that he has done so, is either bragging or he has nothing else to do.

I am not against the Plan - I know we need guidelines but I've always been an advocate of writing off bureaucracy as much as possible, and cutting out red-tape. I was so successful in that in a shipping office that I can a comparatively big shipping office with five people, where I have seen others with 25 and not doing so well. And I say that we are getting wrapped up in bureaucracy every day of our life - we are getting more laws - and without the infrastructure to carry them out and wrapped and tied and bound in red tape.

As a matter of fact, while I remember it, I would rather have seen something come to this House about our water situation than seeing these plans.

As I have said, I am not condemning the plan completely but I say that even Cayman doesn't need this plan in its extremity - it is too concise - there is too much of it and when you look at it it will frighten people away, I am sure of that. When you have the coastline, the entire coastline protected, you are not going to tell a man "Oh, you can do what you like, that's just there - forget that". I have seen in this same Planning Board and that Caymanian Protection Board people using it to their advantage against others and I am one who has been discriminated against, so don't tell me it doesn't happen - it has happened and it will happen again, as long as you have that type of a man on the Board, or men. So I am against it.

Now, as for Cayman Brac, we don't need any Plan there - not of this nature, not in another ten years -

CAPT. A.A.REID (CONTINUED) we could run wild, every since our coconut trees died of lethal yellowing in 1917 to 1921 we have been in the doldrums and we don't need anybody to tell us what to do with our lands. A few guide-lines, may be, if they can come up with something else but certainly not what is here. The Plan....

MR.PRESIDENT: We are not debating the Development Plan... we are not debating the merits of the Development Plan this morning.

CAPT. A.A.REID: ...Well, the Plan is ambiguous, quite ambiguous and it frightened the people in Cayman Brac and in Little Cayman, and rightly so when you mark off their beach and tell them its protected area - they dont know how much protection youre going to have there and who is going to be able to do anything on the beach, so they didn't accept it.

I am all in favour of the extension of the time limit because I haven't been able to read it through yet - I read about the onc-third of it and I think that more plans should have been given to the people at less cost. I am sure that not more than 15 or 20 people have been able to read that Plan in Cayman Brac, or up to the time I was there last week, I think there were only two or three of them sent up there and there are not very many people in this community who are prepared to pay \$20 for a plan and can, in fact, afford it and it is not right to cram something down their throats without their permission-their sanction to something, I think they should have been consulted, I think they should have been more in the lime-light - I just think that the plan doesnt suit Cayman Brac at all.

I am in favour of the Third Official Member's suggestion of one month, I wouldn't insist on it being 60, I think that another month will do and I could talk a lot about the Plan, but I did say it, the people have said it, they have refused it, rejected it and the Planning Authorities have given their assurance that they are going to make amends and so I will stop here, Sir, and give the other people in Cayman a chance to talk about their Island. I thank you.

MISS ANNIE H.BODDEN: Mr.President, will I be allowed to debate the second counter motion, Sir?

MR.PRESIDENT: I think I would allow you to talk to the amendment.

HON.A.B.BUSH: Mr.President, Honourable Members, I see that what has been referred to by the members themselves, not by me altogether, the other side of the House is awaiting some word from the Government side of the House, so I rise to say a few words on the two motions which are before us - the original and the proposed amendment to the motion.

The whole thing, all of the motions, Mr.President and Members, centre around time - that the time, as called for in the Law is insufficient for the people to intelligently understand the Plan which has been put on display for the public.

Now, I would like to make it clear here that as the representative of George Town I haven't had one person, not even one person to say to me the time is too short. I have heard it, but no one has really come to me to say that it is insufficient time for us to study the plan, But I am



HON. A. B. BUSH (CONTINUING) prepared because I realise, and I am not doubting the words of members who say that they have been requested by the people that it is insufficient time to intelligently study the plan, so I am prepared myself to make a compromise and to support the amendment to the original motion.

Now what is really surprising to me, Mr. President and Honourable Members, is that the very movers of this motion, the original motion, continuously prodded Government to present the plan. Now what I can't understand is if they knew in the Law of 1971 that a plan was to have been presented to the Legislative Assembly at a certain time or at such time as it may be extended, I think it was agreed, why didn't they also take note of the fact of the time limit of which this plan will be put on display to the public - why did they leave it until now that the plan has been put on display to take up this particular matter that the time is insufficient - it is not adequate. I can only say that they must have thought that Government was going to present to the Legislature and the public for public viewing a plan which was something so simple that everybody would have understood it in less than no time - or wouldn't needed to have read it at all. I believe they are surprised to know that Government has employed the expertise that they have and has presented such a comprehensive plan for the development of the Cayman Islands. This is all that I can say with regards to not having taken the matter up from what was in the law of insufficient time to not study the plan.

It has been said, Mr. President, and I don't want to ramble too much, but I think I must refer to statements that were made about the plan and what it caused in 1971. The plan did not cause the demonstration in 1971, it was the regulations of the Law - the plan hadn't come into being as yet - the law was introduced, the regulations were what really caused the objection - no use worrying about what happened in 1971, we are now in 1975, we are about to present the plan.

It was also said that not very much consideration, or some disrespect was shown to members of the Legislature because they were not presented with the plan before the public knew about it. I don't think this is correct - as far as I know the Government sent a copy of the plan to the members of this Legislature and the Members of Executive Council had no more and was not treated in any different way from all the Members of the Legislature, in that we all had a plan as submitted by the planners. This plan, as you know, will be submitted to the Legislature to be debated and Government undertook to do this and to give assurance that this would be done on the 30th of June this year, 1975. Now here we are - we say 30 days is inadequate time for people, the public to study this, but is it just that it is? I think its more like 90 days because although the public have 30 days after the plan went on display to make their objections to the tribunal, they have up until even the thirtieth day of June to make their objections to their representatives. So I don't see really where you can say that even one month, as stated in the law is really insufficient time, because actually you have three months, but as I said, Mr. President and Members, I am prepared and I will accept the amendment to this original motion that we extend time by thirty days more which gives the plan two months to be displayed to the public and I do hope that during that extension of thirty days, if this amended motion is carried, that every representative here of this Legislature, of the people here in this Assembly, will see to it and impress on the people whom they represent, to study this plan within that time and clearly state their objections as to what they do not want in it. Thank you, Mr. President.

HON. W.W. CONOLLY: Mr. President and Members, I had no intention of speaking but since we have run out of speakers I suppose I will put a little bit of energy into this.

Before us this morning we have a motion and then we have an amendment to the motion. Now, speaking briefly on that it is quite obvious that in order to make the motion effective, the amendment seems to have what it takes and that is a motion for the Suspension of Standing Order to allow the introduction of a bill to amend the Development and Planning Law. I daresay that this probably was the intention of those who moved it, on the other hand having heard and having read from the Hansard reports, the inconsistency of what led up to this motion, I daresay that if this amendment had not been brought I suppose we would have been left in a vacuum.

Now I would speak briefly on the law - we are here this morning and I think the basis of our debate is to have an amendment to the law to allow a longer period of viewing by the public. In the debate there has been some misunderstanding by certain members, because the Executive Council has not submitted a plan - the Law doesn't say that the Executive Council would submit a plan - what the law says is that the Central Planning Authority would submit a plan - a proposed plan of how they consider development should take place.

As we have heard this morning, sometime during 1973 questions were raised asking why was not this particular section of the law implemented, because the law says not later than one year or at such extended time as the Legislature would agree to. Following the questions there happen to be on the floor of the House, a motion asking for this plan to be submitted over a year ago. There should not be any surprise to anyone if members of the public, and surely, members of the Legislature here, are aware of what they say or what is recorded - one expected that a plan would be coming. In fact it was asked, it was urged that the Central Planning Authority produce a plan.

The Plan has been produced. As I see it there shouldn't be all of this excitement. If I was afraid so something, if I was worried about something, I wouldn't ask for it to come - I would keep it away from me, nevertheless, I think all is being done is the implementation of the Law. But it is point I would like to make here and I would do it now, that despite of what one says about time or not, this is a very unusual piece of legislation and I say these words, subject to the ruling of the Honourable Second Official Member, but this legislation, the Development and Planning Law of 1971 is a very unusual legislation on our records. It gives a lot of latitude as far as time is concerned, as far as input from the public, and it is a piece of legislation that sets a time where that a review is compelled to be made. Most legislation you make the legislation, it goes on the statute books and it is the law of the land until such time as it seems fit to rescind it or repeal it as the case may be. This specific piece of legislation allows a great latitude, to the input from the public, it allows for a review by the Legislature - its a continual process going on and I would say that the importance of planning laws take these points into consideration. If, and I am saying if this were not so then the Government would have submitted a plan and we would have an opportunity here of saying whether we like it or we don't like it.

The situation is complete different - it has been submitted to the public for the public to have a say and within thirty days to make written objection to a Tribunal which will do certain things, will record their objections, will take evidence into the objections and submit that to us.

HON. W.W. CONOLLY (CONTINUING)

It is a bit unkind and unfair to say that any form of haste, surely when the members of the Legislature in 1971 agreed to the passing of this Legislation it was felt at that time that a 30day viewing by the public might have been long enough - if we find today that this time is not sufficient, I think it only makes good sense to amend it and I am sure that, even though the members of the Executive Council are considered bad people, I think it can be said of them that they are consistent and I believe that it was the intention of the Members of this Legislature when the law was passed that the public would have an opportunity of reviewing this and making their comments and I think that is still the same plan today.

We are not debating the plan, in fact the plan has not come before the legislature, as members have rightly said, but surely, surely no member of this legislature can say that the draft plan was not submitted and no member can say that they didn't have the opportunity of discussing this with the Member responsible for Planning and also the Planning Department. It was not in the Island at the time, but I had notice of when an informal meeting of this House was called and I am sure that most members, all those that were here, attended the meeting and I believe that certain members saw then that they didn't have enough time to discuss it intelligently and I am sure that the Chairman of that Committee extended the time and I happened to be here when the second informal meeting of the legislature occurred. So to get the records straight, Mr. President and Members, I don't think there has been any, in no stretch of the imagination, any form of trying to deprive the public of having their say on this. Now what we have to be very careful of is this, you know Mr. President, I might stray a little bit, but of course some times one happens to do that on the floor of the House - I was a bit alarmed when I heard of petitions of four or five or six hundred, thousand people, these are the things that I am worried about. I get a little alarmed, because I have had knowledge of petitions in the past myself - I have been in the House, not as long as some member who has just spoken, but I have been here several years myself, and I know a lot of times, on petitions, you find one person signing for three or four people and three or four people signing not knowing what they are signing. I feel that an opportunity has been given to the public, in notices - I happened to have attended a meeting where I sat in the audience and listened to an explanation and I think I said it at the end of the meeting and I would like to record it here that I consider that the Planning Department has done a good job in producing a concept plan for these Islands.

When the plan comes before the legislature I am sure, Mr. President, you might get, even get a motion for an extension of this House in order to finalise this plan before the dissolving of the House. It takes a long time to agree on something like a Development Plan, but why get people in a frenzy, I don't think it is necessary - I think somebody puts to you, somebody puts something to the public - we have a right, the public has a right to look at it, study it, ask questions, see how it affects the individual, see how it affects the country, see how it affects those that come behind us, and, as I said at the meeting, I think the Planners have done quite a good job.

One point I would like to make, Mr. President and Members, in fact it was brought out here that there was no local input into this plan - I fail to see how that statement could be made, because as far as I know, the law says that the Central Planning Authority would present a plan, and as far as I am aware there are members, local members, local people on this Authority, so I am sure that an opportunity was given to them, who are members of the Authority to have their quota of input if they so desired. I think it would be unfair to say that local people had no opportunity of saying anything on this plan.

HON. W. W. CONOLLY (CONTINUING) If it was presented by them and they didn't put in their input that was their opportunity of so doing.

Mr. President and Members, I have no strong views on the sixty hundred, two hundred days, I have absolutely no idea, standing here this morning, how long it would take every individual in the Cayman Islands of 14,000 to study this plan - If I make a guess I would be wrong. I couldn't say, I don't know whether sixty days would be enough, I don't know whether six hundred days would be enough, but taking into consideration, and trying to follow the consistency that I like to see carried out, this Honourable House passed a resolution saying that a plan would be presented here on by the thirtieth of June, 1975. If this is to be carried out and if there is going to be a consistency with that resolution that has been passed some time ago, I feel that the amended motion sounds reasonable and I do agree that those people who probably didn't have an opportunity in 30 days to see the plan or to study the plan, would have a further 30 days of studying it. There is no guarantee that everybody in the Island is going to study it anyway. Secondly, I have to agree and support the amendment because without the further resolve, as stated in the amendment, the motion today would only be an exercise of passing a resolution and from there - where? So, Mr. President and Members, I stand in support of the amendment and I do hope as one member has said, that members here would take the opportunity of explaining, of bringing to the attention of the public this plan and having them exercise their rights and that is to make their written objections to the Tribunal and/or contact their representatives. Thank you, Mr. President.

HON. BENSON O. EBANKS: Mr. President, I certainly want to speak to the motion, but I am wondering whether this is not an opportune time to take the adjournment?

MR. JAMES M. BODDEN : Mr. President, as the mover of this motion, I suggest that we go on through until 2 o'clock and we should be finished by then, Sir.

HON. BENSON O. EBANKS: Mr. President, I frankly thought that we would have been out of here by 10.30 - I did not expect that this meeting would have taken the course that it did, of course I notice a change in attitude after the amendment to the motion had been presented and I would hope that this amendment is accepted, inasmuch as if we are going to achieve anything out of this meeting, the last resolve section of the amendment is imperative.

Now, it is unfortunate, Mr. President, that in introducing this motion and by one or two subsequent speakers, some irrelevant and unsavoury aspects were introduced into the debate. As I said, I did not come prepared for any long debate, but realising human nature and frailties, and also the inconsistency sometimes of members of this Assembly, I did take the precaution to bring at least the copies of two minutes of meetings held in this Legislature during 1973 and 1974.

Before going into these minutes, (which I propose to show why the planners were put into the frame of time, the box, that they are now in), the appropriate place to start is with the Development and Planning Law of 1971, which my colleague, the First Elected Member from West Bay seeks to take credit for having introduced into this House. Now it is amazing to me how a bill for which only his support existed, reached the floor of the House. Mr. President, this bill was introduced in 1971 by the Government of the day, I happened to have been a member of the Executive Council at the time, and the

HON. BENSON O. EBANKS (CONTINUING) record of this House will prove that the only occasion on which a bill came to this House without the support of the elected members of Executive Council it was so stated and recorded in the proceedings. So I want to make it quite clear that this bill came with my support, and I did not have to be coaxed to accept it.

But, Mr. President, some members have stated that the month, as framed in the Law, is probably because when the law was drafted members did not envisage the extent of a Development Plan - now, I am not in full agreement with that suggestion, because the thirty day period does not only apply to the Plan when it is being submitted in its initial or first phase - it applies to any amendments to the Plan or any area plan which the law permits to be made within any given time and, in fact, it is compulsory, that a revision must be done within, at least, once in every five years. Now, we all accept that planning is a controversial subject and if the Island is not to be always in turmoil over a plan or an amendment to a plan, well, then, it would seem to me to be desirable to give a reasonable time but not an unreasonable time, and, in the case of a plan being presented for the first time, such as is being done now, it is my submission that notwithstanding the section of the law which requires publication for two successive weeks in a newspaper and for objections to be made within one month of the date of that publication that administratively, the Planning Authority could have circulated the plan, in advance, for information, three months, four months, six months in advance, if this was considered necessary and then the notice as required by the law published and the law complied with and the statutory period run from that date, so that when the plan was being presented for the first time there would have been ample opportunity for comment and study and objection, but to write thirty days in the law which will apply even to amendments, it is my submission that we would continue to have an unsettled atmosphere in this country from hereon in, because no plan is going to be acceptable to everybody. We all accept that planning is a controversial subject.

Now why did the Planning Authority find itself in the box that it now finds itself in? And I want to make one thing very clear, this plan, or the plan that is out is not being presented by Executive Council - the law requires that the Plan be presented by the Authority - so any reference by the opening speaker to the Executive Council being derelict in its duty, is completely unfounded, and has no support in the law, but let us see why (and I think this is important), let us see why the Planners found themselves in the box that they are in. The Planning Law of 1971 makes provision that within one year or such extended period as the Assembly may approve, the Authority shall present to the Assembly a plan. It also provides that until such time as a plan is presented there was an Interim Plan which would be used and be deemed as the Plan, so that the Authority was working under the auspices of a Plan.

Now, in December, 1973 a motion was brought to this Legislative Assembly by the First Member from Bodden Town and seconded by the Second Member from Bodden Town, reading -

"WHEREAS the Central Planning Authority has not submitted for approval of the Legislative Assembly a Development Plan consisting of a Report to go with a Plan indicating the manner in which they propose that land in the Islands may be used and (whether, by the carrying out thereon of development or otherwise), the stages by which any such development may be carried out,  
BE IT RESOLVED that section 6 of the Development and Planning Law-, 1971 be complied with and that the Cayman Islands Government take the necessary steps to enforce such compliance".

HON. BENSON O. EBANKS (CONTINUING) Now that is the section, Mr. President, which says that within one year or such extended period as the Assembly may grant this plan must be presented, but I want to make it clear that the tenor of the debate that ensued on that motion, as well as the motion, makes it clear that the motion was not asking that the Government seek compliance for any extended period - the debate will prove very clearly that what was being sought was the presentation of the Plan. It was Government members who took the initiative to ask for an extended period, and I will quote from the Minutes of that meeting, the 11th of December, 1973, I think this is relevant, Mr. President, particularly inasmuch as <sup>we</sup>were implored, at least by one speaker, to be sure that we represented the people's interest and enlighten them as to what is going on.

The amendment proposed - (there are many areas in this which would prove my point, Mr. President, but I will just pick one or two) - the first Member speaking said that he had "to go to some length to try to explain for bringing this, but it is of paramount importance that at this time, and as soon as possible, that this Assembly be presented with a Development Plan to comply with this Law or then we scrap this Law".

The Acting First Official Member of the Government Bench brought an amendment to the resolution which read -

"WHEREAS the Central Planning Authority has not yet submitted for the approval of the Legislative Assembly a Development Plan in accordance with sub-section (1) of section 6 of the Development and Planning Law, 1971,

AND WHEREAS it has proved impossible for the said Authority to submit the said Development Plan within one year after the appointed day

BE IT RESOLVED that the time within which the said Development Plan shall be submitted is hereby extended to the 30th day of June, 1975,"

and the member took pains to point out, that is the First Official Member on the Government Bench that it had taken Bermuda five years to present its plan, that the plan was a very concise or detailed plan and that it would take a lot of time and expertise to produce the plan, but, in spite of that, Mr. President, we see the Second Member for Bodden Town saying that he agreed in principle with the amendment, but "I would like to see the time set at June, 1974 instead of June, 1975". This was December, 1973 and the plan was requested in June, 1974, six months to prepare the plan, to present it to the public, to have the Tribunal carry out its function and to be presented to the Assembly. And he indicated that his colleague would "go along with the amendment of Government but he too was against the extension of time and he made the point that after 1974 he doubted that the plan would serve a purpose because "the centre of George Town will be completely covered, and while it might be of some use to the Eastern Districts and to the Lesser Islands, the Development Plan will have lost the effect for which it was put into the Law in the beginning.

Now, Mr. President, the First member from Bodden Town completed his chores, got back to the meeting and he recommended that it be extended to the 31st of December, 1974, that you will find on page 28.

Now I heard another member say that she had always been opposed to the Plan and I see here too, where that member, "while I support this amendment that the Development Plan shall be submitted on the 30th of June, 1975 I hope, if I live that long that when 1975 comes we shall not hear that we have to extend it another year and a half."

MON. BENSON O. EBANKS (CONTINUING) Now that was in 1973 and in October, 1974 we find again the mover of the motion before us, the First Member from Bodden Town debating a proposed amendment to the Planning Law, Development and Planning Law of 1971 saying "Mr. President, that's a part of this law, first of all let us not lose track of one thing - it does say it must have the approval of the Legislature" and, this is very important, after reading the section about the provisions made for publication of the notices and objections to the Tribunal and so on, the Member said "Remember, this was allowing not only one day, not ten days, but thirty days objections before it could be submitted to the Legislative Assembly". No indication that this period was too short or that there was any willingness on the part of this Legislature to give the Planners any extension beyond 30th of June, 1975.

Again, in that meeting on the 11th of October, 1974 we find the First Member from Bodden Town saying, referring to the meeting of December, 1973, that when that amendment came before the House "my comment at that time, although I agreed to change it, Sir, was 1975 would not help because 1975 was too close to 1976, and 1976 was an election year. We may it in 2500." In other words, he laid down a challenge to the Planning Authority to deliver the plan by June the thirtieth 1975 - the Planners took up that challenge and they were put into that frame because there is a lot of work to go into a plan and I am quoting these references. Mr. President, to provide that the Department of Government responsible for this Plan had no indication from this Assembly that it would receive any favourable consideration of an application for an extension of time, in fact, everything that can be found in the Hansard of this House, or that I have been able to find, and that I have quoted, prove the opposite. So its not difficult to see why this situation has developed and I don't think it is fair, particularly when the Members bringing this motion, were the people responsible to a great extent for putting the Planners in this box, to indicate that other members of the Assembly, particularly the elected members of the Executive Council do not take or have the interest of the country at heart.

As far as the motion is concerned, Mr. President, the motion as submitted is impotent - it would achieve nothing and if we are going to put words into action the amendment as proposed by the Third Official Member has to be accepted or we are not being consistent with what we are enunciating on the floor, because merely to approve a motion in this House, particularly as it is so near the dead-line for the expiration of the thirty days would have no significance unless a bill was brought amending the Law. This, the Third Official Member has done, this group of "know-nothings", as we would be termed, are taking the initiative to put some action into what would have otherwise been an impotent exercise.

As I said in the opening, Mr. President, I didn't think that I would have to have spoken at length nor that this meeting would have gone on this long: it seems to me a simple exercise but because of certain statements, I thought it necessary to set the record straight and I support the amendment as moved by the Third Official Member one hundred per cent.

MISS ANNIE H. BODDEN: Mr. President, if I may be allowed to debate on this counter motion, I shall do so now.

Mr. President, this Private Members' motion which has been brought by the First Elected Member from Bodden Town, seconded by the Second Member, which reads -

MISS ANNIE H. BODDEN (CONTINUING) WHEREAS due to the fact that it is considered that thirty days is too short a time for the public to intelligently deal with the Development Plan as outlined in the Land Development Law of 1971

THEREFORE be it resolved that this Honourable House approve a motion increasing the time as called for in section 8 (3) (a) Law 28 of 1971 to an additional sixty days for a total of ninety days .

Mr. President, I agree that it could not serve much purpose without the law being amended to take care of the situation, but surely the powers that be must know that they are in a position, if they wanted to correct this, that they could have drafted the law. We are not supposed to be the law-makers, we are the law-passers in this Assembly, and I feel confident that had this resolution went in the first instance with unanimous approval, that such steps would have been taken.

I have said, as quoted that I hope we would not have to wait longer than 1975, but I must say that I am amazed at the extension of this report and the Development Plan. I never, in my wildest dreams ever thought that we would have such a sophisticated proposal - I think that would be more suitable for the City of New York, or London than this little measly, two by four Island. We have been here, as history records from 1494 discovered Island by Christopher Columbus and up to now we have achieved only the extreme fifteen thousand people. Ladd waste as far as people living on it is concerned and I feel that we can never from now til 1990 ever hope to get this twenty or twenty-five thousand people - whatever it may be.

I feel, Sir, that we have gone too far - we have taken land that investors have bought. I may not be able to deal with the Plan, but we have taken land, if we are to follow all that is in that proposal, the written one, to destroy our economy.

Now let us bear in mind that if this was a barren Island and Government owned the land, I could see this Plan being carried on very effectively, but I cannot in my wildest dreams see where we can accomplish all of this. I feel we should go slowly about it and what is contained in that proposal now, well I know it would never be implemented in my life-time, unless I live another 67 years, and I don't hope to do that.

I feel, Mr. President, that the time limit of a total of ninety days is not unreasonable, and I do feel, Sir, that the Legal Department, or whoever is responsible for amending the Law, if they were working in harmony with us, when I say us, I mean the people who are fighting the cause of the people, that they could easily procure an amendment which would take care of our inadequate, I should call it, resolution.

Now, Mr. President, I intend to stand by my guns, I intended to stand for the ninety days and I do not think that is unreasonable. When we agreed for this one month, I don't know who else had the idea that this Plan would be so far-reaching (and I can assure you I did not), and I feel, Sir, that we should work together in harmony in this House. Do not come here to hear Annie Bodden criticised or this one criticised - we are all human beings and we are not here to preach no sermon - sometimes I consider the prayer that is offered here must be an insult to God because immediately as we get here we start to row, and, as far as I know, peace and good will should prevail here.

We are only human beings, we are not, any of us, Moses the Law-giver, or Elijah who could command fire to come down from Heaven, we are only ordinary people and I feel



MISS ANNIE H. BODDEN (CONTINUING) that we should work together in harmony - that is what I have against this House, the way they get up and blow their trumpet - I have here thirteen or fourteen years, the only thing I've got by serving here free were three law books, but I've got a lot of pleasure and as long as I am able to stand up I intend to be in this Assembly, God willing.

I feel, Sir, that when we make a request it should be considered. I don't like this stuff of "you on the other side" - who put those on the other side on that other side if it were not us? And we did it in all good faith - I'm not sure they'll go back there, but I am very sure that we have done a good job in trying to fight for the people.

Now I am not supporting the sixty days. I feel that we should include in our ninety days resolution this thing about the amendment of the law. Any of us who are here are sensible enough to know that the only solution is to amend the law and I feel that that should be done, added to this resolution and ninety days still stand. I shall support ninety days, not sixty. Thank you.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, I would like to say, Sir, that you have proven to us this morning that you are prepared to hear the grievance of the people and to work with us, <sup>as</sup> elected members, and I feel, Sir, that we have much to be proud of this morning, or today after requesting a special meeting through you, as Governor of this Island and President of the Assembly and you have given it consideration that we should be here to hear our views on this matter. While there has been in previous occasion, it has been brushed aside and was scoffed at. I am proud, Sir, that you look on us as human beings as well as yourself.

Mr. President, we have before us a short resolution dealing with time and I don't intend, and I didn't come in here, Sir, to wander around the world to debate on anything else except this. When I come to debating the Plan I will be standing here for a long time.

This is simple, it is straight-forward, it is just asking for a minor amendment in the bill. It has been said if we had six months we wouldn't read it through probably - may be so but I have found in reading, particularly when you are interested in reading something when you read it the first time you find yourself no place but sort of wandering, when you read it the second time then you begin to see things - to understand something. You read it the third time, you read it the fourth time then you are getting further and further all the time.

I know I am not a graduate, college student and all the rest of it -. A little humorous article in the press I read sometime aback when a hippie met a friend of his he said "Hi - you're smoking cigars now!" - "No, I am moving". I said to myself what is in this? I read it the second time, I still didn't see anything in it. I read it the third time then I saw what was in it - his buddy had a cigar box under his arm and he said "I am moving" - in other words he had his belongings into the cigar box. So for me to get that I had to read it the third time. Now something that is one hundred and ninety pages, it does need reading the third time.

I have known members, including myself, primarily in Committee stages, we get a bit late "I am sorry, Mr. Chairman, I had something to do this morning, I didn't have time..." - that's exactly what's happening here - we just ask for a bit of time to further do things that we would like to do pertaining to a Development Plan.

Mr. President, I give this motion, as is, the original my full support of an extra sixty days that would make a total of ninety days, and in the light of that I don't have any more debate to go into, because I came here with my mind not to debate the Plan at all, because that is not, what we have before us.

MR. CRADLOCK EBANKS (CONTINUING) So I am only debating this and I am prepared to support this as is. Thank you, Mr. President.

MR. PRESIDENT: I think I will suspend the proceedings now until 2.30.

AT 1 P.M. THE HOUSE WAS SUSPENDED

AT 2.30 PM THE HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

MR. G. HAIG BODDEN: Mr. President, Honourable Members, this could well be my longest speech but it will not be because the matter which we are dealing with should be finished today. In a few hours more the people of these Islands would have lost their right to make objections to the special Tribunal, unless we give them a few more days of grace. And I do believe, Sir, that you will bear with us today so that we may get this matter finished, even if it means we have to sit until 11.59 tonight. I hope that in the interest of justice and in the light of what is right for the people of these Islands, that this matter can be settled before it falls away by the statute of limitation that has been set upon it.

Every member, but one, who spoke, agreed with the motion in principle or agreed with the amended motion, which has been proposed by the Third Member for Government. It is my feeling if the motion before the House had had its origin in the dark recesses or in the grey recesses of other brains, this Session would have been over in fifteen minutes.

This is the first Emergency session of the Assembly to be called since the institution of our new Constitution - it is also the first emergency session to be called during my term in the Assembly and the fact that emergency sessions seem to be so rare certain amount of gravity, certain amount of solemnity must be associated with today's meeting.

I could say with the Apostle "This is the day the Lord hath made" but I would go on to add "perhaps one that the devil has taken possession of".

The motion before the House is seeking to lengthen the time in which the public may study the Development Plan and make objections to the Tribunal. This is a reasonable request and one which, undoubtedly, will be granted unanimously.

In 1971 when the Legislators passed the Development and Planning Law they foresaw the need for the careful study of such a plan - they set a time-limit of one month and I believe that those members did what seemed right to them at that time. But what those members could not have foreseen was that what looks like an innocent Development Plan would have come forward in the form of the plan that is before the public now. The Legislators in 1971 could not have foreseen the complexities of the Plan that is put before us. The Legislators in 1971 also assumed that a Development Plan would have been put forward within one year of the passing of the Law - they could not have foreseen that it would have taken not one year, but four years for the presentation of such a Plan, and so if it took four years to present the Development Plan is it not right that this study of that Plan should take a longer time than had been set in the original law?

It is my opinion that the Planner seemed to have had far greater things in mind than the Legislators had and perhaps that is one reason why the Plan, which should have come before us in 1972, is just coming now, and I must say that this Plan is only belatedly coming four years afterwards, because

MR.G.HAIG BODDEN (CONTINUING) certain pressures have been put upon the Planners or upon Government to produce the plan.

What I am going to say is that if the Plan itself came only after four years and then only with pressure it is only axiomatic that the study of the plan should take a longer time than the one month set originally. It must of necessity take longer than one month to study a plan of such magnitude - one month is far too short.

Today the sands of time are about to run out for the studying of this Plan and I daresay that there are many people in this Island who are only today hearing about this Plan - there are others who are just beginning to question and to study it.

We have many Caymanians abroad who are still in the dark concerning this plan. Those people are still interested in their home-land - they are still interested in the land of their birth and it would be wrong for us, the legislators, to deprive of the time to study this plan. There are many foreign people who have interest in these Islands - there are many foreign people who have bought lands, who have property here and should not the interest of these people also be protected? Should they not have sufficient time to study this plan and to object, if it seems to infringe on their rights?

This motion is seeking to give these people sufficient time to study and make objection, but for the people who are here in these Islands it is still a physical impossibility for them to study this plan in so short a time. Let us look at it - this Plan has been placed in certain Government Offices throughout the Islands, these offices are opened for only a few hours per day, particularly so in the sub-post offices. They are opened at a time when it is not convenient for the local people to go in and study the plan. I am what I would like to call an average reader and it took me exactly two minutes to read one page of that complicated document. With nearly 200 pages it would mean that an average reader would take more than six hours to read the report for just a single time, so even if people stood in line to read the report which is available it would be a physical impossibility for those who want to read it, to read it in the time allotted.

It is true that the Plan is made available at the exorbitant price of \$20 plus \$4 for the map - there are not many people in this Island that can take out twenty-four dollars and spend it to read a report. The price prohibits the study of the plan, it follows then that these people, who, because of dire circumstances are unable to purchase copies must of necessity go to the Government Offices and there make a study. One can easily see that one month is far too short a time. The slogan of the Plan is "Hasten slowly" - it should be "run swiftly" because the whole thing is surrounded by rush, rush.

But all this statistics aside, there is a far greater reason for having sufficient time to study this plan. This plan is not only simple control of the use of land, it is reaching out to control every phase of life in these Islands, and because this Plan will touch upon every phase of life for generations yet unborn, sufficient time must be given so that the public may study this plan in detail. Although I will not debate the Plan itself, that will be a matter for many days, but to show you that the plan touches everything one only has to look at the law which authorise the production of this Plan and you will see that we need to study it and we need time to study it because the plan devotes sections to Roads, Closing of Road, Construction of New Roads, to Community Planning, siting of shops, schools, amenities, not only architectural but historical and archaeological amenities, sections deal with Public Service, Water Supply sewage, power, lighting and we need time to study this. The Plan deals with Transportation, Communications, not

MR. G. HAIG BODDEN (CONTINUING) only on land and water but in the air and its a wonder it didn't go into the surface beneath the water and a hundred and one other things too numerous to mention. This Plan will determine how we live how we breathe and how we have our being and the reason for bringing this motion is to ask for a reasonable extension of time in which we can study this plan.

We need to study this Plan because the world is in recession and the main topic of the plan is for restrictive growth - the whole purpose of the plan is to put a break on development and we need time to study it, because if we carry out restrictive policies at a time when the country is in recession we will only escalate that decline, so this is not something to be entered upon lightly, or in- advisedly, it is something that needs long and careful study.

I have been searching my mind and I can't find a single reason why we should rush the study of this Plan. It has taken four full years for the formulation of this Plan - this is certainly a long time, why the urgency now to get through with it? Leaving the public out of it, members themselves also need time to study this plan. For the last two weeks the Members of this Assembly have been sitting every day in Committee meetings dealing with other very important laws, members have other obligations to meet and it is not possible for the members over the last four weeks to give proper study to this plan. So it is incumbent on the members to seek an extension of the time-limit for the study. If we are going to do the job which we have been put here to do, if we are going to do the job which we have taken the oath to do, we must study this plan, we must have our constituents to study this plan - we must have all the people in these Islands and all the people in far offlands that are interested in these Islands to study this Plan, and in order to do that we must give them the time.

The Planners themselves need more time to study this plan, they will need time to evaluate the objections and I understand that many valid objections have already been filed against the Plan.

I was present at a meeting in Bodden Town sometime ago when the Planners were unable themselves to answer questions that were put to them, which shows the need for more study.

So much for the need for studying this plan.

I have three more things to do before I sit down, one is to wake up a member in time for the voting, the other is to deal with a few objections that were put forward and the third one is to deal with the amended proposed to our motion.

I like to think of the words of Ruyard Kipling when he said "if you can hear the words you have spoken used by knaves to make a trap for fools if you can bear that you will be a man", and I think we have come into our manhood today because we have certainly heard the words we used in December, 1973 used to make a trap for fools. The Planners were not put in a dilemma to present this plan by a motion introduced in this House in 1973 by the Bodden Town members. The Planners had been in that dilemma since 1972 before I became a member of this House. What the motion did, or what it sought to do was to extricate the planners from the dilemma in which they had fallen by the law which came into force in 1971, more than a year before the two Bodden Town members first entered the Chamber.

A motion was passed by this House in 1973 but it was not the motion that had been brought forward by the Bodden Town Members, that motion was voted down, it could never have passed in its original form no more than the motion today could pass in its original form. Everybody knows once it came from us there would have to be an amendment, but the result of that session in December, 1973 was that an amended motion was passed, an amended motion which had been put forward by the man who was then acting for the First Member from Government, and so what really put the pressure was not the original motion which we brought, but the amended motion which Government itself put forward.

MR. G. HAIG BODDEN (CONTINUING) Some members seem to have enjoyed reading the minutes of that historic meeting - perhaps one member enjoyed it because he did not contribute anything towards the debate, although he was present on that day, but I don't want to embarrass him by saying which member it was, but for those who will search the minutes you will see that a member who had so much to say about that meeting did not contribute anything to the debate.

If one looks on page 22 of that meeting of the minutes of that meeting you will find that I said "it would be better if we accepted defeat and scrap the idea of the plan altogether". It is good to read a page but to really understand what is on that page you must read the page in its entirety.

Also on page 23 I made this contribution - speaking about the plan - "it might be of some use to the Eastern Districts and to the Lesser Islands but as far as George Town is concerned, the Development Plan will have lost the effect for which it was put into the law in the beginning". Our contention then as the contention is now, if this plan had come with the expediency that it should have come in 1971 it would have done some good for George Town, but how can you plan for the use of land which is already in use?

But to show you that the member who spoke about the Plan also supported Government's motion, on page 26 of those minutes - one member said "I rise in support of the amendment to the original motion" and he repeats the statement at the close of his address, so why come here today and try to put the blame upon the Bodden Town Members when this entire House is guilty of passing that motion, that motion which was put forward by a Government Member asking that this plan be prepared in accordance with the law.

Now the reason why we brought that motion in 1973 is to cover up some of the embarrassments that Government had let itself into. The Development and Planning Law cannot work without the Development Plan - the Development Plan is mentioned forty times in this law that was passed in 1971 and anything done under this Law would be invalid without the Plan and it was in an effort to pull Government out of the dilemma in which it had fallen that we tried to put some pressure for the presentation of this Plan. The one year limit had been ignored completely by Government and it was in an effort to save their faces that that motion was brought.

So Members will clearly see that the Bodden Town members were not responsible for putting the planners in the imaginary jars which they found themselves in - we were not responsible for that - we found them in this dilemma and we tried to pull them out of it.

To show you how far Government had been embarrassed I will ask you to remember that several cases had come before the Grand Court and the Judge found it difficult to deal with these cases because of the lack of the Development Plan and so Government should be grateful that we brought this oversight to their attention. They were in a situation where they should have amended the Law if they could not comply with the statute of limitations set in it they should have amended the law, or perhaps scrap it altogether, but they couldn't leave the law on the book saying that this Law must have a plan within one year and let four years go by or two years go by and no plan - we can't have a situation like that, we would be the laughing stock of the world, so Government did not abide by the law that was passed in 1971. Why then is there the urgency to comply with the Resolution passed in 1973?

As has been pointed out by a certain speaker this plan is altogether different from most of the legislation that comes before us. The acceptance of this plan is not the sole prerogative of the members of this House. Normally when a bill is put before this House the members are free to deal with it, nothing in the bill says that you must take this to the public, but this development plan is altogether different, in that the law states clearly that this plan must go to the

MR. G. HAIG BODDEN (CONTINUING) public, they must have the time to make their objections. The plan is open to public scrutiny and what we want today is to ensure that that right is not taken from the people and that they have sufficient time to study this plan.

We were told by one member of Government this morning that in the plan there is no intention of taking away land from the people - I hope the Member is right but section 30, PART IV of this Law makes explicit provisions for the acquisition of land under this plan. Let me read section 31 -

"where any land is designated in a development plan made under PART II as subject to acquisition by the Authority or may otherwise be acquired by the Authority under the provisions of this Law then the Authority may notify the Governor of its intention so to acquire such land and thereupon the Governor shall proceed to acquire such land pursuant to the provisions of the Land Acquisition law as land needed for a public purpose."

So the public needs time to study this plan because under the Development Plan and under this Development Law land can be acquired.

One member mentioned the impotence of our motion and I can only answer that in a jocular manner - the Boddens have been known for their virility and not for their impotence in these Islands.

We have not changed our minds about the resolution brought in 1973 - our convictions still hold fast on that - we believe that what we did then was right - all we did in 1973 was to say to Government this Law which you have on your statute books says that you must have a development plan presented to the people within one year or within such other time as the Assembly may allow - or words to that effect. What we were saying you must present the plan or you must amend your law - you must bring it within the one year or you must give another extension - that was all we did in 1973 and I think we were right. We were absolutely right because certain cases, as I mentioned before in the court had proved the need for this Development Plan.

It is not true, as some member would make you believe this morning that we continuously prodded Government - we did no such thing - we brought one motion and one motion only asking that Government comply with the law. The idea of a Plan was not our own idea - we came upon the scene in 1972 and it had already been established by law that a plan would be made available within one year of the coming into force of that 1971 law, but I think it is quite correct in saying that our ExCo Members were a party to that law in 1971.

The Third Official Member has put forward an amendment to our motion - when I came in the Chamber this morning I said to my colleague "This motion will be passed today but I can't think what the variation of it will be. I know it can't go through as it is and I feel that certain variations will be offered", (I was speaking from past experience).

The Third Official Member for Government, in his amendment, is asking that the extension be one month instead of the two months that we are seeking, I can't agree with him. If this extension is worth giving at all it must be worth two months and why should he seek to cut down the extension by a whole fifty per cent? If he had even said that he would cut off one week, but to cut the time in two - it is preposterous to think that an amendment seeking to cut the motion in two would be put forward in this sitting. I am of the opinion that had we asked for only one month extension Government would have come back and said you only need three weeks - there would have to be a differential.

MR. G. HAIG BODDEN (CONTINUING) If that amendment was being put to this motion I thought it would have been put as the Lady Member from George Town suggested to extend the time to six months not to cut it down from two months.

If we look at this plan we will see as I pointed out in the beginning that the Plan itself took four years to be prepared and was only ready because certain pressures had been put, why is it that the study period cannot be extended to three times the original estimate, if the plan itself took four years to come - why can't the study period be extended to three months?

As to the second part of his proposed amendment I cannot go along with that either. I know it is necessary, but it is not urgent. The resolution passed in 1973 gives Government until the 30th of June, 1975 to put this plan before the Assembly. That means we have eight weeks more to deal with that side of it so if Government wants to introduce a bill to deal with the extension of that time they have eight weeks in which to do it. It is not necessary to suspend Standing Order No.21 to deal with that today.

If Government is seeking to extension suspend Standing Order 21 to deal with the thirty day study period I could understand that, but if they are seeking the suspension of Standing Order 21 to deal with the time when the plan must come before the Assembly, I say they are totally out of order. Standing Order No.21 is one of the most important regulations governing the operation of our Parliament here. Standing Order 21 says that a printed copy of every bill shall be sent to each member seven days at least before it is proposed to be read a first time. That Standing Order gives the members the right to have sufficient time to study what they are dealing with and we should not move to suspend that Standing Order at the whims and fancies of any and every body. That Standing Order should only be suspended when it is absolutely necessary, because the motion passed in 1973 gave until the 30th of June, 1975 for the presentation of the plan to the Assembly - I say there is sufficient time in the eight weeks that are ahead to deal with that without having a suspension of the Standing Order to deal with it today. So I am afraid I can't go along with the proposed amendment. The proposed amendment is seeking to cut down the study period by one half, it has also added a new dimension to our motion. It reads =

"And be it further resolved that Standing Order 21 be suspended in order to enable the introduction at this meeting of the Legislative Assembly of a Bill to amend the Development and Plan, 1971" -

Now I can agree with the suspension of the Standing Order to amend the study period, the time limit for the study period which would expire sometime in the early part of May, in a few hours from now, but I can't allow the Standing Orders to be suspended to deal with the presentation of the Plan to the Legislative Assembly because we have a further eight weeks to deal with that. We know that if the study period is extended for another two months, it will then be necessary to amend the law so that the presentation can be made after the 30th of June, but for us to study all of that in a bill hurriedly put before us, it would be going against the principles of parliamentary procedure. Standing Order 21 has been put in here to guarantee that members will always have sufficient time to deal intelligently with bills and we can't allow this Standing Order to be set aside to deal with a bill, although it is important, but not urgent. The proper procedure would be to withdraw the proposed amendment, to pass our original motion, giving the proper two months extension and, if necessary suspend the Standing Order to make it into law, to introduce the

MR. G. HAIG BODDEN (CONTINUING) bill for that and to come back here after due notice has been given, after the full seven days' notice has been given and fix a time for the presentation to the Legislative Assembly.

The end of June, 1975 is not far away - on the other hand it is not upon us yet - there are still eight weeks inbetween and we can deal with this second amendment which Government seems to want in that time.

Mr. President, in closing I would like to say that our actions in bringing this motion today are very innocent - we felt that the one month given to us under the Law, given to the public under the law to study this complicated document is insufficient. We, by the motion which we brought, have asked that that month be extended to 90 days. I personally will not tolerate any amendment to this motion which seeks to cut down the time-limit because the 90 days itself seems like too short a time.

HON. TREVOR FOSTER

Mr. President, Honourable Members, I'd hoped that this Emergency Session would have been one that would have been very short but it did not end that way and therefore after everything has been said, and all the contributions added to this debate, it leaves a poor member of Executive Council thinking as if he is a criminal and as was said, not the rightful representative of the people. However, be that as it may, this afternoon we have before us private members' motion asking for an extension of the study period for the Development Plan. We also have an amendment which was proposed by the Third Official Member.

I stand in support of the amendment inasmuch as has been stated before the private members' motion would have been useless without amending the law to extend this period, because the law now states that it will be one month, even if the private members' motion was carried, it would have no earthly effect inasmuch as the law states the study period would be thirty days. So the main reason why this amendment has been proposed is to make their motion come into effect.

As the member rightly said these motions have been twisted by knaves to set traps for fools - I quite agree - I've listened to it all morning and every misconception that possibly could be placed, has been placed, but one thing members fail to take cognizance of is that in the knaves' twisting and turning it to suit themselves, to set traps for fools, that they were not dealing with fools. Sometimes this trap takes the reverse position.

Mr. President, the law clearly states the procedure of presentation to the people - it sets out the channel through which objections can be made and in the course of what has been presented in the amendment of sixty days, certainly objections by the individuals to the Tribunal can be made - our Islands are not that big that one can't, from looking at the map, see how it rightly effects individuals and contribute his objection to the Board; furthermore, each constituency has a representative, some have two and some have three (although I hate to say that the four members in Executive Council - we have been termed that we are not dedicated representatives), but I think our shoulders are broad enough to take this bomb-shell, shall we put it, and I think our people are aware of the fact that we can solidly represent them, but then the people of our constituency have ample time to make representation to their members and when the Plan is presented to the House, we have time also to debate and put forward our points of objections, etc.



HON. TREVOR FOSTER (CONTINUING) Mr. President, the Member stated that the original motion as brought forth in 1973 was done for a point of sympathy, so to speak, to help cover up embarrassments for Government, I am very certain that they would have that thought for this particular Government - I can only say that I take this with a bit of salt, but I would also remind them that if they had taken time to read the law, section 7, sub-paragraph (a) states that - during that period that the Draft Development Plan was the plan and that is what the planning authority went under, so I fail to see how our Government was in an embarrassing position when it was going by a plan - it wasn't the plan, but it what was known as the interim development plan.

Mr. President, the Member mentioned of one member reading parts of pages and that you cannot fully understand any one clause without continuation, this is correct but I would advise that the same could be done on his part, when the Member has stated that the acquisition of land is in the law, this is quite true, if it is the section of the land that is needed by Government for public purposes, bearing in mind that public purposes is for the people of the Cayman Islands, not individuals, which we represent, but he should also have stated that ..... Governor of his intention so to acquire such land and thereupon the Governor shall proceed to acquire such land pursuant to the provisions of the Land Acquisition Law as land needed for public purposes". Mr. President, I think everyone knows that the Land Acquisition law gives the authority to have your land appraised at the going value and the Government will have to pay that for it - its not a matter of acquiring land without paying the going price. (MR. T. W. FARRINGTON: Hear! Hear!)

Mr. President, as I've said before, this debate has been drawn-out. I can't help but take cognizance of the fact wherever it is possible that criticism is howled on the elected Members of the Government Bench. Rightly so, we are here to represent the members and the people of the Cayman Islands, this is what we do. Mr. President, there are no two minds alike - its evident that we are following the same high-way to get to the same goal, but may be we are driving in different automobiles, but it doesn't say that we won't get there. However, I would like to say that we are only humans on the Executive Council and the same way that we are criticised we will have no other alternative but to splash this back.

Mr. President, I feel that with the amendment two months is ample time to study this document and the map. I feel certain in saying that the map is the one that is causing most of the dilemma - it has been so in Cayman Brac and in Little Cayman - its not exactly the document - I think that that deserves credit. There are some guidelines set out by which if we are to lead and guide this country into suitable development its needed. If we are to develop any professional development, those plans are needed in any case. Anyone that has the interest of these Islands at heart realises that we have at all times to control development, it is not to restrict development, but to control it so that we are in a position to know where the country is going. It answers some of the problems that are always presented to members on the street and in this house, about second-class Caymanian citizens.....(MR. JAMES M. BODDEN: On a point of order.....) a multitude of sins.

MR. JAMES M. BODDEN:

The gentleman is out of order, Sir, he is dealing with the development plan, commenting on it which should not be done.

HON. TREVOR FOSTER (CONTINUING) Mr. President, I think what I was saying was a bit relevant to the amendment, Sir, nevertheless the amendment I feel is ample time for the people of these Islands to make objections and they have their representatives. I support the amendment and before concluding, I would like to add that no doubt the private members' motion and the amendment to that motion have been brought about and the text thereof brought about through the presentation of the Development Plan, but I can't help but project this thought that I think there are two sides to the ingredients of this motion and, I think from here it will continue not only for an extension of the study period, but may be an extension of the whole plan. I think along, Mr. President, with the Development Plan which has lent itself to presenting this motion, also the political plan 1976 has been a great deal into this whole operation and I think, Sir, once the people of these Islands have been presented with the plan by those that know and that it is explained I think that it will be quite agreeable to the people, however, we have been left where it has been explained from a politically biased mind, Mr. President, I thank you.

HON. G. E. WADDINGTON: Mr. President and Honourable Members, I did not intend to speak on this debate because I consider that that can much better be done by the elected members of this House. However, I find it my duty to correct two misrepresentations which were made by the Second Member for Bodden Town, which I am quite sure the Member did not intend to make deliberately, but no doubt was due to a misunderstanding of the points which he raised.

The first point was that it was very important to study the plan in detail and carefully because section 30 of the Development and Planning Law contains provisions for the acquisition of land by the Authority. That's quite true - section 30 does make provision for the acquisition of land, but only in two cases and those two cases are firstly, where any land is designated in a development plan as subject to acquisition by the Authority. Now, I am not permitted to debate the Development Plan, Mr. President, but if the Development Plan does designate land for acquisition, then of course, the member is right, but if it does not, then no land may be acquired thereunder. The other circumstance in which land may otherwise be acquired by the Authority is where an application has been made for planning permission and that application has been refused, and in those circumstances, it is not that the Authority acquires the land but the option is then given to the owner of the land to call upon the Authority to acquire it, so I should just like to make those points clear.

Now the other point that was raised by the member was that there is no need for the Suspension of Standing Order 21 in order to introduce a bill for amendment of subsection, (3) (a) of section 8 of the law and the Member went on to say that he would agree with the suspension of Standing Order 21 if it had to do with the extension of the thirty days, in which the public has to make objections, but that he could not go along with it if it was for the purpose of extending the date on which the plan should be submitted to the House, namely, 30th of June, 1975. Now, there again, Mr. President and Members, the date of the 30th of June, 1975 is not that important, that date was fixed by a resolution of this House in 1973, I think, October, and that is an administrative matter. If, by any chance, the plan isn't in by the 30th of June, 1975 that is not a very serious matter, it can come in subsequently, without there being any invalidity to the plan, but what is important is that if we do not amend the law now to extend the period of thirty days, which I gather expires sometime next week, then after the expiration of those thirty days, no legal or valid objections may be

HON. G. E. WADDINGTON (CONTINUING) made to the Plan, so when the Member said that he agrees, he will go along with the Suspension of Standing Order if it is to amend the 30 days then it is exactly that which the suspension of Standing Order 21 is intended to do, and so, I would just like to point out, Mr. President and Members that unless Standing Order 21 is suspended to allow the introduction of a bill to extend that 30 days, before the thirty days expire, then this whole exercise today will have been in vain.

MR. JAMES M. BODDEN: Mr. President, Fellow Members, in every country in the world today there is an urgent need to associate Government with the people but when this need is not satisfied by what we call democracy then democracy is in danger. And this is the trouble with this House - we tamper and we go along, we change things and we do things without due regard to the people that it affects.

Mention was made about the informal meeting that was had - if I remember correctly, Mr. President, I think I was the member who first suggested it that we should have another meeting of the Legislative Assembly in the Committee room before we even went to the public with this. We had such a meeting and it was a kindergarden class. I did get one point out and that was when I asked what would we do to the people or for the people, rather, who would take and suffer such loss for protected areas and so forth and so on. I was given an answer, Mr. President, "we'll put them on Social Security". Now where is the social security for those people? That is the regard that they had for us as Members of the Legislative Assembly when we raised the question in the Committee Room - that's where we got with it, Sir.

This motion has not been brought here by my colleague and myself on any prompting or prodding of the Honourable Second Official Member. We do not need that, Mr. President, we have brought too many here before and we are not fools that are going to led blindly. If other people are willing to do that, fine.

Its a good thing that we have brought a previous motion to this House dealing with the Planning Law, or Mr. President the Members on that side would not have been able to open their mouths today because they would have had nothing to say. Because the entire debate from that side of the House is not on the relevancy of the law on what we are dealing with but on the motion that my colleague and myself presented to this House in 1973. That motion, Mr. President, was put before this House because at that present time that it was put, our country was operating under this law and this law in section 6, subsection (1) says -

"not later than one year after the appointed day or within such extended period as the Legislative Assembly may allow the Authority shall submit for the approval of the Assembly a Development Plan consisting of a report together with a plan indicating the manner in which they propose that land in the Islands may be used".

This is the law, Mr. President, and my colleague and myself were not in the House when it was passed. That law was passed in 1971 - I don't have the date of it, the exact date, I think it was probably about May of 1971. It should have come into effect, according to law, one year later unless the Legislative Assembly had given its permission to extend that period further. That period was never extended by the Legislative Assembly because it was never asked for. The Plan was never presented - we were operating under a Development Plan which the people of this Island had objected to in 1971 and which was thrown out and not accepted

MR. JAMES M. BODDEN (CONTINUING) at all. We were told, the Hansard back there will back us up, that that Development Plan that was put forward in 1971 was not supposed to be used, yet the Planning Board authority continued to use that plan as if it had been in effect which was contrary to law and I said then and I submit to it now that everything that was done under the Planning Law from 1971 until last year in October was illegal, because there was no Development Plan as called <sup>for</sup> in the Law. That was the reason we submitted it to the House, because it was time for it to come forward, besides that this Government had lost several appeals in Court on decisions that were made under the Planning Law and when it got there the Judge more or less had to throw them out because there was no Development Plan.

Now, Mr. President, that can be backed up what these people are talking over there is nonsense. Its a good thing that motion was put before the House.

The reason, Mr. President, that we pushed for a time-limit on it was because we've only occupied these expensive seats for a short time but in that time we have heard on dozens of occasions it is coming in due course. Mr. President, we are sick and tired of hearing "in due course" - we want something now.

We were further told about the acceptance or rejection by this House. Mr. President, this Plan here, the Chinese couldn't have done a better job in brain-washing - that's what it is and if it comes before this House in the form it is now, Mr. President, it'll be just like the motions that have come before this House - it will pass and the people on the street are going to suffer. Well, 1971 was my entrance in politics, Mr. President and 1975 may be my demise, but as long as I occupy a seat in this House this kind of thing will not happen in our country.

We've heard about the threat of restraint - you're going to need more than restraint in this country if you people don't wake up, because every one is not going to continue to be lands.

You know, there is no use of you preaching salvation to a sinner when his belly is empty - that salvation doesn't mean one thing to him then. We've heard it said that it is not the intention to take lands - I submit it would be better if you did take it because when you put the restrictions on it that we are talking about it it has no economic value and then you can use the Mosquito Control Law and tell the man that he must clean his land when it has no value. You cant tell him you must fence it- why is he going to fence it, why is he going to clear it - just to make it a parkland or something else? People are not that philanthropical-minded - that cannot continue.

You know, Mr. President, Fellow Members we had a great invention in this world some years ago, we still enjoy it, I'm enjoying it right now - electricity was invented by Thomas Eddison and down through the years, Mr. President, we've had many wonderful inventions that have come and made great things that we have been able to enjoy through electricity. We have the great electrical invention, but Mr. President in some cases it is necessary to use an extension cord, even to get to that supply of electricity.

It is too bad, Mr. President, that those extension cords should become frayed.

One Member spoke about responsible leadership. I would like to say to that member that in my humble opinion responsible leadership comes from standing on your belief and convictions and not to continually play the Edgar Bergen/Charlie McCarthy act - that does not, in my opinion, make any of us a leader.

MR. JAMES M. BODDEN (CONTINUING) Some member spoke about irresponsibility of leaders. Well, Mr. President, if I can be considered irresponsible for my actions in 1971 I am pleased then to be considered that way, because if we had not had people in 1971 that were irresponsible then we would not have the privilege of being in here today and debating this thing to try to keep this sword of Democles from hanging over our people.

Mr. President, being the leader is more than shouting "Amen" and carrying a Bible under your arm-pits - it takes more than that to make any of us a leader, and the Good Lord even said "that not every one that says 'Lord, Lord,' shall enter into the Kingdom of Heaven". So if some of the members haven't woken up before I hope they are awake now.

I do believe that one elected member of this House has the belief that there are only two constituents in his constituency and that is the colleague in the House and himself.

Years ago, Mr. President in this little Island, I can remember it, I am not all that old and not that young either, but we had horse-drawn carts that you would see going down the road and on that horse you'd see blinds. I believe that some of our people are just like those horses, the blind on the side of them, they can see nothing else.

We've heard someone speak about people signing petitions and not knowing what they are signing. Mr. President, the petitions I send in to the Planning Board, any Petition I bring to this House I consider is a mandate from my people and I can tell you they know, because we make it our business to keep our people acquainted with what's going on in this Island. If I even say so myself, it is the only district in the Island that is getting it. (MR. JOHN D. JEFFERSON: God help us!) .... Yea, you'd better not pray to Christ for more than God, because the Lord can't help you! (MEMBERS - LAUGHTER)

I would also like to reply concerning the impotent motion - I do have to take my hat off to the Ebanks's because they must have been a little bit more virile than the Boddens, but the phone books can still tell the Boddens' story.

I want to comment on the amendment - I see no difference in this amendment and the motion in one sense, because that is why we, as legislators, are here; if this motion was to pass asking for sixty days, its specifically points out what section of the law we are dealing with, in my humble, feeble mind, it must then become law, because that's how we vote on things, that's how we pass things. I got so much papers here I am getting out of context in it. .. (MEMBERS: LAUGHTER)..... But, we heard the Honourable Member over there from the Republic of Cayman Brac (members - LAUGHTER).... say a few minutes ago that it was not necessary for us to make any amendment to the law about the Development Plan because they always had one, but it was true they always had one, because it was illegal. You know when we legalised it, Mr. President, between the 10th and the 14th of October last year - that's when it was legalised, from 1971 and here is the Hansard. I'm glad to see some of the members on the other side use the Hansards today, because, Mr. President, those Hansards are going to tell a big story in this near future.

I would like to refer to the Law itself at this point. We have these words Development Plan and in this law they are mentioned forty times so it must have been a very important thing and we had people go round telling other people that it can be changed and you can do this and you can do that with it - Mr. President, it is all down here - section 6 subsection (2) tells the whole thing, (a), (b), (c), (d) (e) just what that plan is going to do. Every section of this, Sir

MR. JAMES M. BODDEN (CONTINUING) section 6 tells you about your acquisition, I submit to take that out now and spending money for it you are getting it for free. Section 7 (1) says that every five years there must be a fresh survey to determine the land uses and so forth, and it must be approved by the Legislative Assembly. It is no use of these people going in the Town Halls in these various districts and telling the people, "Oh, don't worry about it, it is just a plan - we'll change it for you whenever your case comes up", because it cannot be changed - it is in this law. Section 8 subsection (1) - gives the right for the Board to consult with persons or bodies as they think fit - I can only comment, Mr. President and say evidently they did not think fit of anyone to consult, because no one apparently has been consulted in it, but the main point that we have here today, Mr. President, is thirty days enough? I say it isn't. For a comprehensive plan as we have before us - oh, I have a lot in this too that I wanted to read - but I'll skip this, this was dealing with the harsard, Mr. President, which they have so much accused my colleague and myself on, but unfortunately they only read a few little things that would have made their side of the story sound good - they didn't read the meat of this. And if I were to stand here and read the meat of it it would probably take an hour and a half like I did the last time I spoke on it. I can stand on my feet, don't worry about that.

We have seen the plan, we have seen the motion come before this House and we have seen so many of them pass. We were told awhile ago that we shouldn't have anything to worry about because we know that when the motion is passed Government is going to do everything that is right - Mr. President in two and a half years in this Assembly I seen a lot of motions pass on the first sitting of this House and they are still not implemented that's what we get, Sir, - a bunch of hog-wash.

The people of this Island need sufficient time to study that plan, they need sufficient time to make written recommendation, on it. We all know we can talk but there are very few people that like to put pen to paper and write and that is why, Mr. President, we should give the people of this Island every opportunity to make their protest - we are dealing with their only asset - we are dealing with the only thing many of our poor people have and for us to take this into our hands as legislative members or as Government members because they have the majority in weight, (I mean in numbers, not otherwise), to put this into law to hurt the people of this Island, Mr. President, it would be impossible to think that we could stand for that. We have to get this extension and the first part of the amendment to it I would not agree with. The second part, if the Honourable Gentlemen over there who said that the 30th of June is not important, but yet is written into the law, he said it is just an administrative procedure.....

HON. G. E. WADDINGTON: On a point of order, Mr. President, I said exactly the opposite - that the thirty days was the important issue.

MR. JAMES M. BODDEN: I don't see where the point of order was because what I said was that you said that the 30th of June was not the important day because it could be handled as an administrative problem, but what I am saying to you is the law says or the Government - we have passed it in here that it must come up on the 30th of June, so one is as important as the other, as far as I am concerned, and I still submit that if we pass a motion here in this House on what we call a democratic vote then it should be good enough to go into law. We do it with everything else, I cannot see the reason for it other than, Mr. President, if we agreed to waive the Standing Order today on this one point, we would probably find that we would have a complete new law thrown before

MR. JAMES M. BODDEN (CONTINUING) us tomorrow and we would have no other recourse to say anything because we have already shot our guns on it, we've done nothing.

Mr. President, I didnt expect to see the attitude displayed by the Government Bench on this because I feel that they too should think the people of this Island deserve every opportunity that we can accord them. Its unfortunate tat we have to get to this point, but I may as well, Mr. President remind these gentlemen, I didn't come into the world easy, I don't expect I'll go out easy, I didn't come into this seat easy either, but as long as I occupy this seat, Mr. President, I'm going to stand on what I believe and I believe that the plan that has been presented to this Island for the people of this Island, 75% for it should be rejected and I will continue to stand here in session after session and say the same thing unless something is done about it. So I hope that this afternoon that these people who spout their religious doctrine will really practice what they preach. Thank you, Mr. President.

MR. PRESIDENT: Well, the first thing to do at this stage is to put the question that the words of the question stand as in the original motion. If that is carried then the original motion is put, if it is not carried then the amendment is put to the Assembly. So I will put the question that the words of the question stand as in the original motion. Will those in favour please say aye

SOME MEMBERS: AYE.

MR. PRESIDENT: Those against No.

SOME MEMBERS: NO.

MR. PRESIDENT: I think the Noes have it.

MR. JAMES M. BODDEN: Could we have a division, Sir?

D I V I S I O N

NOES

Hon. D.V. Watler  
Hon. G.E. Waddington  
Hon. V.G. Johnson  
Hon. A.B. Bush  
Hon. T. Foster  
Hon. Benson O. Ebanks  
Hon. W.W. Conolly.  
Mr. John D. Jefferson  
Capt. A.A. Reid

9

AYES

Miss Annie H. Bodden  
Mr. Claude Hill  
Mr. James Bodden  
Mr. G. Haig Bodden

4

ABSTENSION: Mr. T.W. Farrington ORIGINAL MOTION DEFEATED

MR. PRESIDENT: So the motion that the words of the question stand as in the original motion is defeated.

MR. JAMES M. BODDEN LEFT THE MEETING

MR. PRESIDENT: Under Standing Order 35 it now falls to me to put the amendment and for clarification I'll read out the motion as amended -

MR. PRESIDENT: Whereas due to the fact that it is considered that thirty days is too short a time for the public to intelligently deal with the Development Plan as outlined in the Land Development Law of 1971  
THEREFORE be it resolved that this Honourable House approve a motion increasing the time as fallen for in section 8 sub-section 3 (a) of Law 28 of 1971 to an additional thirty days for a total of sixty days  
AND BE IT FURTHER RESOLVED that Standing Order 21 be suspended in order to enable the introduction at this meeting of the Legislative Assembly of a bill to amend the Development and Planning Law 1971 accordingly.

I shall put the question that the motion as amended, that the question is that the motion as amended be carried by the House. All those in favour please say Aye?

SOME MEMBERS: Aye

MR. PRESIDENT: Those against No

SOME MEMBERS: No.

MR. PRESIDENT: The ayes have it, the motion as amended is carried.

THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1975

INTRODUCTION AND FIRST READING

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1975.

HON. V.G. JOHNSON: Mr. President, Honourable Members, I beg leave to introduce a bill entitled the Development and Planning (Amendment) Law, 1975 .

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL INTRODUCED AND READ A FIRST TIME.

MISS ANNIE H. BODDEN DECLINED TO VOTE.

SECOND READING

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1975.

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, the Second reading of a bill entitled the Development and Planning (Amendment) Law, 1975.

The Memorandum of Objects and Reasons, Mr. President and Honourable Members, following the private members' motion as amended and as was passed by this Honourable House just a few minutes ago, this amendment to the Development and Planning Law is now submitted to put into effect the purpose as stated in that motion, namely to amend sub-section (3) of section 8 of the law to increase the time for making objections by the public from one month to two months.

Mr. President, the matter has been under debate from early morning, and the amendment law is being presented now is to complete the discussion which ensued and so, without any further ado I would ask Honourable Members to give due consideration to this amendment law. Its simple, its a matter of amending the words 'one month' in sub-section (3) of section 8 of the Law and substituting 'two months' therefor . I so recommend the Bill, Mr. President.



HON. D.V. WATLER

SECOND.

QUESTION PUT:

MR. G. HAIG BODDEN: Mr. President, Honourable Members, my head is blooded but unbowed - blooded but unbowed because I believe that and I know that something has been achieved from the motion which caused the introduction of the bill which is before us.

This Bill, if put into law will double the time for objections under the Planning Law. I feel that the words "two months" or the time two months is insufficient for the study of a Development Plan, but a drowning man will grasp at a straw and so it is only left for me - two courses are open to me - I must either support this bill which will give the public another month in which to study the Development Plan or see the time closed for the study, so two evils are open to me this afternoon and I will have to seize unto what seems to me the lesser of two evils, and I will support the extension in this law but I would like to say that this will not preclude my seeking further extension to this law. It could well be that on the 30th of May we may be here again in this Chamber seeking an extension of this time.

There is nothing to prevent members from seeking an amendment to the Development and Planning Law or seeking an amendment to an amendment to the Law. The public will have four more weeks in which to study this plan and it is hoped that they will take advantage of that time and that they will put in valid objections to the Tribunal if the people feel that they should do so.

I do support this amendment because it increases the time, although it does not increase it the way I wanted it increased, nevertheless it is a start on the right road and if further developments require that we come back to seek more extension to the study period, I will not hesitate to ask Members to sign a petition, calling a new to summon an emergency meeting at the end of May, and I would not hesitate to introduce a motion seeking a further extension, but you know might often outweighs right and it is my considered opinion that that has happened today, but where we live in a democracy we have to accept the vote of the majority but we do not have to agree with that vote and I will definitely support the extension to two months and must say a word of thanks to the Third Official Member of Government who has prepared this bill and who is now presenting it and I will sleep better tonight knowing that had we not ventured here today the public would not have the right of further study of this complicated plan. Perhaps when the four weeks are about expired we may not have to do this, the public may want to ask Government themselves in some other manner to extend the time limit for the study of this plan. So, Mr. President, I support the amendment, because and only because it extends the time but I am not unhappy that the time has only been extended for one more month.

MR. JOHN D. JEFFERSON: Mr. President, I support the amendment. I feel that we have done another exercise to show the respect and how much we value the opinions of our constituents. Under this amendment we have an additional thirty days for private members and private citizens to make their objections and only there, then they through their own representatives who another two months.

I certainly appreciated and certainly admire the statements made by the last speaker. After all, the real reason why we are here is to get the best possible for our people. Many times we disagree, disagree in principles, disagree on issues but I believe that we together have the ultimate in our minds to get the very best for the people of these Islands.

MR. JOHN D. JEFFERSON (CONTINUING) I think it is a good exercise people, Mr. President to give the public another thirty days to make their own objections and then two more months after that where they can still be represented by their own representatives. Thank you very much.

MR. PRESIDENT: Does the Honourable Mover wish to reply?

HON. V.G. JOHNSON: I have nothing further to say, Mr. President other than to follow the other procedures now.

QUESTION PUT: AGREED: BILL READ A SECOND TIME

MISS ANNIE H. BODDEN DECLINED TO VOTE.

COMMITTEE THEREON

Moved by Hon. V.G. Johnson

SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED:

HOUSE IN COMMITTEE

CLERK: Clause 1 Short Title.

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: Clause 2 Interpretation

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: CLAUSE 3 Section 8 amended

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: A LAW TO AMEND THE DEVELOPMENT AND PLANNING LAW, 1971

QUESTION PUT: AGREED: TITLE PASSED

HOUSE RESUMED

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report, Sir, that a bill entitled the Development and Planning (AMENDMENT) LAW, 1975 was considered clause by clause by a committee of the Whole House and passed without amendment.

SUSPENSION OF STANDING ORDER 54

MOVED BY : HON. V. G. JOHNSON

SECONDED BY : HON. D. V. WATLER

QUESTION PUT: AGREED. STANDING ORDER 54 SUSPENDED

THIRD READING

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1975.

MOVED BY HON. V.G. JOHNSON

SECONDED BY HON. D. V. WATLER

ADJOURNMENT

Moved by : Hon. D.V. Watler

Seconded by Hon. G.E. Waddington

QUESTION PUT: AGREED. AT 4.38 P.M. THE HOUSE ADJOURNED SINE DIE

TUESDAY, 24TH JUNE, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE, JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR INTER-ISLAND CO-ORDINATION AND INFORMATION)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS, NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE M. HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. A. A. REID	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, EAST END

ORDER OF THE DAY

TUESDAY, 24th JUNE, 1975

1. PRAYERS

2. TO BE LAID ON THE TABLE - MEDICAL REPORT 1973

MEDICAL REPORT 1974

BY HON. B. O. EBANKS, MEMBER RESPONSIBLE FOR SOCIAL SERVICES, HEALTH  
EDUCATION, LABOUR, ETC.

3. QUESTIONS:

MISS ANNIE HULDAH BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK  
THE HONOURABLE V.G. JOHNSON, OBE., FINANCIAL SECRETARY, THIRD  
OFFICIAL MEMBER

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- (i) WHAT IS THE AMOUNT OF EXPENDITURE INVOLVED AGAINST GOVERNMENT  
IN THE CASE REGINA VERSUS K. BRANDON WHICH WAS RECENTLY BEFORE  
THE COURTS, AND COSTS WERE AWARDED AGAINST THE CAYMAN ISLANDS  
GOVERNMENT?
- (ii) WHAT IS THE COST OF PREPARATION OF THE PROPOSED DEVELOPMENT PLAN  
TO DATE AND HOW MUCH OF THIS AMOUNT IS BORNE BY GOVERNMENT?

MISS ANNIE HULDAH BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK  
THE HONOURABLE W.W. CONOLLY, OBE., JP. MEMBER FOR TOURISM, LANDS  
AND NATURAL RESOURCES

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- (i) WHAT AMOUNT HAS BEEN EXPENDED BY THE TOURIST BOARD FOR THE PERIOD  
FROM 1ST JANUARY, 1975 TO 31st MAY, 1975?
- (ii) HOW MUCH OF THE EXPENDITURE WAS SPENT ON -
- (i) Advertising
  - (ii) Salaries
  - (iii) Entertainment
  - (iv) Passages.

- (ib) ACCORDING TO AN ITEM IN THE CAYMANIAN COMPASS OF THE 22ND OF  
MAY, 1975 CERTAIN DELEGATES ATTENDED THE ANNUAL BALL IN NEW  
YORK FROM THE CAYMAN ISLANDS. WAS THEIR TRANSPORTATION AS  
WELL AS THE COVER CHARGE OF \$75 A PERSON PAID FROM THE VOTE IN  
THE DEPARTMENT OF TOURISM? IF THE ANSWER IS IN THE AFFIRMATIVE  
WILL THE MEMBER STATE WHAT BENEFIT WILL BE DERIVED TO THE  
TOURIST INDUSTRY FROM THIS EXPENDITURE?

MISS ANNIE HULDAH BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK  
THE HONOURABLE D.V. WATLER, OBE., JP., CHIEF SECRETARY, THIRD  
OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

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WILL GOVERNMENT TAKE INTO CONSIDERATION THE MATTER OF OBTAINING  
FIRE FIGHTING EQUIPMENT FOR THE ISLAND OF GRAND CAYMAN, AS THIS  
IS CONSIDERED IMPORTANT, WHEN IN THE PAST FOUR OR FIVE MONTHS  
THERE HAVE BEEN QUITE A NUMBER OF FIRES WHICH DESTROYED COMPLETELY  
BUILDINGS IN THE GEORGE TOWN DISTRICT?

MR. CLAUDE M. HILL (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HON.  
B.O. EBANKS, MEMBER FOR MEDICAL, EDUCATION, SOCIAL SERVICES,  
LABOUR, ETC.

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IT IS KNOWN THAT A LARGE NUMBER OF RATS ARE BEING BROUGHT TO  
THESE ISLANDS BY SHIPS AND BOATS: WILL THE MEMBER SAY WHEN LAST  
HAS A PROPER DISINFECTION BEEN CARRIED OUT ON SHIPS OR BOATS  
ENTERING THE PORTS OF THE CAYMAN ISLANDS?

MR. JOHN D. JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HON.  
A.B. BUSH, J.P. MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC  
TRANSPORT

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IN VIEW OF THE RELIGIOUS BACKGROUND OF THE PEOPLE OF THESE ISLANDS  
AND SINCE IT HAS BEEN INDICATED THAT THE BROADCASTING STATION MIGHT  
COMMENCE OPERATIONS DURING THE LATTER PART OF 1975 WILL THE MEMBER  
SAY WHAT STEPS WILL BE TAKEN TO ENSURE THAT THE PROGRAMMES TO BE  
PRESENTED ON SUNDAYS WILL BE GEARED TO SPIRITUAL GUIDANCE,  
MEDITATION, SACRED MUSIC, ETC., RELATIVE TO THE PEOPLE'S REGARD  
FOR REVERENCE ON THIS HOLY DAY?

MR. JOHN D. JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HONOURABLE B.O.EBANKS, MEMBER FOR MEDICAL, EDUCATION, SOCIAL SERVICES, LABOUR, EDUCATION, ETC.

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IT IS KNOWN THAT THERE IS NOW A PERCENTAGE OF UNEMPLOYMENT IN THESE ISLANDS AS HAS BEEN EVIDENCED BY THE FACT THAT IT HAS BEEN NECESSARY IN THE PAST TO EMPLOY PERSONS FROM OVERSEAS BECAUSE OF THE SHORTAGE OF LABOUR FORCE; WILL THE MEMBER SAY WHAT EFFORTS ARE BEING MADE BY THE IMMIGRATION DEPARTMENT TO ALLEVIATE THE UNEMPLOYMENT OF CAYMANIANS. IF THE ANSWER IS IN THE NEGATIVE AND SINCE THE PUBLIC WORKS DEPARTMENT HAS EMPLOYED MANY EXPATRIATES AS LABOURERS CARPENTERS AND MASONS WILL THE MEMBER SAY WHAT STEPS HAVE BEEN TAKEN TO SEE THAT PREFERENCE IS GIVEN TO CAYMANIANS IN FILLING THESE POSTS.

4. GOVERNMENT BUSINESS:-

BILLS:-

- |       |  |                         |
|-------|--|-------------------------|
| (i)   | The Public Service Commission (Amendment) Bill, 1975 |                         |
|       | ist  |                         |
| (ii)  | THE HIGHER EDUCATION (LOAN) BILL -                   | FIRST READING           |
| (iii) | THE RADIO BILL                                       | FIRST READING           |
| (iv)  | THE JUVENILES BILL, 1975                             | FIRST READING           |
| (v)   | THE SUCCESSION BILL, 1975                            | FIRST & SECOND READINGS |
| (vi)  | THE PERAL CODE BILL                                  | FIRST                   |

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SECOND MEETING OF THE (1975) SESSION OF THE LEGISLATIVE ASSEMBLY  
TUESDAY 24th JUNE, 1975  
10 a.m.

MR. PRESIDENT: The Assembly is in Session, I shall ask the Reverend Neil Banks to say a prayer.

PRAYER: REV. DR. A.N. BANKS: Let us pray.

Almighty and Everlasting God source of all power and the source of all wisdom, we pray for they blessing upon this Assembly now in Session praying that thou wilt truly use they divine power and wisdom to help the Members of this Assembly to deal with the urgent matters of the day in such a way that good may be brought to all the Members of these islands. We pray for all in authority over these islands, and Her Majesty the Queen and the members of the Royal Family, her Ministers in Britain and in these islands, praying that they may so carry out their duties, that all will be done to the good of those under them, and to thy glory. In Jesus name we ask it. Amen.

MR. PRESIDENT: Papers to be laid on the Table - Agenda Item two.

HON. B.O. EBANKS: I beg to move that the Medical Report for 1973 and the Medical Report for 1974 be laid on the Table.

SECONDED BY HON. D.V. WATLER.

MR. PRESIDENT: So ordered.

HON. D.V. WATLER: Mr. President and Honourable Members before proceeding with the Order of the Day, I'd like to draw the Members attention to the Business of the Week in respect of the Government Business. You will note thereon that it is expected that we will take the First and Second Readings of the Higher Education Bill today, also the First and Second Readings of the Juvenile Bill today. It is on the Order of the Day as only the First Reading, but we're supposed to take the First and Second Readings of these two Bills today.

MR. PRESIDENT: Questions.

QUESTIONS

MISS ANNIE HULDAH BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE V.G. JOHNSON, OBE., FINANCIAL SECRETARY, THIRD OFFICIAL MEMBER

- (i) WHAT IS THE AMOUNT OF EXPENDITURE INVOLVED AGAINST GOVERNMENT IN THE CASE REGINA VERSUS K. BRANDON WHICH WAS RECENTLY BEFORE THE COURT AND COSTS WERE AWARDED AGAINST THE CAYMAN ISLANDS GOVERNMENT?

ANSWER:

THE EXPENDITURE TO DATE IS IN THE SUM OF CI5,360.09 WHICH INCLUDES EXPENSES OF THE PRELIMINARY HEARING, THE TRIAL AND THE APPEAL IN JAMAICA. CERTAIN COSTS WERE ORDERED AGAINST THE CROWN BY THE COURT OF APPEAL TO BE TAXED. THE AMOUNT IS NOT YET KNOWN.

MR. JAMES M. BODDEN: Supplementary. Could the Member advise us who prosecuted this case on behalf of the Crown?

HON. V.G. JOHNSON: Two persons from the Legal Department prosecuted the case. The Legal Draftsman and the Legal Assistant.

MR. JAMES M. BODDEN: Further supplementary, could we be advised in the case of this gravity why the Attorney-General did not prosecute the case?

HON. V.G. JOHNSON: Answer to that supplementary question Mr. President is that the Attorney-General was not on the island at the time.

MR. CLAUDE HILL: Mr. President if I'm permitted I would like to ask a supplementary question to the Third Official Member. Will government have to pay this money in a lump sum if it is ordered that it must be paid?

HON. V.G. JOHNSON: Mr. President the reply to that supplementary question is that when the cost is taxed and it is known then that will be paid in a lump sum. That is the only charge outstanding.

MR. JOHN JEFFERSON: Another supplementary Mr. President. Was the Legal Assistant assisted by the Legal Draftsman, or was the Legal Draftsman assisted by the Legal Assistant?

HON. V.G. JOHNSON: The reply to that supplementary question Mr. President, is that the Legal Draftsman was Leader in the prosecution, and he was assisted by the Legal Assistant.

CAPT. A.A. REID: Further supplementary Mr. President. Why didn't government appeal this case to the Privy Council in England?

MR. PRESIDENT: I think we're getting very far away from the question on expenditure on this case.

CAPT. A.A. REID: It is the subject Sir.

MR. PRESIDENT: Pass on to next question.

HON. V.G. JOHNSON: Question Number Two by Miss Annie H. Bodden.

WHAT IS THE COST OF PREPARATION OF THE PROPOSED DEVELOPMENT PLAN TO DATE AND HOW MUCH OF THIS AMOUNT IS BORNE BY GOVERNMENT?

ANSWER:

THE COST WHICH IS BORNE BY GOVERNMENT TO DATE IS CI\$12,197.00. SALE OF COPIES OF THE PLAN HAS PRODUCED A SUM OF CI\$2,498 RESULTING IN A NET EXPENDITURE OF CI\$9,699.

MR. JAMES M. BODDEN: Supplementary - Does that amount cover the wages, the lodgings, and so forth of the Members who participated in it, or is that just actual expenditure for printing?

HON. V.G. JOHNSON: The answer to that supplementary question Mr. President, is that this sum quoted does not include the wages of any individual involved in the planning.

MR. JAMES M. BODDEN: Further supplementary. Could we be advised what department heads of government participated in the preparation of this?

HON. V.G. JOHNSON: Mr. President the answer to that supplementary is, Members are very well aware that the preparation of the Development Plan is the responsibility of the Central Planning Authority, and the Central Planning Authority works within the Department of Town Planning. The Director of Planning is Secretary of the Central Planning Authority, and is the Officer responsible for the carrying out of these duties. However, government also saw fit to set up a Development Co-ordinating Committee to assist the Central Planning Authority in the preparation of the final Development Plan. So that Committee was also involved.

That Committee is within the Department of Finance and Development, therefore the two departments, Town Planning, Finance and Development were responsible to a great extent for the preparation of the Development Plan. They were assisted to a large extent by the Planning Unit of the United Nations, which is based in St. Lucia, and which offers direct



HON. V.G. JOHNSON (CONT'D): assistance to the government of the Cayman Islands in planning matters.

MR. JAMES M. BODDEN: Another supplementary Mr. President. Could we be advised whether at the present time the Development Plan is being used by the Planning Board to base any of their decisions on?

HON. V.G. JOHNSON: The answer to that supplementary question Mr. President, is 'no'.

MISS ANNIE H. BODDEN: Mr. President if I may be permitted to ask a supplementary question, since this is only the answer to half my question, I would like to know what is the cost of preparation of the proposed Development Plan to date. If the answer says the cost which is borne by government, my question is only half answered Sir, I would like a full answer to my question.

HON. V.G. JOHNSON: Mr. President the reply to that is that the figures given here are expenditures to date, and expenditure borne by government. The answer says the cost which is borne by government to date.

MISS ANNIE H. BODDEN: Mr. President I'm sorry to have to repeat myself, but my question was, what is the cost of preparation of the proposed Development Plan to date, and how much of this amount is borne by government?

The answer, the cost which is borne by government to date is CI\$12,197.00, but that does not answer the question but by half way. This is not the complete cost.

HON. V.G. JOHNSON: Mr. President the answer to that is that I am not aware of any other cost, unless the Member is referring to the cost of wage and salary which is involved. I would like to say here that the government provides services in various areas of the service. There is a department which takes care of Town Planning and the preparation of the Development Plan. There're other services as well for even the repair of a motor car and such things. These are services for which staff is provided, and for which no direct charge is made for labour. Staff is provided <sup>generally</sup> for all the services of government including the preparation of the Development Plan.

MR. G. HAIG BODDEN: A supplementary Mr. President. Does the amount of CI\$12,197.00 include plane fares, hotel expenses, living expenses and the trips to Cayman Brac?

HON. V.G. JOHNSON: Mr. President the reply to that is 'yes' these are small charges which are included miscellaneous cost in the department, they're not very big charges. The plane fares to Cayman Brac of the staff, hotel accommodation, few days in Cayman Brac these are all small charges when compared to the overall cost.

MR. JAMES M. BODDEN: Supplementary. Is it true that in the preparation to date the three main person consulted were the Director of MRCU, Director of Agriculture and the Member for Tourism?

MR. PRESIDENT: I'm afraid that's very far from the original question.

MR. G. HAIG BODDEN: Another supplementary Mr. President. Since the amount of CI\$12,197.00 indicated in the answer is the cost which is borne by government, can the Member give us a rough estimate of the other cost referred to in the question? Or in other words a rough estimate of the total cost.

HON. V.G. JOHNSON: Mr. President I'm not too certain what the Member is referring to, because this is the total cost which I'm giving here, CI\$12,197.00, as far as our records are concerned. I don't know of any other cost really.

MR. JAMES M. BODDEN: A further supplementary Mr. President. To date it has cost CI\$12,197.00 to do what has been done, could the Member tell us in his estimation the length of time that is going to be needed for the Tribunal to work on this and for it to come back to the Legislature, and how much the anticipated cost may be at that time?

HON. V.G. JOHNSON: Mr. President, I think this would be better answered later on, and not at the present time. I cannot give a direct answer to that Sir.

CAPT. A.A. REID: A further supplementary Mr. President. Could the Member say if the Plan is now being revised to meet the objections of the various land owners both at home and overseas? Because I've had several from overseas.

MR. PRESIDENT: I think that this could well be taken when we debate the motion on the extension of the time for the Development Plan. It is rather far removed from the original question.

MR. G. HAIG BODDEN: The sum of CI\$2,498,00 has been recovered by the sale of the Plans. Is it expected that the deficit of CI\$9,699.00 will be recovered in some other way?

HON. V.G. JOHNSON: The answer to that supplementary Mr. President is 'no', this will be an expenditure of government, there's no other way to recover that.

MR. JAMES M. BODDEN: Further supplementary Mr. President. Can the CI\$12,197.00 that has been spent to date be measured in any respect percentage wise against what the effect of this Plan may have had on the economy?

HON. V.G. JOHNSON: I think we need a few economists here Sir.

MR. PRESIDENT: We'll pass on to the next question.

MISS ANNIE HULDAH BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE W.W. CONOLLY, OBE, JP, MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES

(i) WHAT AMOUNT HAS BEEN EXPENDED BY THE TOURIST BOARD FOR THE PERIOD FROM 1ST JANUARY, 1975 TO 31ST MAY, 1975?

HOW MUCH OF THE EXPENDITURE WAS SPENT ON -

- (i) ADVERTISING
- (ii) SALARIES
- (iii) ENTERTAINMENT
- (iv) PASSAGES.

ACCORDING TO AN ITEM IN THE CAYMANIAN COMPASS OF THE 22ND OF MAY, 1975 CERTAIN DELEGATES ATTENDED THE ANNUAL BALL IN NEW YORK FROM THE CAYMAN ISLANDS. WAS THEIR TRANSPORTATION AS WELL AS THE COVER CHARGE OF \$75 A PERSON PAID FROM THE VOTE IN THE DEPARTMENT OF TOURISM? IF THE ANSWER IS IN THE AFFIRMATIVE WILL THE MEMBER STATE WHAT BENEFIT WILL BE DERIVED TO THE TOURIST INDUSTRY FROM THIS EXPENDITURE?

HON. W.W. CONOLLY: I would just like to comment and say that there is no Tourist Board. I think what the Member is referring to is the Department of Tourism.

ANSWER:

TOTAL EXPENDITURE UP TO THE 31ST MAY, 1975 = \$238,865.00

- (a) (i) ADVERTISING.....\$54,194.33
- (ii) SALARIES.....\$41,033.85
- (iii) ENTERTAINMENT.....\$ 84.90
- (iv) PASSAGES.....\$ 2,999.52

(b) FOR CAYMAN DELEGATES WHO ATTENDED THE CARIBBEAN STATE BALL IN NEW YORK ON MAY 22ND, 1975, AIR TICKETS FOR THREE OF THESE DELEGATES WERE PAID FOR BY THE DEPARTMENT OF TOURISM AS WELL AS THE COVER CHARGE OF U.S.\$75.00 PER PERSON FOR ALL SIX DELEGATES. THE CARIBBEAN STATE BALL IS AN ANNUAL FUNCTION OF THE CARIBBEAN TOURISM ASSOCIATION OF WHICH OUR GOVERNMENT IS A MEMBER. THE BALL IS A FUND RAISING AFFAIR AND GENERALLY RAISES MONEY IN THE AMOUNT OF APPROXIMATELY U.S.\$20,000 PER YEAR WHICH HAS BEEN USED FOR PROMOTIONAL ACTIVITIES FOR THE CARIBBEAN AS A DESTINATION. THE FUNDS GENERATED BY THE 1974 BALL HAVE BEEN USED TO PRODUCE A NEW PROMOTIONAL FILM OF THE CARIBBEAN. THE CAYMAN ISLANDS ARE IDENTIFIED IN THIS PROMOTION AND I AM SURE THAT WE CAN PROFIT GREATLY FROM THIS EXPOSURE.

MR. JAMES M. BODDEN: Supplementary Mr. President. The Member has told us that the Ball should net US\$20,000, could he give us any idea as to how many people were present at this Ball?

HON. W.W. CONOLLY: Mr. President I said that it generally raises US\$20,000. I don't know exactly what the result of the 1975-Ball would have been, but the answer is how many people attended this Ball was in the vicinity of four hundred people.

MR. JAMES M. BODDEN: Four hundred people at \$75.00 a head would give us about US\$30,000. So this year we should make a profit on it, is that correct?

HON. W.W. CONOLLY: The same Caymanian Compass that carried the item of the Ball said it was a great success, so I take it that it will be that success, and raise that much money.

MR. CLAUDE HILL: Mr. President if I'm permitted I would like to ask the Honourable Member - I'll have to make a mention to what he said at first. He said there is no Tourist Board, and my question now asks does the Tourist Board have anything to do with the expenditure now?

HON. W.W. CONOLLY: Mr. President I think I'm correct in saying that there is no such organisation at the present time in the name of the Cayman Islands Tourist Board. The Tourist Board that came into being in 1966 came in under a Law of 1965, and that Tourist Board Law was repealed here since the Honourable Member has been in this Legislature about a year and a half ago, and a full department of Government was set up under the new Tourism Law, a Law that was passed in August last year.

MR. JAMES M. BODDEN: A further supplementary. The Member for Tourism has advised us that to date \$238,865.00 of the Tourism budget has been spent, could he advise us how this compares with last years' figures on expenditures on the amount of tourist about the same time? Do we have an increase in tourism this year or do we have a decrease for the amount of money we have spent?

HON. W.W. CONOLLY: The amount of money spent does not all times reflect the true picture of the amount of tourist coming to a destination. I think it is correct to say that there has been less tourist coming in this year than they did last year.

MR. JAMES M. BODDEN: I'm sorry that I had to couch my question that way, but I wanted to get the expenditure in so that you wouldn't say that it was irrelevant. But apparently there has been a decrease, would you be able to comment on what may have caused this decrease this year being we have increased our expenditure?

HON. W.W. CONOLLY: As I said before I don't think these two figures all times have parity or relationship. The decrease this year in my opinion if I'm permitted to offer an opinion, has been caused by the recession in the North American Continent, from areas where most of our tourist arrive.

MR. JAMES M. BODDEN: A further supplementary. Could we be advised where we are placing the advertisement and in what issues of magazines and so forth, so that we could get an idea of whether we are hitting the right clientele or whether we're just advertising pell-mell.

HON. W.W. CONOLLY: Mr. President we advertise in prominent magazines, I can't give you names of all of them, and I can't tell you exactly in what issues. This is a question that would need time, because I have to look up statistics on it. But magazines such as "The New Yorker," "Modern Brides," "Travel East," "Travel in Leisure," they're some of the names of magazines that we do advertise in, and last but not least "Skin Diver."

MR. JAMES M. BODDEN: A further supplementary. Would it be possible for the Member at some time in the future dates to circulate some of these advertisements to the Legislative Assembly so that we could see what we are advertising?

HON. W.W. CONOLLY: Mr. President I have no objection if I could get the co-operation of Members I would be most happy to bring them up to date, but I find it very difficult in getting the co-operation from Members. Because only last evening Members were invited to see a promotional film of the Caribbean and with the exception of very few Members turned up. If Members give me the co-operation that I would like to have, I would be more than please to supply them with the names of all our promotional efforts, in any magazine and wherever we place an ad.

MR. JAMES M. BODDEN: A further supplementary. Leading on to the answer that the Member has just given, would he repeat again when this invitation was was it last night, because if so I do not recall receiving an invitation although to be frank with you I very seldom attend. Could he advise me whether it was last night?

HON. W.W. CONOLLY: That is correct last evening at 5.30.

MR. JAMES M. BODDEN: A further supplementary Mr. President. I'm sure that fairly accurate figures are kept to determine the amount of money that the tourist is spending on the island or supposedly spending. I wonder whether the Member could advise us how this year's expenditure on the island compares to last year's expenditures, and whether in his opinion with our advertising we are reaching the right type of clientele abroad?

HON. W.W. CONOLLY: Mr. President a part of this question can easily be answered. The last research that we did on this we found that the tourist spends approximately two hundred and twenty dollars per person for a stay on the island, this includes everything. The last part of his question is a matter of opinion, and I crave privilege on this because its

HON. W.W. CONOLLY (CONT'D): just a matter of opinion and I don't know that I should make that calculated guess / <sup>on what or</sup> how much the tourist will spend or where the advertising or whether we're bringing in the right person or not. We advertise, who comes is quite a different matter.

MR. JAMES M. BODDEN: Further supplementary. The average has been 220, I wonder whether at the present time we have any statistics that may show whether its 160 or 180 or 200 average what they're spending now. Whether the amount of money spent on the island has decreased or whether in your opinion it has increased?

HON. W.W. CONOLLY: Mr. President I hate again to reply in this fashion, but this form of statistics would only be available probably to the Finance Department, and I'm not in a position to make even a guess.

MR. JAMES M. BODDEN: Is it true that our main advertising effort is being directed in the Florida area?

HON. W.W. CONOLLY: No, this is not exactly so.

MR. JAMES M. BODDEN: Further supplementary. Could we be advised at this time as to the percentage of the budget allocated for entertainment that has been spent?

HON. W.W. CONOLLY: I could not say definitely, the question that was asked me which required research was what was spent up to the 31st of May, and I've answered accordingly. Up to the 31st of May it has been \$84.90.

MR. JAMES M. BODDEN: Further supplementary. CAL is another arm of government, could we be advised whether the people connected with the Department of Tourism travelling on CAL travel at the reduced fare which would mean very little bit of income for CAL, or do they pay the full fare?

HON. W.W. CONOLLY: Persons travelling whose account is debited to the Department of Tourism travel on regular fares from CAL.

MR. G. HAIG BODDEN: The total amount spent is \$238,865.00, is this amount commensurate with the budgeted figure for the whole year 1975?

HON. W.W. CONOLLY: The answer is yes.

MR. G. HAIG BODDEN: Is the spending in keeping with the recession?

HON. W.W. CONOLLY: What recession you're talking about I don't know.

MR. G. HAIG BODDEN: Well let's say the recession in the tourist industry.

HON. W.W. CONOLLY: Mr. President, I think I've answered that before. I said I don't think that they have any relevance, the number of persons who come here and the amount of money spent has no particular reference or relevance.

MR. CLAUDE HILL: Mr. President I will have to make a statement before asking the question. The Member stated that the Department of Tourism I should have known when it was established, I am quite aware of the fact that it was established, and the question that is placed before him here now by the Honourable Member Miss Annie Huldah Bodden from the Constituency of George Town is asking him in regards to the Tourist Board, and we have established a Board and her question has not been answered as yet.

MR. PRESIDENT: I think the Honourable Member has replied that there is no such thing as a Tourist Board at the present time, there is a Department of Tourism.

MR. CLAUDE HILL: With the greatest of respect Mr. President, he's trying to make it appear that there was no Tourist Board established from the 1st of January 1975, until May the 31st of this year.

HON. W.W. CONOLLY: Mr. President if I could clear the air a little bit, if I'd <sup>gone</sup> strictly to what the question said I would have said the Tourist Board spent no money, because there's no such a thing as Tourist Board. I took it and answered the question believing that there was a common I would say in a genuine error of saying Tourist Board because its a common thing. There is no such a thing as the Tourist Board, what we have in the island as such is a government Department of Tourism run by Civil Servants and this is the same as the Department of Public Works, same as the Department of Education or anything else, we have no Tourist Board. Last year the new Tourism Law repealed the Tourist Board Law of 1965, and as such there is no Tourist Board in the island.

MISS ANNIE H. BODDEN: Mr. President due to what I've heard it's a wonder I got any answer at all. But I'm saying that this tourist industry as I know was what I uphold, if I made a mistake in not saying the entire Tourism Department which I shall in future, I'm sorry.

MR. JAMES M. BODDEN: A further supplementary Mr. President. According to the answer sheet that has been circulated to me, it shows that up to the 31st of May of 1975 \$84.90 had been spent for entertainment. The answer shows us that six delegates were paid for at the Ball at US\$75.00, if my arithmetic is correct that should be about US\$450.00 or roughly about C\$350. Could we be advised whether that has gone under in the expenditure bracket as for entertainment or charity or what else has been appropriated to.

HON. W.W. CONOLLY: The point Mr. President I'll make again if Members refresh their memory from their Estimates there is no such item as Entertainment under our Budget. The item under our Estimates goes in the name of Hospitality, not Entertainment at all. But I answered it because I didn't want to split hairs. This Hospitality vote, and I'll make this explanation because apparently it could come up again. The Hospitality vote is a vote used here for providing certain amenities to travel writers and travel agencies, and this sort of thing. Now we begin expenditure from this vote around May, because that's the time that travel agencies travel writers and people coming to the island come in. The airlines give them free tickets or reduce tickets, the hotels give them free rooms, and the department gives them the little necessary things like getting them around the island, let them see what we have to offer and all this. Because they're the people who are out in the market place and who are advertising us, we get a lot of mileage out of travel agents travel writers and this sort of thing.

The item of Passages there is no such item in our Estimates under Passages. We have a vote under there called Transport and Travelling. So going technically by what the Estimates say, so I was asked for our passages, and I selected and separated what was paid in passages. This money that you see here \$2,99.52 has been the vote that has been spent in passages.

MR. JAMES M. BODDEN: A further supplementary Mr. President. I sure appreciate the lecture we have been given in regards to Entertainment and Hospitality. So apparently there is no place in the Estimates to cover entertainment, and it has been put under Hospitality. Now has this money that \$75.00 a piece been appropriated to Hospitality or has it been appropriated to Entertainment, and if we do not have an expenditure column for Entertainment in the Budget how could he give us this figure of \$84.90?

HON. W.W. CONOLLY: Mr. President I explained from the time I got up that if I had attempted to answer this question in the way it was worded, I would have just got up and said "no." I was trying to be decent and I tried to answer it. Because surely as I explained before the Member in drafting the question didn't look after the Budget. We have no item there called Passages, we have no item called Entertainment, and I gave the true figures of what it is. Whether you call it Hospitality, I call it Hospitality its Hospitality in the Estimates, and up to the 31st of May we have spent \$84.90 on Hospitality. That's what I've said.

MR. JAMES M. BODDEN: Mr. President a further supplementary Sir. I would say that its human for all of us to err, and I am in sympathy with the George Town Member, because I too do not have much education and sometimes I get mixed up with entertainment and hospitality, and don't know the difference. But in view of what has been said to us, could we be advised then this \$84.90 under Entertainment just what was that spent on then?

HON. W.W. CONOLLY: This is one that probably would require some research, because I mean I can't carry a book in my head, and in fact the Finance Department again is the one that keeps the treasury and really knows. But I think this was spent on probably the rental of a car or transportation for some travel writer, if my memory serves me right this is what it was.

MISS ANNIE H. BODDEN: Mr. President although I do not have a college education, I prize myself I have some good common-sense. And I could have put it in this sophisticated language, but I wanted to make it simply clear what I wanted, and I wanted the amount for Advertising, Salaries, Entertainment, Passages. I could have put it in another language, but I wanted it plain.

MR. CLAUDE HILL: Mr. President if I am permitted I would like to ask the Honourable Member why are these items placed in a disguised manner on the Budget?

HON. W.W. CONOLLY: Mr. President I think we're taking the joke too far, because Members approved of these, these are terminologies that are in the Budget, they were passed by the Finance Committee and by the House, so I have no reason to question. Nothing has been disguised as far as I'm concerned.

MR. CLAUDE HILL: But Mr. President I would have to make a statement again Sir.

MR. PRESIDENT: This is question time I must remind the Honourable Member.

MR. CLAUDE HILL: Yes its question time, but the question comes after the statement Mr. President. Mr. President since the Budget is put before us in a disguised manner I think it is time for us to consider and I am sure much more time will be spent before we say yes to a Budget. The question that I want answered is, will it appear in the near future in the same manner as it is now?

HON. W.W. CONOLLY: Mr. President I don't know exactly what the Member is talking about, all monies all financial transactions with the Department of Tourism passes through the Finance Department, auditors and everything else. I take exception of anything being disguised, that is a reflection on Government Audit and Financial Department. All financial arrangements, all financial transactions in the Department of Tourism are passed through our audit.

CAPT. A.A. REID: Would the Honourable Member say why the department has not spent any money on advertising in Ontario, the richest

CAPT. A.A. REID (CONT'D): part of Canada. I don't believe thousands of them heard of it until since I've been going there in the past five years. And why does then the Department of Tourism put up a larger sign in the office at Miami. You've got to get right up against the desk to see it, while the Lacsa has a sign eight inches high, we should have one in comparison underneath it at least, but I prefer to see it on top.

HON. W.W. CONOLLY: The first part of the question why we don't advertise in Ontario, I think this is a matter of means. The only reason why we don't advertise all over the world is because of the means, if we had the money we surely would do. As far as the Lacsa sign, the Cayman Airways sign at the Miami Airport, the Department of Tourism has absolutely nothing to do with this. Our office in Miami is 250 Catilona Street in Coral Gables, and there it is.

MR. JAMES M. BODDEN: A further supplementary Mr. President. According to the answer sheet circulated by the Member, we paid for six tickets or cover charge for six delegates, but in the first part of his answer we have only paid air fare for three delegates. Did we have six delegates in attendance, or did we have three, and if we paid for six what happened to the other three on their transportation, did they get there by horse and buggy, or did they live in the New York area or what happened? Why did we not pay for the other delegates and treat them in the same manner that we treated the other three?

HON. W.W. CONOLLY: The answer is exactly what happened. We paid air tickets for three delegates and there were six delegates. The other three air fares were paid under other Heads.

MR. JAMES M. BODDEN: Could you advise me as the Member of Tourism that would be in charge of this then what other Heads they were paid under?

HON. W.W. CONOLLY: We are going into depth. Sometimes its getting pretty close, but two of the delegates happened to be His Excellency the Governor of the Cayman Islands, whose air tickets were paid under another Head, he and his wife. One of the delegates happened to be my wife who was there, that no air fare was paid for.

MR. JAMES M. BODDEN: Mr. President on a point of clarification Sir, what I'm trying to get after, I am not in any respect against this money being spent for these, but I just wanted to find out how they got there, and that they were treated equal, and most of all Mr. President to assist the Member for Tourism that he does not disguise his answers in the future, but come out straight with them.

MR. G. HAIG BODDEN: The Member is sure that we can profit greatly from the exposure given by the film, that is the last statement in the answer. Since the Member is sure that we can profit can he tell us where this film will be shown, and how much exposure we're given in the film? By that I mean if the film is running twenty minutes, will we be shown for one minute or two minutes? So where will the film be shown, and what is the length of the exposure we will get?

HON. W.W. CONOLLY: Mr. President it is unfortunate that I have to make a statement rather than making a definite reply, as I've said before and what I've said in my answer that this film was a promotional film of the Caribbean as a destination. This particular film was shown to Members of the Government last evening, and if Members had attended this question would have been unnecessary, because the Executive Director of the Caribbean Travel Association who is in the island at this very moment, explained very carefully <sup>yesterday</sup> afternoon what was being done about this. That particular film is being shown to the private sector this morning, probably at this time. But this film on the Caribbean will be shown extensively throughout the United States. There will be over twelve million viewers on T.V. alone who will see this, plus a lot of the air lines are carrying it, I think that



HON. W.W. CONOLLY (CONT'D): American Airlines are putting this film on their DC 10, and they have wide coverage over the United States and else where. So this film will have wide coverage in the United States, its going to be reprinted in Spanish, French and German, so it will be widely publicised in Europe, it will also be shown in the United Kingdom - so its wide publicity. This is as much as I can say now, I can't say how many people will see it before it ends, but I would imagine that there will be millions of people throughout the world who will have seen this film.

MR. CLAUDE HILL: Mr. President one question I would like to ask the Honourable Member, he said that this film was shown on the Caribbean, how much of the Cayman Islands was shown?

MR. PRESIDENT: I don't think we can go on to debate the contents of this film in relation to this particular question. We've had a great number of supplementaries, I'll take a few more, but its almost developing into a debate.

MR. CRADDOCK EBANKS: Mr. President would the Member be able to say at this time as a supplementary, how many personnel precipitate from this amount as salaries? Not the amount per person, its how many personnel?

MR. PRESIDENT: Could the Honourable Member clarify?

MR. CRADDOCK EBANKS: How many personnel precipitate from this amount as salaries? Not their amount in salaries I'm asking How many personnel?

HON. W.W. CONOLLY: Mr. President/<sup>here</sup>again I don't to be rude, but surely we have an establishment on our Estimates that has been approved by this House. I don't know exactly how many, I could sit down and work it out, but I'm sure the Members are in the same knowledge as I have. The Estimates - there is an established amount of personnel on that, and they're the people being paid under Salaries - Cayman, Miami, New York, Chicago. They're all into the Estimates.

MR. CRADDOCK EBANKS: Mr. President, there're times when new staff is taken on, there're times when staff is transferred to other departments, so it makes a reduction or an increase. I only asked that as the question before us at this time.

HON. W.W. CONOLLY: What I'm trying to say Mr. President that the department has an established force, if someone is on leave and someone comes to fill in or something it makes no difference as far as the pay is concerned. The salaries are there stated in the Estimates and they're there, if somebody is on sick leave or maternity leave, or vacation leave as the case may be, once the post is filled it doesn't make any difference. It's an established post and these are the salaries that have been approved and this is the amount of money that has been paid up to the 31st of May.

MR. G. HAIG BODDEN: This is my last question Mr. President, but I would like the Member to let me know/<sup>how</sup>when and by whom he sent my invitation to this yester eve film, because I'm hearing about it for the first time?

HON. W.W. CONOLLY: The invitation was sent out by the Principal Secretary in the Department of Governor's Office. I don't know how it when it our, whether it went out by hand or foot or what, but it went out, that's all I can say. I'm very sorry that Members didn't get their invitations, and I can look into the matter to see exactly and let you /<sup>know</sup> later how they went, but I can't say up at this present time.

MR. PRESIDENT: We'll pass on to the next question.

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HON. D.V. WATLER, CBE, JP - CHIEF SECRETARY - FIRST OFFICIAL MEMBER.

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WILL GOVERNMENT TAKE INTO CONSIDERATION THE MATTER OF OBTAINING FIRE FIGHTING EQUIPMENT FOR THE ISLAND OF GRAND CAYMAN, AS THIS IS CONSIDERED IMPORTANT, WHEN IN THE PAST FOUR OR FIVE MONTHS THERE HAVE BEEN QUITE A NUMBER OF FIRES WHICH DESTROYED COMPLETELY BUILDINGS IN THE GEORGE TOWN DISTRICT?

ANSWER:

YES, THE GOVERNMENT WILL EXAMINE THE MATTER OF FIRE FIGHTING SERVICES FOR THE CAYMAN ISLANDS.

MISS ANNIE H. BODDEN: Mr. President I would like to ask a supplementary question. He said they will consider it, I would like to know when?

HON. D.V. WATLER: There are quite a number of things to be taken into consideration when you're going into a fire fighting service, the case of water, the case of equipment, the case of personnel, and these will be examined and settled.

MR. CLAUDE HILL: Mr. President a supplementary question to the Honourable Member. Why does the present fire fighting at the airport have the initials C.I.F.S. when they can only come out if a plane is <sup>not</sup> on the ground they cannot leave or is about to arrive. Why do they carry the C.I.F.S. on their shirts, what does the C.I.F.S. stand for?

HON. D.V. WATLER: I'm afraid I don't know what that stands for. I know that the fire service is geared what we have for the airport and the airport only. It is only when they're are no planes on the ground or no planes are expected, and there is a fire that it might leave the airport.

MISS ANNIE H. BODDEN: Mr. President in view of all the fires destruction of houses in not only George Town now its going on to West Bay. Would the First Official Member say if it is considered an important and urgent matter?

HON. D.V. WATLER: If you ask an opinion, I would say yes it is an important matter, but then it is for the Government to study this matter.

MISS ANNIE H. BODDEN: Mr. President I would like to ask, is it due to the lack of funds or what is the reason of this?

HON. D.V. WATLER: No, one thing I said that would have to be taken into consideration is the source of water. Now I know that you may feel well you had a fire near to the sea and you could pump the water out of there, but when you've established in a fire service for the island, the people that live inland also expect a service. Now where is the water coming from, this is why I say we have a lot to think about.

MR. PRESIDENT: Next question.

MR. CLAUDE M. HILL (CONTSITUENCY OF GEORGE TOWN) TO ASK THE HON. B.O. EBANKS MEMBER FOR HEALTH, EDUCATION, SOCIAL SERVICES AND LABOUR.

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IT IS KNOWN THAT A LARGE NUMBER OF RATS ARE BEING BROUGHT TO THESE ISLANDS BY SHIPS AND BOATS. WILL THE MEMBER SAY WHEN LAST HAS A PROPER DISINFECTATION BEEN CARRIED OUT ON SHIPS OR BOATS ENTERING THE PORTS OF THE CAYMAN ISLANDS?

ANSWER:

IT IS NOT KNOWN WHEN LAST A SHIP WAS PROPERLY DISINFECTED AT CAYMAN PORTS.

MR. JAMES M. BODDEN: A supplementary. Has the Member in charge of this Department ever given consideration to forcing the boats to use rat guard?

HON. B.O. EBANKS: The answer to that supplementary Mr. President is that under the proposed Port Authority Bill and Regulations which are to come before this House in the second half of this year provision is being made for the enforcement of the use of rat guards on all ships line.

MR. JAMES M. BODDEN: Further supplementary Mr. President. The last Session or the Session before last of this House we got quite a lecture on Anthrax and some other very contagious diseases. Is it not possible that rats could prove of more problem than some of the other things that we were trying to cover, and being we have such a wide bill that was passed in this House to cover all these things under Regulations, why hasn't it been done?

HON. B.O. EBANKS: Mr. President my information is that there is no rat problem at the Port at the moment. The Port Authority has been over the past three years using a compound called "wharfering" which kills rats; and my information is that the authorities at the Port do not consider that they have a problem and also the persons who spray the ships from the Mosquito Research and Control Unit have indicated that ships frequenting Cayman do not appear to have a problem of infestation with rats.

MR. JAMES M. BODDEN: A further supplementary. As it is admitted that the MRCU seems to be quite active on the arrival of the ships, why is it then that the ships have not been let's say disinfected againsts rats snakes and so forth that could be aboard, they could be much more dangerous than the mosquito. He's admitted it hasn't been doné in a long time could we get an answer as to whether it can be done and when it will be done?

HON. B.O. EBANKS: Mr. President I'm sure the Member with his maritime background would know that there are fast acting poisons available for use in disinfecting ships, <sup>such as</sup> sodium floride, but this is equally dangerous to man and animals as it is to the rats. And it is impractical to disinfect a ship when it is loaded with cargo, if the cargo became contaminated, such ships as come to Cayman and we know bring mixed cargoes including food stuff, and it would be very dangerous, this is why the much slower acting compound of wharfering <sup>is</sup> being used at the Ports, with this requires ingestion by rats for about three successive days. So if this was put on board the ship, the ship would have left port by the time the compound began to take effect, or and additionally it might have the effect if the ships are infected by rats it might have the undesired effect of causing them to come ashore in search of water rather than to remain aboard the ship,

MR. JAMES M. BODDEN: Mr. President a further supplementary. I can see that in the banking course they give a better chemistry lesson than they did in the maritime course. But certainly ships entering American ports with bananas and so forth which usually have a lot of snakes in them, they're able to disinfect them and kill the snakes before the bananas go ashore. Now in my opinion Sir, it would be fairly easy to leave a chemical of some kind in that banana that would hurt the person that eat<sup>s</sup> it rather than to use a chemical that would probably go on just cans which is most of the stuff that is imported here. I think this is a very poor reason Sir, and these ships something should be done about it immediately to see that this problem is brought into control.

HON. B.O. EBANKS: Mr. President that was a statement rather than a question, but I have stated that my information is that there is not a problem, and I think that the onus rests on the Members to prove that there is a problem, which we haven't seen proved yet.

MR. JAMES M. BODDEN: Mr. President we're not operating under the Napoleonic Code, the onus is on Government to do something, because Government is the people, and Government is who must take care of the people. And

MR. JAMES M. BODDEN (CONT'D): I'm asking the Member does he envisage his department anywhere in the future doing such a thing to remedy this situation? And I will put a further question to him so he'll have enough time to answer both of them, whether he is planning that any time in the near future to institute proper quarantine procedure against the ships arriving in our waters?

HON. B.O. EBANKS: The last question is a new one Mr. President which I have no intention of answering. But I will answer the first part and in giving my answer to the first supplementary I told of the Regulations which would enable something to be done, but I am not giving any blanket undertaking in this respect Mr. President because until such time as it is proven that there is a problem and surveillance has not indicated that there is a problem, I do not therefore intend to take any action until such time as our surveillance indicates there is a problem. But I would further mention that the disinfection which the Member refers to in other ports is applicable also to the ship when it arrives in the Cayman Islands. There is something on a ship called a valid D Rat Certificate, and as long as a ship has this it is reasonable to assume that the ship is free from rats and other vermins, and I think that the practice that has been accepted here is that once the ship has this valid certificate from a port in Florida or somewhere it is accepted that the ship is in a healthy condition.

MR. CLAUDE HILL: Mr. President if I'm permitted Sir, as the Member who first asked this question on rats, and the Member says he's not aware of the fact that rats are becoming a menace to the waterfront, or coming in by ships. I would like for him to remember that we had to get a man from England here to rid the water-front of rats and it is also becoming an increase since his absence.

MR. PRESIDENT: I don't think that that is a question.

MR. G. HAIG BODDEN: Is the Member satisfied with his lack of knowledge as indicated by his answer?

HON. B.O. EBANKS: Mr. President if that statement was correct I would say that the Member should be well satisfied, because I made it quite clear that I have had information from the Port, I said that the Port Superintendent does not consider that he has a problem, I further stated that the MRCU/<sup>unit</sup> who visits each ship that arrives have stated that they do not notice any rat problems. So I don't see how the Member can indicate that there is a lack of knowledge on my part or on the department's part.

MR. G. HAIG BODDEN: I'm not arguing Mr. President, but the answer says it is not known, to me that is a lack of knowledge.

HON. B.O. EBANKS: Mr. President I am sure the Member knows quite well that it has never been the practice to disinfect ships in the Cayman Islands, and I doubt it has ever been done against rats.

MR. JAMES M. BODDEN: Mr. President a further supplementary. Ships come in here evidently could be carrying rats and I wonder whether the Member will advise us whether in the future each ship arriving in our waters will be properly checked to determine they have <sup>a</sup> proper certificate of ~~health~~ *health* instead of may be waiting two to three days before anyone ever checks this out. Could he advise us whether the old system will continue to where sometimes a boat is here a week before anyone ever checks it, or whether he in his capacity will see in the future that this can be done because it might help us rid these of these rats?

HON. B.O. EBANKS: Mr. President I've indicated that on the coming into effect of the Port Authority Bill there will be a liaison or an effective means of the Public Health Department and the Port Authorities working hand in hand on the arrival of ships.

MR. CLAUDE HILL: Mr. President one last question Sir. The Member emphasised strongly on the inspection carried out by MRCU in regards to rats, and I am sure that rats are not inspected, but mosquitoes are inspected by MRCU in their search on ships. Now I would like to find out if MRCU is carrying out an inspection on rats and mosquitoes or just mosquitoes alone?

HON. B.O. EBANKS: Mr. President I would have thought the Member was well aware of the functions of the MRCU because I believe the Member himself, I don't know in what capacity, but he does in some capacity spend quite a bit of time on the dock or on the wharf. And I have at no time indicated that the inspection by the MRCU is for rats, I have said they have not noticed.

HON. D.V. WATLER: Mr. President and Honourable Members the next question is directed to the Member responsible for Communications and Works in respect of broadcasting. The Member for Communications and Works is responsible for the setting up and the technical aspect of it, but the broadcasting section I am myself, so I will be answering this question instead of the Member.

MR. JOHN JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HON. D.V. WATLER, CBE, JP - CHIEF SECRETARY - FIRST OFFICIAL MEMBER

IN VIEW OF THE RELIGIOUS BACKGROUND OF THE PEOPLE OF THESE ISLANDS AND SINCE IT HAS BEEN INDICATED THAT THE BROADCASTING STATION MIGHT COMMENCE OPERATIONS DURING THE LATTER PART OF 1975 WILL THE MEMBER SAY WHAT STEPS WILL BE TAKEN TO ENSURE THAT THE PROGRAMMES TO BE PRESENTED ON SUNDAYS WILL BE GEARED TO THE SPIRITUAL GUIDANCE, MEDITATION, SACRED MUSIC ETC., RELATIVE TO THE PEOPLE'S REGARD FOR REVERENCE ON THIS HOLY DAY?

ANSWER:

IT IS EXPECTED THAT THE PROGRAMMES THAT WILL BE CARRIED ON RADIO CAYMAN ON SUNDAYS WILL INCLUDE RELIGIOUS SERVICES, SACRED AND CLASSICAL MUSIC, DRAMA AND TALKS ON OTHER SUCH SERIOUS SUBJECTS. IT IS CONTEMPLATED THAT NO PROGRAMME THAT WILL BE REPUGNANT TO THE PEOPLE OF THESE ISLANDS WILL BE BROADCASTED.

IT IS NOT POSSIBLE AT THIS TIME TO GIVE A DETAILED PROGRAMME AS VARIOUS ORGANIZATIONS WILL HAVE TO BE CONTACTED FOR MATERIAL. AFTER THE DIRECTOR OF BROADCASTING HAS COLLECTED AND COLLATED THE MATERIAL A DETAILED PROGRAMME SCHEDULE CAN BE ARRANGED.

MR. G. HAIG BODDEN: A supplementary question. While a detailed programme is not available can the Member say if it is expected that live broadcast will be made from some of the churches?

HON. D.V. WATLER: It is hoped that it will be possible to do so, this is what we would like to do.

MR. PRESIDENT: Go on to the next question.

HON. D.V. WATLER: Mr. President and Honourable Member the next question is again from the Second Member from West Bay, and this is directed to the Member for Education, Social Services and Labour. Again as this touches on immigration and the Caymanian Protection Board I will be answering it.

MR. JOHN JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HON. D.V. WATLER, CBE., JP. - CHIEF SECRETARY - FIRST OFFICIAL MEMBER

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IT IS KNOWN THAT THERE IS NOW A PERCENTAGE OF UNEMPLOYMENT IN THESE ISLANDS AS HAS BEEN EVIDENCED BY THE FACT THAT IT HAS BEEN NECESSARY IN THE PAST TO EMPLOY PERSONS FROM OVERSEAS BECAUSE OF THE SHORTAGE OF LABOUR FORCE; WILL THE MEMBER SAY WHAT EFFORTS ARE BEING MADE BY THE IMMIGRATION DEPARTMENT TO ALLEVIATE THE UNEMPLOYMENT OF CAYMANIANS.

IF THE ANSWER IS IN THE NEGATIVE AND SINCE THE PUBLIC WORKS DEPARTMENT HAS EMPLOYED MANY EXPATRIATES AS LABOURERS, CARPENTERS AND MASONS WILL THE MEMBER SAY WHAT STEPS HAVE BEEN TAKEN TO SEE THAT PREFERENCE IS GIVEN TO CAYMANIANS IN FILLING THESE POSTS.

ANSWER:

THE CAYMANIAN PROTECTION BOARD IS VERY COGNISANT OF THIS PROBLEM AND IS CAREFULLY WATCHING THE SITUATION. AS THE FIRST STEP THE BOARD HAS NOT GRANTED ANY GAINFUL OCCUPATION LICENCES FOR NEW IMMIGRANTS TO BE BROUGHT IN FOR THE CONSTRUCTION INDUSTRY. SECONDLY, THE BOARD IS ONLY RENEWING SUCH LICENCES TO PERSONS FROM OVERSEAS FOR SHORT PERIODS OF ABOUT FOUR MONTHS IN ORDER TO ALLOW THEM TIME TO COMPLETE THE JOBS THAT THEY ARE NOW WORKING ON. THE CENTRAL PLANNING AUTHORITY HAS GRANTED PERMITS IN THE CONSTRUCTION WORK FOR ABOUT \$11 MILLION, AND IT IS HOPED THAT THIS WILL ALLEVIATE THE PRESENT CONDITION.

IN RESPECT TO THE EXPATRIATES WORKING AS LABOURERS, CARPENTERS AND MASONS IN THE PUBLIC WORKS DEPARTMENT, THE ONES THAT ARE NOW WORKING THERE HAVE BEEN WITH THE PUBLIC WORKS FOR SOME TIME, AND NO NEW ONES HAVE BEEN TAKEN ON DURING THIS YEAR. THE PUBLIC WORKS HAS A CERTAIN AMOUNT OF PRESSING JOBS TO BE COMPLETED AND IN ORDER THAT THE LABOUR AND COST DO NOT ESCALATE, IT IS DESIRABLE THAT THEY SHOULD BE KEPT ON FOR THE PRESENT.

MR. JOHN JEFFERSON: Supplementary Mr. President. Is the answer given based on the construction field or has secretarial and domestic also been scrutinised?

HON. D.V. WATLER: Those fields are also been watched very carefully too, but the Board has started on this in order to see whether they can alleviate the position.

MR. JOHN JEFFERSON: Is Government also aware that there is quite a number of girls in the field of secretarial work that are also unemployed?

HON. D.V. WATLER: I'm afraid I'm not sure of that, I would have to check that out with the Board.

MR. CRADDOCK EBANKS: Mr. President I don't know if the Member is aware from his answering the question that there're no new permits granted, while that could be true why then that those that have a work permit should continue to work on jobs and the locals be laid off.

HON. D.V. WATLER: In the answer that I gave, the Board has only renewed their permits for four months there about, its not more than four months, some in three months, some in four months, in order to allow those jobs that are on the way and that they have been engaged in to be able to complete them, or to make other arrangements for other people to come on. But rather than close down the job, they have allowed some of those to continue on for four months.

MR. CRADDOCK EBANKS: Mr. President I don't understand the answer from the First Official Member, saying that they would close down the job when we got so many people then out of a job of our own local people - Caymanians. If they're out of a job and the expatriate has to be taken off

MR. CRADDOCK EBANKS (CONT'D): the job and sent home, its a Caymanian to fill the job, so the job won't be closed down.

MR. JOHN JEFFERSON: Mr. President/<sup>would</sup> the Member care to say what percentage of workers in the field of construction in the Public Works Department - what is the ratio of foreign against local?

HON. D.V. WATLER: At present in the Recurrent Section of the Public Works Department there are forty two Caymanians and ten expatriates. And the Road Programme there are fifty seven Caymanians and four expatriates, and in the Capital Building there're forty three Caymanians and twenty five expatriates. This is the place that they say that the Public Works had these Capital Building Projects on that they were trying to get through.

MR. CLAUDE HILL: Mr. President if I'm permitted Sir, I understand the Official Member to say that these permits are renewed for four months, my question will be asked if there can be an extension after the four months have expired if work is not even available?

HON. D.V. WATLER: Yes, there could be extensions to that four months period, because the Board is watching it very carefully, and if there are Caymanians willing and able and ready to work then it will not be; but if they're not then they might have to be extended again. But as of now they're not thinking of doing so.

MR. CRADDOCK EBANKS: Mr. President my question awhile ago was, why lay off a Caymanian off of the same job and keep on an expatraitte, then for his work permit to be renewed for the job to continue, and the Caymanians to be out of a job, that was the question I asked awhile ago, but I haven't got the answer.

HON. D.V. WATLER: I did not understand that question, I thought you were making a statement at the time, I'm sorry. But again I am not aware of that answer either, and I'm unable to answer it, because the Board is as I said is watching this very carefully, and I'm depending on the Board to give me the information, and I don't know if the Board is cognisant of Caymanians being laid off and expatriates taken on.

MR. JOHN JEFFERSON: Mr. President another supplementary. Can I take for granted then that the Board and the proper authority is taking cognisance of the number of young people that will be graduating from school this summer in relation to the labour market?

HON. D.V. WATLER: Yes.

MR. CRADDOCK EBANKS: Mr. President this is not a question, but I feel that this is a matter that this Government needs to go in thoroughly to get the pros and cons cleared up with the labour with our people in this island.

MR. PRESIDNET: We'll proceed to the next item on the Order of the Day - Government Business - Bills.

THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975

CLERK: THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975 - INTRODUCTION AND FIRST READING

MOVED BY HON. D.V. WATLER      Y.

SECONDED BY HON. G.E. WADDINGTON

QUESTION PUT: AGREED: BILL INTRODUCED AND GIVEN FIRST READING

THE HIGHER EDUCATION (LOAN) BILL

CLERK: THE HIGHER EDUCATION (LOAN) BILL - INTRODUCTION AND FIRST READING

MOVED BY HON. B.O. EBANKS  
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED: BILL INTRODUCED AND GIVEN FIRST READING

CLERK: THE HIGHER EDUCATION (LOAN) BILL - SECOND READING

HON. B.O. EBANKS: As stated in the Memorandum of Objects and Reasons the/seek~~s~~s to authorise the Governor in Council to raise a loan not exceeding fifty thousand dollars for the purpose of financing loans to students for the purpose of pursuing approved courses of higher or technical education, and it is intended to raise this loan from the Caribbean Development Bank.

Members have been for sometime aware of the negotiations that have been going on between Government and Caribbean Development Bank in this regard, and it is regrettable that it has taken this long to complete the agreement, but there's now complete understanding and the agreement is ready for signature once this law has been passed.

The money will be loaned to Government for on lending to students, the executing agency will be the Education Council under the Education Law, and the Council will be required to establish priorities and advertise these and deal with applications on the merits when they are received. The money will be made available to Government at something like four percent, and it will be lent to students at a rate of six percent, the two percent covering the administrative charges. Repayment will not be required to commence until after thirteen months after the date on which the recipient of the loan has completed his education, and the loan will be repayable over up to ten years. This is basically the areas of interest I think in the agreement Mr. President, it is hoped that we can find persons to use this money, and it is my wish that we will one day be back here asking to increase this sum so that we can assist others. I'm hopeful that the project will be so successful that we will need to borrow additional amounts.

At this point I would like to commend this Bill to the favourable consideration of Members.

SECONDED BY HON. D.V. WATLER.

QUESTION PROPOSED: BILL OPEN FOR DEBATE

MISS ANNIE H. BODDEN: Mr. President and Members of this House while I would say this is a very commendable Bill provided it is used right. We have always heard it here Caymanians are uneducated, if they had some education they could do this and that. I will have to repeat what my Honourable colleague from George Town told a former Administrator, it is a good thing that Caymanians are uneducated, because with their commonsense if they had education they could rule the world. Well I would not go that far to say we could rule the world, but I'm saying this that in our uneducated manner we have come forward a long way, and it is only now with so many educated people around us giving advice that we are getting all muddled up. I am saying Sir I really commend this Bill provided it is used for the best interest of Cayman Islanders.

I would like to see our finances in such a condition that we did not have to borrow the money. But I suppose now in this day and age borrowing of money has become a disease, and more or less all of us want to exceed our means. Well if this is used for the purpose of which it is said it will be a good thing. But my fear is this



MISS ANNIE H. BODDEN (CONT'D): when we have educated these Caymanians who ever they may be, unfortunately I won't have any in the brood, it will be as usual certain strangulation I must say on the jobs they take. We have educated three or four very qualified and competent people, we have educated a man who I would say has education enough to be our Attorney-General or Judge of the Grand Court. Nevertheless he had to quit Government because of the quibble over paying him a measly fifty or a hundred pounds which had to be paid for an expatriate which took his job, that's number one.

We have a dentist second to none and I have heard it here, not in this Chamber the old Town Hall when Members quarrelled because he was asking for fifty pounds additional per month, which they would have to pay an expatriate; and they had to pay the expatriate the fifty pounds plus house allowance. But simply because he was a Caymanian he was put down. I'm not saying he's not better off financially, I am saying that our Government in the past has used ways and means to deprive Caymanians of holding top-notch jobs. I would refer to the only Caymanian barrister who was educated and is quite qualified to do a good job, but Mr. President when this Chamber was opened he was then the acting Attorney-General, and although his name was on the programme he was not even allowed to sit in that chair. So that is what we do our own people, and I'm saying this Sir, that when this Bill becomes Law, I don't know who will be the happy recipients of this loan, but I'm saying this, that they must have this known with the understanding that then when they return here to this island educated in whatever field it may be that they're not put at the foot of the ladder, nor are they handicapped as has been done in the past. That they be given every facility provided of course they have the knowledge to take the job for which they have been educated.

I'm saying Mr. President that it being in the hands of the Education Council, I hope whoever the Members are, I don't know will not be partial, and if Annie Bodden has a son or a daughter or they like Annie Huldah Bodden, or they're afraid of me, or they love me, my son or daughter will get the privilege. But it might be Quahoo, and his son and daughter and they haven't got that much influence, and they're denied this privilege. I am saying this Bill when it becomes Law must be for all and sundry. There must not be the upper class given the privilege, and the down-trodden kept where they are.

Mr. President I have always advocated that if I had a son or a daughter, who was brilliant enough to have an education by getting a scholarship, that if I was really a loyal person to my conscience and my God and my country, I would take the money that I would have to pay for his or her education to donate it to some poor child who hadn't got that privilege. Now that doesn't prevail in our island Sir, the fact is those who get can get more, those who have nothing get nothing. And I'm sincerely hoping when this becomes law, which I'm sure it will that when these students come back after thirteen months, after the completion of his or her education that they will not be deprived the right of functioning by being told, well you start down the foot, you can't get this additional increment, you're only new in the field, you haven't got any experience, we are going to import an experience person to do the job, and you learn under him. That is not what we want, or not what I'm agreeing to this law for; I'm agreeing that if whoever it may be is qualified to do a job because they're black or white or pink or green, because they're a Bodden or an Ebanks or whatever they may be, there shall be no discrimination.

I feel that we in the past Sir have made things very hard to those people who we have educated. We have educated teachers by the scores, and hardly anybody is filling the job, you ask them what is the reason, they would say this that and the other, and unfortunately most of them are not men and women enough to state the real reason behind they're quitting Government jobs. Now I feel that is not good enough, they must be loyal when they borrow money, they must expect they have to return it. They must make the best of their advantage, and try to learn something to cure this complaint we hear about these uneducated Caymanians. And I

MISS ANNIE H. BODDEN (CONT'D): hope Sir that it will be no bickering here over this, I'm sure it will be put in execution, or at least I hope so. And then these graduates who I hear so much about, some of them will take advantage of this offer / <sup>which</sup> the Government is making at a sacrifice I would say, and I hope they will make good of it. Thank you Sir.

MR. JAMES M. BODDEN: Mr. President, fellow Members, I'm very proud to see that our Government is taking such a step as is presented to us here today. But before I begin to debate this Mr. President I would like to quote the words of what Walter Beigehot who said that one of the greatest pains to human nature is the pain of a new idea.<sup>1</sup> You may wonder why I quote that Mr. President, but the reason for it is this, I never expected with us sitting on this side of the House in the minority to see a Bill like this presented to the Assembly. Yes, you can chew, you'll chew more; because my colleague and myself have championed this from the time we ever went into politics. And I'm thankful today to be able to stand here and say that this was a part of the Manifesto that we campaigned on in 1972, and I am hopeful that it will pass today and I'm sure it will pass.

<sup>1</sup> Education is one of the most important things for any country, it is the most important point in the development of any country. We cannot develop this country unless our people become educated.<sup>2</sup> Over the years a lot of us has had to scuffle in the world to make something of ourselves, we've had to do it because we didn't have education. I am not about to stand here and say that education is the only attribute a man should have, because I too have been associated with many people who were so educated that they needed a two shilling basket to carry their degrees around in, and yet for the lack of ambition, and the lack of ambition and commonsense they could scarcely do even the menial jobs. So education is not the only answer. But I am glad to see this departure, because in the past I have heard that certain members of Government had said there was no need to establish in this island a school of higher education. So if that policy was going to be pursued then we must help the people of this island to send their children abroad, because many of them cannot afford the high cost of education in some of the other countries of the world. So if our policy is going to continue to be that the Cayman Islands should not have an institution of higher learning then Mr. President this is the only answer to it; and my criticism of it at this point would be that it is too little and let's hope to God its not too late. We have created in the past in my opinion many errors in regards to the treatment of education, and I hope that today we have seen the veil lifted from the eyes of the powers that be and that ~~this~~ attitude is going to change.

Mr. President one section of that I do not believe I could freely support and its in reference to the terms and conditions being set by the Education Council. My humble opinion which I submit at this point is that these terms and conditions should be specifically laid down by the Legislative Assembly which represents the people of these islands. Mr. President there has been much reason for people to gripe in this island concerning the actions of the Education Council. If anyone should doubt my words I'm sure that there are many records available to the public which can substantiate what I am saying. I am afraid Mr. President that if the Education Council is left to handle this we will find that Mr. Brown's son is treated finely, Mr. Green's son will be pushed down into the gutter. This is nothing new to the ears of this Chamber Mr. President, because I'm certain they've all heard it in the past. We've had too many cases of where action of this nature was taken in individual cases rather than being taken on the administrative level to the point where every 't' was crossed and every 'i' was dotted.

MR. JAMES M. BODDEN (CONT'D.): We have had in this system Mr. President what we as seamen commonly refer to as the two pot system. That phrase may be new to the banker, but I'm sure it is not new to some of the sea going men in this place. We do not want that to continue Mr. President. If we must borrow this money from Caribbean Bank, and we must meet the interest and the principal. I was hoping that when this Bill was circulated to us it would have given us a little bit more information concerning this particular loan, telling us the terms, how many years to pay back and the interest and so forth and so on. We have just been told the interest on it, and that sound quite nominal, but I believe that if we are going this far we should go a little bit farther. I would like to see us initially make a loan of at least two hundred and fifty thousand dollars, so that we could have as many kids as can qualify, go abroad and train. At the cost today it doesn't take you long to figure that fifty thousand dollars is probably only going to educate five children. And Mr. President going back to what I said awhile ago, who will those five children belong to?

I also Mr. President feel like our Government should not try to make an additional two percent and interest on this loan, because we are doing something for the good of our people in the future, and the littlest thing that we can do is to bear the administrative cost of this loan. The two percent may not sound like much, but if a young man has to go away from this island to train to be a doctor, its probably going to take him anywhere from five to seven years to complete that course. Its going to cost quite a bit of money, and when he comes back here to work the scale is not all that high; so I would like to see us be a little bit more generous and let this loan go to the person borrowing it for his education at the same rate as we pay Caribbean Bank.

Mr. President I recently came across a Report which was sent to me from the Finance Department of this Government. I must admit that with all the other bills and laws and so forth that we've had to read in the past couple of weeks, that I have not spent the time on this particular document that I would normally have liked to have done. So I apologise if I'm in error on any of my figures. What I noticed from that Report Mr. President that in 1971 we had I think thirty three students abroad taking training in the field of higher education, this is in varied different posts. But I noticed Mr. President that under our present administration that in 1972, 1973 and 1974 each of those particular years we have seen a decrease until 1974 it is down to only nineteen students abroad in the field of higher education. Mr. President something is wrong, something is wrong some place when in a three years' span we have decreased that amount by 57.578% of people who were studying abroad. I cannot believe Mr. President that the mental faculties and the brains of the kids of this island has deteriorated to that extent in the past three years, that we cannot continue to send more children abroad instead of less. There has to be a particular reason for this Mr. President, and I am hoping that this entire school system will be checked out to determine where the fault lies. The results have been terrible, and unless we get better results from the Comprehensive School we cannot send people abroad to study, because every year we will have less and less of them qualifying. And unless they qualify from the Comprehensive, I do not believe that it is many schools of higher education in the rest of the world that they can qualify for entrance exams.

So Mr. President this is a very serious matter, we must look into it, We must remember the words of the *Benjamin* Israeli when he said that the youth of the nation are the trustees of posterity. This is what we are looking for Mr. President, and its incumbent on each and everyone of us who are elected to this House or who has the privilege of sitting in this House to make this a priority matter that a complete investigation is made to determine what is happening in our school system. What is wrong, are the minds of the children deteriorating at the rate of roughly 19% a year? Because if that is that is true Mr. President in the next five years the brains of the children of these islands will have attrited

MR. JAMES M. BODDEN (CONT'D): to the point that they will only have about five percent brain power. We cannot allow this to continue, it may be in the food they're eating, or it may be something else, but we must determine what that something else is.

So Mr. President in winding up I will say that I support the Bill, I only hoped it would be more money, because if we are going on bended knee as we usually have to go to Caribbean Bank, then bend your knees and get something worthwhile. I would also like to see if the Members of this House will consider to put the power where it should be in regards to the administration of this loan. And even if that point is not done, I hope that whoever is responsible for this will have the generosity in his heart to his human man to see that each applicant under this loan is dealt with fairly and squarely. And the last point Mr. President, I know it is difficult for the Members on the other side to bring this forward today knowing it was something that my colleague and myself had so long championed, but as we could not do it, I give them all the credit and I thank God for the benevolence in their hearts. Thank you Sir.

MR. CLAUDE HILL:

Mr. President I can assure you I'll be very brief, I see another Member eager to say a few words on this Bill.

I rise in support of this Bill before us, while looking at the Memorandum of Objects and Reasons, this Bill seeks to raise a loan not exceeding fifty thousand dollars for the purpose of financing students of pursuing a course of higher education.

We are aware in this island that education plays a very vital role in any developing country, and if Cayman is to develop as we would like it I think that education should come first. We heard at the introduction from the Member who introduced this Bill the rates that the loan will be paid back at, we also heard the time of commencement that these rates will be paid, and I think it gives us food for thought. I do hope that the financing of students in the Cayman Islands for a higher education will be given even more thought as we go along in this House, and more students will be made capable of obtaining a higher education. One thing that bothers me is how patriotic those returning to the islands will be, this is something that must be remembered. Leaving the Cayman Islands and seeking further education in other parts of the world you have met with quite a big change. You're confronted with many obstacles, and many incentives which lead you not to return to your homeland, or care to work in your homeland.

The question arises where do we go from here. Let us not bury our thoughts just on one motive we must extend our feelings regardless of colour, class or creed. We must live according to the circumstances which surround us daily. And Mr. President I think that fifty thousand dollars for the financing of students for a higher education is not sufficient. But as I have said we are living according to our means daily, and the mover of this motion has clearly outlined it, and I fully support this motion Sir. Thank you.

MR. JOHN JEFFERSON:

Mr. President, Honourable Members I rise in support of The Higher Education Loan Law. I want to say how happy I am to see this loan before us for such a worthwhile worthy cause for the people of these islands. It shows whether we want to admit it or not that the Cayman Islands Government is concerned about the education of its youth.

There is only one concern of mine that I want to expose, and I'm not exposing it purely because of this dealing with education. I'm exposing it because of the fact that it is necessary as we go on doing our daily chores. As far as Government expenditure is concerned there is only one concern of mine, and that is it would be less than responsible of us not to make our people aware of the fact that as we live in a world today where we are expected to provide more and better services, and more and better services we must provide and we shall provide. It is also a fact that we must also be aware that the Revenue of these islands also at this present time has a limited amount.

MR. JAMES M. BODDEN (CONT'D): We have had in this system Mr. President what we as seamen commonly refer to as the two pot system. That phrase may be new to the banker, but I'm sure it is not new to some of the sea going men in this place. We do not want that to continue Mr. President. If we must borrow this money from Caribbean Bank, and we must meet the interest and the principal. I was hoping that when this Bill was circulated to us it would have given us a little bit more information concerning this particular loan, telling us the terms, how many years to pay back and the interest and so forth and so on. We have just been told the interest on it, and that sound quite nominal, but I believe that if we are going this far we should go a little bit farther. I would like to see us initially make a loan of at least two hundred and fifty thousand dollars, so that we could have as many kids as can qualify, go abroad and train. At the cost today it doesn't take you long to figure that fifty thousand dollars is probably only going to educate five children. And Mr. President going back to what I said awhile ago, who will those five children belong to?

I also Mr. President feel like our Government should not try to make an additional two percent and interest on this loan, because we are doing something for the good of our people in the future, and the littlest thing that we can do is to bear the administrative cost of this loan. The two percent may not sound like much, but if a young man has to go away from this island to train to be a doctor, its probably going to take him anywhere from five to seven years to complete that course. Its going to cost quite a bit of money, and when he comes back here to work the scale is not all that high; so I would like to see us be a little bit more generous and let this loan go to the person borrowing it for his education at the same rate as we pay Caribbean Bank.

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MR. JOHN JEFFERSON:

Mr. President, Honourable Members I rise in support of The Higher Education Loan Law. I want to say how happy I am to see this loan before us for such a worthwhile worthy cause for the people of these islands. It shows whether we want to admit it or not that the Cayman Islands Government is concerned about the education of its youth.

There is only one concern of mine that I want to expose, and I'm not exposing it purely because of this dealing with education. I'm exposing it because of the fact that it is necessary as we go on doing our daily chores. As far as Government expenditure is concerned there is only one concern of mine, and that is it would be less than responsible of us not to make our people aware of the fact that as we live in a world today where we are expected to provide more and better services, and more and better services we must provide and we shall provide. It is also a fact that we must also be aware that the Revenue of these islands also at this present time has a limited amount.

MR. JOHN JEFFERSON (CONT'D): In the past Mr. President we'd never had any national debt, which we are moving towards today. Certainly in the past we have done things on the basis of what we have, today we're doing things on the basis of what we need. And I'm glad that this Government is stable enough that expenditures of this nature is available to the people of these islands.

Our Budget this year for education was the largest Budget in the history of the Cayman Islands. In other words the expenditure this year on education reflected in our Budget was far higher than our whole National Budget was a few years ago. What does that say? It says that we see the need to educate our people, it says that we not only see the need but we are going to live up to our responsibilities, because we realise for our country to progress there must be better and higher education or better places of learning.

I am not at all surprised that a Bill of this nature is before us, I am humbly proud thank God that we are in a position today to be able to see a Bill of this nature before us, and I subscribe to the fact that we must continue to make more funds available for our people to go overseas. The point that is made many times, is that we send people overseas they come back, and they don't work for Government, they work in private sectors. Mr. President I would be happier to see a lot of them come back and work for Government, no doubt, but the fact that they come back and provide a vital service to the people of these islands, a service that would have to be provided from someone else from the outside, were they not educated in providing that service. Certainly we <sup>must</sup> not lose sight of the fact that grass is always greener on the other side of the fence, and let's not lose sight of the fact that in many many fields there is far more money being earned in the private sector than they would be able to earn through Government.

I am happy to say that I take a great pride in the fact that a Bill of this sort is a Bill of the working of this entire House. The Bill is not brought by two individuals, the Bill is brought because of the number of Elected Members in this House <sup>that</sup> have been well aware of the needs of these islands, and that the Members of this House are well aware of what we must provide-needful to be provided for our people.

Mr. President I'm glad that this Government is able through the Caribbean Development Bank to be able to start off on this Higher Education Loan, and I look forward to an increase from time to time, and I look forward to the administration of this loan in no less terms than it has been in the past. Just past two months I've seen in particular one person back in my own district if we would say sometimes of part no doubt of some of the poor families in the district, but through this Government an opportunity was given to her to go overseas to seek higher learning and I'm happy they are back providing vital services for this country, and to see that everybody as far as I'm aware of today have an equal opportunity of being able to obtain a scholarship as long as they have the qualifications.

I want Mr. President to say that as far as I'm concerned I support one hundred percent everything that is being done to benefit the people of our islands. We are seeking to provide them with a better way of life, a higher standard of education. We are seeking in every way possible to us to provide them with the amenities of any other community anywhere else in the world. I think our people are entitled to the best Mr. President, I believe that our people have the potentials if given the opportunity to rise to heights of the people of any other territory, even though we're restricted to thirteen thousand people. I believe that the people of these islands are capable if given the opportunity of providing any task laid before them.

I want to say Mr. President in closing that this again is another happy beginning in our life in this Legislature, it is again another sign that the Government of the Cayman Islands is not asleep, and is not as much asleep as sometimes we tend to make it out. I support this Loan Bill wholeheartedly, and I thank God for the opportunity of doing so. Thank you.

MR. G. HAIG BODDEN: Mr. President I think the Bill before us is very commendable, and the way I have acted in the past has been to always give credit where credit is due, give unto the people all the accolades which they merit. It would be a good thing if Government could learn a lesson from me. You will remember only last month a motion was before the House asking for an extension to the Development Plan, a very good motion, yet the Members who brought it were ridiculed, everything was done to cast aspersion on us. But I will not do that today, I know this is a good motion, and I will not descend into the gutter to get newspaper publicity.

Education costs money, but if you think education is expensive try ignorance. I see education as a means of increasing the standard of living of our people. I see education as a means of preventing or reducing juvenile delinquency, because make no mistake about it most crimes in the world are committed by people who have come from homes where there was a lack of education, and if we are to improve this country in all respects one of the things that we must use is the education of the young people. We're very fortunate in the Cayman Islands in that there are no uneducated people, there are many that are under educated, but we have no uneducated people as we have in some of the other Caribbean countries. The standard of literacy is much higher in the Cayman Islands than it is in any other Caribbean island. You may have say in Jamaica more people with university degrees, but you also have more people that don't know their own names, and so percentage-wise we are under educated but not as uneducated as some of the countries around us. But we want more for our people, we do not want a community of only hewers of wood and drawers of water, we want people who can fill the top posts. If you study the Colonial history especially in the Caribbean, you will see that the old pattern was to educate the people, but not too much, never let them get up to where they can take the top jobs, never let them get up to where they can be leaders, never let them get up to where they can be rulers. But this attitude must change, and not only the Legislative Assembly but the newspaper, the public as a whole must change its attitude to education, and must see education as one of the requirements for the salvation of this country.

I never like to get personal, but I must give you one example, because it hurt me very much. In 1972 when the worthless newspapers were trying to destroy me, they wrote a very deprecating article speaking about my Chartered Life Underwriters degree, which I had spent <sup>of hours to acc</sup> thousands the only one in the Cayman Islands. And they wrote in that newspaper article that it was only a correspondence degree. This is the state to which we had fallen, when responsible newspapers would deprecate people who had worked hard to further their education. And although this degree is the same as the CPA or the Institute of Banking, it can be done, and mine was done by a correspondence course from the University of Toronto. Yet the attitude of the public, and the attitude of the press towards education in this island was so low at the time that they would speak discouragingly of such a high degree. And it is up to us to change the attitude of these no good people who would speak ill of education; and so any bill to further the higher education of the people of the Cayman Islands will have my full support.

I will not go into how this will be administered, if we find that there is mal administration later on we can correct it. I join with my colleague in saying thank God that I have lived to see the day when this Government will accept something that was in the H.E.L.P. Memorandum. Because although I was not a signature to that manifesto I was saddled with having embraced this, and if this was a part of it, I will say thank God that I embraced it lovingly.

The Member putting forward the Bill has given us a clear picture of how it will operate. The students will be expected to pay interest on the loan, and I think that is right, we shouldn't give them the money for nothing, because they won't appreciate it. They should pay interest, and I noticed that the suggested figure is half of the commercial rate, which is very commendable; and also that they will be given one full year after they start to work before they have to make the repayments. You could not ask for, and you could not get better conditions anywhere else. And I support this wholeheartedly, and I trust that the Education Council will do its best to see that the loan is divided amongst the people that merit



MR. G. HAIG BODDEN (CONT'D): it. But we have to take a very close look at our educational system. In a communication which came across my desk this week, there is a recommendation for Caymanians to be articulated to lawyers, and in that recommendation somebody has suggested that the clerk to the article should have four or five 'O' levels obtained in one sitting of the examination, this would automatically preclude ninety nine percent of the children that come from our school, because while we will have many passes each year you won't have too many children with five 'O' levels or three 'A' levels obtained in one sitting. So we have to raise the standard of the school if we are going to raise the standard of education, and if we are going to have the people that will merit these loans. Now I do not know what standards will be set in regard to 'O' levels or 'A' levels, I do not know what will be the minimum number to be obtained in one sitting of the examination, but if the public, if the majority of children are to benefit from that it had better not be five subjects in one sitting. These are things that the Education Council is more equipped to work out, and I trust we can leave the details to them. I personally will watch the administration, and from time to time we can always bring questions to find out how it is going. So we're not just dumping fifty thousand dollars of borrowed money on the market for people to take, this money must be equally divided amongst the students who merit it perhaps on a first come first serve basis. Also we must make sure that when the money is advertised that the students are not already ~~marked~~<sup>marked</sup> for loans, this happens in many Government jobs, the post is already filled when the advertisement comes out in the paper. So here we want to guarantee that these things do not happen, this perhaps will be a matter of administration only, but I think the time to press for it is now, and to bring it out in the open that we want this done on an impartial manner, so that worthwhile students regardless of colour of skin or political ambitions of their parents will have the rights to reap the rewards or the benefits from this loan. Again I commend Government for putting forward this Bill, and I think they have done it in a manner which for once pleases <sup>me</sup> and I give it my whole support.

MR. PRESIDENT: I shall suspend the debate and the proceedings at this stage until 2.30 this afternoon.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Proceedings have resumed, and we resume the debate on the Second Reading of The Higher Education Loan Law.

HON. V.G. JOHNSON: Mr. President and Honourable Members I rise to support this Bill. Mr. President and Honourable Members while I have always supported free education in the Cayman Islands, I am nevertheless a believer that there should be a limit placed on the assistance which Government gives especially in the education system ceding the secondary level.

The proposal which is made by Caribbean Development Bank is in my estimation a fitting arrangement for the system of the Cayman Islands, and I would think that it could very well replace the free scholarship arrangement with which Government had been involved for a long time, especially in recent time when so much effort has been put in the field of Secondary Education. I think that individuals should be put in a position to help themselves and not always enjoying freeness from the state.

Caribbean Development Bank has been established for a good many years, and the subject of students loans for higher education has always been on the agenda of the bank, for the bank cannot implement all its proposals at one time, it must do so from time to time, and as funds are available. The schemes are pulled out one at a time, and they

HON. V.G. JOHNSON (CONT'D): are put forward to the contributing governments to accept or to reject. This scheme came before this Government not very long ago, and from its very first introduction it was seen to be a most acceptable arrangement. The thought among Members of Government was I'm sure the same thought that has gone into the minds of Honourable Members here today; but perhaps the sum involved might not be sufficient for the purpose for which it is required. However once there is the same system established then I am sure that additional funds or funds from other sources will be forthcoming. I am sure as I said before that this Government may also participate in such a scheme no doubt the scholarship provision in the annual Estimates can <sup>now</sup> be converted and channelled into this system, and be used for the purpose.

The matter of administration of the loan Mr. President is the overall responsibility of this Government, but because education is the subject of the Education Council administered under the Education Law of these islands, the administration of this loan is put under the authority of the Education Council. But the administration of the loan itself is governed by an agreement which will be signed between the bank and this Government, as the Honourable Member introducing the Bill mentioned earlier. As soon as the loan Law is approved by this Government the agreement will be signed by the bank and this Government. And the Agreement sets out the various Rules and Regulations governing the administration of the loan. It says under Article 4 Procurement - "except as the bank may otherwise agree, and subject to the provisions of paragraph (b) of Section 8 (2). Section 8 (2) is dealing with other conditions of sub-loans. "Sub-loans made by the borrower which is this Government out of the proceeds of the loan may be used to finance the cost of the courses in specified fields of study only <sup>at</sup> educational institutions in the territories and states listed in Schedule 2 to this Loan Agreement. And in Schedule 2 it sets out the countries as stated in Section 4 of Article 4.

Again under Article 7 dealing with the Execution of the Project, it says that the borrower shall take all necessary steps to facilitate and ensure the performance by the Executing Agency, (the Executing Agency is the Education Council) of its functions under this Loan Agreement with due diligence and efficiency and in conformity with sound administrative practices. And in Section 7 (4) of Article 7 it says also, "the borrower shall require the Executing Agency which is the Education Council in the execution of the project to observe the spirit of paragraph 2 of Article 35 of the Agreement establishing the bank.

Paragraph 2 of Article 25 of the Agreement establishing the bank reads - "the bank, its President, Vice President, Officers and staff shall not interfere in the political affairs of any Member. Nor shall they be influenced in their decisions by the political character of the Member concerned. Only economic considerations relevant to the purpose and functions of the bank shall be brought to bear upon their decisions. Such considerations shall be weighed impartially in order to achieve and carry out the purpose and functions of the bank." That is the spirit which the Education Council must adopt in administering the affairs pertaining to this Loan Agreement. And furthermore it must observe all the rules laid down in the Agreement which is signed or to be signed between the bank and this Government. Therefore I would say Mr. President that as far as the administration of the Loan is concerned, there should be no doubt at all in the minds of any Member as far as that is concerned, that it should be done in the highest of integrity.

The Law as I said before has merits overwhelming, and I am sure that this has been expressed already this morning, and I only wish at this time to add my support as well. Thank you Sir.

MR. CRADDOCK EBANKS:

Mr. President and Honourable Members it doesn't seem like its very much <sup>more</sup> <sup>the</sup> that I could add to the debate on this Bill. Its quite plain that Members <sup>are</sup> elated about such a move. We as Elected Members over the many years have expressed our whole support to better education in our islands. It was somewhat the feeling expressed in the debate on this as to

MR. CRADDOCK EBANKS (CONT'D): whether applicants will be justly treated or not. I hope this doesn't come about, but they will be dealt with on their merits, who comes first will be served first providing applicants qualify for the field. I'm for one getting somewhat tired of hearing people who are working for the Government being paid by tax payers money, that you're not educated, why try to say this or to do that. Its time that our people be fully educated, given the best opportunity to further their education, so that they will be able to run the affairs of their country.

We do have students that have gone away and come back, they've had their grievances and on many occasions their grievances were justified. They shouldn't be metered out, what has been metered out to many of them. Why should money be spent on education or to educate a boy or a girl in a particular field when he or she comes back, and you take them and throw them in some other field where they didn't qualify for. Recently we had a student after four years of civil engineering came back, working for this Government and he's thrown now in a mechanic shop, that's not very good encouragement to any student. Then they say our people are disagreeable and miserable. You were only getting ten pounds or a few years ago, and because you can't be satisfied now with three hundred dollars. Now what they have qualified for, the bracket that they are qualified to reach, they ought to fill that and be paid what anybody else in that field have been paid. And I am hoping Mr. President that when we do get this organised that it will be dealt with through the administrative channels, so those who are responsible without fear or favour.

We have just heard something from the Third Official Member as to the Loan Agreement, well that's all news to us Members. Presently I don't know why it would probably have been a good idea if Members had had some sort of copy of that even if it was on a short notice, to see something about the Agreement. But nevertheless Members have given a strong wholehearted support to this motion, and I myself Mr. President can only support it all the way.

The sort of terms between Government and students and the loan and time of paying back, I don't think its unreasonable, if a student spends two, three years to further their education, and comes back and start working for one year before they have to make payments. It gives them ample time to settle and establish themselves and to face what they ought to face. But as one Member said they should pay the same percentage as Government pay before, rather than charging the students six. I don't feel that it would be an everyday administrative routine catering or dealing with this, if you have two or three students, or five students out there that would involve this fifty thousand dollars. It doesn't look like it would take that much administrative time among the offices that would warrant a two percent from the students on this. So I'm hoping that Government will further look into this, and even try to make even four percent then or something. We know education is expensive, and to get where one would like to get then it would cost, and we trust that this will all work out for the betterment of our young people, those who are really interested in furthering their education.

Mr. President I don't think that I should attempt <sup>to say</sup> anymore because as I said in the beginning it seems to have a great support, or a strong support from all Members on this. So I don't feel that its necessary to try to prolong it or to reach extensive points - when we will be dealing <sup>with this in some manner when we are dealing</sup> with the Budget from time to time. So I can only say that I will still give it my wholehearted support, and hope that it will prove a hundred percent success for the development or to the interest of our young people. I Thank you Sir.

CAPT. A.A. REID:

Mr. President the substance of the Bill before us is one of my pet subjects in this country. Two of the others ranking behind, and not the only two because there are several priorities - running water and better equipment for the hospital. I'll deal with them later, but they're the two most important things I'd like to talk about today.

CAPT A.A.A. REID (CONT'D): Now education - I haven't been able to find out what is wrong, but I'm going to pay a little more attention to that school in the very near future, because I'll have more time. I've severed the naval string with Jamaica, and I don't have to go back there too often. And I hope to devote more time, but I will say this, that the last time I paid a visit to it, the school ground was an utter disgrace to any civilised country, absolute disgrace. Bottle, cans, paper bags where the children sat down to eat, left right there, it was a garbage heap. I know we have good teachers, I understand we have men there with Bachelor Degree and Masters Degree, and several fully qualified teachers, and I don't see any reason why these youngsters should not be well educated now, if they had the interest in it. And if their parents had enough knowledge themselves to see to it that they went to school, and that they behaved themselves properly. But may be that is one of the weak points in the children, their parents not having enough good commonsense to know what's good for their children. And I understand, I think I've said this here once before, that some parents had been to that school, lambasting the teachers, well that won't work, and I think the Board of Education should tell those parents to keep out of that school, they have no right there, and I'd forbid them going back if that is how they're going to behave.

I'm not glouting over the fact that we are borrowing money to educate anyone; but am <sup>not</sup> going to object to it, in fact I'll give it my blessing. I can't see a couple of hundred thousand dollars borrowed to educate anyone. I feel that borrowing money is a bad practice, especially for a government, with no more revenue to in sight than we have. I really don't know what the people expect, they think that money just flows somewhere somehow, and that there's no end to it. I suppose we can comfort ourselves by saying well, we're better off we can borrow money, New York can't even borrow money now, the banks have refused to lend them money, but we could get that way too, if we're not more careful. But anyway the school is a greater priority to me than the roads, and if we are short of money and we need money to pay these essential bills we could shut down the roads. We don't need barber green roads, its a good thing to have them, but they're not adire necessity. As a matter of fact if I had the full say I'd put sleeping policemen half a mile apart. I would stop the speeding, if I didn't stop it by fiar means, I'd stop it by foul. These people don't think you have any right on the road, and I don't see much of a change in it. I've tried to block off some of my roads because we've built paved roads, and tried to block off roads so that I could plant fruit trees and coconuts, and they have deliberately got out of their car and removed the blocks. Well I think I'll have to put something there pretty soon that they can't remove. I think what Lord Asquith said is prefectly true, Caymanians are great law addiders if you don't give them too many laws to obey. Its the third time they've removed the blocks from my drive way that I don't want them to use.

Now I hope that the boys and girls who get this money to further their education will appreciate it. Mind you knowing that schools are not cheap anymore, it could only put five scholars to school for two years each, because I was checking a few weeks ago in Canada for my grand daughter, and the school that she's proposing to go to is five thousand dollars per annum. So I don't imagine that England is much cheaper, in fact when you take the transportation in consideration it will probably be more expensive. But although they're borrowing the money they are paying a very small interest, that they will appreciate it, and that if the Government helps in any way they will give the Government good service when they return - that they'll work for the Government at least for three or four years to show some appreciation for their gift.

The Member for Bodden Town spoke about illiteracy. Well its a rather delicate line, where do you draw the line on illiteracy? We know that if a man can't read or write or spell his own name, he is illiterate. But by virtue of the fact that he can write his name and can read a bit, and can spell his name I don't think that makes him literate either. And I know what he said about our people is quite true, there're very few of them who cannot read, and perhaps write his name. But that isn't

CAPT. A.A. REID (CONT'D): really good enough. And I think that particularly the boys have never had the urge, never had the interest, the desire to get an education. You hear all sorts of rumours, but I go up here and I see a beautiful school building, and as I said I know they have good teachers now. There isn't a country in the Caribbean with better school houses than we have, and if our boys are not getting educated then its just that they're plain damn bad, and don't want it, because they're making too much money outside, and intent on having a good time instead of trying to be educated.

I remember when I was a boy we had probably I believe the best school in the Cayman Islands. We had a dear old middle age woman from Jamaica, a Mrs. Whittingham, we had a Miss Robinson from England, and an Englishman as headmaster, all brought in by my family. And I had a sister who left that school and got into Columbia University with no problem. I thought when I left it ( I still do) that I was equal to most businessmen, I knew I didn't have enough education to be a lawyer or a doctor, but I thought that I could meet the average businessman on equal grounds, and I think I have. And we had forty eight children from the island, and we let in twelve expatriates from Cayman Brac as well. But we had a little school house about twenty four by thirty six, and we were crammed in it sixty of us. These people have a beautiful building, they have everything to be desired, and the Government is certainly spending enough money on education for them to get what they ought to get. But there is something wrong, what it is - you hear all sorts of rumours Mr. President about children hanging around outside after the school hours, and misbehaving generally, and in some cases making love outside the fence. Well I can only say that that could never happen in a well run school with management. And I'm not saying its the headmaster, and I'm not saying its the people who are responsible for education, but it is somebody, somebody is wrong somewhere along the line, something is wrong there. I'll warrant you it couldn't happen in a good old Catholic School, those children would be disciplined, and they would take home some of that discipline too.

Now we ought to find out where its wrong, when we have been lucky enough to get a building like those given to us. A lot of our people don't really know how that school came, if they did they wouldn't be talking about Limeys. But we can thank the British for that school, may be we'll have to beg them for some more, because if they can talk about giving thirteen million pounds to Mozambique I think they ought to give some of it to us.

I will say this that the school in Cayman Brac is doing well, and I was rather pleased to hear the results in the last term. They've got some very dedicated teachers there now, and one of them is English too, in fact two of them, what I meant to say, one is female and the other is male, and very nice people. Its one thing certain that if they are good teachers they won't be teaching any subversiveness, that's one thing you can rest assured, that if you get a good English or a good Canadian teacher he's not going to teach any subversiveness, so we should be very glad to have them. And all of those foreign teachers there love the island. I know we're on the subject of Education, but with your permission Sir, I'm going to brach off into the hospital.

MR. PRESIDENT:

I don't think I can give you permission.

CAPT. A.A. REID:

If you can't give me permission - well we'll do that on the Medical Bills. Well that's all I have to say about education - that's all I'll bother to say, there's plenty more I could say, but I'll keep some for the next time. Thank you Sir.

MR. T.W. FARRINGTON:

Mr. President I too rise to support this Bill, indeed its a great pleasure for me to do so. I have personally over the years taken time to encourage our young people to aspire to higher education. As a matter of fact I think this is the top priority so far as Government is concerned.

MR. T.W. FARRINGTON (CONT'D): It is all very well for us to say why this expatriate is doing this or doing that where a Caymanian should have it. But the fact remains that if and until we qualify our young people into the arts and professions we shall always be in an inferior position. I don't think this needs so much long debate, but I do say that whatever we can do for education, that as I said is the first priority, and I do hope that these young people will take advantage of this, and will realise that until they become fully qualified that we shall always have to be importing people from abroad to do the jobs which rightly should be theirs if they were only qualified.

I have in mind a young man who I may say is a relative of mine, but at the same time he's just enthusiastic about pursuing a medical education, was <sup>sent</sup> to the University of Texas, and he's got full qualifications. He has made application to the University in Jamaica, evidently they've got him on the list and as I said he has the qualifications, and of course that means that he has to come here and get all his - he's already presented his credentials, and I'm sure there are many more that would aspire to do the same things. But I feel this, that in the field of medicine for instance, its about time we got some more doctors of our own. Its time that we feel that we are ambitious enough to qualify in medicine, and not only in medicine but in all the other arts and professions, then and then only shall we be in a position that we can branch out and say well here we are. And I don't think there'd be any mistake about it, that if our people were qualified that the Education Council so far as I'm concerned - I think after having heard all that has been said here today, I don't think we should worry about the Education Council administering this thing in a right and proper manner. I don't think there should be, and I'm sure there will not be partiality in making these selections. So again I say I heartily support any resolution for a loan that will help our young people. I thank you Sir.

HON. W.W. CONOLLY: Mr. President and Members, I think I should add just a few short remarks to this debate on the Second Reading of the Education Loan Bill.

Now much has been said on education and surrounding all the circumstances of equal opportunity and all that. Certain Members did make a point, I think the Honourable Financial Secretary made this point which is one that should be considered mostly.

The need for this particular Bill has come and in my opinion we should have had this earlier. I think that this Government has done more, or undertaken to do more than most governments would have done, because up to the present time qualifying students regardless of persons have been given scholarships through the aid of this Government, and Her Majesty's Government. In an affluent society like the Cayman Islands if we want to call it so, it is surprising that we have so few if any scholarships from the private sector. And I think it is time that in this type of society that we have here that people should be able to carry some of the burdens themselves, and I think the provision of loan money for this purpose is something that is rightly done. But if I could add a little in saying this, that whether it is provided by loan or whether it is a free gift scholarship or what, the end results of that depends on the recipient. If the person who elects to borrow this money, or if the person who is given this opportunity of having higher education does not apply himself or herself, then I'm sure its not going to work. And let me say this, that even though this is plain sailing, it is money that is going to be borrowed at low interest, and be lent again at low interest.

One point here that has never crept into the debate was this, and I'm sure that there has to be somebody who has to be responsible for this loan. I don't think the Government is going to lend children money and for them to go out and not be responsible, and plus the bonding or security on parents or some responsible person. And today I think that this is one of the best provisions of the law, because surely when parents are bonded, or guardians are bonded they are going to see that

HON. W.W. CONOLLY (CONT'D): these students are not going to waste that like how in so many instances has been done with scholarships that were given by this Government and by Her Majesty's Government. We have had some scholars who have returned, and I think we have had a good percentage of scholars who have returned, who have succeeded, they have done well, and this point I think we should be brought home to recipients of this or any other arrangements that in qualifying for a particular discipline does not put one at the top of that particular discipline.

Mention was made of qualifications to articleship in the legal profession. I have a little bit of knowledge of this particular arrangement that is being worked out, and I agree that the quality of persons that are going to come out of this articleship will depend much on the quality of recipients, the quality of educational standard that enters, and it is known as a common fact that we might be somewhat singular if it goes through in articling scholars with less than 'A' levels qualifications. In the sister island of Jamaica I think the rule of thumb now is for two 'A' levels, and surely the qualification to enter the university for an LLB degree is at <sup>least</sup> two 'A' levels.

Another point in debating <sup>the need for</sup> this is, <sup>the fact</sup> that Government has in the past granted scholarships to everyone that applied and was successful in getting <sup>entrance to</sup> institutions of higher learning. But surely the time is coming when the Government will have to look after the disciplines that are most needed, most suited for the environment. And here brings me to <sup>the</sup> point that much has been said of lawyers and doctors, this has been the emphasis in the past and its very good. But I would like to remind Members, and I would like to have the support of Members in seeing that an interest is built up in one of our largest industries. Today the tourist industry is one of the largest industries in a developed country like the United States, its only the retail grocery trade that has a greater volume, greater turn over than tourism, and I needn't emphasise too much the effect of tourism here. This is an industry, its a new industry and a lot of people look at it as a menial industry, its not much incentive in going into it. You have students who prefer to go to the banks, and go to secretaries to law firms and all this. But I would like to say that if this bill becomes law an arrangement is made to attract loans that students be encouraged into this industry in disciplines such as hotel management, middle management, food and beverage management, accountancy and all this. If we are going to develop the industry, and if we are going to look at education as a means of fitting a person for life, I think this is in one direction where we as Members of this Legislature can encourage our young people to be attracted to this particular industry in the disciplines that are there.

The islands Government has as the Member will tell you been able and been fortunate so far to meet all their obligations, all of their commitments as far as scholarships are concerned on a pretty wide basis. The time has come when the quantity of scholarships, and the cost of scholarships it will be necessary to find monies from some other area. And I think that the Member can be complimented for seeking ways and means of providing this money. It might not have been necessary four years ago - three years ago as the case may be but I'm sure that it is becoming necessary, and I think this attempt to provide the money is a good thing; on the other hand let me say that we have a lot of responsibility other than providing the money. I think we have a great work out in the field to emphasise on young Caymanians that they have to qualify themselves, and in order to reach to the top you start from the bottom of the ladder and you work to the top.

Mention was made of certain discipline, certain persons or individuals who have been trained in the Legal Department who some people anticipated being an attorney-general. It is true that the attorney-general might have the same academic qualifications as a person just out of university, but I'm sure that any country would be unwise to put a new fledgling regardless of the piece of paper one holds as an attorney-general of a country. In most countries when a young person comes out - a young barrister comes out the position he falls in there is a Deputy Clerk of the Courts, in most cases they're not even put Clerk of the Courts, they're Deputy

HON. W.W. CONOLLY (CONT'D): Clerk of the Courts, and they work themselves from there up. I feel today that young Caymanians have greater advantages in getting to the top more quickly than could be found in a lot of other countries. I think that in making this money available it goes also with the responsibility of us trying to impress on young Caymanians that they have to qualify themselves and then work themselves and prove themselves in order to reach the top. I support this bill in its entirety.

MR. PRESIDENT: Does the Honourable Mover wish to reply?

HON. B.O. EBANKS: Mr. President I would like to thank Members generally for their support. There're just a few matters to which I would like to refer that took place in the debate.

First of all I would like to make it quite clear that this Bill being before the House today does not in any way have its origin in the 1972 H.E.L.P Manifesto. Because I am responsible for having this Bill here, and having read the first two paragraphs of that manifesto I wouldn't read anymore. So even if they had that in the manifesto I am sure I didn't see it.

One Member expressed surprise to see a Bill like this presented by the House, and I am wondering what grounds could there be for such surprise. Because since 1970 and particularly 1972 more money has been spent on Secondary Education and education generally in the Cayman Islands than at any time in its history.

I had to marvel Mr. President how people could be standing up and making such rash statements about favouritism in the administration of this programme, when the same Members have voted just a couple of dollars less to be administered in a like manner by the Education Council for scholarships abroad. The vote this year in that area is something like forty three thousand dollars, if my memory serves me correctly. Added to that we have in this particular scheme we have the constraints which have been placed by the lending agency, so there should be no fear at all about mal-administration of the system. And for the records I would like to say that certainly since I have been Chairman of the Education Council we had not found it necessary nor have we refused any applicants who met the requirements that are laid down in the Education Regulations for the award of scholarships.

Now what brought about this Agreement is because for many years it has been obvious that with the improvement in Secondary Education Government on its own was not going to be able to meet the continued demands for higher education. And it was not an easy - Members are talking about since we've bent our knees we should have bent them more and got more money and so on. I would just like to clear the air on that matter. This money is coming from a regional institution, there's only so much money to be lent and the money is allocated on a per capita basis in the first instance. In fact the Agreement that was sent to us for perusal in the first instance could not have met <sup>the</sup> our requirements, because the priorities which were listed were not/priorities which we saw to be those in our society, we had to go back and make a case, and this was accepted. I think too that the amount that can be loaned to any one student, and I think it is important that I explain this, because Members are talking about this being utilised by five people or so. Let's make it clear that the bank - the lending institution has placed a limit on what any one student can borrow, so we are not looking to this as the final and complete answer to financing further and higher education in the Cayman Islands. The maximum amount to be loaned to any one student is CI\$1500, per annum plus transportation. We will have then to use Government funds to augment this in order to get students to institutions that cost in excess of this. But a further thing is, that it is geared more to institutions within the region, and this will not fall far short of the target for the cost of education at regional institutions particularly the University of the West Indies to which we already contribute. So this will in fact see more than five students across, and then when the repayments begin to come back we have the roll over process to look forward to. And if we can prove that we can produce the people I



HON. B.O. EBANKS (CONT'D): believe there's a good case for getting additional funds.

Mention was made too of the fall in the number of Caymanians attending institutions of higher education abroad; and this noted fall started to take place '71, '72. It is a fact that within that period many of the people we had abroad in the field of teacher training returned home, and it became more and more difficult to attract the people into the teaching profession, because the requisite qualifications became higher and higher for entry. But it is to my regret also that this fall in the number of Caymanians overseas in higher institutions of learning could have been due and was due in many respects to the best brains in some instances from the local graduating classes being creamed off to local institutions that laid claims to being institutions of higher education.

MR. JAMES M. BODDEN: Mr. President I take an objection to that, on a point of order, I think its an uncalled for statement, and I didn't expect that a Member of Education would have stepped down to those depths when he's referring to an institution of higher learning in Cayman which is carrying the seal of approval, or has carried the seal of approval from the Department that he represents, and the particular place Sir, International College of the Cayman Islands has done a terrific job in this community, and I'm ashamed to hear the man responsible for education make such an insulting statement.

HON. B.O. EBANKS: Mr. President the reaction did not in the least surprise me, and in fact it was he who introduced the institution into the debate. If Members recall in his debate he mentioned the fact that he was glad to see this bill since certain people had expressed the view that they did not want to see a school of higher education established in the Cayman Islands. And I am saying it is my view, and I would like to make it - I'd go further and say that the only place that that institution has carried the unqualified endorsement of this Government has been in the calander of the college. As far as my information goes it has been operating on a conditional temporary license for five years.

MR. JAMES M. BODDEN: Mr. President, this is out of order I guess, but it has been operating under a license that has been issued by the Cayman Islands Government Education Council. If the Member would like to have a particular debate on this, if you would permit, I'm quite willing to take my side of it too Sir.

MR. PRESIDENT: I think the general point is that a number of students who would otherwise have gone overseas have attended a local tested institution.

HON. B.O. EBANKS: Mr. President I'm entitled to my opinion, and to express it Sir. If the Member has certain feelings about it he's entitled to hold it, I don't agree with him about it.

MR. JAMES M. BODDEN: My point there Mr. President is that the license for this particular school is under consideration now before him, as a Member of Executive Council handling this department. And I'm surprised to see the derogatory remarks that would be made while this is being considered.

HON. B.O. EBANKS: I made no derogatory remark you know.

MR. PRESIDENT: I think that's a fair point.

HON. B.O. EBANKS: I said Mr. President that it carried the label of an institution of higher learning, and we won't belabour the point. The other point that I wanted to make was one to answer the point made regarding the number of children that would be coming out of the High School with five

HON. B.O. EBANKS (CONT'D): or more 'O' level subjects, and to refer to the statement that the school needs to be looked into. I only want to say that it is a pity that Members of this Assembly and of the community cannot see the benefits and the good in that institution. Only last week I was in Jamaica I was approached by someone who had recently been to the Cayman Islnads and they said why are you keeping the light of the Cayman Islands High School under a bushel, because it is something to be proud of, something that we in Jamaica would like to have.

Now the point I want to make here Mr. President is that when Comprehensive Education was introduced into the Cayman Islands there was no promise nor no idea that the number of students passing the 'O' level examination would dramatically increase, because no one believed that the school would be capable of transforming an entire society as far as their academic ability is concerned. In any society there's only a limited number of people who qualify academically to take exams such as the G.C.E. 'O' level, and if Members would only cast their memories back during the days of the Grammar School they had an intake of forty students which was the cream of the crop. They were selected by an eleven plus examination, and forty children did not excell in 'O' level examinations, if you had four or five that excelled it was the maximum, and the others were down the ladder a bit. What Comprehensive Education has done, it has given everybody an opportunity to develop their talent, whatever that talent might have been. And the system lends itself to a broader evaluation and a greater flexibility in assessment and qualifications upon leaving. But I want to make it clear that we need not expect that any change in any system of education will automatically increase that band of children in a society who are academics.

I repeat again Mr. President that I appreciate the general and widespread support which this Bill received, and I can assure Members that they need not have any fear as to the impartial way in which the funds will be administered. I thank you Sir. And at this point I formally move the Second Reading of the Bill.

MR. JAMES M. BODDEN: Mr. President I'd like to <sup>on this</sup> have your indulgence for one minute Sir just before we vote/being it is such an important Bill. The Member piloting this Sir, touched on a point and I think he's left us all up in the air.

MR. PRESIDENT: I think with respect we must take it that this debate is concluded. The Member introducing the Bill has wound up.

QUESTION PUT: AGREED. BILL READ A SECOND TIME.

COMMITTEE THEREON

MOVED BY HON. B.O. EBANKS

SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. COMMITTEE THEREON TOMORROW.

THE RADIO BILL

CLERK: THE RADIO BILL - INTRODUCTION AND FIRST READING

MOVED BY HON. A.B. BUSH

SECONDED BY HON. D.V. WATLER.

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING.

THE JUVENILES BILL, 1975

CLERK: THE JUVENILES BILL, 1975 - INTRODUCTION AND FIRST READING

MOVED BY HON. G. E. WADDINGTON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED: BILL INTRODUCED AND GIVEN FIRST READING

CLERK: THE JUVENILES BILL, 1975 SECOND READING

HON. G. E. WADDINGTON: Mr. President and Honourable Members this Bill is another in the series which were introduced at the First Meeting of the Assembly in March this year. Those Bills as Honourable will remember were designed to up grade and revise the judicial system, and this Bill forms an important link in that series.

Now whilst this Bill is complimentary with one slight exception it makes no real change with one exception as I said to the present Juveniles Law. Now the present Juveniles Law is contained in three different laws, namely the main law and two amendments, and the main law as well as the amendments contain a certain number of inconsistencies and irrelevances and indeed some typographical errors, and it is sought to correct this in this Bill, and of course the Bill will also combine all the amendments in one Law.

Now the one exception to which I referred is that the present Law makes no provision for bringing before the Court a Juvenile who is in need of care and protection. Now this is a very serious defect in the present Law, because it has tied the hands of the Probation Officer to a great extent, and the Probation Officer is powerless to do anything in cases where it is obvious that a Juvenile needs to be removed from his present undesirable environment to a better one, and with the Law as it stands this quite impossible. The Law merely deals at present with Juveniles who have offended against the Law and of course those are brought before the Courts, but as I said Juveniles who through no fault of their own who have committed no offence what ever, but who are in circumstances where there is need for care and protection nothing at present can be done for them. Accordingly Section 7 of the Bill contains provisions which will enable any person who has reasonable cause to suspect that a Juvenile is in need of care and protection to obtain a warrant from a Justice of the Peace which will authorise any Constable to remove the Juvenile to a place of safety until he can be brought before a Court, and when so brought before the Court, the Courts may then make an order committing the Juvenile to the care of a fit person, or place him under the supervision of a Probation Officer for a certain period of time.

Now Section 7 also sets out the circumstances under which a Juvenile will be regarded as being in need of care and protection and those circumstances are (a) if he had been exposed to moral danger, if he is suffering from malnutrition or other physical deprivation or disease; if he is treated in a manner calculated to produce emotional instability; if he is being deprived, (whether or not of his own volition) of normal education; if he is without regular and fixed abode; or if he has no, or no sufficient contact with its parent or guardian responsible for his welfare.

Now, I am sure that Honourable Members will regard these provisions as most salutary and will, I think result in remedying a lack which now exists, and which is highly necessary for the welfare of Juveniles.

There is hardly more that I can say about the Bill Mr. President and Honourable Members, it is as I said a very important Bill because it affects the welfare of our Juveniles who will be in the years to come the adults in this country, and I have no doubt that I can rely on the support of Members of this Honourable House to the favourable consideration and passing of this Bill.

SECONDED BY HON. D. V. WATLER

QUESTION PROPOSED: BILL OPEN FOR DEBATE

MR. JOHN JEFFERSON: Mr. President I rise in support of the Juveniles Law, 1975. But I rise also to oppose any section of this Bill that put in the hands of the Magistrate or any other person the authority by which a child from the Cayman Islands can be sent to an "approved school" in Jamaica. I have my convictions about that Mr. President, that I offer no apologies to anybody. Certainly I must say that I have, and I do appreciate and have appreciated the services that have been rendered to us by the Jamacian Government, and my reason for opposing this has no reflections at all on the Jamacian Government, but I feel as far as we're concerned that we have certain responsibilities and as far as I'm concerned I will live and die by my convictions and certainly I will be led and I will lead in my constituency whatever I think is right and best for the people of these islands. As I said I'm not opposing the Bill, but I rise to oppose certain sections of the Bill and I will try to briefly outline the sections to which I oppose.

Under Section 2 in the Interpretation "approved school order" means any school made by a court sending a juvenile to an approved school. In the first instance it says "approved school" means school approved by the Minister under the Juvenile Law of Jamaica, I'm objecting to that. I'm objecting in the Interpretation Subsection (iii) "Minister" means the Minister of the Government of Jamaica charged for the time being with responsibility for the subject of child care and protection. In 6 (i) where it says to be sent to an approved school in Jamaica; or - under Section 6 (i) as already quoted to be sent to approved school in Jamaica. Then Section 14 Subsection (f) (b) sending the offender to an approved school in Jamaica to be determined by the Minister. I am objecting to any clause in this Bill that gives authority to anybody to be able to send a child from the Cayman Islands to an approved school in Jamaica.

We find Mr. President as we go through the Bill there are various places that make mention of the Minister, makes mention of the "approve' school" of Jamaica, and to these I am opposing one hundred per cent. I am saying that the time has come, and it has come as far as I'm concerned that as far as I'm concerned the good is out-weighted by the bad. I think its in Section 19 (3) (b) - a record embodying all such information in the possession of the court with respect to the juvenile as is in the opinion of the court, material to be known by the Minister.

"Minister" means Minister of child care and protection of the Jamacian Government, to be delivered with as little delay as possible to the Minister.

Now Mr. President I represent in this Legislature the district of West Bay, and I feel that I wouldn't be discharging my responsibility in a law such as this not to be opposing those sections that place in the hands of any authority the authority by which any child in the Cayman Islands can be sent to an approved school in Jamaica. I said and I must reiterate the fact that we have appreciated and we still appreciate today the services that have been provided for us by the Jamacian Government. But I believe that in my opinion I would be less than responsible not to stand here today to oppose these sections under the Juvenile Law, and I have other points that I want to make in the debate concerning the Juvenile Law of the Cayman Islands. I realise Mr. President what I'm saying here today I'm objecting to a policy of the past, and I'm saying that its time the policy of the past be changed. I know that there are many arguments that one can induce, where do you send them? What do we do? Well I'm saying that as long as these provisions are placed in the Juvenile Law it means that we are going to pay less attention to the fact of making preparations to see that there is a place to which we can send these youngsters.

Let us start here Mr. President and think that many years ago a church in this country began what is now called the Cayman Islands High School, done on individual basis. Today we find that that was the beginning and we are recipients of what is in my opinion a flourishing, prosperous high school. I think the same way that that school was started its time that we begin to draw from those round about us, and seek to provide a needed service for the people of these islands. I believe that with the resources of the religious institutions in these islands that its about time

MR. JOHN JEFFERSON (CONT'D): that we begin to draw from them, not only speaking spiritually, but from the financial and material as well..

I see in the law as having tried my best to study it. I see in these islands of ours a crying need for the enforcement of corporal punishment which has been a thing of the past in these islands, something that has worked, something that has enabled us to get on with our business raising good youngsters. And I'm saying that it is time that we think in other avenues than to placing our children at a place where they are at a greater disadvantage than at an advantage. If we are thinking in terms as far as I'm concerned and this I mostly would refer to the prisoners is if we were writing them off from our society it would be a different story. But if we're ever thinking of rehabilitation, the chances out weigh all the good, and the odds are so greatly stacked against the youngster, that as far as I'm concerned I would be less than responsible not to stand up in this Chamber and to voice most strongly my objections to these, and also we find place in this law.

Then as I've spoken awhile ago about corporal punishment, we find in our Juvenile Law here today, we find in the past that there have been youngsters that have been caught with ganja, youngsters have been caught gambling, youngsters that have been found guilty of other offences, and of course because of the fact that he is a juvenile, he's under a certain age the court or the authorities are not able to do very much with him. Well when I was going to school Mr. President the story was quite different, I can remember on Friday afternoon many times, I wouldn't say many times, but I remember times that on Friday afternoon when the juvenile court was held in our school room after school. Youngsters were found guilty of stealing, guilty of bad language, various other offences, and those youngsters got a good whipping, which I believe would be a good thing today to see more of back in these islands, because its something that works. Certainly it is better to give these youngsters a good whipping than it would be to put them on a plane or a boat and send them to a foreign country where they'd be a greater opportunity of being able to be exposed to the evils to which they could never be in these islands. And I contend that there must be an enforcement of corporal punishment, and its about time that we get on with this job and make sure that in this law that everything is in order as far as I'm concerned.

In Section 4 (7), and I like that part - nothing in this section shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him. I knew of a case where a man gave his daughter a good whipping, and a good whipping hasn't killed anybody yet. I'm not talking about licking them with clubs. But the statement was made by the police that aren't you aware of the fact that you could be arrested for licking your own daughter, that's so in other countries, but I trust that I never see it in my own, because I think every man ought to be a master in his own house, and certainly I believe he ought to know his own better than anybody else I believe Mr. President this is one of the reasons why in our schools today you do it or anywhere else, church, where have you. We do not see the discipline, or do not have the discipline like it was in times past. And I know what people are saying, its a new generation, and I agree to that, a new generation exposed to all kinds of evils that they never had an opportunity of before, but I am saying that it is time that we live up to our responsibilities and do what is necessary there at. I believe that if these sections are struck from this law, and I'm going to ask every Member in this Chamber to weigh very carefully whether or not the argument that has been introduced is not worthy of consideration. I'm going to ask every Member in this Chamber to ask themselves very carefully what if it was my child that was going to be sent to the approved school. I'm going to ask every parent here this afternoon in this Chamber to weigh these objections as carefully as if they were going to go out of this Chamber and face that decision on the outside. I'm asking you to reject these provisions in this law, the argument is where do we sent them? - that's the strong point, where do we send them? As far as I'm concerned if we don't place that in this law it means that we are going to work to find a way to which to deal with that problem. I believe

MR. JOHN JEFFERSON (CONT'D): that we cannot escape this any longer, its time that we deal with it. And I'm asking every Member Mr. President to weigh these objections that I've raised very carefully, and weigh/ <sup>them</sup> as if his own son or his own daughter would soon be hung in the balance. Thank you very much.

MR. JAMES M. BODDEN: Mr. President, fellow Members, a miracle has happened in this Chamber this afternoon, for once I'm seeing eye to eye with the Second Member from West Bay, I too have very strong reservations on this particular point. We argued it some time ago here in another bill in regards to sending our prisoners to Jamaica, no disrespect intended to Jamaica, but I'am of the opinion that once you take a child out of his natural habitat and environment and export / <sup>him</sup> into a different country under different conditions instead of helping that child, you're going to injure him tremendously.

I have never been to visit one of the approved schools in Jamaica so I cannot speak with any authority on it. But fellow Members if the prison system is any indication of what the approved schools are like then we really should give this a lot of thought. Those people Mr. President and fellow Members have enough troubles of their own instead of trying to have to take care of ours. I hope that in some manner we will be able to come up with a solution to deal with this problem. I would support the idea as laid forward by the Second Official Member, that this is a worthy Bill and is needed. But I feel like we have been able to find money for just about everything else that has come before this House, and we should be able to find money for such an important thing as this. We have a project in the Island which <sup>I think</sup> now falls under some control from the National Council of Social Services in regards to the Boys' Home. It can be argued I guess both sides as to actually what the Boys' Home was intended to be. But at least its a start, and may be if the people of the Island would get thier shoulders to the wheel this could become a fact, the home could be built and could be staffed.

I was very pleased to hear the Second Member from West Bay say that he felt the churches would lend their support to this matter. It is such an important matter that I think every clergyman in this country should be willing to get on the platform and preach in favour of it. And may be if we lead the way here by refusing to put "approved schools" in Jamaica in this Law, that we will get the clergymen and we will get the support of the entire country, not just as a government project to do this, but as a project of the people.

As I read this Bill several things came to mind. I would like to inject here that I feel this House should give authority to the Clerk of the Legislative Assembly that when new bills are coming before the House that all old laws that are in the statue books that would relate to that particular bill be sent out in the package/ <sup>to the Member</sup> I am not saying this now because I have not had any difficulty at all in securing them, I've had full cooperation. But it would make it much easier for us to intelligently come in here and debate. I try to get all the old laws that relate to any bill that is coming before this House, and study that as well as study the bill. In this case I have not had the opportunity to do so, and therefore I must debate it in the sense of asking some questions. There are several sections in the bill dealing with age that throws me a bit, because I cannot understand, and I would like some enlightenment on it as how we actually arrive at these mystical figures. In one place we have three years, seven years, eight years, this is in relation to different things into the law, and I'm wondering really just how we arrive at these figures.

Now Section 4 (2) (c), is a section that I'm very very pleased to see into this law. Whoever drafted this I would be willing

MR. JAMES M. BODDEN (CONT'D): at this point to compliment him. Because there is something that is ruining our entire society today, and no one seems to be paying any attention to it. We have inserted here, and we have really not even used the definition of "juvenile" which would have been seventeen years under the definition schedule, but we have spelled it out, and we have said 17. Now I'm only hoping that at this point the police will be completely informed of this section of the law, and see that it is carried out in regards of the seventeen as well as the definition of the child of fourteen.

It has been the tendency in the past in this country for liquor licenses to be issued in my estimation indiscriminately. Just about every place that wants a license has a license, and the only criteria under which they operate is whether the child or the person is tall enough to reach up to the top and hand the dollar over. It was bad enough when its fifty cents, but now its even a dollar, we got to dig a little bit deeper. That's the only thing that seems to make a difference to most people in our community today is the almighty dollar, irregardless of how it is earned. Whether it is by pushing dope or selling alcohol or whatever it is. Now it is time that we take a look at this, take a look at it in regards to hard earned money that it is costing our government, that it is costing the people of this country for the ill effects of these things. We as Legislative Members must pay some attention to this.

Section 5 (a) in regards to a pecuniary interest in the death of a juvenile, it puzzles me why the fines would be so low. May be there's a good reason for it, may be it was in the old law, I don't know. But when we think that a person could be dead because of the pecuniary interest that someone would have in that child, and we find that on indictment the maximum sentence is only a fine of up to \$2,000 or may be up to five years imprisonment. It seems to be very, very low.

Now Section 5 (I) (b) I'm in sympathy, and I can understand some of the merits behind the reasoning of that particular section. But Mr. President I cannot stand here in this Assembly and agree to that section, because I would like for the drafter of this bill to tell me what the person is going to do when that good old belly ache for the want of food. It is a fact of life that we have poverty here, we cannot hide it, we cannot brush it as dust under the carpet. We have poverty, we have illegitimacy, and we have parents who do not live up to their obligations. This is standard, this is world wide, its going to be found in every community, we are no more unique than say the U.K. in this respect. But I would like to point out that in some of my travelling I have seen poverty much worse than we have it here, I have been to one of our sister islands right close here, Puerto Rico for instance, and I've seen the young kids come aboard the ships and scavenge for the food out of the garbage cans. Thank God I haven't seen that happen in Cayman. Also in the United States I remember at one time while I was a merchant seaman on Christmas Eve I was on a ship in <sup>Charleston</sup> like all good seamen I had gone to a bar, I had not been in the bar more than just a few minutes when I walked a little boy I would say about eight or nine years old, and he was trying to shine shoes. There was that young kid in an environment that he never should have even thought about being into. But he was there because of the neglect of his parents, or because of poverty, it had to be one reason or the other. I have never in my life I think had something to hurt me as much as seeing this little kid go from bar stool to bar stool shining people's shoes. When it came to me and I wasn't drunk, I said to him son I do not need a shoe shine, but if you will go with me I will give you something else. I took the boy to a little store bought him a suit of clothes, pants and shirt, and a pair of shoes - It didn't cost me that much. I have never in my life seen the smile of thankfulness on a child's face as I saw that day. So for us to come in here and think that we can legislate against such things happening, I think it would be unfair. We must remember that the good book has told us that the poor will be with you always.

MR. JAMES M. BODDEN (CONT'D): Now if we had proper laws of poor relief, we had child care centers and something else of that nature in this island, may be I could agree with it. I am sure and I will agree that it does not look good for the tourist to see such things, and I am sure that its a nightmare to our Member of Tourism to think about such things. But I'm also certain that its a nightmare for the Member who is in charge of Health, Education and Welfare to know that we have these problems in our community and it is very little that we can do at this time to alleviate it.

Section 5 (3) - I can agree in that respect for the child for a penalty to be put against someone if the child is being used by someone else to try to seek alms, in the sense to which it is written in Section 5 (3), but not the child on his own when the child may really be hungry.

I am very pleased to see Section 21(I) (c) it seems to me like if that was not in the old law that thank God we're waking up. Its a very appropriate section because I always believe that if one must enjoy the fruit one must pay the price, and for once it looks like we are exacting the price. I hope that in the future emphasis will be placed on the enforcement of this particular section.

Section 25 (a) and (b) again I would have to question that a bit, because with the definition of "juvenile" and the definition of a place of employment as set out in the Schedule, it would mean that a person under seventeen could be sentenced to a fairly stiff sentence for actually taking employment on a ship. And we must realise that although we will have arguments in this Assembly from time to time concerning the educational system, that each and everyone of us realises that not everyone that attends a school is a genius. So in some cases for economic reasons as well as for mental faculties you will find a person at seventeen or seventeen below going away on the ships to begin to make a livelihood. And this again seems to conflict, because speaking subject to correction I believe the age in the Education Law is fifteen, it may have been raised, but I think its fifteen. So the two seems to conflict one way or the other, and I think rather than to try to legislate this it would be good if we took into consideration of a natural way of living in the Cayman Islands. Because if this had been law years ago I am sure that we would not have many of the sea captains that we have today, because most of them had to leave home in some cases from fourteen or fifteen. Now we are much better off now, and they can be probably seventeen before they leave. But I would hope that before we pass this Bill that we would give some thought to it.

As I kept reading this Bill and seeing the different ages and not knowing really how this was determined as to the three, and the seven and the eight, it kept bringing to mind Mr. President a quotation from Robert Browning when he said that you should not take a fellow eight years old and make him swear never to kiss the girls. So for once I'm in sympathy with the Second Member from West Bay and on that section of the Bill I will be right behind him. Thank you.

MR. CLAUDE HILL: Mr. President and Honourable Members I rise in support of this Bill, although in certain sections I do not agree. We are here seeking a law to replace the Juvenile Law of 1964, this Law needs a deep thought and a deep thought should be given. The juveniles of today will be the future Caymanians in time to come if they are permitted to carry on offending, Cayman will not be the Cayman it is today.

The Second Elected Member from West Bay must have had the same opinion as I have here, because he has taken actually most of what I had to say, and I will be in somewhat repeating what has been said by him. He has taken a great thought over this matter, and it is for us here to follow and do likewise.



MR. CLAUDE HILL (CONT'D): Sending our children to approved schools in Jamaica is not too good an idea, and its not much of an example for them to come back with, because they come back more versed than leaving the island. When they go there in fact they meet with people who are much more offenders than they were here, and they are taught things to come back to this country with. We are very thankful to Jamaica for what she has done in the past for us, and I'm sure no Member in this House should or would disagree with me saying that. But when I look into this Bill and see "approved school" which means a school approved by the Minister under the Juvenile Law of Jamaica. We have no approved schools and we are confronted with these difficulties. The Probation Officer herself has told me her hands are tied, which I can fully see when a parent goes to her and tells her they cannot govern a child. I want you to take it over, what must I do, these are the questions that she is confronted with daily.

In this Law I see where no child under the age of eight years can be guilty of certain offences or guilty of no criminal offences. Under Section 3 the age of criminal responsibility we find that. Then again under Section 4 (7) - nothing in this section shall be construed as affecting the right of any parent, teacher or other persons having the lawful control or charge of a juvenile to administer reasonable punishment to him. This is one point that I fully agree with. This has been a matter that people have neglected, and is/ quite willing to neglect that by expecting the Probation Officer to punish the child and they go scotch free. Then again under Section 6 (i) mention is made again to be sent to approved school in Jamaica. This sending a child as I mention to Jamaica to an approved school is only creating a mischief in so doing. He comes back a bigger criminal than he left the island. It has been proven in the past and I am sure that the former speaker from West Bay paid a visit to the prison in Jamaica, and he has seen what is taking place in the prison life in Jamaica, not only with juveniles, but also with grown ups who are serving servitude in that colony.

Under Section 14 (d) sending again to approved schools in Jamaica to be determined by the Minister, this Minister is the Minister in Jamaica. We are sending a juvenile from our country where we have considered that this child is becoming boisterous or uncontrollable, and he must be then told by the Minister in Jamaica what approved school he must go into. Then again under Section 19 (b) we have where the opinion of the courts must be made known to the Minister. I do not think that that is right, because he should be placed under someone here in this island who knows the child or knows the parent of the child or how he originated. With the greatest of respect to Jamaica and what they have done for us in the past, and what they will continue to do for us, and are continuing, because we are not geared to take care of juveniles here. The time has come that we here in this Chamber must erect a place, or establish a place to take care of our juveniles in this country, rather than sending them away to other places to be further trained to come back here lawless.

Mr. President each and everyone of us here are aware of the fact that juvenile delinquency is on the upward trend. I heard a Member speaking awhile ago said the need for barber green roads were not needed as much as something else. Well I say this that the need for juvenile delinquency governing here is more needed than any barber green road, and with that Mr. President I thank you Sir.

CAPT. A.A. REID: Mr. President and Honourable Members I think the Law is well written, wonderful law, only one thing wrong with it, the word Jamaica appears in too many places. I would like to support it, and if you just take a pen and run it through that name I'll vote on it. But I want to ask every man in this House and woman too this afternoon if you had a child would you let him go to a house of correction or a school of correction in Jamaica. I don't believe you would, and Mr. President I'm here to tell you this afternoon Sir, because nobody knows what can happen to his family, but no child that has one drop of my blood in him could ever be sent to Jamaica to either the prison if he were an adult or if he was a ten year old minor, that is where I come in to break the law. I say that my child or any child in this country that has any of my blood in him could never be sent there.

CAPT. A.A. REID (CONT'D): I'm not going to go through this page by page, because I've said its a well written Law, the only thing wrong about it is that we have to go to Jamaica, and I can't see why we don't sever that naval string now. I would defeat everything that I've ever said in this House before with regards to the prison if I agreed to this Law, because sending a child there is worse even. He would be at an impressionable age he has absorbed everything, and absorbed everything that was bad. We're not any friends of Jamaica when we send our children to their school of correction or our culprits to their jail. We are imposing on them, they haven't got one inch of space there to give us, and I say if we can barber green roads, and if we can build a beautiful court house, the best in the West Indies, and if we can have a nice Assembly like this, and if we can have a beautiful expensive office building like the one that's being built now, and if we can spend four million dollars on a dock that isn't in the right place, then I say we can build our house of correction for our children, and we can build a proper jail house to put anybody in who's going to Jamaica for more than one year, or is going to get a jail sentence above six months. Now that is something I'm very dogmatic over, nobody is going to change my opinion on that. It is something that we ought to do. It is far more necessary than building roads so they can make a hundred miles an hour. Right now they're only making eighty and ninety, when they get good roads they'll be making a hundred and twenty. They ought to be put in jail, but I still wouldn't suggest sending them to Jamaica.

Nobody loves Jamaica any better than I do, I saw it in its gracious days, when it was gracious living. I lived there off and on for about forty years. I went away during the war, I was in the war, and I came back after the war was over and I stayed there for twenty five years; and I saw it in its glorious days and in some of the worse. But if all if the elite, every man in Jamaica today who can get out of it is getting out, there's no question about it, and there's not no secret/ <sup>about it.</sup> Any man who can get his money out has left it, and wants to leave it if he can't, if only he could get his money out. So you're going to tell me now that - every day you pick up the paper, I hope that Caymanians would stop buying the "Caymanian" its not worth reading, but buy the "Gleaner," if you want to get information. Buy the "Gleaner" seventeen cents, you get a whole pile of paper, a whole pile of reading, it can further your education, then you'll know something about Jamaica. My friend here on the left after I told him so much about it he went and inspected the prison. I had an office next door to it for ten years, nobody can tell me anything about it. I saw a man beaten to death with a gun, I thought he was dead. My <sup>two</sup> secretaries cried, I said what the hell you're crying for, he deserves it. Two minutes later he got up and walked to the Black Maria.

I am surprised that the people in this country have ever submitted to their children going to the jail in Jamaica, or their child to a house of correction. I'm absolutely surprised at it, and its time for us to stop it now, that I wouldn't for one minute object to borrowing money for that. I would borrow money tomorrow. I would sign tonight to borrow money for that house of correction, and for a proper jail house. As I've said don't believe you're insulting the Jamacian Government by your refusing to send your prisoners there any longer, or building your own prison, they'll be happy to know that they haven't got the burden.

Now I will say this that if you have a mad person they've got a beautiful compound there and that isn't too bad, so that all mad people are equal, and things aren't too bad in that section. By the way, I was a sandwich between the two, one was on my left and one on my right, so I know all about both. But the prison is a different thing, and the juvenile house is a different thing. The Law is well written, we could pass it this evening if we agree to run a pen through the word Jamaica. I thank you.

MISS ANNIE H. BODDEN: Mr. President and Members of this House I support that juveniles should have some attention. I myself have raised I would say a dozen juvenile children, and I have spent a lot of money on it - I mean a poor woman, not a fortune like some of these people who are so very well in such financial circumstances. But I have raised I would say not less than a dozen children, who I have taken and they were very poor in circumstances. They were warming the streets of George Town and I feel that a little love and kindness would help better than packing them off to any approved school, whether its in Jamaica, United States or where. Tearing a child away from its home has a great influence on it. Who I am blaming today for all this delinquency, these unruly children, I am blaming the mothers. Everybody knows that men are straying most of the time, and producing children to them seems to be an art, but they leave these children on the streets. And I feel Sir, that the children should not be made to suffer.

I was in court the other day, last Friday I think it was, and it was women there with their children, some had thrown a rock and broken somebody's head, they had to be sent to Jamaica for medical aid. There was another lady there with a little boy who said his girl friend is a spirit, and he talks to her at night. He was before the court because he had broken into a woman's house and gone there and frightened the lady nearly to death. He said he was led by this girl friend who's a spirit. Most people would have laughed at him, I was very sorry for him, I felt that he should have had proper care, go to a doctor instead of that he was more or less the laughing stock, not by the judges of course, but by the observers in the court. I feel Mr. President that this is a need which we must fill, we must look after these unfortunate children, not many people are willing to sacrifice anything to help their unfortunate brother. I have an experience myself. I was sick at one stage for five long wicked, weary years. I didn't have any friends, I had three that I counted on, but never had many friends, nobody wants to help the down trodden, but when you're on your feet you can get anything you want, or how you want it, or where you want it.

Now I feel that we are doing a grave injustice to these poor little sufferers when we pack them off, send them anywhere regardless of where it is. I'm not running down Jamaica, I have a great affection for Jamaica for what it has done for us in the past. But I'm saying I do not know who dreamed up these Laws, because most of this Law is a dream. And I feel Mr. President that if each and everyone of us in this island, responsible citizens would take this matter very serious, we could raise some money and get some kind of a place built for them. I had promised not to donate one penny to this Boys' Home, because I felt that its not exactly what we want. I feel it should go more than a Boys' Home, it should be a mixture, girls and boys. Because it appears to me now that the girls are worse than the boys. They're allowed to roam the streets and get in all kinds of troubles, they can go all kinds of places, hear all kinds of ill language and then they can copy what they have seen and they do so.

In this same court last Friday there was a lady there with a little girl, not quite fourteen years old, she had been gone for days, her mother had to have her when she found put in jail, and brought before the court to find out what to do with her. Now if that had been a mother in the olden days, that child would have been in court bare foot, and there she was dressed up in a blue dress, the very blue ribbon in her hair, blue socks, nice black shoes. Mother can't handle her, but she was dressing her up to come to court. If that child had been taken

MISS ANNIE H. BODDEN (CONT'D): and corrected, and told she was doing wrong it would have been far better than dressing her up with a frock up to her middle and putting her in the court house as an exhibition of properly dressed. The very judges had to tell her, girl you should be ashamed of yourself, after your mother is trying so hard to try to do things to keep you up, for you to go off three days with these other wild children.

Now I've said Sir, I have the greatest sympathy for these unfortunate children, and I feel that we as responsible people should make some effort that we should have a house of detention, or whatever it may be called to keep these children here, but of course that will take money. The churches, if the churches are doing their job they would go very seriously into this matter. We can erect church halls, churches and all the rest of it, and we must realise that these little unfortunate creatures brought into the world by I don't know what kind of parents, I wouldn't like to say exactly, but parents who have no responsibility for the children they produce in the world. They're brought here allowed to roam the streets and I'm sure most people say it should not be Government's responsibility. I agree Government is called upon to do a lot of things which actually they haven't any business to be doing, but we as human beings, we people who profess to have the interest of our island at heart we should try to find ways and means that these children should be brought under subjection. I must agree with the Second Elected Member from West Bay that when we gave up whipping children we lost our bastards. Most people are afraid of being beaten, especially physical beating, and if we have people that are in dread of anything, and children more especially, I'm sure they'll listen to some advice from parents.

I would say Mr. President that I cannot and I will not agree to certain sections of this Law, I don't think its fair to take a little three or four year boy or girl and pack them off somewhere else, Sometime ago I had a little boy I found him out by Mr. Berkley's theatre one night, he said Miss Annie I want you to take me mam, to adopt me, I said some other time but not tonight. When I went home he was lying in my swing asleep. I took the little boy, I gave him a blanket and a pillow to lie on the floor. I bought him clothes, shoes and I had him for three or four weeks. Very unfortunate he was a bad little boy, no doubt about that, but he was a human. I tried to get him to go to school, I bought clothes and he was going to school, and one afternoon to my sorrow a truck ran over him and killed him. And you know what happened when I spoke to the driver, why he was going to be sent to an approved school tomorrow, its good to get him out of our way. That is the way we Caymanians look on the unfortunate.

I'm surprised that we should ever envisage tearing little children away from their parents and sending them even to the United States, anywhere not Jamaica in particular. So Mr. President while I support this Law up to a point. I do not agree with tearing children away from their parents and sending them anywhere, We should make a law where these parents are under guidance from ministers, juvenile leaders, or whatever they may be, National Council Services. Somebody to let them know they have a responsibility, and when these children go wrong beg or steal etc., the parents too should bear the responsibility. When you go to the Clerk of Courts office on a Friday afternoon you see a school of little children parading. Did my papa leave any money here for me this week? Well yes or no as the case may be; those poor little brutes more or less might not get anything to eat that week end, if their papa as they called him never left any money. Their mothers have to be out working, the whole trouble is they're producing children that they have no business to produce if they're going to let them suffer. And I would say that its the responsibility of each and everyone of us not the Government alone, we as individuals, as churches as elders, managers everything should do everything to try to alleviate the suffering of these unfortunate little children. And I, although I promise, I'm in so much difficulty myself having to find so much money with my problems, I promised not to give a penny for the Boys' Home, or any other social work; but I will pledge myself if a house that it will ever be started in which these juveniles will be treated or attended or cared that I will do everything

MISS ANNIE H. BODDEN (CONT'D): to support it. But I do not agree that they should be torn from their homes and sent anywhere. Thank you Sir.

MR. G. HAIG BODDEN: Mr. President there isn't much need for further debate on this Bill, since I've seen from the Members that have gone before me that this Bill is a Committee Bill. This is a Bill which will go down in the history of this House, at least since I've been here as being the first Bill in which any substantial changes will have been made. To my knowledge this is the first bill in which the Elected Members will all stand together to tear out some parts that have been put into it. It is true that a lot of this is copied from the old Bill, but if you're just going to copy the old Law there is no need for the exercise, if you're going to rewrite it in a modern way, then there is need to rewrite it.

One Member drew our attention to the section prohibiting the employment on a ship, which simply means that this Bill is copied from other territories without taking our unique position into mind. We do have a juvenile problem, we follow the rest of the world in this, ours is not as bad as some of the countries where there are many slums, but we still have cause for concern. According to the authorities juvenile crime is rising in Canada and Sweden, in countries where they have no slums.

During the debate on the Throne Speech I touched upon some of the causes for the rise in juvenile delinquency. And I also mentioned the point that for us to do better for them we need not spend more money, all we need to do is to change our cultural priorities. At that time I gave some statistics from the Budget showing that we were spending so much money on other things as compared to what we are spending on Child Care and Protection, and I showed at that time that we could have prison facilities, facilities for the care of juveniles just by relocating or re-allocating some of our spendings. I do not have the Budget with me this evening, so I will not go into the comparison of the spending in some areas as compared to the spending for juvenile care and protection. But if the members examine the Budget you will find that we are spending very little in comparison to other things, we are spending very little on juveniles.

One Member mentioned that the parents are responsible for delinquency of their children, and this is quite true, but the parents alone are not responsible, the parents get help in this matter. One source of help is derived from the communication media, the cinemas, the radio, the newspaper which feature violence on fifty five percent of programmes or their news articles, or whatever they put forward. If the thing is not violent, if it is not conducive <sup>to</sup> violence it is not used anymore, and so the media has played its part in juvenile delinquency, and of course there is the permissive society in which we live, this was well debated in this House some time ago when the Lady Member I think had a motion with regards to obscene literature, and <sup>the</sup> things that we as a society permit are things that were not permitted years ago; and so all these things put together play their part in the break down of the behaviour of children.

The availability of drugs including alcohol is a factor, the easy availability of ganja and alcohol for children is something we should worry about. It is just as easy for a child to buy a stoke or a beer as it is for him to buy a lead pencil. And these are things that we as a society permit, and so we must not judge the children too harshly, because we, this Legislative Assembly help to make it easy for juveniles to obtain alcohol. We are responsible just the same as if we buy it and gave it to them. We ought to be ashamed <sup>why</sup> that we have permissive laws which make these things easily available. Now <sup>why</sup> is it that we prefer to have a beautiful Administration Block, or a beautiful Assembly Building instead of a juvenile home? You know why, the same reason a man would prefer to buy a Cadillac rather than a life insurance policy. He can put that in his drive way and the public can see it, we cannot display our juvenile home, we cannot display our prison, we cannot really point to them with pride, and so we prefer to build the things that we can show off with. And we have to adjust our cultural priorities, we have to get ourselves in the right frame of mind, we have to adopt the right attitudes, and try to get the things, or to be what is worth being rather than to have the things

MR. G. HAIG BODDEN (CONT'D): that are worth having.

Now if we do away with sending the children to approved schools in Jamaica, what are we going to do with them? You only have to look at this law and it tells you what you can do with them. Section 14, seven different forms of punishment would still be available for the court to mete out if we take out (d) which deals with sending the offender to an "approved school." So if we strike that out seven forms of punishment are still available to the Magistrate, although (a) might not be classified as a punishment, but it is to a certain extent; (a) says the case can be dismissed, but the fact that the person has been brought before the court is in some instances sufficient punishment for a very minor offence, probably a proper admonishment which the child had never had from a parent might do some good. So if we take that out, seven forms of punishment are still available under this Law, and this is the amazing part of it, in addition to the seven forms of punishment that would be left subsection (2) of 17 provides another punishment which is imprisonment in extreme cases. So that where the person is convicted of an indictable offence the person is liable to be detained in a place including a prison. This is written in the law now. So if we strike out the section that says you must send them to an "approved school," eight other forms of punishment are still left in this Bill. So it cannot be said that if we do not send them to an approved school we would not have any place to put them, that is not true, we cannot say if we do not send them to an approved school they would be no other form of punishment, because that would not be true. The Bill as it stands provides eight other forms of punishment which are easily available for the judge or the Magistrate dealing with a juvenile offender. But we do have to take a long hard look at providing the proper type of correctional or approved school.

It is true that last week the ground was broken for a Boys' Home in West Bay, and this will not only go a long way towards taking care of some boys, but it will be a starting point for a full correctional system. It is true that this will only take care of the male population at this time, but if we do not recognise the problem we will never get started on it. And to go along with the Second Member from West Bay I feel that if we do as he suggested, if we cut out this "approved school" in Jamaica business we will then have to find out what to do with those that must go to an approved school. But as long as that is left there no concrete action will ever be taken until after all the other needs are satisfied.

So Mr. President I promised not to be long in my debate, but when we reach the Committee Stage of this Bill I will go along with the Second Member from West Bay to create the biggest upset in the history of the Bills that have passed through this House by making a substantial change in the composition of the Juvenile Law.

MR. PRESIDENT: I think this might be a convenient time to adjourn until tomorrow; we can resume the debate after question time tomorrow morning, if I can have a motion for the adjournment from the floor.

HON. D.V. WATLER: Mr. President and Honourable Member I beg to move that the House adjourn until 10 o'clock tomorrow morning.

HON. G.E. WADDINGTON: I beg to second that motion.

QUESTION PUT: AGREED.

HOUSE ADJOURNED AT 5:35 P.M. UNTIL 10 A.M. WEDNESDAY,  
25th JUNE, 1975.

WEDNESDAY, 25TH JUNE, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE, JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR INTER-ISLAND CO-ORDINATION AND INFORMATION)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

HON. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. A. A. REID	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDER OF THE DAY

WEDNESDAY, the 25TH JUNE, 1975

1. PRIVATE MEMBERS' QUESTIONS

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE V.G. JOHNSON, OBE., FINANCIAL SECRETARY, THIRD OFFICIAL MEMBER

WILL GOVERNMENT TAKE STEPS TO SUPPLY CERTAIN OFFICES WITH PHOTOCOPIING AND OR RONEO MACHINES IN ORDER TO AVOID DELAY WHICH IS NOW BEING EXPERIENCED BY MEMBERS OF THE PUBLIC WHO APPLY FOR COPIES OF DOCUMENTS, ETC. AND HAVE TO WAIT UNTIL SUCH TIME AS MACHINES IN OTHER GOVERNMENT OFFICES ARE AVAILABLE FOR USE BY THESE DEPARTMENTS?

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE A.B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

WHAT IS THE COST OF THE GOVERNMENT OFFICE BUILDING TO DATE?

MR. CLAUDE M. HILL (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE A.B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

SINCE THERE IS APPARENTLY NO EFFECTIVE CONTROL OVER THE RATES CHARGED BY CARIBBEAN UTILITIES COMPANY, LTD. AND CABLE AND WIRELESS (WEST INDIES) LTD. WILL THE MEMBER SAY WHETHER IT IS CONTEMPLATED BY GOVERNMENT AT SOME TIME IN THE FUTURE TO DISCONTINUE TO WAIVE THE PAYMENT OF IMPORT DUTIES ON THE COMPANY'S IMPORTATIONS.

MR. JOHN D. JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HONOURABLE A.B. BUSH, J.P. (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT).

AS THE SUMMER TRAFFIC GRAND CAYMAN/MIAMI HAS DROPPED, AND AS THERE ARE TWO SCHEDULED CARRIERS, NAMELY, CAYMAN AIRWAYS, LIMITED AND SOUTHERN AIRLINES AND SINCE IT APPEARS THAT LACSA HOLDS NO PERMIT FOR SHUTTLE SERVICE MIAMI/GRAND CAYMAN AND APPEARS TO BE ONE OF THE LOCAL AIRLINE'S BIGGEST COMPETITORS, WILL THE MEMBER SAY WHAT ACTION HAS BEEN TAKEN BY GOVERNMENT TO DISCOURAGE LACSA PICKING-UP OF PASSENGERS CAYMAN/MIAMI AND VICE VERSA?

IF THE ANSWER IS IN THE NEGATIVE AND ALTHOUGH WE ARE GRATEFUL TO THE SERVICE PROVIDED IN THE PAST BY LACSA AIRLINES BUT THIS IS NOW A MATTER OF SURVIVAL OF THE NATIONAL AIRLINE WOULD THE MEMBER CONSIDER AN APPROACH BY GOVERNMENT TO LACSA IN AN EFFORT TO REFRAIN, AS FAR AS POSSIBLE, THESE PICK-UPS DURING THE OFF SEASON.

2. GOVERNMENT BUSINESS:-

BILLS:-

CONTINUATION OF DEBATE ON SECOND READING

- (1) THE JUVENILES BILL, 1975

BILLS FIRST READING

- (ii) THE PUBLIC HEALTH (AMENDMENT) BILL, 1975  
(iii) THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1975  
(iv) THE SUCCESSION BILL  
(v) THE PENAL CODE BILL

BILLS SECOND READING

- (vi) THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975  
THE SUCCESSION BILL  
THE PENAL CODE BILL  
(vii) THE RADIO BILL

BILLS COMMITTEE STAGE

- (viii) THE HIGHER EDUCATION (LOAN) BILL



WEDNESDAY, 25TH JUNE, 1975

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WEDNESDAY, 25TH JUNE, 1975

10 A.M.

MR. PRESIDENT: Please be seated.  
Proceedings are resumed. Before we begin the question time, I'll like to congratulate the Father of the House for attaining his 75th Birthday today. I am sure that Members join with me, wishing him many more years of health and service to the country.

MR. T.W. FARRINGTON: I wish to express my thanks, my grateful thanks, from the depths of my heart for the kind words of the President and Members of this Assembly.

I have been in the House a long time and perhaps I'll be here sometime yet, but I'm certainly proud that I have taken this as my career, and I am happy to see the progress of this House.

MR. PRESIDENT: We'll proceed with the first item of business, "Questions".

QUESTIONS

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HON. V.G. JOHNSON, OBE., FINANCIAL SECRETARY - THIRD OFFICIAL MEMBER

WILL GOVERNMENT TAKE STEPS TO SUPPLY CERTAIN OFFICES WITH PHOTO-COPYING OR RONEO MACHINES IN ORDER TO AVOID DELAY WHICH IS NOW BEING EXPERIENCED BY MEMBERS OF THE PUBLIC WHO APPLY FOR COPIES OF DOCUMENTS, ETC., AND HAVE TO WAIT UNTIL SUCH TIME AS MACHINES IN OTHER GOVERNMENT OFFICES ARE AVAILABLE FOR USE BY THESE DEPARTMENTS?

ANSWER:

GOVERNMENT WILL EXAMINE THE NEED OF ANY OFFICE AS FAR AS EQUIPMENT IS CONCERNED PROVIDED THE DEPARTMENTS CONCERNED PUT FORWARD THEIR CASE. ONCE THERE ARE MERITS AND FUNDS AVAILABLE GOVERNMENT WILL PROVIDE REASONABLE EQUIPMENT.

MISS ANNIE H. BODDEN: Mr. President, I would like to ask the Honourable Third Official Member if he is aware of the fact that in the Clerk of Courts office there is no such machine in operation?

MR. V.G. JOHNSON: Mr. President, the answer to that supplementary question is no.

MISS ANNIE H. BODDEN: Mr. President, with your permission I would like to ask if an inspection will be made of that office to see that what I'm saying is correct? There is no available machine to get copies of documents.

MR. V.G. JOHNSON: Mr. President, an inspection will be made of the office Sir. The fact is, I had a discussion with the Head of the Department quite recently, and he did not mention this particular problem to me, other matters were mentioned but not the need for a copying machine.

MISS ANNIE H. BODDEN: Mr. President, again with your permission I would like to ask the Honourable Financial Secretary if he is not aware of the fact that every time you need a copy, the Clerks from the Courts Office must go to the Governor's Office to have such copies made?

MR. PRESIDENT: We'll proceed to the next question.

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HON. A.B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

WHAT IS THE COST OF THE GOVERNMENT OFFICE BUILDING TO DATE?

ANSWER:

THE CERTIFIED COST OF THE GOVERNMENT ADMINISTRATION BUILDING UP TO THE 31ST OF MAY, 1975, WHEN THE LATEST ACCOUNTS WERE RENDERED IS \$1,566,230.00.

MISS ANNIE H. BODDEN: Mr. President, with your permission I would like to ask the Honourable Member for Communications and Works, if that amount is sufficient or what extra amount will be required to complete the building for use?

MR. A.B. BUSH: Mr. President and Honourable Members, I'm unable to answer that question as to what the final cost of the building will be. I really don't know.

MISS ANNIE H. BODDEN: Mr. President, another supplementary question. Does that amount include the cost of furniture for the building or not?

HON. A.B. BUSH: Mr. President and Honourable Members, this is what has been spent on the building as I've said, up until the 31st of May. Whether this includes furniture, whatever was spent on the building, this is the actual cost up until that day.

MR. CLAUDE M. HILL: Mr. President, if I'm permitted I'll like to ask the Honourable Member if the building is moving ahead as expected or anticipated for up to the 31st of May?

HON. A.B. BUSH: Mr. President and Honourable Members, the building is somewhat behind and this is because of the lack of being able to get materials in untine to have the work done. And, so the building is really lagging behind somewhat.

MR. JOHN D. JEFFERSON: Mr. President I would like to ask the Honourable Member the question, and that is, what was the contracted cost of the building when the contract was signed?

HON. A.B. BUSH: The contract price for the building was \$1,572,624.00.

MR. JOHN D. JEFFERSON: Another supplementary. The question Mr. President is, in view of the fact that the building is behind time, has Government sought to use the penalty clause?

HON. A.B. BUSH: The penalty clause you said. Well this is used I suppose when there is justification for it, but, as of now Government is satisfied that the delay in the building was really not the fault of contractors.

MR. CLAUDE M. HILL: Mr. President, if I'm permitted I would like to ask the Honourable Member if it is owing to the fact that goods and also transportation of goods has caused this extra amount of money for this building. If it is owing to that fact that this building has cost much more owing to transportation and the transportation of the goods and the cost of material has changed somewhat, if that is the motive?

HON. A.B. BUSH: Mr. President and Honourable Members, as was stated, the amount that was spent on the building as of the 31st of May this year is less then the contract sum. So, I don't think the Member can say that the additional cost and what was the reason for it, there has been really no additional cost, because the contract sum of \$1,572,624.00 has not as yet been exhausted.

MR. JAMES M. BODDEN: Supplementary, Mr. President. Would the Member care to speculate whether the \$6,394.00 that is left will complete the building?

HON. A.B. BUSH: Mr. President and Honourable Members, it would only be speculation if I answer that question. I think as I've said before the final cost of the building is unknown.

MR. JAMES M. BODDEN: A further supplementary Mr. President. The Honourable Member for Communications and Works I think has been a fairly well known contractor himself. Would he estimate whether the building is seventy-five percent completed or ninety percent?

HON. A.B. BUSH: That again Mr. President is just a matter of opinion. If Members really want to know just how far the building is on and it is expected that the building will be completed in the latter part of August.

MR. JAMES M. BODDEN: Well, a further supplementary Mr. President. In view of it being completed in August that's another two months, can the Member tell us whether \$6,394.00 will complete it in August?

HON. A.B. BUSH: Mr. President and Honourable Members, I should say not.

MR. JOHN D. JEFFERSON: Supplementary. Mr. President I'd like to ask the Honourable Member one last question. What then is the advantage of awarding contracts to the same firm based on being bonded and on cost and certain time in another place, as no contract in the past was done on time and no contract in the past by the same firm was done according to cost that was fixed at the contract?

HON. A.B. BUSH: I'm not quite clear on what the Member is really referring to Mr. President, I wonder if the Member would just reframe the question or repeat it.

MR. JOHN D. JEFFERSON: I'll be happy to Mr. President. I'm saying that since we've had the same firm to do the Courts and Legislative buildings which were completed behind schedule and cost far more than was anticipated or at the time the contract was signed. As I'm saying now, what then is the advantage of awarding contract to the same firm based on being bonded, because that's something that's being placed, that's a thing that is being held out in front of people today especially for local firms. Being bonded and on cost and speaking particularly of the time element involved, as no contract in the past I am saying has been completed on time and no contract in the past with the same firm has been completed as the price stated in the contract when it was signed.

MR. PRESIDENT: I'm afraid that's going very far from the original question.

MR. JAMES M. BODDEN: A further supplementary Mr. President. In view of the cost over run, could the Member tell us how it is proposed that Government will meet this?

HON. A.B. BUSH: Mr. President, if there is extra cost for the building through price of material and labour cost, naturally the Government will have to meet this extra amount, but the contract sum will remain the same.

MR. JAMES M. BODDEN: Mr. President, in view of that what type of contract do we have that we continually have these cost over runs? My idea is that the contract is a fixed price, is that not so in this case?

HON. A.B. BUSH: Mr. President and Honourable Members, I don't know whether the Members are aware that in every contract, I don't think you can say a fixed price, because there are clauses which allow for escalation of labour and material. And, whenever this does occur this is what extra the Government will have to pay on the building, but it is not from the contract price which was quoted by the contractor, it is only if there is extra cost in the price of material and labour which the contractor himself will have to pay, and naturally the Government will have to reimburse it.

MR. JAMES M. BODDEN: A further supplementary Mr. President, when the contract was awarded to the present contractor was there a lower bid?

HON. A.B. BUSH: Mr. President, I don't think I should answer that question.

CAPT. A.A. REID: A supplementary Mr. President, I'll like to know why we should have any increase in the cost of this building, any escalation whatever since the prices of goods in America went down considerably in the last six or eight months? And, certainly we shouldn't be expecting to increase labour again, if that is contemplated we'll expect to close up shops altogether; already buildings ~~has~~ gone to where it is out of the reach of most Caymanians, a few Caymanians can afford to build a home today because of escalating cost, and because we were stupid enough to let people come here from all over the Caribbean and Central and South America and tell us what they would work for, what they wanted, what they had to get.

MR. JAMES M. BODDEN: A supplementary Mr. President, our contracts are usually awarded by the Cayman Islands Government, is it on merit of performance or on cost?

HON. A.B. BUSH: I'm unable to answer that question Mr. President, the contracts for Government are handled by a Tenders Committee, and they are the ones that handle the contracts.

MR. JAMES M. BODDEN: Could the Member tell us what is the anticipated cost for the airconditioning per month in this building?

HON. A.B. BUSH: No, Mr. President, I'm unable to say.

MR. PRESIDENT: We'll move on to the next question.

MR. CLAUDE M. HILL (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HON. A.B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATION AND PUBLIC TRANSPORT

SINCE THERE IS APPARENTLY NO EFFECTIVE CONTROL OVER THE RATES CHARGED BY CARIBBEAN UTILITIES COMPANY, LTD., AND CABLE AND WIRELESS (WEST INDIES) LTD., WILL THE MEMBER SAY WHETHER IT IS CONTEMPLATED BY GOVERNMENT AT SOME TIME IN THE FUTURE TO DISCONTINUE TO WAIVE THE PAYMENT OF IMPORT DUTIES ON THE COMPANY'S IMPORTATIONS?

ANSWER:

THE HON. MEMBER IS CERTAINLY UNDER A MISCONCEPTION IF IT APPEARS TO HIM THAT THERE IS NO EFFECTIVE CONTROL OVER THE RATES CHARGED BY CARIBBEAN UTILITIES LIMITED AND CABLE AND WIRELESS (WEST INDIES) LIMITED. EACH COMPANY OPERATES UNDER A FRANCHISE AND RATES CHARGED BY THEM ARE DEFINITELY CONTROLLED IN ACCORDANCE WITH THE TERMS UNDER WHICH THEY OPERATE. BECAUSE OF THE TERMS OF THE

FRANCHISE HELD BY EACH COMPANY, GOVERNMENT DOES NOT AT ANY TIME CONTEMPLATE "TO DISCONTINUE TO WAIVE THE PAYMENT OF IMPORT DUTY" ON THOSE ITEMS EXEMPTED UNDER THE TERMS OF THEIR FRANCHISE.

MR. CLAUDE M. HILL: Mr. President, I would like to ask the Honourable Member a supplementary question. He stated that the rates are controlled by those companies, and now I'm asking him why is it that the rates charged by them cannot be controlled by us as Members of this Assembly?

HON. A.B. BUSH: Mr. President and Honourable Members, I don't quite see the point in the Member's question. Why can't it be controlled by this Assembly? The Government really controls this and looks into this matter, and I think this has been the practice right straight along, not the Legislative Assembly. But, the rates as I've said in the answer to the question are controlled in accordance with the franchise which is held by these companies.

MR. CLAUDE M. HILL: Mr. President, another supplementary question Sir. Who controls the franchise then Sir?

HON. A.B. BUSH: The franchise Mr. President and Honourable Members, is a legal document and we should say that the Government controls that franchise.

MR. JAMES M. BODDEN: Supplementary Mr. President. If Government controls under the contract the rates for Caribbean Utilities, how is it possible that Caribbean Utilities could unilaterally increase their rates without the approval of Government?

HON. A.B. BUSH: Mr. President and Honourable Members, we are aware that the rates of Caribbean Utilities were increased because of the cost of fuel. And, in the franchise they have a fuel cost which gives them the right to increase proportionately on the cost of fuel.

Now, Caribbean Utilities went along and increased their rates unilaterally, it is true, and Government -there were some disagreement as to the fuel cost how it should read. Anyway Government was able to establish the views and Caribbean Utilities conceded to this, and this was sorted out. But, other factors of operations justified a higher increase for the company to compensate for losses suffered during the time this was all trying to be ironed out, and so this increase was allowed to go on. And, we do not consider today that in accordance with the fuel cost and the agreement and relating especially to fuel cost that Caribbean Utilities are in any way overcharging for their rates of electricity.

MR. CLAUDE M. HILL: Mr. President -----

MR. JAMES M. BODDEN: Mr. President -----

MR. PRESIDENT: One at a time please.

MR. CLAUDE M. HILL: It seems as if everybody is very anxious. Mr. President, I would like for the Honourable Member to state if the increase of oil came before Caribbean Utilities increased their rates or it came after.

HON. A.B. BUSH: The rates were increased after the price of oil was increased, not before.

CAPT. A.A. REID: Mr. President, is Government aware of the fact that the Caribbean Utilities is making the greatest profit that has ever been made in the Caribbean since I came to memory. One Member told me only a few days ago that his investment is giving him seventy-five percent on a dollar, another one told me the same thing in Cayman Brac a few months ago and ask if I didn't own shares in it, and I said if I did own shares in it, I think I'll raise hell and make them cut the rates. Now, if that

CAPT. A.A. REID: isn't ridiculous then I don't know what is, for us to suffer them to come here and make that kind of profit. It's time for somebody to wake up in this country otherwise we're going to kill the golden goose, the guillotine is over his head now,

MR. JAMES M. BODDEN: Mr. President, a supplementary.

HON. A.B.B. BUSH: I haven't answered that question yet.

CAPT. A.A. REID: Don't be in too much of a hurry Jim.

HON. A.B. BUSH: Was it a question or a statement you made Sir, I -----

CAPT. A.A. REID: No, I am asking if Government is aware that they are making seventy-five percent profit?

HON. A.B. BUSH: No Mr. President, Government is certainly not aware of it.

MR. JAMES M. BODDEN: Is Government aware that so far this year I think the dividends on a one dollar investment in 1967 has been roughly about a dollar forty?

HON. A.B. BUSH: No, Government is not aware of this.

MR. JAMES M. BODDEN: Why is Government not aware of it?

HON. A.B. BUSH: Well, that's another question.

Mr. President and Honourable Members, if I may make a statement on this Sir, I think this was discussed sometime ago in this Legislature on questions that were asked. Members were told that Government had asked for the audited accounts of Caribbean Utilities Company, and Government received these. Government employed the services of an expert in this field to examine these accounts, and Government was satisfied that the Caribbean Utilities company was not charging excessive rates. This is something that we have from an expert, it is not just on Government loan account that this is being done. And, the percentage which was allowed to them to go on would have ended on the 30th April. Today Government is awaiting the audited accounts of the Caribbean Utilities Company up until the 30th of April to determine whether any further increase in their rates are justified or not.

MR. JAMES M. BODDEN: Could the report of the experts who did this be tabled in this House?

HON. A.B. BUSH: No, this is for Government, I'm much afraid.

MR. JAMES M. BODDEN: Why, we are all Government Mr. President, why can it not be tabled for the report of this House to see it? We represent the people of this country, and we must be able to see it.

HON. A.B. BUSH: Well, this will be a matter for the administration to do, not me. As far as I know the report of that expert which we had is to Government not to this Legislature.

MR. JAMES M. BODDEN: Who is Government Mr. President, I'll like an answer from you?

HON. A.B. BUSH: I think Mr. President could answer that himself Sir.

MR. PRESIDENT: It is unrelated to this question.

MR. JAMES M. BODDEN: Thank you Sir, but I'll be bringing it back.

MR. CLAUDE M. HILL: Mr. President, -----

MR. JAMES M. BODDEN: Just a minute, I wonder whether the Honourable Member could tell us whether he is aware that the so called expert or experts who did this study talked to the public or some section of the public sector and said, that in studying the reports of Caribbean Utilities if ever a country had been raped Grand Cayman had been raped?

HON. A.B. BUSH: I'm not aware of this Mr. President, and I'm doubtful that the man who we had employed made such a statement.

MR. JAMES M. BODDEN: Is Government aware that Caribbean Utilities rates are three or four times as high as in most other places of the world, yet they pay no duty to Government?

HON. A.B. BUSH: No, we're not aware of this Mr. President.

MR. CLAUDE M. HILL: Mr. President -----

MR. JAMES M. BODDEN: Why should such a company making such a huge profit not pay import duty to the Government?

HON. A.B. BUSH: Mr. President, as I've said in the answer to the question from the Member who put the original question, this is all controlled in the franchise. And, it is not for me or anyone else to delve into it, this is a franchise which this company has with this Government for a period of twenty years or something so.

MR. CLAUDE M. HILL: Mr. President, if I'm permitted Sir, as the one who asked this question, I would like to ask another question and that is, that the Honourable Member - is it so fixed that no one can look into the anomalies of those companies. Is it so fixed that we here in this Chamber serve no purpose?

HON. A.B. BUSH: I don't quite get on to what you're talking about, what is it?

MR. CLAUDE M. HILL: I'll explain it Mr. President, the Member spoke and the way in which he spoke it seems that the Legislative Assembly has nothing to do with Cable and Wireless and the anomalies that exist in any company whether they have a waiver or not, the Legislative Assembly has nothing to do with it. If that is so then my question is void.

HON. A.B. BUSH: I think that is a statement that the Member made, I'm saying that the Legislative Assembly has nothing to do with it, but I'm saying that this is the matter which is controlled by a franchise which these companies operate under, and which is held by Government.

MR. JAMES M. BODDEN: Mr. President, a supplementary. Could the Member advise us when this franchise was granted to Caribbean Utilities, whether it was granted by a select board of people or whether it was granted by the Legislative Assembly of this Island.

HON. A.B. BUSH: I think this is a legal document which I think was prepared by the Legal Department and signed by Government or by the Governor.



MR. JAMES M. BODDEN: Mr. President, I still don't have an answer to my question. When the franchise to Caribbean Utilities was originally granted, was it granted by a select group of Civil Servants or was it granted by the elected Assembly of this House?

HON. A.B. BUSH: As far as recalled Mr. President, I can't say that I'm certain of this, but as far as I recall it was approved by the Members of the Legislature.

MR. JAMES M. BODDEN: Mr. President, a further supplementary. If the franchise was approved and vetted by this Assembly, it's a lot of us here who are fresh men, we were not here at the time to see that. Why is it that we standing in the shoes of our predecessors cannot see the document now, and cannot see the particulars surrounding this Sir?

HON. A.B. BUSH: I don't know, I really don't know. This is the matter as I've said for the Government to decide, not me.

MR. JAMES M. BODDEN: Well, why can't it not be tabled in this House then so that the Members can see what's going on?

MISS ANNIE H. BODDEN: Mr. President, I would like to ask the Honourable Member if he is aware of the fact that the rates are still going up with the Caribbean Utilities Company? They are still going up.

HON. A.B. BUSH: No further increase has been made Mr. President, as far as I'm aware in the rates of Caribbean Utilities.

MR. PRESIDENT: I think this is in danger of developing into a debate on the franchise which is not really behind the original question. It is always possible to have a debate on a motion.

MR. JAMES M. BODDEN: Mr. President, I think I have one that will come under the ambit of that Sir. Is Government giving any further study to determine whether the rate increase by Caribbean Utilities was justifiable in view of the waiver of duty?

HON. A.B. BUSH: Mr. President, I believe the Member asked that question already.

CAPT. A.A. REID: Mr. President I'll like to ask the Member if he considers seventy-five percent on the dollar a high rate of interest, or what would he consider a reasonable rate?

MR. PRESIDENT: That I am afraid is asking for an expression of opinion.

MR. JAMES M. BODDEN: Supplementary. Would the Member care to say whether Government has given any further consideration to changing the composition of its representatives on the board of Caribbean Utilities?

HON. A.B. BUSH: No, not as I know of.

MR. JAMES M. BODDEN: Have the Members who represent Government and Caribbean Utilities represented to Government that any further study should be made in the rate structure of Caribbean Utilities?

HON. A.B. BUSH: Not to my knowledge Sir.

MR. JAMES M. BODDEN: Is Government giving any further study to determine whether the rate increase by Caribbean Utilities was justifiable in view of the waiver of duty?

HON. A.B. BUSH: Not in the waiver of duty, Mr. President and Honourable Members. But, as I've said that Caribbean Utilities will bring its audited accounts to Government, audited accounts up to the 30th of April to see whether the rates which they are now charging are to continue or not.

MR. JAMES M. BODDEN: A further supplementary Mr. President. Does Government have any idea of the amount of remuneration paid by Caribbean Utilities to its Directors? I understand in most cases its exorbitant and this would help to push up rate increases that they need. Could Government answer that one?

HON. A.B. BUSH: I don't know Mr. President just what they pay to their Directors. Up until sometime ago I know they paid nothing, I don't know whether they have started paying their Directors any money or not.

MR. JAMES M. BODDEN: A supplementary. Mr. President, I think the Member got me wrong, I was not referring to the local Directors of Caribbean Utilities because I know that they are unfortunate enough that they would not be in a higher echelons. I am referring to the Directors who come here from the United States and probably spend two or three weeks a year here, and they may not even have work permits as far as that goes on and yet are paid such high remuneration as Directors of the Company. Could he give us that information?

HON. A.B. BUSH: Mr. President and Honourable Members, as I've said as far as I know no Directors are being given any money. If this is so, then the audited accounts when we get them the next time ought to show this.

MR. JAMES M. BODDEN: Would he care to say whether the Directors then who served as, supposed chairman of the board, treasurer and so forth, what is their remuneration, do you have any idea?

HON. A.B. BUSH: I don't know, I don't know Mr. President.

MR. PRESIDENT: I think it's all unfair to expect the Honourable Member to answer this type of detail in relation to this particular question, which is about rates and the rates of import duty.

MR. JAMES M. BODDEN: Mr. President, it's all relevant to it and it seems like nobody knows, and I will advise the House this morning that God's willing if I live somebody better get these answers because they're going to answer to this country sometime in the future.

MR. G. HAIG BODDEN: To come back Mr. President to the original question. It is stated in the answer that the rates charged are definitely controlled by the franchise. Can the Member give us the formula for the rate fixing in both companies?

HON. A.B. BUSH: As I have explained Mr. President that this is a franchise under which the Companies operate. And, in the Caribbean Utilities which I think most controversy centres around, they have a fuel escalation clause which caused the confrontation with Government/<sup>and</sup> them the other day, and they had one interpretation of it, our Legal Department another. And, as I've said we finally got our views across on this, we established that our views were correct on this, and this is something that we've trying to iron out with the Company now to see if we can't get some agreement between Government and the Company to get this quite clear so that there will be no further controversy in as far as this clause is concerned. And, it is all if I may answer the question, all are controlled by their franchise which they hold, and the formula I'm unable to say just what the formula is, but it is based on the franchises which are held by these Companies.

MR. JAMES M. BODDEN: Mr. President, a supplementary. Would the Member care to explain to us whether he knows that in the neighbouring country of Jamaica for an average home owner the rate now is two and a half cents a kilowatt hour with a subsidy placed on the fuel escalation clause of ten and a half kilowatt hour on which Government picks up about the one third of that and pays it, which means that the home owner is paying <sup>say</sup> about three cents, the rate is about four cents and our rate is about eighteen cents, are you aware of that?

HON. A.B. BUSH: Mr. President, I think we're talking about two different countries now, he <sup>is</sup> maybe talking about the Public Service of Jamaica there which probably is subsidised by Government, I don't know. This is a private Company that we're dealing with, not the Government own Company and this could be by the rates being charged as the Members quoted, could be a Government subsidy to this Company.

MR. JAMES M. BODDEN: Mr. President -----

MR. PRESIDENT: One moment please. This is in danger of developing into a debate on the subject, and this is an abuse of question time. We've had I think about thirty supplementary questions, I'm going to allow at the maximum five more. If Members wish to explore the question further a motion can be put down.

We'll then pass on to the next question. I'll allow another five supplementary questions on this topic.

CAPT. A.A. REID: Mr. President, I would like to ask the Member if Government has ever seen a balance sheet from the Company? If they have then they wouldn't need an expert to tell them they're making too much money.

HON. A.B. BUSH: Mr. President and Members, if I may answer the question, we have seen the accounts as I've stated before of Caribbean Utilities and we expect to see the latest one when it comes to us which will be of the 30th of April.

CAPT. A.A. REID: Just one more, Is he aware of the fact that in Cayman Brac the current is priced at 10 cents per kilowatt hour, and that company is not going broke, I'm a share holder in it and I know and it is installing a new motor, it has cost quite a sum of money and we have the one twentieth of the business hardly the one twentieth of that business that they have here, and we're surviving on ten cents.

MR. CLAUDE M. HILL: Mr. President, if I'm permitted -----

HON. A.B. BUSH: Mr. President, I'm really not aware of the rates in Cayman Brac, had I known I was going to be asked questions on the Cayman Brac power and light company I probably would have brought the figures for Members. But, I'm not aware really of what is going on there, and surely this is another private company which operates in Cayman Brac alone and controlled by some board or another and I don't know very much of - haven't had any complaints let us say from Cayman Brac as to the rates of electricity.

MR. JAMES M. BODDEN: Supplementary. Mr. President, following on my last question which seems to be misunderstood. In Jamaica gasoline costs a dollar twenty a gallon compared to our seventy-one cents here. Utility rate charged to the consumer is two and a half cents a kilowatt hour, the company was not allowed a rate increase, it was down on the subsidy basic off of the fuel cost which amounts to roughly one and a half cent a kilowatt of hour increase. Of that one and a half cent kilowatt hour increase the Government pays either a third of a quarter I don't remember which. I mean the consumer pays a third or a quarter and the Government takes the rest as a subsidy, which means that the consumer is paying <sup>about</sup> three cents a kilowatt

MR. JAMES M. BODDEN: hour compared to us in Cayman paying roughly eighteen cents a kilowatt hour when fuel is less expensive here than it is in Jamaica. Why should there be such a disparity and why should it be allowed?

HON. A.B. BUSH: Mr. President and Honourable Members, maybe before I answer the question of the Member, it would be right for me to ask the Member if he is aware that the company which he is referring to in Jamaica is Government owned and is a non profit making company subsidised by the Government - operated by the Government and this is the reason no doubt why rates are so much lower there than they are here. This is a private company that we are dealing with and not a Government owned operating company.

MR. JAMES M. BODDEN: Even so Mr. President, would it be a disparity of six hundred percent difference between it being Government and the public.

HON. A.B. BUSH: I don't know Mr. President, this is something that I'm unaware of, I cannot answer.

MR. JAMES M. BODDEN: Well then we need to find out Mr. President.  
Mr. President -----

HON. A.B. BUSH: Surely a Government can offer to its people something for nothing while we could never expect that a private Company is going to do business in any country for nothing.

MR. JAMES M. BODDEN: Mr. President, it's incumbent then on Government being nobody seems to know what's going on here, that a complete impartial investigation be run on Caribbean Utilities if it includes bringing in a royal commission from London to do it Sir. The people cannot stand this any longer.

CAPT. A.A. REID: And right now too.

HON. A.B. BUSH: Mr. President and Honourable Members, as I've said that Government has all of this under review, and Government is now awaiting the audited accounts of Caribbean Utilities up until the 30th of April. They were asked to submit these to Government and Government is going to look into it to determine whether the rates which are being charged now are justified, or whether there will be any further increase or decrease in electricity.

MR. PRESIDENT: I'll take one more supplementary.

MR. JAMES M. BODDEN: Yes Sir, please. In view of that then, would the Member care to tell us this tremendous rate increase has been going on for better than a year, in view of what he has just told us, would he care to tell us the money that <sup>the</sup> people of this Island have paid to this company for the last eighteen months is Government going to go back through the books of Caribbean Utilities on each individual home owner and person who has bought electricity and repay them the money from Caribbean Utilities in excess or what may have been charged? Can he answer me that one?

HON. A.B. BUSH: No Mr. President, I cannot answer that question but I can assure the Member that when we have our report from the expert which we employed for this that this will be looked into very carefully, and we will go by our advice from our experts on this matter.

MR. PRESIDENT:

We'll pass on to the next question at this stage.

MR. CLAUDE M. HILL:

Mr. President -----

MR. JOHN D. JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HON. A.B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATION AND PUBLIC TRANSPORT

AS THE SUMMER TRAFFIC GRAND CAYMAN/MIAMI HAS DROPPED, AND AS THERE ARE TWO SCHEDULED CARRIERS, NAMELY, CAYMAN AIRWAYS LIMITED AND SOUTHERN AIRLINES AND SINCE IT APPEARS THAT LACSA HOLDS NO PERMIT FOR SHUTTLE SERVICE MIAMI/GRAND CAYMAN AND APPEARS TO BE ONE OF THE LOCAL AIRLINES' BIGGEST COMPETITORS, WILL THE MEMBER SAY WHAT ACTION HAS BEEN TAKEN BY GOVERNMENT TO DISCOURAGE LACSA PICKING-UP OF PASSENGERS CAYMAN/MIAMI AND VICE VERSA? IF THE ANSWER IS IN THE NEGATIVE AND ALTHOUGH WE ARE GRATEFUL TO THE SERVICE PROVIDED IN THE PAST BY LACSA AIRLINES BUT THIS IS NOW A MATTER OF SURVIVAL OF THE NATIONAL AIRLINE WOULD THE MEMBER CONSIDER AN APPROACH BY GOVERNMENT TO LACSA IN AN EFFORT TO REFRAIN, AS FAR AS POSSIBLE, THESE PICK-UPS DURING THE OFF SEASON.

ANSWER:

LACSA AIRLINES OPERATE A SCHEDULED SERVICE BETWEEN SAN JOSE, COSTA RICA, GRAND CAYMAN AND MIAMI AND VICE VERSA. THE SERVICE THROUGH GRAND CAYMAN IS OPERATED ON A PERMIT ISSUED BY THE UNITED KINGDOM GOVERNMENT, WHILE FROM THE MIAMI END LACSA OPERATES THROUGH GRAND CAYMAN ON ITS MIAMI/COSTA RICA LICENCE FROM THE UNITED STATES. THE COMPANY DOES NOT OPERATE A MIAMI/CAYMAN SHUTTLE SERVICE.

IT MUST BE UNDERSTOOD TO AN APPERCIABLE EXTENT LACSA'S OPERATIONS PROVIDE BACK-UP SERVICE TO CAYMAN AIRWAYS' OPERATIONS. THIS IS BECAUSE OF THE TIMING OF THEIR FLIGHTS BOTH SOUTHBOUND AND NORTHBOUND. THE NORTHBOUND FLIGHTS AT 10:30 A.M. ARE OPERATED ON THOSE DAYS THAT CAYMAN AIRWAYS LIMITED OPERATES THE KINGSTON SECTION AT 2:05 AND SUIT PASSENGERS WHO DO NOT CARE TO USE C.A.L.'S 8:50 A.M. FLIGHT AND FOR WHOM THE 5 P.M. FLIGHT WOULD BE TOO LATE. FURTHER, LACSA DOES PROVIDE EXTRA SEATS TO ACCOMMODATE CAYMAN AIRWAYS LIMITED'S PASSENGERS IN THE EVENT OF TEMPORARY SUSPENSION OF SERVICE. IN THE LIGHT OF THIS, THE GOVERNMENT HAS TAKEN NO ACTION TO DISCOURAGE LACSA FROM PROVIDING A USEFUL SERVICE.

WITH RESPECT TO GOVERNMENT APPROACHING LACSA TO WITHDRAW FROM THE SERVICE, ON THE VERY GROUNDS OBSERVED BY THE HON. MEMBER, REGARDING LACSA'S PAST SERVICES TO THE CAYMAN ISLANDS AND THE FACT THAT ITS OPERATIONS ARE WITH APPROVAL OF THE UNITED KINGDOM, THIS GOVERNMENT WOULD FIND IT DIFFICULT AT THIS TIME TO PREVENT LACSA LIFTING PASSENGERS OUT OF GRAND CAYMAN.

MISS ANNIE H. BODDEN: Mr. President, with your permission I would like to ask one supplementary question. Would it not be in-gratitude to say the least of it, to ask Lacsa to withdraw from any service when they have kept us alive all this time?

HON. A.B. BUSH:

As I've said Mr. President, I think this is so, I would say so myself.

MR. JAEMES M. BODDEN:

Supplementary, Mr. President. Could the Member state what is the anticipated short fall in revenue and loss that C.A.L. may incur this year?

HON. A.B. BUSH: I don't have the figures on this, I'm sorry Mr. President I can't answer that.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. While the office in Miami and Cayman handling both Airlines that on numerous occasions C.A.L. flights either way seem to be quite empty and Lacsa loaded. And, on many occasions Lacsa with passengers on stand-by, if the Member is aware of this can give any answer to it?

HON. A.B. BUSH: Mr. President I believe this is coming up in another question, and probably it's best for the Member to wait until that question is being asked or answered to get the reply on this. Because I think it's another question down on the operations of Lacsa that will have to be answered, and I believe we would get a better answer at that time. I wouldn't want to answer the -----

MR. CRADDOCK EBANKS: I'll withdraw Mr. President until that time then.

MR. JOHN D. JEFFERSON: Mr. President, in view of the statement made about gratitude, the question as far as I'm concerned makes it very clear. The reason why we're asking this question is because that the traffic between Miami and the Cayman Islands has dropped off considerably, and we are only concern<sup>ed</sup> about the summer business until things pick up. In other words what I'm concerned about is the survival of Cayman Airways irrespective of any other airlines, let us make that crystal clear.

HON. A.B. BUSH: Mr. President, I don't think that it is as serious as what the Member is thinking, and surely we kept in close touch with these things and if we discover that Cayman Airways are being effected too very much by the operations of Lacsa we will probably try to look into the matter more carefully and try to see if we can remedy it. But, he must remember also that we have another Airline which comes in as of right and there is nothing that can be done in that regard, because he mentioned also Southern or United States Airline which operates under a reciprocal basic into the Island. But, I think what is most concerned about is the flights of Lacsa, Lacsa makes four flights I think a week in here, If the situation becomes intolerable to where we find that Cayman Airways is being effected too very much, then we will look into the matter and probably reduce the flights of Lacsa into the Island. But, so far I don't think that there is any need to interfere<sup>with</sup> this, if it becomes worse as I've siad, this is a matter we can always look into.

MR. JAMES M. BODDEN: Supplementary, Mr. President. Would the Member care to advise us whether our contract with Lacsa carries a re-negotiating clause in favour of Lacsa, whether they can request us to re-negotiate before the end of the term of the contract?

HON. A.B. BUSH: It's not with us really, it's the permission from the United Kingdom Government who asked our views naturally on things like this before licences are granted. And, I remember sometime ago that Lacsa applied for more flights and through the United Kingdom Government this was refused on the grounds that it was not sufficient business, and they considered that it might damage our own Airline.

MR. JAMES M. BODDEN: Mr. President, I'm sorry I didn't get my question across. My question is, our present contract between the Cayman Islands Government and C.A.L. and Lacsa for the operation of the Airline C.A.L. Does it carries a re-negotiating clause before the end of the term of the contract in favour of Lacsa?

HON. A.B. BUSH: I'm not aware of this Mr. President, I'm not sure about this. This is a company and Government - and I'm not sure of just what the contract is.

MR. JAMES M. BODDEN: A further Supplementary. Has our Government then ever considered re-negotiating with Lacsa for better conditions maybe on the C.A.L. operation before the term of the contract?

HON. A.B. BUSH: Not as I know of Mr. President.

MR. JAMES M. BODDEN: A further supplementary. Would it not be possible for a Caymanian to represent C.A.L. at the Lacsa office in Miami as we get a lot of complaints that many of our people cannot speak spanish?

HON. A.B. BUSH: Mr. President, I believe this is in another question which is coming up about the Miami office, and again I would ask the Member if he would wait until this question comes up, that maybe we could discuss this better or else you'll probably be discussing the answer prior to the question coming before the House.

MR. JAMES M. BODDEN: I'm sorry, I'll withdraw, I'll place another one in the place of it. Does C.A.L. have a sign at the Miami Airport as large as the one that Lacsa has?

HON. A.B. BUSH: I don't know, I don't know Mr. President.

MR. JAMES M. BODDEN: As the National flag carrier of Cayman, I think we should be very proud that our sign should be as big as Lacsa's. Would the Member take steps to see that our sign at the Miami Airport is as large as Lacsa's?

HON. A.B. BUSH: Mr. President and Honourable Members, if it is the wishes of Members I'm sure Government will take steps to have this done, if it is their wish.

MR. JAMES M. BODDEN: A further supplementary, Mr. President. When Lacsa uses our plane do they pay for it back to us at the same rate as we pay them?

HON. A.B. BUSH: I think this is right, the answer should be yes to this.

MR. JAMES M. BODDEN: A further supplementary. I'm glad to hear that Mr. President. In the event that we should suffer a short fall this year and C.A.L. lose revenue, will Lacsa assist us in picking up forty-nine percent of the short fall?

MR. PRESIDENT: That's not to their question about something for which Government is responsible. We'll pass on I think to Government business, "Bills".

CONTINUATION OF THE DEBATE ON SECOND READING OF THE  
JUVENILES LAW, 1975.

HON. B.O. EBANKS: Mr. President, I realize that the matter of dealing with the juveniles is a very emotional subject, but as I listened to the debate on this bill yesterday I had reasons to wonder whether the bill that was being debated was the bill which I heard introduced by the Second Official Member, and whether it was the bill which I have before me. It would've appeared from the debate that the bill was a bill designed for the purpose of facilitating the commitment of youths in the Cayman Islands to approved schools in Jamaica.

HON. B.O. EBANKS: (CONT'D): Members also said with particular reference to section 25 (a) of the law that it was obvious or to section 25 of the law and in particular with section (a) relating to the employment on ships, that it was obvious that this bill was a bill lifted from another territory without due regards to local conditions, and the argument was put forward that this section would preclude Caymanian youths from taking employment on ships in particular before they attained the age of seventeen years. I would submit Mr. President, that <sup>that</sup> interpretation is an erroneous interpretation of the section, the section states quite clearly that no Juvenile required under the Cayman Islands Education Law to attend school shall be employed.

Now, the Cayman Islands Education Law states compulsory school age as being from fourteen years to fifteen years, and it only requires children to be in school when school is in session. It would therefore follow that on the attainment of the age of fifteen a Juvenile which is a person under seventeen years of age as defined in the Law would be permitted to take employment on ships. Furthermore, they would be permitted to take employment during holidays even if they were of school age. I would in the same context state further that this bill after it had been drafted was vetted by our Probation Department and by our own Justices of the Peace or at least a representative cross section of them who sit in our Juvenile Courts; so that it is reasonable to say that the bill reflects the views of our Probation Department and our Local Justices of the Peace who have to deal with Juvenile Offenders in the Juvenile Courts.

And, as the Second Official Member presenting the bill took pains to point out, there were new provisions in this Law which would enable additional measures other than commitments to approved Schools in Jamaica, to be applied against offenders or even in the case of non offenders, there is now provision where a parent who considers that a child is out of control, there is provision for that parent with the approval of a Probation officer to take the child before the court, and there is also provisions for any member of the public who deems a child to be in need of care and protection and that is defined to make representation to the Courts to have the child brought before the court so that an order could be made for the child to be dealt with. And, it is significant to note that in the case where a Juvenile is brought before the Court as being deemed in need of care and protection that in that instance the Juvenile cannot. One of the remedies is not committing the child to an approved School in Jamaica.

Now, we heard from the debate yesterday - it appears as though, as I've said, the main object of the bill was to get Juveniles committed to approved schools. But, one Member at least quoted section 14 which gives seven forms of punishment that are available to the Court, or it's actually eight if one includes dismissing the case; but seven forms of punishment that are available to the court other than committing the child to an approved school in Jamaica. And, I think Members should be aware that under existing Legislation once it is considered that a child should be sentenced to or a remedy other than probation, or a fine or similar punishments that the only alternative open to the court is to commit the child to an approved school in Jamaica.

Now, the proposed bill, the Juveniles Law, 1975 which we are discussing at the moment gives an added avenue to the Court, and that is that a fit person order can be made and a fit person would include an institution other than an approved school. I am going to this point to say that while the approved school in Jamaica is perhaps not the best or the most desirable way of dealing with our offenders, under the existing law the courts once they are satisfied that the child must be sent to some institution - has no alternative but to send it to an approved school. But, the proposed law enables the child to be sent to a children's home which is an institution where children's who are in need of care and protection in Jamaica are sent, they are not children who have committed crimes. And, I would like Members to know that these children's home in



HON. B.O. EBANKS: (CONT'D): Jamaica are among some of the best establishments of their type that are known anywhere. They have some first rate children's homes where children are taught and properly cared for, but in addition to this the argument was used that if the provision of sending children to an approved school in Jamaica was removed from the proposed bill it would cause Government to do something about our situation and not continue to allow things to remain as they are.

But, I think Members should be aware that Government is doing something about our youth. One Member mention the fact that a Boys' Home is being or is about to be built, well this home is being built on the guarantee that Government will start the Home and pay for the recurrent expenditure. It will be an expensive operation, and we have to crawl before we can run. It is perhaps appropriate to say that contrary to public and generally held views, the boys' home will not be a place where children are sent to for punishment, it is envisaged that it will be a home where children who are primarily in need of care and protection can be placed. The idea is that the children will attend normal schools in a normal way, but that they will be given the care and protection which they lack in their own environment.

The only two cases in the proposed Law where a child can be sent to an approved school in Jamaica, is under section 6 where the guardian or parent makes application to have the child brought before the court. And, there are certain restraints embedded in this section which means that a parent cannot just run to the court and shed his responsibilities, because one of the conditions of the child being or the Juvenile being brought before the court is that it has to be done with the approval of a Probation Officer who would have investigated the case thoroughly in the first instance. And, the parent has to prove to the court that he is unable to control the Juvenile, the court has to be satisfied that it is expedient to deal with the Juvenile in that manner, and that the parent or guardian understands that the results which will follow from the consent to the making of the order that is the child is sent to an approved school in Jamaica. But, even here it does not say that the child has to be sent to an approved school in Jamaica, because again the remedy of committing the child to a fit person is available to the court, and a further remedy of the child being placed under the supervision of a Probation Officer is also available to the court.

The second case is where a Juvenile has committed an offence, and once convicted under section 14 one of the remedies available to the court is the committing of the child to an approved school in Jamaica. But, there are other remedies, the Juvenile can be placed on probation, the child can be fined, the parent of the child can be made to pay a fine or damages, or the parent or guardian of the offender can be required to enter into a recognizance for the good behaviour of such offender for a period not exceeding two years. The Juvenile can also be committed to the care of a fit person and he can be placed again under the supervision of a Probation Officer or some other person to be selected for the purpose by the court.

Now, it seems to me that it is ample scope for a Juvenile offender to be dealt with other than sending the offender to an approved school in Jamaica. And, maybe a few statistics would help at this point even without the ability of the court at the moment to send children or Juvenile offenders to children's homes in Jamaica as opposed to approved schools or some of the other remedies which are available here. At the moment there is a total of six persons from the Islands in approved schools in Jamaica, there are four boys and two girls. In August this year two of those boys and the two girls will be returning to the Island, which would mean that two children only are left in the approved schools in Jamaica.

Now, in contrast to this there are at present fifteen Juveniles under court ordered probation, there are ten Juveniles under voluntary supervision by the Probation Department, and there are ten adults who are under probationary supervisions by order of the Petty Sessions'

HON. B.O. EBANKS: (CONT'D): Court. So, I don't think that the argument can be put forward that there has been any indiscriminate committing of children to approved schools in Jamaica even now. And, it is my belief that with the provisions - had the provision of the proposed Law been available to the court that the numbers which I am quoting you, that the six would be greatly reduced, in other words the majority if not all of these children would probably have been in children's homes rather than approved schools. Because, the offences for which these children have been committing were not of the magnitude to warrant, in normal circumstances committal to approved school, but there was no remedy <sup>when</sup> once it was other than it was thought that the child should be sent to some institution. But, with the coming into being of our own boys' home and with the new provision of being able to send children to children's home as opposed to approved schools, I think that the number or the occasions on which that section of the Law will be used will be few and far between, but I think it would be unwise of us regardless how heart rending it maybe to remove this provision until such time as we are capable of dealing with the other cases that may arise here in Cayman.

A similar analogy would be that when most of the metropolitan countries and most of the countries in the commonwealth as well were abolishing capital punishment, we in the Cayman Islands decided that we would allow the law to remain on our statute books, as a deterrent to possible would-be offenders, but we were well aware that we at the time that we were asked to take that decision we had not had a murder in the Cayman Islands for some forty or fifty years if my memory serves me correctly, certainly it was over thirty years. But, we felt that it was not a bad thing to keep the law on our statute books, and I don't think that any Member who voted to keep that law on our books was under any misapprehension that in this day and age, except in the most extenuating circumstances that the power of pardon or the power of commuting a death sentence to life imprisonment would not be exercised.

And, I am asking Members to consider seriously the provisions in the Juveniles Law, 1975 which enables a Juvenile to be committed to an approved school, to think of that provision in a similar vein. It is in other words an action of last resort, it's a back stop for the real hardened criminal Juvenile should one develop within our midst or Juvenile offenders, should one develop in our midst, because, if we are forced if this occasion arises to make a hardened local offender with the children that we are trying to place under care and protection, I would venture to suggest it would have the same effect on those children as the argument adduced to say what effect the association of our children with children from other countries would be.

I, as I've said Mr. President understand the emotion that attends a matter like this, but until such time as we are capable of dealing with offenders who would be sent to approved schools in our own Island, I think that we must have provision to deal with them in some other way. At the same time I would say that we should endeavour as speedily as possible to provide our own facilities, but when a child has or a Juvenile has in my opinion reached this stage he needs more than just a bed to sleep in or somebody to watch him that he does not escape, the child needs possibly psychiatric attention which we cannot at the moment give to the juvenile in Cayman. He needs proper - I think the technical term would be occupational therapy, he needs to be rehabilitated, we need to find out what makes the child tick. And, I have hopes that we will be able in due course to deal with these matters locally, but at the moment as I see it there is no possibility of doing this. If it was a matter of building a building as some people seem to think, I don't think as they say that would be any big thing, but it calls for much more than this.

And, Mr. President, I would hope that in considering this bill Members will look at it in its total perspective and application and not be carried away by the opportunity to amend a bill which Government has brought forward. I think that the job of this House is more demanding and responsible than that, and I would go further and say that if in dealing with a matter as profound and far reaching as the

HON. B.O. EBANKS: (CONT'D): care of our Juveniles, is to be dealt with in that fashion, it would be an irresponsible attitude.

I have studied this bill Mr. President, I have had discussions and I have studied the workings of our probation merit system, I have talked with persons from outside who are involved in Juvenile courts and dealing with Juveniles generally. And, it is my advice or the advice which I have been given is, that until such time as we can provide the proper care for these children locally we would have to resort to sending the odd hardened and confirmed cases to an approved school elsewhere. So, my point is, we should strive to provide our own facilities as quickly as possible - as speedily as possible, but until such time as we can provide the facility we should allow this clause to remain in the bill. I think to take it out would be going against the best judgments of the persons locally who are involved in our Juvenile problems, and also by those who have been asked to give advice from abroad. I thank you Sir.

HON. A.B. BUSH: Mr. President and Honourable Members, I am prompted really to say something on this bill because of the debate which went on yesterday. I never thought that there was going to be so much debate on this very straightforward bill, because the objective of the bill is the protection of Juveniles, and then we see another part, the punishment for Juveniles. Now, I think something really is missing when we say the Juveniles Bill, because the fact that a Juvenile as we see it described in the law is a child under seventeen years of age, and it seems to me like something should be added to the Juveniles Law or the Juvenile delinquency law, so that the fact that a juvenile is under seventeen years really doesn't say very much. He is a child, and it's only when he really becomes a delinquent that then we take all of this into account.

Now, yesterday much emphasis was put on the approved school and whether this should be, and where it was. I was really disturbed to hear the criticism that was given about the country where this approved school is to be, and I was surprised also to hear other statements made by Members of other matters which really did not relate to this law, but which I would like to act promptly to reply to. I believe that responsible Legislators as we are that before words such as were spoken yesterday are spoken that some consideration should be given before such words are spoken. Because I am sure that such things said can have great and far reaching repercussions on us here in this Island, and would place a great responsibility on us if action was taken. A great responsibility would be placed on us which we are really not prepared in this Island to accept at this time, and I speak about the criticism of sending the Juveniles to the approved schools in Jamaica. I don't think that this is just lightly done whenever a child becomes a delinquent that he automatically goes to an approved school in Jamaica, I think this was explained by the Member for Social Services who would've said that only under extreme circumstances would this be done, and I believe this and surly we should be grateful to know that we have a country next door to us who is willing to undertake this responsibility of caring for our Juveniles once they becomes delinquent. And, I was very disturbed to hear the remarks that were made yesterday, I hope that they donot get out of this Chamber, I hope that reporters who were in the Chamber will refrain from mentioning this in the press, so that it does not get out in the outside world. Because as I've said, I feel sure like it could have and it may have, it's every chance of it being great repercussions on us at this time. We must remember that the country which we referred to or which was referred to yesterday is really not obliged to accept our bad people, and when such things get around no doubt we maybe forced to care for our prisoners, or bad prisoners, or long term prisoners much sooner than we think, and this would no doubt create a hardship on us.

HON. A.B. BUSH: (CONT'D): I was surprised yesterday to hear that we didn't need any thing else it appears like in the island, but a big camp to house our Juveniles. Because Members said, we didn't need this hall, we didn't need the Court House, we didn't need the Administration Building, we didn't need our dock, we didn't need our roads, all really they were thinking about - and it took this law to bring out their true feelings in this Assembly, that all we needed was a big camp to put our Juveniles in. This was very disturbing to me, I was surprised really to hear it from Members who I thought saw the need for all of these things, I appreciate it, Government doing its very best to provide them and to hear what was said yesterday, it really is a surprise that they want nothing else in the island but a big camp to put our children in.

Now, I am very sympathetic towards children, I have children myself. But I feel like it is my responsibility to care for my children, and I feel like it is every parent's responsibility to care for their children, but if we are given the impression in this Chamber as Legislators that this Government is prepared to accept the responsibility for every child whom their parent feels to discard and let him go on this Government then I think we're making a very great mistake. I feel like the people<sup>who</sup> should be punished for neglect of these children are the parents. We just don't let children on the roads like dogs, when they get up to a certain age you say, get out of my house<sup>you are</sup> eight years old and you look out for yourself, and then it becomes the state's business to look out for you because you are unable to look out for yourself. And I see this every day and I feel like some action should be taken by Government on the parents themselves not on the children, because the children really cannot help themselves. There's no one I don't believe in this Island that sees it anymore than I do, I experience it day and night, I complained about it to the authority and there's nothing done about it. Children are permitted to roam at will to be out all hours of the night, I wonder whether they have any parents at all, I know some don't know their fathers but they all should know their mothers, and sometime I don't believe they even know that, they even know who she is. Because I cannot imagine the neglect that I have seen among children around here that a mother is really a mother to the children, so these are the people who I feel great responsibility should be placed on and authority should be exercised over when it comes to these children..

Now, this is a very touching thing, everybody is sympathetic towards children, no one wants to see them neglected. And, I can understand there is dire poverty in a family that Government should assist, and this to my mind is when this should happen, but not when the parents are well off in a way because if you notice it they can dress as good as you or I, they can go out on week ends and have their sprees something that I of course don't do, but something that I couldn't afford to do. He hasn't got a fifty cents to give the child but he has a dollar to buy a beer or something of the sort, and these are the things that should be looked into and make sure that the parents accept their responsibilities for these children.

We heard yesterday a Member saying the poor is always with us, this is an old addage, you know this. But, there's not so many poor in the island of Grand Cayman, we are all poor compared with the out side world because we haven't got all the money we want and this is what some of us cry poverty, but its not very many of us but what can put on clothes and can find something to eat from day to day and surely even if we don't have it our neighbours will help us. This is not the case, this is not the reason why these children are let go on the streets, this is not the reason why children becomes delinquent, it is because of neglect of their parents' to assume their responsibility to these children. And, I hope that the authorities will wake up to the fact that it is the parents responsibility and not the Government's responsibility to look after their children.

HON. A.B. BUSH: (CONT'D): And so Mr. President and Members, again I say that I was surprised yesterday to hear that all we needed in this Island is a big camp for our children. Members who made those remarks probably weren't here in olden days, the good old days we will have to call them while the Legislature was being held next door in the Town Hall when one sweated himself to death, when one had to go home at lunch time and change his clothes he couldn't come back in the same suit of clothes because he was soaking wet, they don't remember that. I remember as a Justice of the Peace sitting in the old Court House on cases, and when I came out my coat was as wet as it could be, I'm sure other Members had similar experiences. They don't want to see this building, they don't want to see the Court House, how do you expect a judge to concentrate on his work - to do his work in circumstances such as that? They'd rather have the old one that we had there, they forgot all about the roads when you couldn't walk them what you think drive on them.

When complaints came in to Government as to what a state our roads are in, why is Government permitting this? It's a shame that Government don't provide something better for its people, when Government had done this they forget too soon what they were ever for. Now they are too good, but I do believe there are people who appreciate them, and I hope that the programme will continue and we'll get through with all of this and probably get the big camp in the long run that they want for us.

Thank you Mr. President.

MR. CRADDOCK EBANKS: Mr. President, what we need about the roads is some of the drivers taken off the road and then everything would be alright.

Mr. President and Honourable Members, I'll like to say a few words on this bill. The First Elected Member from Executive Council covered quite a bit of the territory that I thought too of taking in, I'm sorry I wasn't here yesterday evening for the beginning of the debate on this but the scripture says, "Give unto Caesar the things that are Caesar's and unto God the things that are God's", and I would add to that, "unto the people what is due to them as well".

We are living in a day and age of prosperity, we are sort of looked upon as the golden gem in the Caribbean, and as far as I'm concerned my years of being here in these last ten or fifteen years the only thing that we've achieved abundantly over what exceeded in those previous years is some money, other than that we have lost most of what we once had and we once enjoyed. And, we are having a lot of people asking Government and the people of these Islands to keep what they had yesterday, but with regrets most of it has already passed on.

This bill primarily deals with our teenagers, and they are becoming a problem, it's regrettable that we can look into the streets all hours of the day and night and see the things that many of us see. When an eight or nine year old boy should be tucked in bed, one o'clock and two o'clock in the morning he is hanging around some place. Measurably speaking you couldn't blame the boy because there are attractions, but when that boy or that girl is allowed out of their homes then parents ought to be in this book instead of the boy and girl.

The Honourable Member who has just finished speaking said, he doesn't think anybody sees anymore of this than he does, well maybe, but I think I see enough of it myself. A father said to me a few mornings or a few weeks ago one morning, "did my boy get on the bus this morning?" I said, I wouldn't commit myself to say. Well, his boy is probably only eleven or eleven and a half, he has just started the High school; otherwards the boy didn't come home for the night. Certainly that boy will end up in the Courts, will end up in some home, will end up

MR. CRADDOCK EDANKS: in some place probably even where none of us want to go; In the graveyard, he could easily get killed. But how can a parent be so relaxed? Or that's just one, I could go on naming naming naming.

It has been stressed on many occasions in this Chamber that sending a boy or a girl to prison is not the answer, maybe true, and I feel that when we send them from home that's adding further to not being the answer. I think we have done enough exporting of our people; I understand the surroundings, I understand why we had to, I understand why it was a need, but enough of anything ought to be enough and it ought to have an end. And it's high time that we get down and put our needs on our shoulders and find a way of shortening this rather than continuing to send our people - whether it's the teenager or whether it's the adult to some other country for punishment, training, schooling or what not into that field.

I have two boys, both of those boys have left home to go to school; I know how I felt when they were leaving enjoying the opportunity, the privilege of going to further their education. I know how I felt when we shut the doors at night and those two boys were in school where they wanted to be, and I'm glad for their interest. How does a parent feel when their child is taken and sent to some place, to any school or what kind of school? How do they feel when they close the doors the next night? I don't think that is the answer to it, whether it be the real case or whether it be the odd case that have to go. It's time for this Government to adhere and wake up to the fact and take somebody by the throat, not the child, and make them to understand that this is your child and you're responsible. If you're not going to be responsible you'll pay the penalty, rather than they be roaming and causing problems and trouble not only to those that they interfere with or who they may steal from, but bringing shame and disgrace on their parents.

I cannot think that three-quarters of the problems that we are having with our teenagers would have happened if parents didn't allow them to be out. No twelve, thirteen, fourteen or fifteen year old boy or girl with the right thinking parents got any business to be any place on the street after seven o'clock without their parents, if they do they are headed for the wrong place. And, I am surprised, I am shocked at the way that our young people can do with their parents, guardians and even other ones that maybe/somewhat responsible for them at times.

One of my boys is twenty-seven, the other is twenty-two and neither of the two could do in my home today or talk to me or their mother the way that I heard a ten and a twelve year old boy talking to their parents. Until parents are made to assume the responsibilities; we say we can't make laws from morals, we're going to have to make one to make parents realize that they are responsible for their children and to see that it is carried out.

I was in the courts a few days ago and there was a ten year old boy who was there for the theft of fifty dollars from a business sector. A thirteen year old boy who had just come back from Jamaica from the reformed school was the one that taught the ten year old to go into the place and do this and then he grabs it when he comes back. If we can't do something with them in our sight, in our arm reach then we don't have much chance helping them when they are five hundred or a thousand miles away.

Mr. President, I'll give my support to anything, as a bill, a law, a regulation or what not that can help solve most of these problems. But, as to continue to make provisions that they should still be sent overseas, I am not going to commit myself to support that part of it anymore.

MR. CRADDOCK EBANKS: (CONT'D): While it might have been said that we didn't need an Assembly Building, we found money for it, some may have said that we didn't need such an elaborate Court House, we found money for it and on and on. So we will just have to find money to build a proper place to keep our boys and girls, and to see that they get the training and discipline that they ought to get, but that should only be with the odd case, the majority should be left in the hands of the parents and the law should deal with the parents to see that they take care of their children to do what is fair and right, and providing they are taking care in protecting their children and not for the children to be thrown on the state, Government or tax-payers for this to be done and that to be done or what not to be provided when it's the parents that should be doing this.

So, with these few remarks Mr. President, while I support doing anything that can help alleviate this that we are faced with, I am saying the time has come when we should stop sending our boys or girls or adults or anybody overseas to some other country for punishment. If our people bring them into the world and they become true born caymanians, then we ought to be the one to deal with them, to take care of them, imprison them, punish them, school them, whatever to be done we the people of this island should be doing that and not somebody else in some other country.

I thank you Sir.

HON. W.W. CONOLLY: Mr. President, speaking roughly on this bill because I think that's the word I would determine it, we have been all around all latitude and longitude speaking on the merits and demerits of this bill. Apparently the repugnant part in this bill is the word "Jamaica" Approved school in Jamaica. And, to me as far as I'm concerned despite how Members feel about it, I can quite understand their sentiments, but as the Member responsible for Social Services said, there is a limitation and at this particular time there has to be some place appointed, there has been approved school in Jamaica in the past and until such time as an appropriate place is prepared it will be very unwise to strike this particular section out.

Now, this is not unique to this particular bill Mr. President and Members, if one remembers correctly this has happened in a lot of cases; in cases where in my opinion are just as important or more important we still have the hangover from our former association with the colony of Jamaica.

This bill, the Juveniles Bill - apparently more stress was put on the delinquent Juvenile than was put on the bill itself, because the bill itself is a Juveniles bill, It makes provisions, and I think the Honourable Member who has just spoken would address himself to section four of this bill and to me this is a very important section, this is a section in this bill that I think we can say should go a long way to correct some of the problems that he is talking about, and that is, cruelty to Juveniles. The law reads, whoever having any teenager of seventeen years and having the custody charge or care of any Juvenile wilfully assaults, illtreats, neglects, and I think this is the point he raised. So, if a parent neglects a child, if a guardian neglects a child here is the legislation that is before us now, and you see the penalty on conviction on indictment to a fine not exceeding five hundred dollars or for imprisonment for any term not exceeding two years or both.

Mr. President and Members I think this is a very very important part in this bill, yet it appears that more emphasis has been placed on a part that is in my mind important enough, but it involves itself in a situation where at present no one has suggested an immediate remedy. We have heard the Member responsible for Social Services admit that he is aware of the situation, he is well versed through advice on what is necessary and what will be the involvement of this Government in setting up an Approved School. And, no doubt in the future we might have being placed before us a request for the development of such a scheme, but the point that is here now - here we have a bill

HON. W.W. CONOLLY: (CONT'D): before us, the situation is what is here and I fail to see how Members will just recklessly suggest to strike this out without saying that they should be sent to some other place.

Now, I have to agree with the Honourable Member for Works who said that certain words used about Jamaica, after all we have to send our students to Jamaica, we have to send our prisoners to Jamaica, we have to send our mental cases to Jamaica, we have to depend on Jamaica for our courts of appeal and quite a number of other services. And, it is true that the Island might have attained for itself a name of having a lot of crime, but yet there is no evidence here, and in my mind no Member here can speak with authority and say that the approved schools in Jamaica - and I think the law is very specific, it's not any and every approved school, it's approved schools that have been set up under the auspices of the Jamaica Government and there is no evidence here before us to say that the conditions at the schools are worse than conditions of approved schools in other territories.

One Member spoke of a thirteen year old boy coming back from Jamaica or from the approved school to teach his ten year old brother how to do a little bit of shop lifting or something. But, surely in the first instance, I don't know what the circumstances were but I'm sure that for the very case, the very fact that this boy was returning from an approved school that probably the crime that he did to cause him to get there was much more than lifting the fifty dollars.

The one thing we have to be very very careful about and that is this, and they say sometime you can take the man from the country and bring him to the city but you can't take the country out of him. If we take children from here and send them to Jamaica we have moved them from an environment, we have moved them because when children become delinquent and get themselves in problems where that the court has to order them to go to an approved <sup>school</sup> in Jamaica, the situation at home is not the best one, We will admit generally we find those children coming out of homes where their parents are not interested in them, turn them loose and let them do anything in the world.

Now, if a parent does not feel badly about turning their children loose all hours of the night, if the parents do not feel badly about letting their children roam the streets and trouble people do you think those parents are going to feel bad because the Government sends them to an approved school in Jamaica? No, there is no revelance at all. If a parent thinks something of his or her child and the child is going away to school as the Members said, under any normal circumstances sure they feel badly, because they have been in control of their children, they cared for those children and naturally when they leave home they will feel badly about it. But I cannot see that a parent who doesn't give two bits about his child and allows his child to become a delinquent will stand up and let his child roam the streets of George Town, West Bay and Bodden Town and East End without one bit of care or worry about him, I don't see that parent feeling badly because some correcting services in this Island sends that child to an approved school.

And, I do agree with what certain Members had said, that the responsibility should be placed exactly where it rests, and I think section four here will do that. I know sometimes it's good to stand in this Chamber and say I am for the under privilege and I am for this one and I'm for that one, but I don't think today that if we are honest to ourselves that if we want to create a situation where we'll have all under privileged- I think what this law is trying to do is to avoid having the problem of sending children to approved schools in Jamaica or elsewhere. If the situation arises where there is a case, where there is a need, the authority has to be in possession or in control or in the instance have some place to send these children. No one is happy about sending children to Jamaica, and the only child that goes to Jamaica is probably and I would say ninety-nine percent of the time is a child who the parents didn't give two hoots about to begin with.



HON. W.W. CONOLLY: (CONT'D): I think this law, the Juveniles law protects the child, this law sees that no one can work this child only on certain jobs, nor dangerous jobs; this law provides for the protection of that child, that Juvenile, it also as has been brought out says, if it happens that there are children, there are Juveniles who are delinquent, Juveniles who get themselves in problems there are means of corrections. And, as the Honourable Member for Social Services said, one of these happens to be sending a child to an approved school, and no doubt as has always been the case it is a matter of last resort when any authority in this Island would send a child to an approved school outside of these Islands.

I would invite Members to think seriously about this, because if you close this door one has to open the other door. In this circumstance we have no connections as far as I'm aware of having an approved school either here or any arrangements made with any other territory to look after and take care of these situations if they do arise. It appears to me that the sensible thing to do is to leave the law as it stands, have this door opened, this arrangement with Jamaica to take care of our Juvenile delinquents, and as the Member said, when this Island prepares and provides the proper facility, then the law can be easily amended; the word "Jamaica" will automatically fall out when we provide our own approved school. Instead of saying approved school in Jamaica, all would be necessary to say, send him to an approved school and it would be the approved school in this particular territory. I think the bill is a very good one Sir, and I feel like it requires and it almost demands the full support of this House. Thank you Mr. President.

HON. TREVOR FOSTER: Mr. President and Honourable Members, much has been said about this bill since the debate started yesterday, I do not intend to repeat but I do have a few thoughts which I'll like to contribute to the debate.

As the memorandum of objects and reasons states, this Juveniles Law, 1975 is basically the same as the old Juveniles Law with the exception of slight revisions trying to tidy the bill etc. Members will recall at various times in Finance and Committee Meetings a lot has been said about child care and protection asking Government to do what they possibly can to capture some of these that we have in our communities, they felt certain that this bill would meet with approval of Members. On the other hand I can see the feelings of Members as far as approved schools are concerned, but there has got to be a solution to a problem.

As one Member has stated, there are many alternatives by which children can be and will be punished before eventually being sent off to any approved school. The statistics which he has put forward this morning have proven that, that there are only six overseas at this present time and four of them to return shortly. So surely one can see that that move is the last alternative use when in fact there is a Juvenile beyond the control of our facilities in the Island.

Mr. President, I feel that we should support this bill, I feel Members should support it; they've been made to understand, they've been more or less guaranteed by the department that this is only done when it's really necessary. But, on the other hand, if this option is not left in the bill it could be that the whole bill could become useless to a point, because if a Juvenile is that far on in giving problems to the community without a deterrent in the bill which would be resting in his mind, that I would be sent overseas, and I would be taken care of in some manner, it might act contrary to the wishes of the people and maybe the use of the bill. The kid might be able to think in his own mind and say, well fine, I do mostly what I want and one thing for certain I am not going off of my own Island. But, I look on this as more of a deterrent in the bill and no doubt it could serve a useful purpose.

HON. TREVOR FOSTER: (CONT'D): Surely as Members have said, it is the duty of parents to set a basic foundation for the up bringing of their children, and I think this is very essential because once this is done, although a child may depart from its original training usually they return. But, on the other hand in listening to some Members speak today I can't but wonder if they remembered that one time in life they were useful too.

The old saying is, particularly when an elderly person is lecturing the youth, I have learnt by the bitter teacher of experience, I myself has had this told many times to me, I recall one of my friends saying to one of our lecturers, "well this is all that we're trying to do too, is to get a little bit of experience". So, I don't think it's quite fair to you to say when a fifteen and sixteen year old is moving round a bit, surely they want to see what's going on, they want to enjoy it if there is enjoyment into it. On the other hand I can quite agree when youth are out on our streets and doing deviltry apart from clean entertainments, this naturally needs attention and this is one of the reasons why this bill has been brought about.

Mr. President and Honourable Members, I feel if our Members could take a different thought on it and realize that it is not the first thing that will be done with a Juvenile offender, is to be sent to an overseas approved school, but to the contrary it will be the last thing that will be done. But, nevertheless we would not like to be left in a position where we have a problem and no solution to solve it, because we do not have the facilities in our own Islands at the time.

Mr. President, I support the bill and I'll ask Members if they would take a second thought on it and at least not leave Government in a position where they do not have a solution to a problem when they face one. I thank you.

HON. G.E. WADDINGTON: Mr. President and Honourable Members, I'm very pleased to see how this bill has been received and that there is really only one voice of objection, one ground of objection to the bill and that is the provision with regard to committing Juveniles to the approved school in Jamaica.

I am grateful Mr. President and Members, to the Member for Education and Social Services for his comments, his exposition on this subject, on this particular point and I do not intend to repeat anything that he has said. But, I should merely like to mention that this bill was prepared in consultation with the probationary services, and I was assured by the Chief Probation Officer that she pays regular visits to Jamaica, and that she is perfectly satisfied with the approved schools in Jamaica. Furthermore she has assured me that of the small percentage of Juveniles who are referred or committed to approved schools that eighty percent of those who return have benefited greatly from the care they received at the institution and are easily rehabilitated back into the society on their return. I can also assure Members of this House that in the performance of my Judicial duties when I was a Judge in Jamaica that I had on several occasions to visit these approved schools and children's homes, and I am satisfied that these institutions, these schools are run on a basis which can compare favourably with similar institutions in other developed countries.

Like the Members who have spoken in favour of retaining this provision, I would also urge Members to consider very carefully before deleting or striking out these provisions and not to close the door until there is another door ready to be opened. It is agreed by all that it is ideal that we should have our own institutions, that we should have our own approved schools, but until we are ready for it I think it would be most unwise to strike out this provision at the present time.

As Members have pointed out this power of the Juvenile Court to commit a Juvenile to the approved school is exercised only

HON. G.E. WADDINGTON: (CONT'D): in the very last resort, and it is only in respect of Juveniles who are wholly uncontrollable or who have committed several previous offences; it is only in respect of such Juveniles who are remitted or committed to the approved schools. And, indeed in 1974 out of a total of sixty-seven offenders only two were committed to an approved school.

At a later stage in keeping with the procedure that was adopted with the other bills which were sent to a select committee earlier on in the year, I shall be moving that this bill be also referred to a Select Committee of the whole House. And, by then I should hope that the Members who are apprehensive about the approved school in Jamaica will have had time to think about it, and will then be able to decide just what course should be adopted. But, I would strongly urge that the Members should retain this provision and strive towards putting ourselves in the position as soon possible to have our own institutions, and in which case of course as the Member for Tourism pointed out, the only slight amendment that would then be necessary would be in the definition of approved school.

Mr. President and Members, I now move  
formerly that this bill be read a second time.

QUESTION PUT: AGREED. BILL READ A SECOND TIME

HOUSE SUSPENDED AT 1:00 P.M.

HOUSE RESUMED AT 2:30 P.M.

HON. G.E. WADDINGTON: Mr. President and Honourable Members, I beg to move that the bill entitle "The Juveniles Law, 1975", be referred to a Special Select Committee of the whole House.

SECONDED BY: HON. D.V. WATLER, C.B.E., J.P.

QUESTION PUT: AGREED. BILL REFERRED TO A SELECT COMMITTEE UNDER THE SAME CONSTITUTION AGREED ON AT THE PREVIOUS MEETING WITH THE ATTORNEY-GENERAL AS CHAIRMAN.

MR. CRADDOCK EBANKS: Mr. President, would the quorum remain then as setting on the previous bills that went through the committee stage at seven?

MR. PRESIDENT: Well, the quorum will rest as it was for the previous eight bills taken to the committee. Thank you.  
Proceed with the first reading of several bills.

THE PUBLIC HEALTH (AMENDMENT) BILL, 1975

CLERK: INTRODUCTION AND FIRST READING

HON. B.O. EBANKS: Mr. President, I beg leave Sir to introduce a bill entitled "The Public Health (amendment) bill, 1975".

SECONDED BY: HON. D.V. WATLER, C.B.E., J.P.

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

MR. PRESIDENT: Proceed with the first reading of the next bill.

THE HEALTH PRACTITIONERS' (AMENDMENT) BILL, 1975

CLERK: INTRODUCTION AND FIRST READING.

HON. BENSON O. EBANKS: Mr. President, I beg leave to introduce a bill entitled "The Health Practitioners' (Amendment) Bill, 1975".

SECONDED BY: HON. D.V. WATLER, C.B.E., J.P.

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

THE SUCCESSION BILL

CLERK: INTRODUCTION AND FIRST READING

HON. G.E. WADDINGTON: Mr. President, I beg leave to introduce a bill entitled "The Succession Law, 1975".

SECONDED BY: HON. D.V. WATLER, C.B.E., J.P.

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

THE PENAL CODE BILL

CLERK: INTRODUCTION AND FIRST READING

HON. G.E. WADDINGTON: Mr. President, I beg leave to introduce a bill entitled "The Penal Code".

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

MR. PRESIDENT: You can proceed now to bills second reading.

THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975

CLERK: THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975 SECOND READING.

HON. D.V. WATLER: Mr. President and Honourable Members, I beg leave to move the second reading of a bill entitled "The Public Service Commission (Amendment) Law, 1975".

The present Public Service Commission Bill impowers the Governor to seek the advice of the Public Service Commission on the appointments, and the discipline of certain officers on the permanent and pensionable establishment. This bill was passed in 1967, but now that we have the new constitution, you have Principal Secretaries and Members responsible for subjects, it is thought that this bill should make provisions for a new set of regulations. We now have regulations under the present bill governing the appointments and the terms of reference of the Public Service Commission, but it is thought now that the Principal Secretaries and Heads of Departments should have more say in the appointments of officers that will be into their department, and to be able to give some advice also to the Governor. At the same time it will make allowances to this new regulation that we'll make under this, and I think copies of those regulations have been circulated to Members, although that does not form a part of this bill, but if there are any objections or any part of it that Members want to comment on you can take note of those. But, the regulations that have been circulated do not form a part of this bill, but these regulations will allow also to have advice on Members of staff that have been taken on a temporary basis and contracts.

This amendment is seeking to amend section 6 to allow for additional regulations to be made under the present Public Service Commission Bill, and I therefore recommend this bill for the favourable consideration of the House.

SECONDED BY: HON. G.E. WADDINGTON, C.B.E., J.P.

QUESTION PUT: AGREED. BILL READ A SECOND TIME

MR. PRESIDENT: Proceed with the second reading of the Succession Bill.

THE SUCCESSION BILL

CLERK: THE SUCCESSION BILL, SECOND READING.

MOVED BY HON. G.E. WADDINGTON, C.B.E., Q.C.

HON. G.E. WADDINGTON: Mr. President and Members, this bill is also one of the series which was introduced in March, and it deals with the subjects of Succession testate and intestate. And, the chief reason for this bill is that much of the present law dealing with Succession to the estates of deceased persons is contained in a number of other laws, and it is therefore thought that it would be convenient in the process of the revision and upgrading of the Judicial laws to also revise and upgrade the laws dealing with succession and consolidate them in one law.

At present Lawyers and Business persons dealing with estates and with this branch of the law have some difficulty in really ascertaining what the Law is that have to go to several different laws to find it out, and so this process will make it much more convenient for such persons.

The Bill Mr. President and Members, is therefore in a large measure a consolidating one, and it reproduces with very slight amendments and some new ancillary provisions and all the present relevant provisions of the laws dealing with succession. One amendment which has been made and which Members will no doubt welcome is the increase from one hundred dollars to a thousand dollars of the amount to which a surviving spouse will be entitled on the death intestate of his or her husband or wife.

There is hardly much more that I can say about this bill Mr. President and Members, because as I've said, it is merely restating the present law in a consolidated form and I therefore hope that Members will not find anything controversial in the bill, and that it will be passed without much debate.

SECONDED BY HON. D.V. WATLER, C.B.E., J.P.

QUESTION PROPOSED:

MR. G. HAIG BODDEN: Mr. President, it would not be good for two bills in succession to pass without debate so I will try to stir up things a little so that we can find out what's in this bill.

I agree with the principle that a man should make a will, if a man does not make a will well the law of the land steps in and makes the will for him, and that will which the law of the land writes is known here as the law of succession. We know that the making of a will is something which every man hates, because although death is a part of life men do not like to think about it, and there are some that believe if they make a will they will die, not knowing that whether they make it or not they'll surely die. Amongst lawyers in Canada and the United States it has been found that seventy-five percent of them die without leaving a will, so even the people that are very near to the making of wills fail to do so. And, in the Cayman Islands many a person has died without leaving a will. So, in dealing with the succession law which will distribute a man's estate in an arbitrary manner rather than in the manner he would have liked, we have to be very careful that we do a good job for the man although we cannot do for him as he would've done, had he taken the time - and today the expense of making a will.

I see one or two things in this bill which I feel are wrong, in fact I'm not able to tell the House the comment I wrote

MR. G. HAIG BODDEN: (CONT'D): on section six in the margin of this bill, but I feel that the provision made for the personal representative to receive a commission of five percent is too much, five percent might be alright in some cases but what about the man leaving a very large estate which consists of only one or two assets? For example, suppose a man leaves a very large holding of land; I saw recently in the Gazette where an ordinary citizen died and he left land to the value of two hundred and eighty-six thousand dollars more than a quarter of a million dollars. And, I don't think it would be right for the personal representative to be paid out of the estate a commission of five percent upon all the sums paid by him by way of funeral expenses, death legacies, or five percent of the net value of the estate whichever is greater.

Now, I know that Lawyers and other people who take part in the winding up of an estate are entitled to their fees, but we should not fix it in the law so that they can receive exorbitant sums at the expense of the widows and families of the deceased. What I would think is a better thing is for us to fix a specific sum which would not be exceeded; we have done that with regards to the widows allowance which the Second Official Member mentioned in the introduction to the bill. We have fixed it so that she can receive a specific sum of one thousand dollars, now this is where we could've fixed the five percent if we wanted to deal in percentages; we could've said that the widow will receive five percent of the estate or one thousand dollars whichever is the greater. But, for the personal representatives to be paid five percent regardless of the size of the estate, regardless of the many heirs to the estate, regardless to the ease with which the estate could be wound up if the estate only contained one or two assets is wrong. We can't allow these people who are concerned with the settling of estates to get rich at the expense of a deceased person.

Everybody is squealing about the exorbitant fees paid to the liquidators in cases of winding up, and the reason for that is because Legislators have fixed these fees in advance in such a way as to give the maximum benefit to the people who really do not need it. In liquidation the person to be considered should be the creditors, not the liquidators; in the settling of an estate the person to be considered should not be the personal representatives, it should be their widows and children of the deceased.

MR. JOHN D. JEFFERSON: Mr. President, I'm objecting to any aspersions here that places any Member of this Chamber responsible for any exorbitant fees that are now being charged by the liquidators in this country. Because I have made up my mind that nobody is going to place any political noose around my neck here or anyway else. I want to make it crystal clear that I object to any kind of aspersions of that nature.

MR. G. HAIG BODDEN: Mr. President, I fail to see why I was interrupted. My contention is that five percent of an estate is too high a figure to be paid to the person winding up the estate. It is true that in a small estate the representatives might have to be paid more than five percent of the estate, but in large estates I don't see why it should be left open for the personal representatives to receive five percent. Because you may find for a few hours work the personal representatives might receive far more that they would in an ordinary month's work, and this is not right.

I also object to the notices concerning the administration being posted in the court house for three consecutive weeks, because in my opinion this is not public notice. You might post the notice in the court house in George Town for three consecutive years and a person in Cayman Brac would never hear about it; this publication should be in the news paper, I don't want to see it in the Gazette because there again it would be hidden from public view. The Gazette according to a public notice I have in my bag is not available to the poor, it is offered at an exorbitant fee and ninety percent of our people do not know what is in the Gazette.

MR. G. HAIG BODDEN: (CONT'D): I mentioned a while ago the one thousand dollar sum which has been set aside for the widow in the case of an intestate estate, I must really commend the Second Official Member for increasing this sum which was fifty dollars or fifty pounds under the old law.

Now, the section dealing with the inheritance of illegitimate children is perhaps one of the worse section in this bill. Section 35 provides that when the mother of an illegitimate child dies that illegitimate child can only inherit if there are no legitimate children. This is most unfair to the children who were born out of wedlock, this could never be right, because if the illegitimate child can inherit when there are no other children why can't they inherit if there are other children? So, we must strike this nonsense out of this bill, it sickens me just to read it where the mother of an illegitimate child dies intestate and does not leave any legitimate issue that an illegitimate child shall be entitle to take any interest, but if there are legitimate children then the illegitimate child has no right at all.

Now, if you are going to say that the illegitimate child had no right to inheritance you might have a strong case, but if you're going to say just to fool up people and make them believe you have done something for them; you can't have it both ways. What kind of nonsense is this? Just let us look at a practical case. Suppose for argument sake a woman had two children, one illegitimate by the first man she met and then married that man and had a legitimate child? The position on the death of that woman would be that the first born child who would be illegitimate could not inherit anything, while the second child would inherit. But, if <sup>the</sup> mother and the legitimate child died in the same car accident, then the illegitimate child comes into his glory. So, this is a very stupid section regardless of who drafted it, regardless of who puts it forward, regardless of where it was copied from, it's all nonsense so we must strike this section out. Then if anybody might want to present the very fine argument to say that a woman who had an illegitimate child and married now has a legitimate, I would say what would be the situation if there were two different fathers involved? Would the marrying of a woman with an illegitimate child make that child legitimate by a different husband? So there is no argument against what I'm saying at all.

We have a law on our books which recognizes what is known as the putative father, that is a father who is recognized by a court of law to be the father of an illegitimate child. Now, where the law recognizes the father to be the father, and for all the years of the life of the childhood of that child the father has sustained that child, why isn't that child entitled to receive a part of the father's estate? Let us look at what we have done to these children. A woman goes to court and gets an order for the putative father to pay X amount of dollars per week to this child, the father has to support the child. The father might be a man of very great wealth, and two days after you get the order the father dies; his estate according to this law is no longer entitled to support the child. Is this right? Because when the child really needs the support is when the father dies, and there is a lot of tidying up to be done with this section. But, a further in-justice to the illegitimate child is done right on this page of the bill. If the illegitimate child dies the mother is entitled to receive all that the illegitimate child leaves; well why is the child not entitled to receive from the illegitimate mother or the mother of the illegitimate child? Why must the child wait and hope to God that all the other issue can die before the illegitimate child can receive. Now, I am not trying to promote the case for the illegitimate child, but we must remember that the child itself is not responsible for the act of the parent. And, if a child is unfortunate enough to be born out of wedlock, and that child is recognized by the law of the land to be the son or daughter of any person, I think that child should have a right to inherit a part of the parents' estate.

MR. G. HAIG BODDEN: (CONT'D): Now, it is true that if a father or mother wanted to exclude an illegitimate child that could be done quite easily by the making of a will. But, where a father or mother does not want to exclude an illegitimate child why should we make the exclusion? Why should this Assembly exclude the illegitimate child when the father or the mother did not want to exclude the child, but infact did exclude the child by dying without leaving a will? The only how the illegitimate child would not be excluded would be if there were no other issue from the mother - doesn't mention the father at all. Infact the essence of the bill is that this person would be excused automatically, but we have written it into the law so that it can be no mistake about it that the illegitimate child of a mother is not entitled to anything the mother leaves unless the mother should leave no other children. Perhaps this was just copied blindly from some other bill, but now that it has been brought to light can we as reasonable people allow this to remain in this bill?

This bill is a very important one, because in it we are writing a will for every man, woman and child in the Cayman Islands who should die without having made a will. I am sure if you made a survey in this island you would find that there are not two people in a hundred that have wills. I wouldn't ask the Members in this Chamber that have wills to raise their hands because I don't want to embarrass the rest of them. So, this is not just a will for one person, it's a will of nine tenth of the people in the Cayman Islands, infact even in well developed countries such as England, Canada and the United States everyday hundreds of people die without a will. So the Law of Succession which will distribute the estate of the people who die intestate is a very important law, and we should consider it very carefully. The reason why I'm stressing this is because I'm warming up for some other things that are coming in this House.

About eight months ago we passed two laws that are now before us for amendments, because at that time we were too stubborn to do what we knew was right. And, I don't want to come back here in January next year to amend the law to put the public to expense of printing and changing something that we as reasonable people could change if we were honest enough to admit for once that we are wrong. And, so Mr. President I commend Government for updating the law relating to Succession, but would beg that the Members to save embarrassment in eight months time look at this bill closely and make the necessary amendments, and then perhaps if they do I won't be too rough on them when we come to the other two bills.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I must agree with some of the things that my colleague from Bodden Town has said, but I disagree with some.

Now, when I was first in this House Mr. President, I brought a resolution in effect that if a man dies intestate and he has acknowledged an illegitimate child in his life time that that child should be given some consideration when his estate was dealt out; in otherwise this illegitimate child would be entitled to an equal share of his estate the same as these so called lawful ones. Well, Mr. President I was almost eaten alive especially by one Member from Cayman Brac, he said I wanted to destroy the sanctity of marriage, that <sup>or</sup> what I was doing; I said no such a thing, I am trying to protect these I should call them "Unwanted children", and I feel that I am right in this instance, and I would crave that these Members - they were eleven men as usual, that they would take into consideration the fact that these illegitimate children must suffer.

Well, one man said to me, another man from Cayman Brac one of the representatives, "do you mean to tell me you want to think that if I have an outside child that that should get the same consideration as my lawful one?", I said, of course I do and I still stand by that Mr. President, but I'm sure I won't get any support from these eleven men, but I feel Mr. President that when it comes to section 29 onwards that we should insert in this law that if a reputed father acknowledges his - I shall call them in ordinary language "kittards" son or daughters, that they should have some share in his estate if he dies intestate.



MISS ANNIE H. BODDEN: (CONT'D): I am sure Sir that what we were talking about this morning, these delinquent Juveniles, most of them are unwanted children and they have nothing to look forward in life to, and I feel that we as Legislators should try to do something to help them out. Another thing I disagree with in this law is that if I was unfortunate enough to have an illegitimate child, and then fortunate enough to snare a man somewhere to marry me, and I had a child by this so called marriage that this first child should be left out, that is most unfair and I will never agree to this law in this condition.

I disagree with my Honourable colleague from Bodden Town when it comes to this five percent, because if he would know both of the personal representatives are either sons or daughters or some relation of the intestate man or woman, they don't go out and get outsiders to do the job they agree among themselves, they have certain interest and they give the authority to that one to apply to the court. Well, I'm very sure that if he or she is the right person they wouldn't want to grab this five percent, but on the other hand there is a lot of work entailed. I have had estates thirty or forty years, have elapse into the death of a person, I had to go to all kinds of trouble to get death certificates, sometimes the deaths were not even registered. I had to get affidavits of persons who witness<sup>ed</sup> people being buried and that takes a lot of research.

These so called bad Lawyers are not going to make much money out of it, it's the personal representatives, and I'm very sure the personal representatives in many cases will not be any lawyer or firm of Lawyers. Now, I'm not advocating anything for these Lawyers because I myself know that the majority of them make a lot of money that they could make a little less, but the law must be<sup>put</sup> in execution and as we have Lawyers who haven't got any conscience that's another story, but when they do work of course they must be paid. But, in this particular instance the personal representatives will not I'm sure be any lawyer, it will be some person related to the diseased man or woman; and that being the case I'm very sure that they can among themselves if they are reasonable and sensible decide whether or not this five percent will be collected. So, I don't think that is the big question, the big question is this, who will share the estate of these deceased people who never made a will.

Now, Mr. President, I'm not afraid of dying I have a lot more to die for than I have to live. I have my will made, but very unfortunately I must say this very publicly not one soul will share a penny benefit, not one thing. While I'm alive I dish out my money hand over fist, but if I happen to die before the Lord comes I'm not giving any of my leavings to anybody; I hope I shall be spared to use every penny I have. But, I have made my will and I feel that every sensible person should do the same, because you never can tell what will happen. In some instances people who have never contributed one penny to their parents support - gone to the United States, Canada, England or some far away country, they even disown that they were Caymanian by birth, but you let them hear that their father has died, they are back here claiming every thing. More especially if the father died before the year 1937 they come and grab up everything and go; those who have stood here and bore the blunt and heat of the burden of sick parents sacrificed to have them properly buried - they are not taken into consideration. So, I think that every sensible person should make a will, but in the event that they do not we as Legislators should provide laws whereby every person, kin who is entitled should share equally in the estate.

I would commend Sir, that we insert in this law that these unfortunate illegitimate children inherit from their father the same as the so called lawful ones, and the mother, it should be amended to read "that any child which the mother has, lawful or unlawful, if she dies intestate receive an equal share of her estate after the funeral and testamentary expenses have been paid".

MR. JAMES M. BODDEN: Well as usual Mr. President, it looks like the governing body over there does not like to get to their feet too early. I would like to start this debate sir by echoing the words of Lord Chesterfield when he said that advice is seldom welcome, and those who want it the most always like it the least. I think this is going to be quite appropriate for this debate as well as some that we will have coming a little later on.

I would have to go along with my colleague from Bodden Town in commending Government for the action they have taken in trying to modify some of these bills or some of these laws rather. But, I too would echo with him that on section 12 the notice for three consecutive weeks in the court house should be changed, there should be some additional form of public notice. Not too many people visit the court house to take an interest in this, and we feel strongly that this should be advertised in the best medium that we have.

One of the faults that I would condemn as finding in this House is that so many Members always go on the assurances that they receive from other people. Now, the other Member my colleague from Bodden Town and myself may appear to be fools many times, but at least we will admit it by coming out in this House and telling you how we feel. The other people will stand up and tell you we've had assurances from the experts that that is right, and because the experts have told us then we can do no wrong, we can see no wrong; it's like the old proverb, "see no wrong, speak no evil", and so forth. Mr. President, if at sometime in this House they would be willing to take advice from these two poor benighted fools from Bodden Town they would not find themselves in the dilemma like they're finding themselves in the next day or so, when they will be presenting two laws to the House for amendments.

One point Mr. President that I'm prepared to stand here and argue a lot on is the issue raised by my colleague a while ago of illegitimacy, the way it is covered in the bill for the right of succession. We must remember that the illegitimate child is like the poor persons, God has put them here with us and they're going to be with us until the end of creation. This is one of the many things in life that we really can't put under the carpet and hope it's going to stay there.

I would like to see some modification to section 29 (1) and (2) in regards to the disposition of the estate to provide sustenance more than ~~the~~<sup>way</sup> its covered now. We have certain sections in there dealing with the wife's interest or the husband's interest into an estate as a life interest. I think speaking without having too much knowledge to this that we should either make some amendment there, or when the time comes have some clarification from the Second Official Member as to how this would work, because I have seen cases in this Island of this life interest, and the life interest was mostly in land and it could not be desposed of, it had no mineral rights that they could get a royalty on so in most cases although they might have been considered wealthy with this life interest, it was of no use to them. So, I speak without legal knowledge on this point, but when we come to the point I hope that the Second Official Member will be able to give us some enlightenment on this subject, either that or we will have to make some changes into those bills.

Section 29 (b) should provide or make some provision to cover illegitimacy. I cannot understand why the illegitimate child should not be able to share in equality with the legitimate. In claiming from the father if such offspring has been acknowledged by the father or if a court of law has deemed <sup>ed</sup> that person to be the father, I am sure it would not take too much of a legal mind to draft an amendment to put that one in. I feel like if a person has an illegitimate child that they probably think as much as that child to an extent as one that is legitimate, and if the court has ordered that he sustains that child then that child should be able to share in the inheritance, we should not be creating two classes of people in our society.

MR. JAMES M. BODDEN: (CONT'D): We argued for a long time in this House when the Affiliation law was passed, I think the age was set in that law to where the father was responsible - I speak subject to correction, but I think up to the age of fifteen. Well, up to the age of fifteen a child is just getting to where he needs help, so what are we going to do with him at that point? He receives no further help from the father, so must he become a ward of the state? Because remember the Juvenile law that we have been discussing this morning, he cannot go on the street and beg anymore. So, when we draft these laws we should think how we draft them, we should think of the ramifications and the problems that can ensue because of the drafting of these; just because this law may have worked in some territory it doesn't mean that it's going to work and fit Cayman.

To follow my argument a little further, if under the Affiliation law a father has been told that he has to pay contribution towards the up keep of the child, and that father should meet in an accident or for some other reason dies lets say two days later, at that point the child has received nothing from the father, and then he cannot share in the estate regardless of how rich that estate maybe. Again, as I've said yesterday, if you're going to enjoy the fruit you should pay for it. In regards to claiming from the mother, again I cannot understand how that could be put in and expect it to be passed into this House, because if a lady did some indiscretion, brings into this world a child that we in society do not look on as being a pure lamb, must we brand that child as Hitler branded the Jews? Must we put the stamp of disapproval so strongly on the forehead of that child that even in death of the mother it cannot share in whatever the mother may have had? We have then the lady marrying at a later date, bringing other children into the world is her love for those children that she has borne through the matrimonial bed any greater than it is for the one that she has borne outside of marriage? And, supposing that the lady in question was a very wealthy person and had inherited a lot of money from her father or her mother or some one else, must that illegitimate child suffer? Supposing Mr. President, that the illegitimate child that we're speaking of here as coming from that mother that the estate was valued at lets say a million dollars, and that child is only six years old but has two other members in the family, maybe brother or sister or whatever it maybe who are legitimate. Must we then say that that mother has left an estate of million dollars, and that child who is six years old must become a ward of the state just because we have been stupid enough to pass legislation here to say that that child does not inherit anything from the mother, no.

Mr. President, before I'm attacked on this subject let me say this, I can probably go along with the other side of this House if the inheritance that the mother has to leave on her death bed is entirely one hundred percent from the man that she has married later on in life, then I would say it may not be right for that illegitimate child to share into that. But, as long as that estate that she leaves has come to her from the sweat of her own brow or from an inheritance from some of her family or even if she got it from gambling, then Mr. President I feel that illegitimate child should have as much right as the legitimate one. I cannot understand the conscience of this House when we have bills put before us that shows these glaring mistakes and yet we will have people come in here and try to swear that it is right. Mr. President, in cases like this are we acting like the old horses of old that used to cart the buggies up and down, where you put the blinds on and the only way they see is one way, right straight ahead. Because that appears to be what is happening in so man cases here, because I cannot understand how this bill could be read and not interpreted this way.

These children come into the world Mr. President, and they are not responsible for it, and I would like to know why society should brand them in the manner in which we are trying to do. They live under a stigma that is attached to their entire life time, and in the

MR. JAMES M. BODDEN: (CONT'D): twentieth century or the beginning of the twenty first century as much as we claim that we have entered the jet age, then Mr. President it is time that we enter the jet age in our thinking, in our actions as well as just saying we have just entered it. So I hope that when it comes time to committee stage that the powers that be will see fit to see some reasoning behind the argument that has been placed by this side of the House and remember that although the two benighted fools from Bodden Town might display their ignorance, it is better to display that ignorance openly trying to fight for something you believe in, than to display ignorance with blinds on and be led like cattle to slaughter.

Thank you Sir.

MR. CLAUDE M. HILL: Mr. President and Members, I have found myself in the position where I have to say a few words on this bill. I rise in support of this bill; this bill is dealing on the administration of justice and if justice in the Cayman Islands is to be had, we have other laws on our statute books dealing on matters concerning illegitimacy. And, at the same time if a father - which that seems to be the big question here, does not or will not own his child when he is alive I can't see how he can own it when he is dead. It is truly said that no one likes to deal with the making of his or her will being his last will and testimony. I think everyone of us is a bit reluctant in so doing, although we know we have to face it, we have to face the facts that's one thing that each and everyone of us will have to do; and if we care not to make a will and we wish - the wishes I should say will go to some benevolent society if you die and leave something. And, if you die without leaving anything it's no worry.

This bill as I see it Mr. President, in my small way of looking at things I would say, is very consolidated. I formally compliment the Second Official Member on the introduction of such a bill, and I feel if Members care to argue this bill and expect for the arguments to effect the feelings of any individual here or influence the feelings of individuals - we have on our statute books I'm sure laws taking care of situations which they have spoken of, and with that Mr. President, as I say I compliment the Second Official Member; and I thank you Sir.

MR. JOHN D. JEFFERSON: Mr. President, I thought that I wouldn't say anything at all on the law to consolidate the law relating to succession, then I saw the opposition down to half strength, I said, well I'll have to do something to help give them time but I see they are here in full strength. I do want to say that in listening to all that has been said, and certainly you have to mean sympathy with the feelings of Members on these things because they certainly have a lot of good thoughts. But, as far as I'm concerned Mr. President, I believe that my greatest contribution to this bill will be made in the committee stage, but I think that the thing that stands out in my mind more than anything else - I must congratulate the Member<sup>for</sup> bringing this bill forward, but the point that was made by some Members as I've said you have to be very sympathetic towards them; is in relation to the illegitimate child.

Now, I feel today that no person, no child in this community or any other community should go for want of what his parents could bestow upon him. Thank God I don't have any illegitimate children, but if I did I wouldn't wait for a court to tell me that I had to support my own child, and<sup>on</sup> the other hand if in relation to the conditions laid down in the law, I would certainly take it upon myself to make sure that that illegitimate child was looked after even at my death. But, what I'm saying is that we have to be so careful about this because certainly we can with one stroke of a pen as far as I'm concerned destroy the society and the family life that we have fought to build. And, I know that there are strings and there are faults, there are errors, we all are human and we are not here to crush people for that, but on the other hand I don't feel that I could stand here and rightly support the fact that the illegitimate child should be entitled<sup>for</sup> a court should be a position

MR. JOHN D. JEFFERSON: (CONT'D): to award them the same as the legitimate child. Because if I believe that then certainly I wouldn't try to live the way I do, but I believe today that as far as the illegitimate child is concerned that what the court must do, because like one member said here yesterday, "no man should be able to leave his responsibility on this Government". Now, I want to make that clear that I don't support anything of that nature. I believe that the man that goes out and gets an illegitimate child like the first Member from Bodden Town said, the child shouldn't be penalized, they shouldn't be made to suffer because of that, then on the other hand I think that it should be the responsibility if the father fails in his responsibility, it is the right of the court to make sure that the sum that is appointed for the maintenance of that child per week is ample enough to give him as good a footing financial support as anybody else.

I certainly want to say that I support the bill in principle, like I've said when we come to committee stage I'm sure that I'll have more to contribute towards this bill. I thank you very much Mr. President.

CAPT. A.A. REID: Mr. President and Honourable Members, I'm sure that the writers or the draftsman who drafted this bill had every intention of doing the right thing as he saw it, and I believe it can be made into a beautiful bill with a few changes.

Now, the first thing that I condemn is the amount of money that executors can draw. No one is satisfied to leave his will to be administered by one man, he usually appoints two or more executors. Now, take a man leaving four million dollars and he's got three executors, and it may not all be in cash he may have a lot of land somewhere with other business people bring in accrued interest on that he'll get five percent and then they get five percent on the overall estate each one of them. That's quite a sum of money, that would mean if you had three executors with a four million dollar bill you may be paying out six hundred thousand dollars. You may say that the thing to do is to leave your family - members of your family as executors, but there are obstacles there too; you may have a son or a son-in-law or a daughter and daughter-in-law who isn't really capable of taking care of money, they may spend too much, spend it too fast then you want to control it, even after you're dead you'll like to do that; I think every man wants to do that. So, if you leave the will for them to administer, leave your family as executors they might find themselves in four or five years penniless, where if you had an outsider - because they may soften even though you may say that there are crude interest on your income and the capital you leave should be put in a trust, they can get between themselves and make a deal and share it up and the next thing you know in five years they are broke, but if you had an outsider as one that couldn't happen, but five percent is too much I think it should be graduated. And, when an estate gets up above two thousand dollars it certainly should be graduated and brought down, and perhaps when it gets as high as two million it'll come down to two and a half percent. But certainly five percent for each executor as I understand it, (I might be wrong but that's how I understand it,) each executor could draw five percent and it's entirely too much.

Now, about the - I too condemn the bastardly act. I think if a man admits that a child is his and he contributes to it, and he does and the law usually compels him to do so - we have a law that compels a man to support a child if he admits it, and if he can't prove that it isn't his. Certainly that child is entitled to an equal share in his wealth, after all he doesn't own the whole of him no matter which woman he had him by, it took two to make the tangle. And, that child is as much his by an outside woman as it would be by his wife, and he has every right to contribute to the support; I certainly would, and a woman is even more so because if she didn't make up her mind it wouldn't happen. And, if a woman had an illegitimate child and later got married and had lawful children by another man, she owes that first child a greater

CAPT. A.A. REID: (CONT'D): obligation than she does the one or the two or three that came after, so I condemn that completely. The child is not responsible for being here - just man and woman God didn't have anything to do with it either, because if they didn't make up their minds - the woman didn't make up her mind and the man something else it wouldn't happen; God had nothing to do with that. So, it's a case of - I think ridiculous to leave the illegitimate child out like that, it's making - what are they going to do with him then, are you going - if he's young let us say he's four or five years old then you'll make him a public charge, then this Government will have to support him, and we can't afford to finish our roads. (Members laughter) And, I will tell you, cheer up boys the worse is yet to come.

There isn't much to elaborate on, I think other than that I agree with the bill but those points - the reducing of that or the graduating of the fee that a lawyer or a executor can charge to manage the affairs should be graduated and brought down. The higher the sum of money the more value is placed on this will, the smaller the commission should be. There is one thing I think that has I feel - certainly can't call names, I can only allude to certain things. But, heretofore - a lot of slackness went on with the registrar, for instance, a will coming before him or any other documents he should look at the parchment and see how old it was whether it was a forged will or whether the man was made to sign it two or three days before he died when he was in <sup>his</sup> dotage. I know that has happened in this country and I am glad to see in section 21 there is, perhaps it's an old one, but it does say that the Clerk of the Courts having the custody of seeing, and under the seal of the Court or a copy of any such will proved in the Court certified under the hand and seal of the public recorder. Lets hope that in future any will coming there if it suppose to be thirty or forty years old that when he looks at it that he'll be able to tell that it's only two months old.

I thank you Sir.

MR. PRESIDENT:

Does the Honourable mover wish to reply?

HON. B.O. EBANKS:

Mr. President, I am supporting this bill generally Sir. As the memorandum of objects and reasons point out that the bill in most cases seeks merely to consolidate the law, the present existing provisions. In the case of section 6 on the payments of commission to the personal representative, I have some reservations about the last part of that where a testator having named a sum to be paid for services in his will, that the executor could elect to change that figure or elect to benefit under the first provisions of the section; that is five percent. And, I am certainly willing to listen to arguments and possible areas of amendments to this particular section when we go into committee. The other areas that have been mentioned are rather involved, and I think that we can best deal with these in the committee stage where I am sure they will be given full airing and explanations.

I thank you Sir.

HON. G.E. WADDINGTON:

Mr. President and Honourable Members, as I indicated in my moving of the second reading of this bill, the bill does not provide for any changes in the present law, everything that is contained in this bill is the law at present with the exception of course of the amendment to the share to which a surviving spouse is entitled on intestate.

So far as the suggested amendments which certain members stated that they would like to see made in the bill, and that of course is a matter that will be considered very carefully in committee, and of course the will of the committee will prevail and I'm quite sure that at that stage we will be able to arrive at amendments which will conform the will of the majority of the committee. So, there isn't much more that I can say Mr. President and Members, I thank Members for having debated the bill in the manner in which they have and for having brought these matters to the attention of us all, and at this stage I merely formally move the second reading of the bill.

QUESTION PUT: AGREED. BILL READ A SECOND TIME

HON. G.E. WADDINGTON: I wonder if I could at this stage Mr. President. move that the bill be committed to a special select committee of the whole House.

SECONDED BY HON. D.V. WATLER, CBE., J.P.

QUESTION PUT: AGREED. BILL REFERRED TO A SELECT COMMITTEE UNDER THE SAME CONSTITUTION AGREED ON AT THE PREVIOUS MEETING WITH THE ATTORNEY-GENERAL AS CHAIRMAN, AND THE QUORUM TO REMAIN THE SAME (7)

THE PENAL CODE BILL

CLERK: THE PENAL CODE BILL, SECOND READING.

MOVED BY HON. G.E. WADDINGTON, C.B.E., Q.C.

HON. G.E. WADDINGTON: This bill Mr. President and Members, is yet another of the series to which I have referred, the series which were introduced in March of this year and is in fact one of the most important of the series.

The present penal laws of the Islands are contained in some twenty-four different statutes, and in addition to this there are many types of conduct amounting to criminal offences which are not contained in any statute at all, but indeed depends on the common law, in other words common law offences. Now, some of our penal statutes dated from a very long time ago as the memorandum of objects and reasons states some of them from the middle of the nineteenth century. And, they were written for a period of time when we were a dependency of Jamaica which was then a colony and these statutes were written in that context.

Now, as lawyers find to their rue from time to time a lot of these statutes contain archaic provisions, they contain a lot of omissions and inconsistencies and it is thought that the time is now ripe when we should try to correct some of these anomalies, and take the opportunity to bring these laws into line with conditions as they exist today, and what is more to combine them all into one statute namely a penal code. In doing so, we will be following a practice which has been adopted with success in many other parts of the commonwealth, and it will result in the criminal laws - the penal laws being revised and brought right up to date, and so that in endeavouring to ascertain what the criminal law is on any particular subject, then instead of consulting several different volumes one will only have to consult the code.

This code has selected not only all the present penal statutes, but it also includes as I have mentioned the present common law offences and the common law concept of criminal liability. A great deal of what is contained for instance in part one of the code, the preliminary matters such as ignorance of the law, a bona fide claim of right and motive etc. are all concepts of the common law which previously had to be sought from the various textbooks dealing with the criminal law in order to ascertain just what the common law rules and principles were in respect of these various subjects. And, so one good thing that this code will do will be to codify these common law principles and make them quite clear to not only the Judges but the practicing lawyers as well; and so this will go a far way towards clarifying and making the law more certain with respect to these offences and with respect to the general principles and concepts of criminal liability.

HON. G.E. WADDINGTON: (CONT'D): The code Mr. President and Members is complementary to the Criminal Procedure Code Bill which has already been dealt with in committee, and the schedule I of the latter bill, The Criminal Procedure Code Bill sets out the mode of trial and the various offences which are contained in the Penal Code and the manner in which those offences will be tried as to whether or not there will be right power of arrest in respect of the various offences set out; that is the power of arrest without a warrant.

It is a very long bill Mr. President and Members, and certainly one which in keeping with the procedure that we have adopted in the other bills will have to be referred to a Special Select Committee as well, and so I don't think I should say much of anything more about the code itself, I expect Members have studied it very carefully and in due course the various sections will be gone into and hammered out and perhaps even amended in committee.

I commend the bill for the consideration of members, and I hope that after this bill has been passed that Members and the general public including the lawyers will feel that we've gone a long way in clarifying and codifying our criminal law.

SECONDED BY HON. D.V. WATLER, CBE., J.P.

QUESTION PROPOSED:

MR. JAMES M. BODDEN: Mr. President, I wonder if the House would entertain at this time a motion to adjourn until tomorrow, being this is such a lengthy bill. I have to admit frankly I'm not through with it as long as I've had it and it's about twenty-two different laws embraced into one, and I wonder if the Members would not go along with an adjournment until tomorrow.

Thank you.

SECONDED BY MR. G. HAIG BODDEN

MR. PRESIDENT: Now, the question is that this House be now adjourn -----

HON. W.W. CONOLLY: Mr. President, I disagree with that Sir because this bill has been in the hands of Members for seven days and we're only taking the second reading of the bill. It's only the merits or demerits of it, and as has been stated by the Member moving this bill we are going into committee where the bill can be studied clause by clause, and I fail to see at this time this is the only reason for adjournment. So, I disagree with the adjournment at this time Sir on this particular matter.

MR. JAMES M. BODDEN: Mr. President, I crave my right to reply to that Sir.

We are dealing with a new bill, a bill which is trying to codify and put together twenty-two of our old laws. The mover of this motion himself or this bill himself has told us that in many cases we are incorporating into this bill sentences and so forth, there are not on any statute books because it is now dealt with on the common law. We are dealing with a bill that embraces just about everything that would ever happen of a criminal nature, and Mr. President seven days is not a long time for the members of this House to try to read and compare twenty-two old laws with the one that we have now, plus the other bills that came before this House.

Now, it maybe true that seven days is sufficient for those Members who may have no other work to do, but there are some other Members in the House that have to wear lets say two hats and maybe do two jobs. And, I would have no objections Mr. President



MR. JAMES M. BODDEN: (CONT'D): to going on with this session if the Member who objects it would care to get up and debate the bill until closing time, other than that if it is left to where debate would be killed and go into the second reading. Because in the committee stage, because at the second reading is where we as Members should have our chance to try to put forward anything that we may disagree with in this bill. So, I have no objections to continuing on if the Members on the Government bench would like to take their part and debate the bill until the regular closing time.

Thank you Sir.

HON. D.V. WATLER: Mr. President and Honourable Members, I can see the point with the Member from Bodden Town wishing to delay this debate, but also I can see <sup>with</sup> the Member of Executive Council who would like to get on with it. But, the thing I am just wondering is whether instead of adjourning the House and leaving the Radio Bill and the Higher Education <sup>Bill</sup> whether - if it is the wish of the House not to debate the second reading of this Penal Code, whether we could go on with the others so as not to have ourselves with so many tomorrow, and the next day rather than adjourn.

MR. PRESIDENT: I take it that you're formally moving the adjournment of this debate.

HON. D.V. WATLER: I would move then if that is the wish of the House, I would move then the adjournment of the further debate on this Penal Code Bill, but that we go on with the agenda as before us - "Order of the day".

MR. PRESIDENT: Is there a seconder?

SECONDED BY HON. W.W. CONOLLY, CBE., J.P.

QUESTION PUT: AGREED.

#### THE RADIO BILL

CLERK: THE RADIO BILL, SECOND READING

MOVED BY HON. A.B. BUSH, J.P.

HON. A.B. BUSH: Mr. President, Honourable Members, we at present do not have a Radio Bill, we have a Wireless Telegraphy bill which is very much outdated and does not comply with its National Conventions taking place in the world today. And, since we are about to have our own Radio Station it is thought that this is an opportune time to produce Legislation governing the subject of Radio communications, and so that is the purpose of this bill. I don't think it is very controversial, I think it's pretty straight forward and of course we want to have a good debate on it this evening, I welcome debates on things like this and hear the views of the Members, and I'm sure we can expect this from our two friends from Bodden Town, and I look forward to hearing their views on it and hearing some good debates from them. If they have some better suggestions than what are in this law, we would like very much to hear them and so Mr. President and Members that's all I would say, and I hope that we do have some good debates on this particular bill.

SECONDED BY HON. D.V. WATLER, CBE., J.P.

QUESTION PROPOSED:

MR. JAMES M. BODDEN: Mr. President and fellow Members, I would not want to disappoint the opposition so I'm quite willing to put myself up to the artillery in being the first speaker. Enoch Arnold Bennett said that the price of Justice is eternal publicity. Mr. President, I would hope this evening that we could get a unanimous decision from this House that those words will be the watch word of the new Radio Station of the Cayman Islands.))

We have echoed words in this Assembly before concerning the Radio Station. We do not object to trying to place our names into the record books, we'll like to know that Cayman is becoming an important place, but in becoming important Mr. President we also do not want to sacrifice some of the many things that we as Caymanians have enjoyed. One of the things I am specifically mentioning Mr. President is, that we are very hopeful that now that the Radio Station has become lets say a fact, that the radio station will be used to signify in all respects the true meaning of Cayman and Caymanians. We are hopeful that the Radio Station will not be used in a subtle form for political activity. If we have to inject politics Mr. President, then I think if politics should be aired on the Radio it should be with equal time for both views or maybe four views if we have that many views in this House. I would not want to know that just because this Radio Station is controlled and owned by Government that the Government bench would be the only people that could use it. I would not want to know that we have a subtle form of advertising by saying that so many sheets were delivered to the Hospital today, by the Honourable so and so and so on. This could be a very subtle form of political advertising.

Mr. President, the whole world is changing and I guess there is no reason why Cayman should be any different, because I saw in the papers just a few days ago where for the first time the House of Commons in England was allowed to be on the B.B.C., and the comments on it was that the people did not seem to enjoy it, and I am sure that even if the Members on the Government side would like to use it in the method that I spoke of awhile ago, the reception to the public maybe the same as it was to the House of Commons to where they really did not readily accept it. I would want to know that when this Radio Station goes on the air that if the Member of the Lesser Republic should wish to speak on opposition they could do so, and also the two benighted Members from Bodden Town.

Mr. President, it is true that our Island is fast becoming a Jet centre. The old sign that we used to see years ago that the Islands time forgot is really no true anymore, we are creating land marks every day of our life. We have now our own Airline, we will soon have a new dock, we have a beautiful Administration Building, probably one of the best Legislative Assembly Buildings in the West Indies and a beautiful Court House, and maybe if the money holds out we will even get a road to Bodden Town. But, now we are even going further than that that we're going to create our own Radio Station and have a voice that will be on the airlines or the airways of the world. People tend to reminiscence a lot, they talk about the good old days; time change here Mr. President, as they change through the world. I am sure that none of us who are assembled in this Hall this evening could've imagined twenty-five years ago, that this little Island of Grand Cayman would be leaving such large foot prints on the sands of time, to even think that we are to the stage where we're having our own Radio Station. I am sure that in reminiscing most people would do the same as I do and you would think for the people who have predeceased you, your grandmothers, your great grandmothers and so forth. And, by mentioning that I would remind Members that both my grandmother and my great grandmother lived to be approximately eighty-eight years of age, Now, I'm only forty-four at this time Mr. President, and I'm hoping by the will of God that I will be around at least another hundred more for those Members on the other side to hear me speak.

MR. JAMES M. BODDEN:(CONT'D): Mr. President, I could have welcomed this bill very much if in section 4 (1) it had been enlarged a bit to cover Radio and Television. Now, we may hear the shouts from the audience that we're not ready for Television and that television will corrupt the morals of the people. I would like to say I personally Mr. President do not care that much about television, and I'm not here to espouse the cause of television for any group of investors or anything of that nature, but I'm trying to touch on it as something that I think that is revelant at this day and time in our existence. I don't believe it would have cost that much more, you will probably tell me that the Radio Station was a gift, well, if we were getting one gift maybe they might have been benevolent enough to give us the second gift, or if not we could probably had stretch<sup>ed</sup> things a little bit and borrowed some more money to set in the T.V. Station. One thing I noticed here in that section that I do not really care that much for, and that is the board. It seems like everything we do we create boards and committees, we will soon have so much bureaucracy that we will not be even able to get the Radio on the air-waves of the world.

By having a Television Station Mr. President, I'm of the opinion it could strengthen family ties, it would give some form of entertainment in the home. You can have some very good television programmes, some people will enjoy them, and you might find that if you had the television station you might find more people at home. By the same token the doctors may tell us that the birth rate would go up and that the country could not stand such a thing with such a fragile economy; I will have to admit that all of those things Mr. President could be true, but it could also be educational because instead of the young people of today having to try to find themselves entertainment by standing on the street corners holding up the street signs or the banks, or going to the bars looking for dope and alcohol. it might be something that would entice them to stay in their natural habitat.) I do not believe Mr. President, that any of us should entertain any fear that by having a television station operating even say six hours a day, that it would in any sense replace the present cinemas or anything of that nature, because your little theatres and your other sports and the cinemas will still play a very important part and will still go on. So, I am hopeful that even though we're not getting it today that maybe by the time this debate is over that I have finished, the other Members on this side of the House have spoken and my good colleague from Bodden has wound up from this side that maybe the Minister of Communication and Works will get up and tell us that he's going at the next sitting to introduce a bill for television for the Island.

Mr. President, down in section 6 (1) (d) I see that that beautiful word is creeping in again, "discretion". It has been modified a bit here by trying to use the word "exemption", and "limitations". But, Mr. President anywhere we look at it it is still discretion, and I believe the people who framed these laws are smart enough and able enough to give us a broader definition of what they meant by these two words, than to try to leave it to the point where it is really opened to such discretion. Discretion is a word that should be taken out of our dictionary when it comes to our laws, we should not have it.

Section 7, that entire section Mr. President in my humble opinion should be struck from this bill. We have no guide lines set down in number 7, it is too broad, we leave ourselves opened to too much discretion, and discretion Mr. President is a known fact that can cause us the same things that we were arguing awhile ago in regards to illegitimacy. Because, for the lack of discretion we have such bad things happening, and we do not want to know that the same thing happens in our Radio Law. We want to know that that is so airtight that that is so sure that when the Members say something or the board says something that is the end of it, there is no more discretion.

MR. JAMES M. BODDEN: (CONT'D): Section 8 (2), that one I must admit Mr. President has puzzled me in trying to get the understanding of it. What are we afraid of? Just because a Radio is found aboard a ship or an aircraft or some nature or even in your home and is not working, you're going to put a man or subject a man to the fines and penalties that we have in this law, I could see maybe the point of saying you would confiscate it, but if the Radio is not working why are we going to such drastic means under this law? It seems a bit ridiculous to me, I'm sure we don't have anything that we want to hide that much that we would be afraid of someone using this Radio Station which cannot work at all. I really at the appropriate time would like some explanation as to the meaning behind that.

Section 8 sub-section 3, again Mr. President it seems that we are fast following on one bad precedent on to another. Again it seems to me like we are forgetting the Code of British Justice, again we are putting the man or person/<sup>10</sup>charge here in the position of where his guilt or not being guilty must be proven by him. I was always under the opinion that the normal code of British Justice was, that the crown must prove you're guilty. We have changed from that just to follow the rest of the independent territories in the West Indies like we have followed some of our recent laws that are before this House today, then Mr. President I'm afraid that we're going to follow them down the path to destruction like what they have in their own respective countries now. I feel strongly that we should adhere to the British Code of Justice which we have had for these number of years, and not try to bring in something that you will tell me the independent countries of the Caribbean have brought in in the last few years; should we follow them we will find ourselves in the same predicament that Mr. Webster finds himself in in Anguilla now, where he doesn't even know what kind of constitution he's got.

I submit to this House Mr. President, that for too long our laws are being tampered with, our heritage and rights which we have lived under for these generations are being thrown aside just for someone to frame us laws that sound good to their own ears, it is time we did away with that. Recently we will recall that we had laws, (and I say this without any fear) that were rammed through this House at the objection of Members on the recitals of humpty dumpty and we are here back to this session to change those very laws to give the people under those laws the rights that British justice says they must have. And, Mr. President I do not care who wrote this or who is responsible for it, but I think sections as this in the law should be changed.

Section 10 (1), again Mr. President I do not fully understand that one. We are asking the people to report as you would in Castro's Cuba what your neighbour is doing, and so forth and so on under this section of the law.

Now, Mr. President having a Radio in your possession in my humble opinion is not as dangerous as some of the things that we have going on in our country today, and yet we do not ask people these questions. Would any Member of this House care to tell me whether a merchant on this Island can sell a gun or the pharmacy down here can sell any kind of dope or anyone could sell arsenic, are they required by law to come and tell somebody else that they have done it? Mr. President in case you are not aware of it, I have heard a strong rumour that a certain establishment in this town has a nice supply of guns which you can buy. Now, are we asking that merchant to come to the police station the next day and tell them that Jim Bodden went in and bought a gun? I am sure we are not doing that, so when we are letting such things as that go by Mr. President why do we attach such importance to a Radio. Is it because we are so afraid that things from this Island are going to get out abroad? You know it is things like that that defies my imagination.

Under section 11 (1), that is very broad. Mr. President says any public officer - I think we would write it into this bill that the public officer we are talking about must have electrical and technical knowledge. I do not think that we should leave it to the point Mr. President, where the checker at the dock or the Janitor at the

MR. JAMES M. BODDEN: (CONT'D): new Administration building or the lift operator in the new administration building could be appointed to this position. Now, this is very wide, we're dealing with something that none of us at this point know that much about, we are trying to bring in a new Radio Station, we are trying to bring in a law to cover that. But, in doing so Mr. President we must not in anyway effect what is already on the Island or what has happened in the past. We must not come in here with this new Radio Station as the Russians did with the voice of America where you try jamming and you try blocking, we still want to know that we can hear Miami, we still want to know that if a ship is ten miles off the North Sound that we can hear her on the radio. Now, I have heard a rumour maybe it is just a rumour, but Mr. President we will not allow any jamming on this Radio set.

Section 11 (2), the right of search warrant. I will agree that probably that right could be extended to an aircraft or to a ship, something that might be moving away from your shores but I could not agree Mr. President with the work premises in that, that could be my own home. And, Mr. President I would not mind telling you if it was my house and someone shows up and tells me he comes to see if I got such and such a radio set, and he's coming into my house, well then one of us Mr. President must be moved away from there, because you are then putting yourself in the point that you are taking away from me every justice that I as a citizen of this country should have. That man whoever he is unless I agree to it is not going to enter my nouse under those conditions. So, Mr. President, why should we inflame the passions of this community by putting such a thing into a law, and maybe some innocent person having to suffer the consequences under this long and bulky Penal Code that has been brought before us.

Section 11 (3), he can come to my house without a search warrant and he doesn't even have to produce any credentials to me to tell me who he is. I am sure that we can do better than that - and I will read it, "An inspector shall be furnished with a certificate of appointment and on entering any premises, vehicle, vessel or aircraft pursuant to subsection (2) and shall, if required to do so, produce the certificate to the person in charge". Mr. President that should not be if required to do so, we should have the word in there, "must" - must produce it. Let us not leave this gate opened, the bully/comes through it maybe too big.

Now, if we were going to cover as I am sure my learned opponent on the other side will say that all of that is covered in section 12, then Mr. President - I am not a lawyer, I have no legal knowledge, but if that was covered and intended to be in section 12 to cover section 11 in my opinion section 11 and 12 should have read together or section 12 should be where section 11 is.

Section 19 is where we go to the penalties. Again Mr. President I think we are putting some heavy penalties on a law that is spoken in my humble opinion is really not that dangerous, when I compared that with the one that I have been studying for several days, Mr. President it just does not make sense. We have a penal Code coming before us that I would say, God helps the man that has to be tried under it in most cases. And, it would be good to argue that Penal Code Mr. President, if a person had not studied it before I can understand then why we can do it in seven days. But, Mr. President under section 19 I do not think that we should put such heavy penalties on what could be such a real minor offence.

On the schedule 8 (5), Mr. President again we are creating another one of these monstrosities. We are creating a board and we are giving that board two votes, you're giving that chairman two votes. Now, Mr. President that would be the same as in your rule as speaker of this House, how could you or any other man be the speaker of a House and sit in that chair that we must pay respect to if you got to sit in there with a partial mind. If you have the right to vote at the beginning, and then you have the right again to use another vote to

MR. JAMES M. BODDEN: (CONT'D): break it, that is injustice Mr. President and in my opinion that is why we appointed a speaker, is so that there can be impartiality, so that we can not point a finger at any particular person and say that carries the majority. So, Mr. President I am hopeful that when it comes to changing this in committee that the Members will see with us that that should be changed.

Schedule 8 (7), again Mr. President I could not go along with such ridiculousness. You must tell me that we constitute a board on the law which will be constituted when this bill is passed, and that if that board makes a decision and it's wrongly constituted that its rulings should not be effected by it. Mr. President, that you might as well say that you can break any law and not be effected by it as to have the validity of the proceedings of this committee not be questioned if there is a defect in the appointment of a Member to it. I wish I had the time Mr. President to tell this House this evening of a case that I know that has happened in this Island with boards wrongly constituted, and the decisions have been upheld by court. I will tell you of one short one, our board of Education Mr. President, and if any member of the House wonders why I made the statement I did under the educational bill that came before us - the Loan educational bill a couple of days ago. Let me state my reason here; under the old education law Mr. President it required that any meeting of that council had to be chaired by the Administrator or in his absence a Member duly appointed him by writing I think over a period of two weeks in advance. We have had cases go before that board where it sat in George Town Mr. President and the Administrator was in Cayman Brac, and the Administrator has told people including lawyers that he had made no appointments to fill the chairmanship of that board, and yet the board was chaired by someone else and when the case went to court a letter dated about a month before that under the signature of the Administrator was produced in evidence, and the Judge upheld it and would not admit the Administrator to come and take the witness stand. These are the anomalies that have been created in our island, these are what we are afraid of Mr. President that is why we attach such significant to things like this.

We have had the same board with three or four Members voting on it that had never been appointed to the board. Mr. Brown as a teacher was the official appointment list sent out by the Government, Mr. Smith, Mr. Eden or what ever it was, and then when the board met and made decisions which were contrary to every concept to British Justice, and we find Mr. President that the persons named by Government by Public notice under the law had not attended those meetings, and it had been a proxy by them given to one of the other teachers because they had to go down the beach and swim and they told the next teacher to go. Now, Mr. President these things have happened, then you wonder why we come in here sometimes and will not agree Sir.

HON. BENSON O. EBANKS: How long ago?

MR. JAMES M. BODDEN: (CONT'D): I would not want to shame some people. No reference to you Mr. Ebanks. I think as far as I know I have no axe to grind with you in that respect since you have been there, but if I did I would be here and say it.

But, Mr. President these are the kind of things that can easily make a man angry, and these are the kind of things that can put a man in trouble, and these are the kind of things that White Hall itself Mr. President has said in the past, we agree there is an anomaly but we have nothing else to do but to support the motions and moves of the Administrator of your territory. That is going to the highest authority in the land and that's what we get from it, then Mr. President we must come in here as sensible human beings and agree to something like this? We're going to put a man in jail for six months if he breaks this law, we're going to fine him extra amount of money, but we're going to do it with a board that is not legally constituted.

MR. JAMES M. BODDEN: (CONT'D): Mr. President, this Radio Station. It must in truth be a beacon of truth and fairness for the people of this Island, and unless it can be that let us not go any further with this Radio Station, let that beacon of truth and right shine forth like the statue of Liberty in the Port of New York who has held out her hand to the immigrants from Europe.

A lot of responsibility Mr. President rests on the shoulders of each and everyone of us of this House to ensure that this law will be carried out fairly, justly and wisely at all times, and that that Radio Station will never be used as a propaganda tool. And, I wish to remind Members of the House, that if they thought my words were not strong enough this evening that my colleague and myself God's willing intend to remain the formidable opposition that we have been in this House so far and as long as we stay into it God's willing, we intend to remain that way. We are not going to accept any bill that is brought before us and that we are told I spoke to Mr. Tom Brown, and he said that's a good bill. Mr. President that's not good for us, I'll display my ignorance in this House every day if I have to stand up for what my belief is, and for what my own little half ounce of brain tells me is correct. When you prove me wrong Mr. President, I'll be very glad to sit down and I'll be meek and mild, but until then Mr. President I must stand on my belief.

And, I would remind this House that Disraeli who was one of the greatest Prime Ministers England ever had said, no Government can long be secure without a formidable opposition. And, I promise you that as long as we are here God's willing you will have that formidable opposition, and I promise you that when you go on the Radio Station, if you're going to go on it politically the two Bodden Town Members are going to go opposite you. Thank you.

HON. W.W. CONOLLY: Mr. President, we are considering before us the merits and demerits of the Radio Bill. I have been a little bit taken back because I am surprised that the Honourable Member didn't move for the adjournment of the House for him to study this bill. Because, apparently - and I'm saying this with the greatest of respect, I don't think that he really studied the bill.

This is not broadcasting, this bill is the machinery to set up broadcasting and telegraphy within the territory. If Members could direct their attention to section 3 of this bill I think it states there very very clearly that this law has no application to Radio and Television receiving sets primarily designed to receive transmissions intended for direct reception by the general public.

MR. JAMES M. BODDEN: Mr. President, with due respect I think the Member is out of order, I don't think that he realizes that a television set is a different thing from a television transmitting deal Sir. I think he is very much in ignorance on that point Sir.

HON. W.W. CONOLLY: Mr. President, I think I've listened to quite a liberation speech and I think the House had a quite a liberation speech, and I think I'm entitled to my interpretation of the law which I stand subject to correction, but I feel I'm right that the law says exactly what it says that - a lot of mention has been made by the Member, in that people can't have radios in their houses, you can't do this and that, and you can sell guns, but then an ordinary person can't sell radios. This law says it here emphatically in three, that this law has no relationship - no application to it. What I'm saying is this, that if the Honourable Member would direct his attention to the meaning of Radio, and I think that maybe he could see a little more clearly.

Much has been said about broadcasting and what will be broadcast on the Radio Station. I don't think today that this is what we are here debating at all, I think what we are debating here is a technical bill that has been designed to control the broadcasting in the territory, which I think is very very essential. If we are going to have broadcasting, if there is going to be a measure of control necessary

HON. W.W. CONOLLY: (CONT'D): legislation has to be drafted. And, this as far as I'm concerned is misleading to tell people that you have to let people know who you sell radios to and all this - person in the shop, this doesn't say so at all.

The bill Mr. President, as far as I see it a bill that is necessary. I think the paragraphs here the fine is stringent and they should be - they could be any type of subversive or other powers in this Island who would be broadcasting and I think this is the thing that we have to be very careful about, and I think it is necessary to have legislation.

Now, one point that was made and was made very strongly by the Member, and that is in section 8 (3). And, this is no infringements of the common rights of people, it says in any legal proceedings for contravention of any of the provisions of section 6 and 7, and that is what six and seven relates to the unlicensed premises or unlicensed apparatus, the burden of proving the existence of a valid licence in respect of any radio or telegraph station or apparatus as the case maybe shall be upon the person charged.

Now, Mr. President surely we are quite aware of nautical terms, we are quite aware of nautical regulations and I'm sure that Members here will agree with me that one of the first things that a licensed officer going to his job on board of a ship, one of the first things that he has to do is to display his licence. I think this would be very very familiar to the person, and failing that, if the police questions anybody for any licences, even the drivers licence the proof remains on the person who holds that licence to produce it. I don't see any infringement of the rights here of a person, if I have a licence here to operate a radio station I am the holder of that licence and the proof is on me to produce it. In fact I think the original of any document is the one that is produced in evidence to the court, and shows that the person who holds the licence would be the person in possession of that original document. I see no infringement of the rights of any individual in this case, I think this is normal procedure in a lot of things. And, I feel today that this has been magnified out of proportion and it should not have been so. Surely there has to be someone to issue licences, surely it would be done on a basis of an application and if a person met the requirement of the standard set down, the person receives the licence and there would be no objections, there would be no infringements of the Justice of any freedom of any one if he's asked to produce such a licence.

As I see this law, and as I've said much has been made of it, but I think the whole concept of the debate has been taken out of course, because this law does not relate to an ordinary radio receiving set that is in one's drawing room or that is in one's store for sale. And, the word radio here has reference to the use of radio waves - and see what radio waves means. Radio waves means electromagnetic waves of frequencies lower than three million megahertz, propagated in space without artificial guide.

MR. JAMES M. BODDEN: A point of order Mr. President, is the Member trying to convince us of his technical ability?

HON. W.W. CONOLLY: I am trying to counter Mr. President a liberation speech that I heard coming from the Member. I'm trying to see if I can put some debate in the merits of this particular law which has been so thwarted

As I see this Radio Bill, this provides for the licences of Radio; and as I've said before, I think it's a good one. I'm sure that the Radio Station that is coming, being a Government Station I don't think that would require a licence, I'm not sure but if it does I'm sure it would be issued under this particular law. But, this law would guarantee that if there is any attempt by any individual or any corporation to establish any other broadcasting or radio station, that a licence would have to be granted. This is not an unusual thing, we have this situation today, we have here where we have these amateur sets that people have to



HON. W.W. CONOLLY:(CONT'D): have licences for, we have people here in companies who operate services like trucking services and I think the taxi services, and they all have licences for these issued by the proper authority under the Telegraphy law. This is becoming something that is developing gradually and I think it is very necessary that this particular piece of legislation has been upgraded. I feel like this is necessary, I don't<sup>see</sup>/anything in this law that has any relationship to any education board or anything else, and I do feel like we could probably stay here and debate on things that are not relevant for quite a long time. I feel like the bill is primarily technical and I dare say, if the Member has any fears of the Broadcasting, and probably the control of that I'm sure will be in the nature of another bill; this has nothing to do with who's going to speak over the Radio Station or who's not going to speak or what programmes or what not, This has nothing to do with programming, this is primarily as I understand it, primarily a technical bill to control the setting up of broadcasting in this territory. And, this as I've said before probably the Government Station which is a Government Station, it's nothing in this that says that a licence will be granted, but I dare say that under the same technical services the Government station will be operating. The control of the programming of broadcasting and what is going on the air is something quite differently.

Mr. President, the Member introducing this bill I think should be complimented on attempting to have legislation of this nature on the statute books, and I support it.

MR. PRESIDENT: I think this might be a suitable time to adjourn tonight, it's twenty-five past five and I would like Members to feel that they're not under pressure of time for their speeches. If this motion is passed -----

ADJOURNMENT

MOVED BY HON. D.V. WATLER, C.B.E., J.P.

SECONDED BY HON. G.E. WADDINGTON, C.B.E., Q.C.

QUESTION PUT: AGREED.

AT 5:25 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. THURSDAY, 26TH JUNE, 1975.

THURSDAY, 26TH JUNE, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE, JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR INTER-ISLAND CO-ORDINATION AND INFORMATION)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR HEALTH, EDUCATION, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. A. A. REID	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDER OF THE DAY  
THURSDAY, the 26TH JUNE, 1975

1. CONFIRMATION OF MINUTES OF MEETING HELD ON 18th, 19th, 20th, 21st, 24th, 25th and 26th March and 1st May, 1975.
2. PRIVATE MEMBERS' QUESTIONS

MISS ANNIE HULDAH BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE B.O.EBANKS, MEMBER FOR MEDICAL, EDUCATION, SOCIAL SERVICES, LABOUR, ETC.

- (a) HOW MANY CAYMANIAN TEACHERS ARE EMPLOYED AT THE COMPREHENSIVE SCHOOL?
- (b) WHY ARE MORE CAYMANIAN TEACHERS NOT EMPLOYED AND WILL THE MEMBER STATE WHETHER THIS IS DUE TO WORKING CONDITIONS AT THE SCHOOL, OR THE SALARY SCALE WHICH IS BEING PAID TO CAYMANIAN TEACHERS?
- (c) WILL THE MEMBER STATE IF THE HEALTH AT THE COMPREHENSIVE SCHOOL IS PRESENTLY UNDER THE SUPERVISION OF ANY GOVERNMENT MEDICAL OFFICER?
- (d) WILL THE MEMBER STATE WHY IT WAS FOUND NECESSARY FOR THREE MEMBERS OF THE GOVERNMENT TO VISIT CANADA, TO INTERVIEW PROSPECTIVE TEACHERS?

MR. JOHN D. JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HONOURABLE A.B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

WOULD THE MEMBER SAY WHAT STEPS HAVE BEEN TAKEN BY CAYMAN AIRWAYS LIMITED TO SECURING THE SERVICES OF A COMPETENT PERSON IN THE MIAMI OFFICE TO LOOK AFTER ITS INTEREST, IN VIEW OF THE MANY COMPLAINTS LODGED REGARDING THE FACT THAT MANY PASSENGERS ARE NOT MADE AWARE BY LACSA OF THE SERVICES BEING PROVIDED BY THE LOCAL AIRLINES.

MR. JOHN D. JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HONOURABLE W.W. CONOLLY, OBE., J.P., MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU

WHAT STEPS ARE BEING TAKEN TO ENSURE THAT PUBLIC RIGHTS OF WAY AND TRADITIONAL ACCESS TO BEACHES ARE BEING INCLUDED IN THE DEVELOPMENT PLAN AND TO ENSURE THESE RIGHTS OF WAY ARE PROPERLY RECORDED UNDER CADASTRAL SURVEY?

3. GOVERNMENT BUSINESS:-

BILLS:-

BILLS SECOND READING

- (i) The Radio Bill ( continuation)
- (ii) The Penal Code Bill
- (iii) The Public Health (Amendment) Bill, 1975
- (iv) The Health Practitioners (Amendment) Bill

BILLS COMMITTEE STAGE

- (i) The Higher Education (Loan ) Bill
- (ii) The Public Service Commission (Amendment) Bill, 1975
- (iii) The Public Health (Amendment) Bill, 1975
- (iv) The Health Practitioners (Amendment) Bill, 1975
- (v) The Penal Code Bill (REFERRAL TO SELECT COMMITTEE)
- (vii) The Radio Bill (Committee of the Whole House)

BILLS THIRD READING

- (i) The Public Health (Amendment) Bill, 1975
- (ii) The Health Practitioners (Amendment) Bill.
- (iii) The Higher Education (Loan) Bill
- (iv) The Public Service Commission (Amendment) Bill, 1975
- (v) The Radio Bill.

MOTIONS:-

1. FOR THE EXERCISE OF THE GOVERNMENT'S RIGHT TO SUBSCRIBE FURTHER TO THE CAPITAL STOCK OF THE CARIBBEAN DEVELOPMENT BANK (MOVED BY HON. FINANCIAL SECRETARY, SECONDED BY HON. D.V. WATLER.
2. FOR THE POSTPONEMENT OF THE DATE FOR THE PRESENTATION OF THE DRAFT DEVELOPMENT PLAN TO THE LEGISLATIVE ASSEMBLY (MOVED BY HON. FINANCIAL SECRETARY, SECONDED BY HON. D.V. WATLER)

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THURSDAY, 26TH JUNE, 1975

10 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

MR. JOHN D. JEFFERSON: Mr. President, I rise to speak on the Radio Bill -----

MR. PRESIDENT: I'm afraid we are not dealing with the Radio Bill at present. The first item on the agenda is Confirmation of the Minutes.

MR. JOHN D. JEFFERSON: I'm sorry.

HON. D.V. WATLER: Confirmation of the Minutes of the meetings of the Legislature held on the 18th, 19th, 20th, 21st, 24th, 25th and 26th of March and on the 1st of May, 1975.

SECONDED BY HON. G.E. WADDINGTON, CBE., Q.C.

QUESTION PROPOSED:

MR. JOHN D. JEFFERSON: I would like to move a couple of corrections, Mr. President.

MR. PRESIDENT: Well, please proceed.

MR. JOHN D. JEFFERSON: In the Emergency Meeting 1st May, 1975, I'm not taking them in order - 1975 page 12.

MR. PRESIDENT: The Honourable Member said 1st of May, but we're not dealing with that.

MR. JOHN D. JEFFERSON: Alright, March 26.  
March 26th page 5. I would like to move a correction Mr. President, at the first - second line it says - let me start with the first. Mr. President and Honourable Members, I am at a loss sometimes in wondering if at last - and I want to make a correction after last; "this isn't the dawning of a new day".

MR. G. HAIG BODDEN: Mr. President, if I'm not out of order I'm wondering if we could have this tape replayed, because I believe this is exactly as far as my recollection goes, this is exactly as it was said.

MR. PRESIDENT: Well, if Members agree we could defer the approval of the minutes until later on in the order of the day, and the Clerk could check the actual record and report back to the House.  
Is there a second amendment which the Honourable Member wishes to move?

MR. JOHN D. JEFFERSON: No, Mr. President.

MR. PRESIDENT: Well, I suggest that we could defer the confirmation of the Minutes and request that the Clerk check the Handsard tapes and report back to the House, then we'll take this item later on in today's proceedings. So, it is /<sup>deferred for</sup> further consideration of this item at this stage, and pass on to question time.

If the Honourable Lady Member is not here to ask her question, we can proceed with the second question standing in the name of the Honourable John D. Jefferson.

CAPT. A.A. REID: Mr. President, I would like to move to have one word corrected in - or inserted in my speech on I think it was Tuesday. I don't have the date of this, but I'll soon find it in the original paper. May I read the thing in its context?

MR. PRESIDENT: We've really passed beyond this, but if the Honourable Member wishes to state what correction he wishes to make, the Clerk can check the hansard and report back to the House.

CAPT. A.A. REID: May I just please read Sir?

MR. PRESIDENT: Yes, you'll need to quote the date of the Minute, I'm afraid. Have you got the date in which this speech was made?

CAPT. A.A. REID: Yes Sir, I have it here. I said the Police should be told that they were not here to frighten people, that they are here to prosecute and not persecute people. The word "not" was left out, and it was changed afterwards but unfortunately in the different concept altogether. These were the words I said -----

MR. PRESIDENT: But, can the Honourable Member give the date on which ----

CAPT. A.A. REID: I shall find it out - I shall find it right now. I think it's either Tuesday or Wednesday Sir.

MR. PRESIDENT: Well, we can deal with that when we take the confirmation of the Minutes later in the meeting.

Well, we're dealing with the question by the Honourable John D. Jefferson, to ask the Honourable Member for Works, Communications and Public Transport.

#### QUESTIONS

MR. JOHN D. JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HON. A.B. BUSH, J.P. MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

WOULD THE MEMBER SAY WHAT STEPS HAVE BEEN TAKEN BY CAYMAN AIRWAYS LIMITED TO SECURING THE SERVICES OF A COMPETENT PERSON IN THE MIAMI OFFICE TO LOOK AFTER ITS INTEREST, IN VIEW OF THE MANY COMPLAINTS LODGED REGARDING THE FACT THAT MANY PASSENGERS ARE NOT MADE AWARE BY LACSA OF THE SERVICES BEING PROVIDED BY THE LOCAL AIRLINES?

#### ANSWER:

CAYMAN AIRWAYS HAS NO MIAMI OFFICE. ITS BUSINESS THERE IS HANDLED BY LACSA AS ITS OFFICIAL AGENT, IN THE SAME WAY THAT CAYMAN AIRWAYS LIMITED IS AGENT FOR LACSA IN GRAND CAYMAN. IT IS CONSIDERED THAT LACSA'S STAFF IS COMPETENT AND CAPABLE OF REPRESENTING CAYMAN AIRWAYS LIMITED. CAYMAN AIRWAYS LIMITED HAS ATTEMPTED TO EMPLOY AN AIRPORT REPRESENTATIVE OR LIAISON OFFICER IN MIAMI BUT HAS BEEN PREVENTED BY UNION ACTION ON THE GROUNDS THAT LACSA AS CAYMAN AIRWAYS LIMITED'S AGENT CAN COMPETENTLY PROVIDE THE SERVICE WHICH CAYMAN AIRWAYS LIMITED WOULD REQUIRE.

MR. JOHN D. JEFFERSON: Mr. President, I'll like to ask the Member another question and that is, is Government satisfied -(this is a supplementary) is Government satisfied with that answer?

HON. A.B. BUSH: If Government is satisfied with that answer? Yes.

MR. JOHN D. JEFFERSON: In other words Mr. President, in other words Government is satisfied that there are no discrepancies or that the complaints made are not valid ones, right.

HON. A.B. BUSH: Yes, Mr. President.

MR. CRADDOCK EBANKS: Mr. President, a supplementary question. I asked yesterday why C.A.L. and Lacsca operate out of the same offices in Cayman/Miami? Does it not seem to be something wrong when C.A.L. flies partly seated and Lacsca can drop in or out fully loaded. Can the Member give an answer to this discrepancy of what is the reason for it?

HON. A.B. BUSH: Mr. President and Honourable Members, I think he probably answered this question yesterday. In the question that was put by Mr. Jefferson on the competition that we thought was being offered by Lacsca to Cayman Airways. I think that it was pointed out that the hours of Lacsca and Cayman Airways leaving and arriving here are different, and probably this is the reason why people prefer at times to either take earlier flights or a later flight as the case maybe. And, this is the only reason I could give for this.

MR. CRADDOCK EBANKS: Mr. President, when I posed the question yesterday I was asked to withdraw it so that it could fall into this category. So, as far as I'm concerned it wasn't answered yesterday evening, a similar statement was made.

Mr. President, this is a further supplementary question. Why do passengers travel into Cayman - Caymanians then come into the Miami Airport and say that C.A.L. is loaded, and it's a known fact that it comes in unloaded and the said passengers have to take Lacsca, and Lacsca comes in loaded. That is the question I'm asking.

HON. A.B. BUSH: Mr. President and Honourable Members, we are not aware of this happening, but if the Member knows this for a fact I take it, and I'm sure Government will investigate it and find out just what is the reason for this. But we are not aware that this is happening in Cayman Airways.

MR. CRADDOCK EBANKS: Mr. President, stating why the Member may not be aware of this or if Government is not aware of it, such is happening. And many of the travellers are put on standby for Lacsca and when Lacsca comes in Lacsca can't take them and C.A.L. goes empty again. So, it's no problem to find this out if somebody will get up and investigate it Sir.

MR. JOHN D. JEFFERSON: Mr. President, another supplementary question in relation to the question answered by the Member a few minutes ago in relation that Government was satisfied that there were no discrepancies, I would like to ask him this question, does that reflect the feelings of Lacsca's staff here in Grand Cayman or is that just the Member at present?

HON. AB. BUSH: As was pointed out in the answer in the question, Lacsca has no office here as well as Cayman Airways has no office in Miami. Lacsca is represented here by Cayman Airways and vice versa in Miami, so infact we're not really dealing with the affairs of Lacsca and whether they are aware of it or know about it or what; what I think is our concern is Cayman Airways, and whether this is going with regards to Cayman Airways. As I have stated, if the Member who brought this up knows this as a fact, we will now look into this and try to see if it is a fact and try to correct it.

MR. PRESIDENT: We'll pass to the first question standing in the name of the Lady Member.

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HON. B.O. EBANKS - MEMBER FOR MEDICAL, EDUCATION, SOCIAL SERVICES AND LABOUR

- (a) HOW MANY TEACHERS ARE EMPLOYED AT THE COMPREHENSIVE SCHOOL?
- (b) WHY ARE MORE CAYMANIAN TEACHERS NOT EMPLOYED AND WILL THE MEMBER STATE WHETHER THIS IS DUE TO WORKING CONDITIONS AT THE SCHOOL, OR TO THE SALARY SCALE WHICH IS BEING PAID TO CAYMANIAN TEACHERS?

- (c) WILL THE MEMBER STATE IF THE HEALTH AT THE COMPREHENSIVE SCHOOL IS PRESENTLY UNDER THE SUPERVISION OF ANY GOVERNMENT MEDICAL OFFICER?
- (d) WILL THE MEMBER STATE WHY IT WAS FOUND NECESSARY FOR THREE MEMBERS OF THE GOVERNMENT TO VISIT CANADA, TO INTERVIEW PROSPECTIVE TEACHERS?

ANSWERS:

- (a) 11 GRAND CAYMAN, 5 CAYMAN BRAC
- (b) THE EDUCATION DEPARTMENT HAS EMPLOYED EVERY CAYMANIAN TEACHER IN THE ISLANDS WHO HAS REQUESTED EMPLOYMENT IN THE PUBLIC SCHOOL SYSTEM.
- (b) CAYMANIANS WORK UNDER THE SAME CONDITIONS AND ARE PAID ON THE SAME SALARY SCALES AS EXPATRIATES.
- (c) NO.
- (d) IT WAS CHEAPER TO SEND THREE GOVERNMENT OFFICERS TO CANADA THAN TO BRING 26 APPLICANTS TO GRAND CAYMAN FOR INTERVIEWS.

MISS ANNIE H. BODDEN: Mr. President, I should like to ask a supplementary question. Have any of the present teachers who are now employed been asked to leave the service, as a teacher?

HON. B.O. EBANKS: Mr. President, as far as I'm concerned Sir that's a new question.

MISS ANNIE H. BODDEN: Mr. President, another supplementary question. How many teachers were employed as a result of this interview?

HON. B.O. EBANKS: Twelve teachers were employed.

MR. CLAUDE M. HILL: Mr. President, I would like to ask the Honourable Member a supplementary question with your permission Sir. On question (d) the Member has stated that it was cheaper to send to Canada and get these people here or look for them there, than to bring them here and have to send them back.

Now, my question is, is it cheaper to go to Canada and look for teachers than to go to any other West Indian Islands and get teachers?

HON. B.O. EBANKS: Mr. President, that's a matter of opinion. I don't know what the cost would be - depending on the Island.

MR. CLAUDE M. HILL: Mr. President, another supplementary then Sir. Has the Member tried?

HON. B.O. EBANKS: Mr. President, I am not responsible for the recruitment of teachers.

MISS ANNIE H. BODDEN: Mr. President, another supplementary question if I maybe permitted to ask. Why has it been necessary for twelve teachers to be employed, are they new teachers or replacement teachers?

HON. B.O. EBANKS: They are replacement teachers.

MISS ANNIE H. BODDEN: If I maybe permitted to ask Sir, what was the reason why there has to be replacements?

HON. B.O. EBANKS: Mr. President, it is simply because the contracts of the teachers who were here have expired and they have not elected to renew.



MR. CLAUDE M. HILL: Mr. President, with your permission Sir I would like to ask the Honourable Member a question on section (c), his answer was "No" - and, the third question by the Lady Member, his answer was "No", to state - will the Member state if the health at the comprehensive school is presently under the supervision of any Government Medical Officer. Now, why - my question is why has this been under the supervision, because we see it on the Estimates where the Medical Officer attended Government Schools?

HON. B.O. EBANKS: Mr. President all schools are visited from time to time by the Medical team, usually accompanied by a Medical Officer for the purpose of giving vaccinations and other immunization shots. But, I have answered the question that has been asked, and the answer is "No".

MR. JOHN D. JEFFERSON: Mr. President, I'll like to ask the Honourable Member one supplementary question in relation to (b). The question that the Lady Member asked - (b) section of that, I would like to ask him - will the Member say what benefits the expatriate teachers derive over the local teachers?

HON. B.O. EBANKS: Is the Member referring to fringe benefits Mr. President?

MR. JOHN D. JEFFERSON: Anything about salaries.

HON. B.O. EBANKS: In common with all overseas employees of Government teachers gets housing allowances, and in lieu of pension to permanent and pensionable personnel they get a gratuity at the end of their contract.

MISS ANNIE H. BODDEN: Mr. President, I should like to ask the Honourable Member if in the face of certain rumours will he see that this school is placed under supervision of some G.M.O.?

HON. B.O. EBANKS: Mr. President, I'm not here to deal with rumours Sir.

MISS ANNIE H. BODDEN: So, I'll put it otherwise; facts then Sir.

HON. B.O. EBANKS: Could the Lady substantiate the fact that she's speaking about Sir?

MISS ANNIE H. BODDEN: Mr. President I could, but I wouldn't care to do so.

HON. B.O. EBANKS: Well, if she is not prepared to substantiate the fact, I'm not prepared to deal with it Mr. President.

MISS ANNIE H. BODDEN: Mr. President, that is up to him Sir.

MR. CLAUDE M. HILL: Mr. President, if I'm permitted Sir I'll like to ask the Honourable Member, has the school at present someone called a nurse or someone who is in attendance with those attending the school for supervision of Medical care?

HON. B.O. EBANKS: The answer is yes. Mr. President the school nurse is in post.

MR. CLAUDE M. HILL: Mr. President, now I will ask the Honourable Member another question with your permission Sir. Has the nurse reported to you, seeing that the school is under your portfolio that the school had students there who were sick with venereal disease?

HON. B.O. EBANKS: Mr. President, this is a different question. I have the information if you direct that it is answered I will, but I don't see where this is required in elucidation of the answer which I gave to the question which was answered.

MR. PRESIDENT: I'll hold the Honourable Member's view. I think this information can be passed to the Honourable Member if he wishes it, but it doesn't arise immediately out of this question.

MR. CLAUDE M. HILL: Yes Mr. President, I'm aware of your power that you have your ruling, and I was only at the present time trying to make a point where the Member answered no to the question asked.

MR. G. HAIG BODDEN: Economy seems to be the answer to question (d). If economy is the reason for sending three interviewers, why did you not send one person?

HON. BO. EBANKS: Mr. President, I have already answered that I have nothing to do with the recruitment process, that is not - I did not send anybody.

MR. G. HAIG BODDEN: If you are responsible for this subject, why are you not looking at it?

HON. B.O. EBANKS: Which subject?

MR. G. HAIG BODDEN: Subject of Education.

HON. B.O. EBANKS: It is very much under control.

MR. CRADDOCK EBANKS: Mr. President, if I may ask the Member on (d) he has answered, but could not Government have gotten the teachers they wanted by asking for qualifications and experience in their field of teaching without three going for interview?

HON. B.O. EBANKS: Mr. President, bitter experience has proven that to recruit someone who is unseen and unknown can be more expensive than the purchase sum paid on a proper recruitment process.

MR. CLAUDE M. HILL: Mr. President, if I'm permitted to ask another question Sir - the Honourable Member in all recruiting if it necessitates three at all times to go; does it?

HON. B.O. EBANKS: I'm afraid this is a question that should be directed to another department. I explained that I'm not responsible for the recruitment process.

MR. G. HAIG BODDEN: Mr. President, the Member had said in his answer that it was cheaper to send three, I want to know why it was cheaper to send three than to send one?

HON. B.O. EBANKS: Mr. President, I fail to see the analogy because I didn't said it was cheaper to send three than one. I said, it was cheaper to send three to Canada than to bring twenty-six to Cayman.

MR. PRESIDENT: We'll passed on to the next question.

MR. JOHN D. JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HON. W.W. CONNOLLY, OBE., J.P. - MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU., AGRICULTURE AND SURVEYS

WHAT STEPS ARE BEING TAKEN TO ENSURE THAT PUBLIC RIGHTS OF WAY AND TRADITIONAL ACCESS TO BEACHES ARE BEING INCLUDED IN THE DEVELOPMENT PLAN AND TO ENSURE THESE RIGHTS OF WAY ARE PROPERLY RECORDED UNDER CADASTRAL SURVEY?

ANSWER:

UNDER SECTION 11 OF THE LAND ADJUDICATION LAW 1971 THE DEMARCATOR SHOULD INDICATE PUBLIC RIGHTS OF WAY. THIS HOWEVER, IS NOT ALWAYS POSSIBLE AS MANY LAND OWNERS WILL NOT ADMIT ANY

RIGHTS OF WAY OVER THEIR PROPERTY.

A LIST OF RIGHTS OF WAY HAS BEEN COMPILED AND CLAIMS FOR THESE HAVE BEEN MADE TO THE CADASTRAL SURVEY. SHOULD AN OWNER OBJECT TO ANY OF THESE CLAIMS THE MATTER IS REFERRED TO THE LAND ADJUDICATION TRIBUNAL FOR DECISION. UP TO NOW MOST CLAIMS FOR RIGHTS OF WAY HAVE BEEN DECIDED IN FAVOUR OF THE PUBLIC AND THESE HAVE BEEN RECORDED ON THE LAND REGISTER.

IT IS INTENDED TO INCLUDE IN THE FINAL VERSION OF THE DEVELOPMENT PLAN A LIST OF PUBLIC RIGHTS OF WAY WHICH HAVE BEEN DETERMINED BY THE CADASTRAL SURVEY ADJUDICATION AT THE TIME THAT THE PLAN IS PRESENTED. THESE WILL ALSO APPEAR ON THE DETAILED PLANS OF EACH DISTRICT IN DUE COURSE.

MR. JOHN D. JEFFERSON: Mr. President, a supplementary question. In response to the answer given, will the Member say whether or not Government is considering the over-riding interest which is recorded under the registration law?

HON. W.W. CONOLLY: I would not say that Government is considering the over-riding interest, this depends on the request by members of the public. There is the provision where that over-riding interest can be registered, but surely it has to have the backing of affidavit and substantial witnesses in order to do this.

MR. JOHN D. JEFFERSON: Mr. President, a supplementary. Does Government not view the seriousness of charting these public rights of way to the fact that they are themselves - looking after the interest of the people in this respect?

HON. W.W. CONOLLY: The Survey Department is very cognizant of this, and I may say that a list as has been said in this has been compiled and so far about twenty-five claims have been made, and most of these claims have been registered as the rights of the public. This is in areas where the Cadastral Survey has been working, generally from central George Town, South Sound, Spotts, Old Man Bay, Rum Point and the Bodden Town and Brakers area. So far there <sup>have</sup> been about twenty-five claims and two or three of these claims have been decided in favour of the individual land owner, the others have been given to the rights of the public.

MR. JOHN D. JEFFERSON: I thank the Member, Mr. President.

MR. PRESIDENT: We'll pass on to the next item on the order of the day, "Bills second reading". We shall continue the debate on the second reading of the Radio Bill.

CONTINUATION OF THE DEBATE ON THE RADIO BILL

MR. JOHN D. JEFFERSON: Mr. President, Honourable Members I want to say; I rise in support of the Radio Bill and say that as far as I'm concerned this is <sup>as</sup> a good bill. I think that the bill makes it very plain - this bill as far <sup>as</sup> we are concerned is a bill that governs the licencing <sup>and</sup> the technical aspects of Radio which is very important and <sup>as</sup> far as I'm concerned at this stage as we're about to embark on our own broadcasting station.

I first want to say Mr. President that I am indeed humbly proud to have this bill before me today. As far as I'm concerned it is a dream come true, it has been, I guess you would say a short span of time since I have personally and Members of this Assembly have seen the need for such a law being before us.

I remember years ago under adverse circumstances that this Government was made aware and the people that there must be better communication between Government and the people. I remember when the decision was taken and the Information Officer's position was created which would elevate some of the problems and begin the ball of

MR. JOHN D. JEFFERSON: communication rolling. This was taken because there was a great need, but it indeed was the dream of every Legislator I believe that eventually we would have our own broadcasting station which would keep our people informed of what the facts were concerning this territory. In view of the latitude that was given I want to also hope that the same will be accorded to me. I want to say with all respect that I was happy and I am happy today; in spite of all the objections and no doubt difference of opinion that steps were taken in this territory, steps that had to be taken, steps taken by a man that had the courage to do the same thing that he felt was best and right for the mass in our territory.

As we stand here this morning or sit in this Chamber debating this bill, it again is a reminder of the fact that this Government is indeed concerned about its people, and this Government is indeed concerned about providing more and better services for its people. I am glad to see the fruition of years of labour - be able to stand here this morning debating this bill, having seen so many other dreams come true, see the moving today of things that place us in a position where every Government in the world have to take notice of the fact that the Government of these Islands are indeed moving on with a job of providing the amenities for its people.

This bill in my opinion does exactly what it is sought to do, and that is to govern the field of Radio. This bill is very explicit, it seeks to place guide lines to govern and make it crystal clear that we know exactly what we want and places the authority in the hands of the proper people; and, that is the Government - Governor of the Cayman Islands.

In section 3 the application makes it crystal clear that this law has no application to radio and television receiving sets primarily designed to receive transmissions intended for direct reception by the general public, to any undertaker operating within or between the Islands under a Telephone Law or any other licensee under the Broadcasting Law.

Section 4, there shall be established for the purpose of this Law a body to be called the Radio Advisory Committee. And, then we find in the constitution set up for the committee in the back of the schedule. The provisions are made for the constitution of such a committee, and we are aware Mr. President that this committee deals purely with the technical aspects of Radio. I believe in my own experience that one can not be too careful in regards to the control placed on radio broadcasting in this territory.

A few years ago Mr. President, when I was living in another country and worked for another Government there was an incident that created a tremendous amount of concern, there was a ship, and I might recite the incident sent from another country, and I was asked me and another member to go aboard and bring the party ashore. When I went on board I was made aware that that party coming ashore were all men that were armed; after insisting that these men would never get ashore on my boat being armed they eventually disarmed themselves and went ashore. And, an individual licence under the ham radio got in touch with someone in the state department and notified the state department that that particular Island was invaded by members of another country. Well, in a matter of four or five hours marines of that particular country were disembarking to take care of whatever the incident was. I'm only saying that to show that we can't be too careful in making sure who controls where a party lies in relation to this.

Then we see that the section also deals with people making false alarms and statements on the radio; I think it is a good guide line, I believe that it is necessary to be there and I only hope that the enforcement of this law will be done in the manner in which I believe it is brought. As far as I'm concerned this law does not prohibit but it makes provisions that other vehicles or other things can be licenced, other stations; but it means that somebody is responsible and somebody has to know for sure what is being entailed in that or any other particular operations.

MR. JOHN D. JEFFERSON: (CONT'D): The bill also says that where there is a licenced radio or station, that if that station is being sold within a period of fifteen days that that particular person must make in writing to the member all the particulars; which means that no body will be able to escape the responsibility that is rightly theirs.

As I've said, section thirteen whoever - (a) by means of radio or telegraphy sends or attempts to send, any message which to his knowledge, is false or misleading and is, to his knowledge, likely to prejudice the efficiency of any safety service or endanger the safety of any person or of any vessel, aircraft or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress or in need of assistance or is not in distress or not in need of assistance. I think it is rightly placed, I think it is necessary and I'm glad to see those six sections there. In other words, it is always preventative medicine that is far better than trying to prescribe a cure after someone has really gotten into trouble.

I like section sixteen, section sixteen (1) where it appears expedient to the Governor by reason of the existence of a state of emergency so to do, the Governor may assume control of, use, or prohibit the use of, any radio or telegraph station or apparatus or documents, including messages (whether transmitted, received, or in course of transmission or receipt) for such time as the Governor thinks necessary in the particular circumstances. Then in subsection 2, I think these Mr. President are all good guide lines, things that probably will never be used but in the event if there is a need it is already there. You see I am not one that believes that as we sit here in this Chamber from time to time and debate - deal with bill that come before us, I believe that the type of Legislation that is being brought before us, a great percentage of it is legislation of good order, legislation that is properly thought out, legislation that will help to guide this country in time of crisis.

Section 19, the penalty is two thousand dollars, I would hope that the penalty would not be any less in instances of this nature. We have to make unmistakably clear that people understand the language which you are talking. We can't make penalties that people will laugh at especially in incidences like these, we have to place penalties to hurt.

Mr. President, I'm dealing here only with hearsay but it is said that the Cayman Islands broadcasting station is going to be - the maintenance will be sub-contracted<sup>ed</sup> out to another firm. I only want to say this, in dealing with the maintenance of the station, that I trust that we won't swallow everything foot line and sinker, but that anybody that offers themselves to provide this kind of maintenance that they are able to provide references of this type of work being done for previous radio stations in the past and we're able to check the type of maintenance that is provided, and I trust that this won't prove to be too expensive a thing sub-contracting out the maintenance of Cayman Radio to some other firm. And, I trust that the type of maintenance provided is going to be the type of maintenance that will help us to have a station to which we'll meet the requirements, and even above that, provide for the people of these Islands a good broadcasting, and that it's not too expensive a thing. And, I wanted to make that point because I think its essential, we are dealing with the technical side of it that side comes under the technical side, and I'm hoping that whenever it is sub-contracted out, if it is that the firms are able to provide references that we know that they have done this before, and the type of work that they have done is the kind of work to which Cayman Radio would only - we would only add to the quality of the station.

I trust we will not bled financially in that respect, but I think also that we must think in terms of trying to train our own people. Because, I hope Cayman Radio will be exactly what it is, what it ought to be, what is envisaged, an Island, a station that portrays the culture and seeks for the people of these Islands as a whole, and provides them with a type and quality of broadcasting to which we can be proud. I know that we will get an opportunity under the broadcasting

MR. JOHN D. JEFFERSON: (CONT'D): Law to deal with it later, but I want to say this Mr. President, that I trust that every ounce of news that is worthwhile will be placed before the people of these Islands that this territory and the people of this territory will not be depending upon - to listen to rumour and untruth, but that there will be such a programme of information and a programme of truth to the people that our next election won't be the way it was the last election.

I like truth Mr. President, and I found out one thing and that is, that if we are capable of laying the facts before the people of the Cayman Islands and make no mistake about it they can come up with the right answers. I say this in closing, I trust that the programming that will be done for this broadcasting station we'll not forget the heritage of the people of these Islands especially on Sunday. We could do our people no greater justice, we could do our people no greater job than to help to preserve the things that have placed us where we are today. And, Mr. President from my christain heritage, I have no apologies to offer to any body, and my only thought is that I with God's help am going to preserve that heritage come hell or high water regardless of whom we have to stand up to or against to see that that heritage is maintained.

I thank you very much.

MR. CLAUDE M. HILL:

Mr. President and Honourable Members, I think that my tune will be a little different, whether it's bass or tenor I'm going to sing.

We are here dealing with a law to repeal and replace the Wireless Telegraphy (control) Law, 1965; (law No. 1 of 1966). It is quite true that the Wireless Telegraphy (control) Law is out dated. When the Honourable Member was introducing the bill he outlined this quite clearly to us, it's no need of standing here and arguing off only matters of the old law because we are repealing this law here now.

The introduction of an up-to-date legislation covering the subject of Radio communication is a very important subject in this day and age. What I'm going to say, it may sound foolish in the ears of many, but it is a good thing that each and everyone of us have our time to see what we like so long we do not infringe. While listening to the arguments by previous speakers concerning the bill, so far it leaves me to think if we are on the right road with this amendment. For instance if a Radio ham or private investor wishes to have a licence and is told that under certain conditions - sections of the law, he could not get a licence. It is quite true we have to be very careful in the granting of a licence, but what about what is here licenced already? We must give thought of that.

In this bill before us anyone operating a Radio in this country when this bill is passed, if passed they can tell him that his licence was only good; and I'm sure for "a limited time" the word will be used.

Mr. President, we here have been blessed by having a person like you to be head of our Government. I say that with great pride, but the day could come when you are gone and we are confronted with a new man who will not be as patience as you, and also not as reasonable as you. You have always listened to our ills and our complaints, and I say this bill will never be another you and let me - and I hope that I can stand in this Chamber, as long as I am in this and say that, and if I'm out of this I hope I can hear it said - people coming here - what I'm saying here now.

I must mention something that can be done, and that is Radio jamming. This has taken place in previous years with other countries and I'm hoping that the day never rises or the time that we hear when Cayman Radio is on the air, you cannot get certain stations outside of the country of Cayman - Grand Cayman. Another wish I have is, that the Cayman Government will not do with this as they did with Cayman Government electricity undertaking, and that was to sell it. The reason

MR. CLAUDE M. HILL: (CONT'D): is left to anyone to make up and decide whether it was sold or not or given away. The idea was because the Cayman Government was told it was too big an undertaking, no one could be placed there and trusted.

Mr. President, quite a few points have been brought up by Members who have spoken, and I tell you this Sir they've left us with food for thought.

Dealing with section 4 (1). There shall be established for the purpose of this Law a body to be called the Radio Advisory Committee. Now, does this leave Television out? If a private investor cares to bring in Television this Law can be amended of course, but under this present Law he cannot bring in Television.

Then section 6(1). No person shall within the Islands or their territorial waters establish, maintain, import or use any Radio or telegraph station or apparatus without first obtaining a licence for the purpose, issued pursuant to regulations made under section 17. Mr. President, I mentioned with your presence here I'm sure this could not happen or it would not happen, but you will not be here forever and none of us will be here forever. And, this Law can be amended they would say, but at this present time or just after you're gone and someone cares to invest and is told under the Law no private investor can come in - you can't obtain a licence, it's no need applying, you cannot cope with the regulations; for no reason he sold it. No more than this law does not permit you to even come in and talk about radio.

Then on section 8(1). Whoever establishes, maintains, import or uses any radio or telegraph station or apparatus in contravention of section 6 or 7 is guilty of an offence. It goes on further where it says, whoever by way of his trade or business, hires, sells, exchanges or deals in any radio or telegraph station or apparatus save under the terms of a valid licence issued to him for that purpose under this Law is guilty of an offence.

Then on section 11, the powers given to the Governor on the recommendation of the Member who is appointed to be an inspector for the purposes of this Law. Then on section 11 (3), it tells you about an inspector. An Inspector shall be furnished with a certificate of appointment. We did not expect to put a fool to run it, but the appointment and on entering any premises, vehicle, vessel or aircraft pursuant to subsection (2) he can enter at any time, and he can also search the premises.

Then on section 17 (a) and (b). Classifying the various types of radio station, and prescribing the nature of the service to be rendered and the frequencies which may be used by each class of station. Mr. President, there must be a Law. I am aware of that, but when you have an inspector who is partial or who can be partial and he tells someone that <sup>their set</sup> the frequency of that set is far out reaching or even not specified to operate in the Cayman Islands. Then on section (b), it must state the power output, <sup>the</sup> necessary bandwidth frequency.

Mr. President, what comes back to my mind is in the event of a disaster in this country. If we had a disaster like a hurricane, and there were no radio ham allowed in this area owing to the difficulty of obtaining a licence - private telecommunications have played a very vital role in the case of a disaster or disasters. I have known of disasters in the caribbean which is subjected to tropical disturbances, and those telecommunications went out when Government operated; telephones could not get out and we had aid coming in less than a matter of minutes - surprised - something warm to put the people in; tents, some of everything came.

Mr. President, the responsibility rests on the shoulders of each and everyone of us here today in this House. Let us not do something from now by the making of a Law that covers certain things in this radio law without thinking.

Thank you Sir.

MISS ANNIE H. BODDEN: Mr. President, I rise to support this bill. Now, I'm not saying that there are not certain things which will have to be ironed out, but I'm supporting the bill. I remember Sir the first time in my life that I even heard about a radio that you could hear news from an out side world; that was in 1931, a man from Cayman Brac by the name of Mr. Marston came to Grand Cayman with a radio to sell, five of the elite bought that radio - (now you leave me alone please) five of the Caymanians of the elite class bought that radio and paid fifty pounds for it, it was fifty pounds. It was installed in the old court house, and it was the only mains of entertainment. I remember going there on a Christmas Eve hearing for the first time jingle bells, when I was going down the stairs along with some other young people at that time there was a group coming up, and that was the first time I ever heard or saw anything about a radio. Well, that enlightened the people because we were putting far away from society what was happening in the outside world.

Well, as the news of this radio spread abroad the elite ordered radios, and all like the higher upper class in each home more or less of the elite these radios were installed. Then the group who had bought this fifty pound radio bought another one I think that cost one hundred pounds, they installed it in what we called Mr. Parson's house where the By-Rite now stands and that was an entertainment. Then in 1935 the advent of the Cubans wireless station here, which was a time of great rejoicing with the cuban ship - "Cuba" / <sup>lying</sup> in the harbour; Cuban Officers and men in galore dancing around the old wireless station that we now call it, and it was a happy time. Everybody so happy that we were hearing from the outside world and knowing what was going on.

When the war started in 1939 radios were still not very plentiful, but some people had, and there was a general gathering from house to house to hear what was the news. I remember one famous captain now deceased sitting on the office window where I worked cleaning his nails with a little pen knife he had and saying, if he was Churchill how he would handle the battle of Dunkirk. Well, all that kept us amused. I'm only stating that Mr. President to show these younger people how far we have advanced in this 1975 year. And, I'm very proud Sir of the advance that we have made and I feel that we should try everything in our power to keep this radio station what it should be, clean, we have to control it because other than that I don't know what will happen, everything has to have some control. And, while I don't agree with quite all this bill here / <sup>as</sup> I feel that we can iron it out, but I'm saying Mr. President and Members that we should be proud of ourselves that we have come up from I would say the last round of the ladder, and now we are three quarters of the way up. We have / <sup>our</sup> own Airline, our own currency, our own broadcasting station in the very near future, and I hope that we shall eventually get Television. Now, I'm not saying that television will be the best for children, but I know it will be the best for me personally because I would like to have some form of amusement where I can sit at home and see what is going on. And, I feel Sir, and I hope that with the advent of this Law that will in no way block the operation of a television if and when we get to that stage.

Now, Mr. President I feel that this Law here has somethings in it which we'll have to correct. This advisory board I hope it will be staffed with men and I suppose maybe women who are impartial, who will, if Annie Bodden goes and wants to make a broadcast provided its not slanderous or in anyway to put the face of the Cayman Islands in disrespect or that I shall be allowed. I feel that it should be for all and sundry provided they live by the regulations. Now, you hear such and such a person has been designated for such and such an hour you must stay behind, we don't want anything like that. We want it that all and sundry shall have an opportunity to do what they want to do, provided that it is within the law.

Now, this section 6 (1) here. No person shall within the Islands or the territorial waters establish, maintain, import or use any radio or telegraph station or apparatus without first obtaining a licence. Now, what I'm not sure about is if a radio apparatus means an ordinary radio, I don't know. If it means something beyond that



MISS ANNIE H. BODDEN: (CONT'D): I have no objections, but I do not think that it would be right and fair that everybody who has a radio that they should have any licence. This word apparatus here could mean something else, so I would leave that to be questioned and answered.

Now, I see section 8 (1). Whoever establishes, maintains, imports or uses any radio or telegraph station or apparatus - well, the station I take it would be a station, but this word "apparatus" I'm not sure about, in contravention of section 6 or 7 is guilty of an offence. Then I see in section 8 (3). If any legal proceedings for contravention of any of the provisions of section 6 or 7, the burden of proving the existence of a valid licence in respect of any radio or telegraph station or apparatus, as the case maybe, shall be upon the person charged. In otherwards I take it Mr. President that if I say I have a licence to operate I must produce that licence, so I see nothing wrong in that.

Now, sale by private persons. Whoever, other than <sup>by</sup> way of his ordinary trade of business, sells, exchanges or otherwise disposes of, any radio or telegraph station or apparatus again; that is a word that is causing me some concern, apart from that Sir I do not see too much to raise any objection to. Of course I'm not a mechanically inclined person, I do not know anything about radio telegraphy broadcasting or any of these technical things, but I feel that we have gone a very long way and we must not let stupid trifles make any disorder or confusion. And, I trust Mr. President that when this station, this Radio Cayman has been built and is in operation that we as Legislators will have opportunity if we so desire to air our views to the public. Although I have heard it said more than once they're going to sweep the floors, there're going to put in teenagers; well, I hope that day will never arrive Sir when we run this country by teenagers, anything under thirty-five years of age I hope they'll never enter these doors because we are bad enough, but I'm telling you if we get teenagers in this Chamber we will have a ruined country.

We have <sup>built</sup> our heritage on faith, hope, love and forbearance of old forefathers, good old Caymanian Justices of the peace, vestry men and they have led us up to the high ladder where we are now on, and I hope and pray and trust that the population of the Cayman Islands will never get so foolish as to put teenagers in this Chamber.

Thank you Sir.

MR. G. HAIG BODDEN: Mr. President, the bill before us is intended to cover the whole subject of Radio communication. Although some Members have stressed the technical aspects of the bill I gather that this bill deals with more than the mere mechanic of hertz and megahertz. It says in the memorandum that we are updating legislation covering the subject of radio communications as well as enabling us to comply with international convention. So, let us not fool ourselves, the real intent and purpose of this bill is to put our House in order for the great and final day when Radio Cayman will go on the air.

I must congratulate you in your capacity as Governor, for having appointed the First Official Member as the Member responsible for Radio communications or broadcasting as it says in the Gazette. I admire your choice and I must say that I am happy this responsibility has not been given to any Elected Member. I know that they are men of upright character, but it would be difficult for an Elected Member to contain himself when it draws near to Election time, so I am glad that the choice of a Member for broadcasting has gone to one person who would've been amongst my own choice if I had had to make the decision. I only hope that he will have the strength to withstand the strong challenges that will come to him, and that his prayer will be like that of the new bride groom when his wife prayed, "I need thee ever hour", he said, "God give me strength".

I know that later on we will be getting a Broadcasting Law, and I'm wondering if we will be furnished at that time with a detailed programme outlining the uses to which Radio will be put, and if we will be given a general idea of what will be presented. I know one Member has stressed that he wants to make sure that there are some religious programmes for Sundays, but we will want much more than that.

MR. G. HAIG BODDEN: (CONT'D): Now, the technical sections of this bill were probably worked out by the expert and the L.A. Members are really not in a position to criticise that part, but the non-technical section - the non-mechanical sections do come within my scope for criticism. Wherever we're dealing with communications human resources come in to play.

Yesterday one Member stressed that this bill would not have too much to do with the use of Radio, that was the truism of the century. But, while this bill in itself will not have much to do with the use of Radio the regulations will have everything to do with the use of Radio. Now, my gripe has always been that we give Executive Council far too much power in making regulations. Executive Council is Executive Council, it is not a Legislative Council and we should not give them power to make as many Laws I call them, because these regulations have the force of laws. We should not give them as wide a power as we give them. This is more true in a bill of this nature where the main purpose of having a Radio is to communicate with the public.

I always heard that thirteen was a bad lucked number, but it looks to me like seventeen is the bad lucked number in these bills. You remember that seventeen is a bad section in the Health bill which we will be amending shortly, and seventeen is the section in this bill which gives the power to the Governor in council to make regulations. Now, let us look at some of the bad parts. Subsection (c) gives them the power to make regulations concerning delegation of the function in respect of such licences. It gives them full control over the use of Radio, yet one Member would have us believe that this Law will not control the use of Radio.

Subsection (d), specifying the qualifications to be held by the operators and providing for the holding of examinations. I think this is going too far, who is qualified here to hold examinations when there are no schools for the would be operators to qualify in? And, you can use your imaginations to know who would be the examiners.

Subsection (e) prescribing fees. I have always maintained that this is wrong, if you charge a man a fee you have in effect imposed a tax upon him, it is not a tax that will effect the entire land but it is a tax that this person cannot get out of, because this is his particular business and Executive Council alone should not have the authority to impose a tax on the operators.

Only two days ago I spoke to a group within the medical department, and they told me that at the time when these ill-fated Health bills were passed they were circulated with a copy of the Law and asked how they liked it. They had to sign a form I believe, and say they liked it, but they were shocked later on when they were told -----

MR. PRESIDENT: I think the Honourable Member will have a chance to talk about Medical Bill later in the proceedings.

MR. G. HAIG BODDEN: (CONT'D): Yes Mr. President, I was only going to show how these people were charged fees, because of regulations in the Medical Laws, and they were charged an exorbitant twenty-five dollars for private nurses or what they thought to be exorbitant because the Law empowered Executive Council to make a regulation. Anyway, I won't pursue that subject anymore.

There is one other section in this seventeen, and that is (t), prescribing any other matter. This is an all embracing clause, this is where we give Executive Council a blanket check to do anything they'll like to do; prescribe any other matter or anything which maybe, or is required by this Law to be prescribed. I'm saying that section seventeen is giving too wide a power to Executive Council, and we need some amendments to that section.

The Lady Member from George Town mentioned awhile ago the Advisory Committee that would be set up under this Law, and here I see that all the evils of the past have been put together in the formation of this Committee, every wrong doing has been compounded into one big mess in the setting up of this Committee. In two, I see that Members of the Committee are eligible for reappointment, I disagree with

MR. G. HAIG BODDEN:(CONT'D): this. The Members are appointed in the first instance for three years, I don't see why the Members should be reappointed. Three years is long enough, he should be removed from the board and a new person reappointed, or if we say that there is a reason for reappointment of some Members that reappoint<sup>ment</sup> should be limited to say two terms, but not exceeding two so that a Member would serve the maximum of six years on the Committee, he should not be a life Member of the Board.

In five of this schedule, I see we have brought back this thing from 1870 to give the Chairman both an original and a casting vote. This matter was argued for nearly a whole day in October last year when we dealt with the Health bills. We removed this original and casting vote from the Chairman, why are we sneaking it back into this bill? We found out at that time that the last time one man had been given two votes was in the House of Commons in 1870 more than a century ago, yet we are setting up a board today in which the Chairman of the board would have an original vote and if there is a tie he would also have a casting vote. Now, where would the Chairman be expected to vote if there was a tie? wouldn't it be where he had cast his original vote, so we are giving to one man two votes and I don't think this is right. Infact the House agreed last year that it wasn't right, and it was removed from another bill. We do not have any examples for this in recent years, and we must take this away.

The First Member from Bodden Town also dealt yesterday with section 7 which says that the validity of the proceedings shall not be effected by any vacancy amongst the Members nor by any defects in the appointment of any Member. This is wrong, if the board is not properly constituted the proceedings of the board should not be valid. Why have we gone to all this trouble to say how the Members will be appointed, and to say how the Chairman will be appointed, to say what the quorum will be and turn right around and say that if we don't meet any of these requirements what the dummy board does is still right. So, I maintain that the validity of the proceedings should be effected by any defect or any vacancy existing in the board.

There are other bad sections in the Law; Section 11 appears to give the right for an inspector to enter any premises presumably without a warrant. As the Member from Bodden Town said yesterday, if premises would include <sup>man's</sup> private household this should not be allowed, because you are really violating the right and the privacy of the man. It is true that section 12 goes on to say, that if you're going to search the premises you will need a search warrant, but it appears that section 11 makes it possible for an inspector to enter a place without the permission of the owner, without a warrant for entering and this is totally wrong. I believe that if we leave this as it is, this section will come back from the Commonwealth Office for an amendment.

I have dealt with a few sections of this Law which I feel are bad, and I just want to touch briefly on the general aspects of Radio. I welcome the coming of the Radio, but I'm distressed that we are ignoring the evolutionary trend in communication. We seem to be preparing for the 1930's and the 1940's. Every country in the Caribbean that has started out with a Radio station is now moving on to their own Television station, and I feel that all this preparation we should think about T.V. It will come as sure as the night follows the day, so why are we being so childish at this time and in effect saying if the people of this Island are capable of enjoying a Radio station, then we the big brains will give them Television later on.

One Member - the Second Member from West Bay mentioned the use of the Radio at the next Election. I hope that the Radio will not be a political arm of this Government, and I trust that the Member responsible will see that excessive emphasis is not given to the acts of special Members in Government when this time comes. Radio is going to have an impact on this Island far greater than many realize. It is going to control through advertisements what we will eat, what we will drink and what we will wear. Depending on the programme it will determine moral attitudes, religious attitudes, it's going to effect every phase of our

MR. G. HAIG BODDEN: (CONT'D): living. And, we are playing here with dynamite, so we will have to make sure that it is closely watched, and that it is properly used for the benefit of all.

CAPT. A.A. REID:

Mr. President and Honourable Members, I am going to support this bill and I'm not going to waste too much time of the House in so doing. It is a very simple bill well written and one which I think either of my little grand sons, eleven and twelve respectively could read and digest in one reading. I am not going to quote from any paragraph of it.

I have lived with a bill of this nature for the past fifty years in several different countries almost identical in concepts - in context. Some countries are very particular, for instance Curacao, the Argentines, Brazil and all those South American countries particularly if they had any political upheaval at the time - they barred up your radio - you locked it, you kept the key but they pasted a tape over it, you couldn't use the radio in port. And, the law applies to all countries, but as I've said not all of them are that particular, mind you they are getting more and more particular; most of them are doing it now, they'll tell you and warn you you are not suppose to use your radio in port, and if you are caught using it you'll be subject to the big fine.

Now, if we - what does an inspector means? The first thing that Custom's Officer does is when you enter a port he'll ask you for all of your papers; your radio certificate, your safety certificate, your load line certificate etc., and when he sees that you have them the next time you go back you're not asked for them, they get to know you. But, when his memory is usually good enough he'll remember when they'll expire, and if they are expired any of them he'll ask you or he'll tell you to have it renewed. And, to renew a radio licence in this country would only mean to have any good electrician who can repair a radio, examine it and test it and see that it is working, so that's no big thing either.

I am very pleased that the radio is coming, I think we need it. All of these little Islands have it, some of them that are poorer than we are have broadcasting stations, the only thing that perturbs me is that we may not have the expertise here to do the broadcasting, and I am looking forward and hoping that we can search out two or three Caymanians with a nice caymanian accent to do the broadcasting. And, I hope we don't have to bring somebody from the Eastern Caribbean to do that for us.

As to the political use of it, I have no objection of either Member of this House using it if he's stupid enough to waste his money on so doing. I can assure you I will not be spending mine on that, and I won't be jealous of anybody who does. I don't believe that it will be used in that manner, I have that much confidence in our Government, and so I will end by saying, I support the bill in its entirety and I see nothing wrong with it. Every man who has a ship to shore - radio in this country should pay a licence, every man who has a ham set should pay a licence - pay for a licence. That is done in all other countries and I see nothing wrong in taxing the people who have radios.

MR. CRADDOCK EBANKS:

Mr. President, I don't have very much to say on this bill, but this bill that we have before us we've got it here to protect some venture that we're about to start out on. We have escalated quite high or to a far distance over the past few years. I remember well when eight to a dozen sailing boats were seen out in George Town Harbour, and today it would be good to see one. It took three to six weeks probably to get a letter towed over from Jamaica, we finally succeeded by a few more ships with a few cane knots that reduced the time by a week or two weeks, and today we have got completely away from those as well - it's a jet age, breakfast at home, lunch in an hour across some other country and now we are about to embark on even faster than that. So many million megahertz in or on of a second.

MR. CRADDOCK EBANKS (CONT'D): We have been looking and catering and working hard for the betterment of this Island and its people, and I trust that we will all enjoy this as <sup>it</sup> should come about, and I do hope that it's not / <sup>in the</sup> too far distance; I wouldn't like to hear that it's next month and when next month comes it's next month and next month it's next month, but nevertheless we're much closer to the beginning of what we hope for some-time maybe it was four or five years ago. And, as far as I'm concerned I can't see why we shouldn't have had this before now, whether it was Government or whether it was a private enterprise.

With the many applications from the - we had from the private sector or private enterprise to go into this, it seems to be dragged around to where it now will become a baby of Government, and I do hope we will not lose in this venture. It will mean much to the people when they can turn on their radios and find out what is going on in the Island and of every Island as well.

But, while a number of speakers have spoken on different sectors and sections of the proposed bill, I will not go into all the details and ramifications of the different sections, and I'm hoping that this will be one of the bills that will go to committee as well, and whatever may need to be ironed out it can be done. But, I do raise my strong objections to section 8 subsection 5 with the Chairman having two votes. I am not going to support it here and I wouldn't support it in the Committee and I wouldn't support any place at any other time, because that's - we have been told on so many occasions why we want to do away with this and do away with that because other countries are doing away with it, it doesn't work, it doesn't serve any purpose. Whether this serves any purpose or not it will serve a purpose, it would be very unfair for one individual to have two votes whether he would be for or against. So, with those few remarks Mr. President, I again say I raise a strong objection to that subsection of the Chairman having two votes, other than that I go reasonably along with the bill as proposed. And, I say if it should go to the Committee we'll then try to iron out the odds and ends as they maybe.

I thank you.

HON. A.B. BUSH:

Mr. President and Honourable Members, apparently there are no more speakers on this bill so I will wind it up. I think we have had a very interesting discussion on this bill, the merits and demerits of it, few criticisms were offered but to my mind nothing very serious. I think I see some of the Members have some fears as to just what the station maybe used for. It may be used for - I think it was one Member remarked, the political arm of Government, I don't think that there is any such intention in Government to use the station for such purposes; of course as one of the Members of Cayman Brac said, he wouldn't be wasting his money to go and speak over it. I think we should realize if we want to get on the air it may cost us some money, but there maybe times when Members of Government may have to go on the air to probably clarify certain matters in Government for the benefit of the people. Surely I don't think this would be considered as being used for political purposes, so I don't think Members really need to have any fear of that, I can assure you there is no thought of it going on in Government service now to that effect.

Television was mentioned/as to why shouldn't we have television as well as radio. Well, what we're trying to do is to establish one first, one that we consider the most necessary, and that is radio. No doubt in years to come television will be in our Island, and it is not known yet whether this will be an undertaking by Government or by private enterprises, this will be more or less the matter to be decided on later on. But, let us get the Radio station establish/first and then we can take other things in stride.

Several sections were referred to, and I think one of the sections referred to was the definitions to radios, Well, I think we can all thrash this out when we get into committee stage - the appointment of an inspector, I think we should realize that all of this is necessary for the proper running of the radio. And, complaints have been/ <sup>made</sup> about the penalty being too great compared especially in other laws for other offences but no doubt we can also correct this if Members disagree with the penalty laid down

HON. A.B. BUSH: (CONT'D): in the Law.

And the committee seems to be causing quite a lot of concern, and especially the Chairman having two votes. Members should realize that as is said here in the law that it's only an advisory committee, and the Member really doesn't have to take the advice of the committee. I'm not saying this now to mean that the Member will not listen and certainly be advised from time to time by the committee, but I'm only saying that the Member doesn't have to take the advice of the committee, its/<sup>really</sup>not a statutory board, it's an advisory board and the Member doesn't have to altogether base his decision on just what the committee has said; so I don't think you'll need to worry about that right now.

The frequencies, some fears have been expressed that these may - you may not be able to get any other station while Radio Cayman is on the air. Well, I think careful attention has been paid to this and we hope that this won't interfere with other stations and we hope also that other stations won't be interfering with us. This has been gone into and frequencies for the broadcasting have been selected which are considered trouble free - station jamming I think one Member called it. And, I think also that one Member made mention of the appointment of the committee and Members shouldn't serve for a certain time. Well, I don't think they expect to make any life membership of this committee, but we should realize that these will be more or less special people who have knowledge - some knowledge of Radio and there may not be too very many here who know about this particular thing. The Law provides for three, not more than five; I'll rather think we may get down to three and leave the five.

But Mr. President and Honourable Members, I want to thank Members for the debate on it, it certainly went very well indeed and I'm glad to hear that most of the Members agreed, and all of the Members agreed that we should have a radio and some of course disagreed as to how it should be run with certain things in the law, but as I say this can all be gone into when we get into committee stage and I'm sure the best use will prevail in the Law.

And so Mr. President and Honourable Members, I beg to move now formally the second reading of a bill entitle "The Radio Bill", and move further that this House go into committee of the whole House to study the bill clause by clause and to amend it as maybe deemed necessary.

SECONDED BY HON. D.V. WATLER, CBE., J.P.

QUESTION PUT: AGREED. BILL GIVEN SECOND READING

MR. PRESIDENT: Proceed now with the further motion by the Honourable mover, that the House resolve itself into committee to consider the bill clause by clause.

QUESTION PUT: AGREED.

MR. PRESIDENT: We shall defer moving into committee until we have completed the second reading of the other bills before us.

I think this would be a convenient time to suspend proceedings until 2:30 P.M. this afternoon.

HOUSE SUSPENDED AT 12:43 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Proceedings are resumed. We continue with the second reading debate on the Penal Code.

THE PENAL CODE BILL

CLERK: THE PENAL CODE BILL, SECOND READING

MR. PRESIDENT: The bill has been moved and we'll continue with the debate on the motion on the second reading.

Are there any speakers for this motion?

MR. G. HAIG BODDEN:

Mr. President, the House has been dealing with a package of bills. The bill before the House at this time is perhaps the most important of all these bills, it is the longest of them all and it is intended to put an end to more laws than any other bill we have dealt with here before. I am not making any apologies for not having studied the bill, I did study it.

I am often criticized for rushing in where angels fear to tread, but how can you get the angels to follow if you do not show them the way. It took the ancient Romans five hundred years to prepare a Penal Code, our big brains are doing it in five weeks, and there are bound to be errors, there are bound to be mistakes.

Following in the pattern of bills presented to this House since the coming of the new constitution, this bill is in for many amendments. I doubt if it can go as long as the ill-fated Health Bills went before it comes back for major repairs. In this Law we are doing away with some twenty-two other laws which took three hundred years to build. One can hardly see how so many years accumulation of bills could be put down in less than one hundred pages. I can understand that the codifying of a multiplicity of bills or laws into a single volume will greatly facilitate the legal profession when occasion arises to use these laws. Nevertheless an attempt at brevity is bound to cut out and to leave out many things of material value, if I had my way we would not proceed with this bill any further, we would give it many more months of study before we attempt to put it into Law.

On my first reading of this bill I came across many errors, (and I'm not speaking about typographical errors) and I want to mention just one of these grave mistakes we are making. Section 146 (h) says, that whoever endeavours to obtain or actually obtains charitable contributions of any kind unless authorised in that behalf by the Governor, shall be deemed an idle and disorderly person and shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding \$20.00 or to both. With a clause like that in this bill, I don't see how any service club in this Island or any schools in this Island could go on the streets and even sell a ticket for a dinner in order to raise money for that organization, because the person who did it unless the person did have the authorization of the Governor would be deemed an idle and disorderly person and liable to imprisonment.

Of course the Law makes one concession further down in section 149 - exempts charitable collections if they are made in any recognized place of worship. This is a serious error, if this was the only error but there are hundreds of them, some of them have even greater importance in this bill, and I'm saying that this bill is being put forward without having been properly sifted. So, this House is not qualified to deal with this bill without very serious and deep study. Perhaps this was wilfully done, it might be that we are getting too many requests for charity, but it is wrong. There maybe in some other hidden crevice of this bill, some section that says section 146 is of no value, but reading it straight forwardly one cannot in the future if this bill goes into law seek charitable contributions of any kind without the Governor's permission. And, I think that would be taking away the rights of the people of this Island, but every time a service club wanted to have a dinner or a school wanted to raise a little money for some new furniture or even if you wanted a dance for the benefit of the poor to provide a christmas treat you would have to go on handed knees to the Governor in Executive Council, perhaps it means to get permission to do this. This is taking the joke too far.

Of course there is one consolation for some Members, they will be able to make appeals for recognized places of worships but the churches alone do not take care of all the social needs of the community. And this Government would look very ridiculous if they arrested a person on the street because that person was seeking contribution for a charitable cause. Now, I do not want to promote begging, I do not believe in people getting something for nothing but when a person is seeking a contribution for a valuable cause, that person should not be deemed an idle and disorderly person; infact I can't see how disorderly could come into asking for a contribution, and I don't see the word "Idle" could fit a

MR. G. HAIG BODDEN: (CONT'D): person that is asking for something, because one of the most difficult things for any human being to do is to ask a favour of a fellow human being. But, section 146 is just the beginning of this big bad bill.

On page 99 we have a list of twenty-two laws which will become obsolete laws that will be repealed with the passage of this bill. And these twenty-two statutes are some of the most important statues on our books, I only have to name a few, The Forgery Law, The Larceny Law, The Perjury Law, The Riot Law, The Treason Felony Law, The Dangerous and Offensive Weapons Law and the Criminal Deception Law, all of these will become obsolete and their contents will be compressed into one or two little sentences in some instances in this bill. Hundreds of pages of Legal Draftsmanship will be reduced to nothing in this bill, everybody believes in brevity, everybody knows the good of brevity, but take a look at one of the most serious things on our books and you will see what has been done. Take the charge of murder mentioned in section 169, rather 168. Whoever of malice aforethought express<sup>ed</sup> or implied causes the death of another person by an unlawful act or omission is guilty of murder. Everything that has ever been written about murder on our books, and every case of murder that has ever been tried would be done away with and replaced with this two line section.

I am not a Legal Draftsman, I am not a Lawyer but I have heard enough about murder and murder cases to know that you cannot take the entire common Law cases of English Law and put them in two lines, particularly when it is dealing with an offence of murder. Of course section 169 goes on to further enlarge on it, but all section 169 does is to repeat what was in section 22 that certain people could not be convicted of - if they are convicted of murder could not be sentenced to death. And, those people would be pregnant women and children under a certain age. So, I say we have attempted to do here in section 168 what all the Legal brains in the world have not been able to do, because in murder like any other offence there is murder and murder, there'll be different situations, there'll be different cases, there'll be different reasons, there'll be different motives, there'll be different people involved there would be different defences, there'll be different reasons for persecution. So, I can't see how we can take a subject as broad and as grave and compress it into two lines and believe that we have made a better Law than what we already had.

I have mentioned two sections, but if I went on to the whole two hundred and ninety-six sections you will find that in ninety percent of the cases I would have the same argument. So, codifying is a good thing perhaps in some instances, but for the Penal Code which is going to cover every criminal offence that has ever entered into the imagination of man, and is going to cover all the Laws ever written on these subjects from the middle of the nineteenth century and which is going to serve for all times as a law of the land, brevity does not suit, brevity, for brevity's sake does not suit. It is true that all of these things can be put into one Law, but not into a merger one hundred pages.

The bill does achieve one of the things mentioned in the memorandum, and that is the cutting out of a considerable amount of dead wood. But I believe that when that exercise was done a lot more was cut out, but the Draftsman and the Legal Department and the Executive Council have a right to present this bill for our study. But the Legislative Assembly as a whole has a grave responsibility to its people and we should not attempt to pass this bill without a detailed study of not only this bill but of the other twenty-two or twenty-four Laws that are being reduced to nothingness. This bill must be withdrawn from this House and given better attention by the proponents of it, and giving more study by the Members because I'm afraid we couldn't last eight days without an amendment to this. We were very fortunate in the Health bills that we went eight months without an amendment, but the things that are put in this bill and the things that are left out are material things, they will make substantial differences in the administration of justice in this Island. Here with a single blow we are doing away with the common law of England with very few exceptions is the common law retained, but as if that was not bad enough, we are also doing away with the statutes which took the place of the common law, and so we will be left with nothing on our statue books.



MR. G. HAIG BODDEN: (CONT'D): In this set of bills which has come before the House, there were some good ones, there were some bad ones but here we have one that is nothing at all, absolutely of no use. It does not live up to the objects and reasons set out in the memorandum, the only thing it might do is to help the officers of the court to find what they are looking for quickly and easily. But they will be a disappointed bunch when they find there's nothing on the page, and this bill is intended to correct things which might later on give rise to public embarrassment. The bill itself is an embarrassment to the public, to the Government and to me.

I am told in the memorandum that it is proposed to follow the practice adopted with success in many parts of the commonwealth, I wonder how successful they have been. We do not have to follow what has been successful in many parts of the commonwealth, because this country is not an independent country yet why not follow what has been successful in the United Kingdom. I do not see anything in this bill to indicate that the common law of England or the statutes there have been codified, have been compressed in to a compendium of only ninety-nine pages. But, to err is human, I can understand in the pressure of getting the job done, the pressure of getting this set of bills completed that this could happen, but must we allow - must we here today endorse this mistake or must we take it back to the drafters and say to them, do a more complete job, bring back the bill to us with all the errors that will be pointed out, bring it back to us in a corrected and a renewed form and then we will study it. But, where the Law failed, in the real grave offences - it seems on the other hand to have taken great care to preserve the lesser offences and to write them out in language that is plain and simple.

Section 151 (b) says, that whoever uses any profane, indecent or obscene language is guilty of an offence. But isn't it a joke to put this in when we have cinemas in this Island that are screaming out night after night profane, indecent or obscene language which has never been heard in this country before, and we as a society tolerate this. Yet we would be willing to pass this bill so that if anybody on the street uses one little bad word, you will be hauled off to court. We're really making a mockery of justice; I also wondered why did we bother to include section 145 on obscenity and obscene publications, why bother to put it in, why bother to include that in this code especially when we do the ridiculous thing of enumerating the obscene publications including in those publications cinematograph films, and when a question arose sometime ago we were told that they didn't know what was obscene, everyone knows what is obscene.

I cannot vote for any part of this bill to come into law, and I'm sure that when the people who have prepared it and the people who have presented it have seen it in its proper perspective, they too will admit if they are big enough and if they are humble enough that this law needs a total - this bill needs a total revision.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, the best thing that I see in this bill Sir is this section 50. No person shall be convicted of an offence under section 48 upon the uncorroborated testimony of one witness. The Bible tells you out <sup>of</sup> the mouth of two or three witnesses shall the truth be established.

Now, I have gone to the court house and heard people convicted on one single evidence, now this is the best thing I see in this bill. I am wondering Mr. President why is it now found possible that the laws that we had revised I would say about twelve years ago costing as I recall about forty thousand pounds, what has happened that everyone is wrong? Now, Mr. President I feel now it's time that we stop having all of these laws, because we have been running this country not too very satisfactorily I would say, but at least we've been able to get along. But now, every couple of years we hear this law is no good; the Lawyers if they are too lazy to study the laws as we have them now let them go about their business. I in my humble way, I haven't got too many law books unfortunately, but I have to take what I have, search if I can't find it in one I'll find it in the other. I have four dictionaries in my office, in the event if I don't

MISS ANNIE H. BODDEN: (CONT'D): find a word in one I'll find it in the other and the Lawyers will have to do the same thing. I don't think we as Legislators should come here and waste our time amending laws to suit anybody, we must have laws that are workable and laws that are for the betterment of this country.

Now, I have studied this up to a point, but it's humanly impossible to go into all the ramifications of this bill and pass it without proper study, and, I for one would recommend that this bill be deferred for the time being. It is a very comprehensive bill, one that takes care of everything like crime.

I see here the Coinage Offences Law repealed, The Foreign Recruiting, The Forgery Law, The Incest, The Larceny, The Malicious Injuries, The Military Training, The Obeah Law, The Obscene Publications which I heard in this Chamber two sessions ago, those laws are no good, nobody seems to know even what obscene meant. Now, if they didn't know it at that session I don't know how they're going to interpret it in this present law. I am for law and order, but I feel that we should not rashly conclude that every thing we have done in the past is wrong. When the present set up now has gone, the Legal Draftsman and another ones comes, I'm very sure he will say these are no good lets get new ones again. And, I mean it's not good enough, we have been operating this island I would say three hundred years - I don't mean me Annie Bodden, I wish I had been here that long I would have more experience than I have know. But I feel that we haven't got to bring everything too up to date, and I would respectfully submit Sir that this is a very comprehensive bill, a very serious bill and one which we should take time to study.

Murder, we have all heard the definition of murder. Murder is the plan of a man or woman to take the life of another one, that is planned. Manslaughter is done on the spur of the minute, all these things we know by common sense as well as common law, but as the former speaker said to put it in two or three lines that is not good enough. We could have these Lawyers, these trained Lawyers come and tear this Law to pieces in a minute, and I feel Sir that while we might need some amendments to these laws we shouldn't do away recklessly with twenty-two laws and put it in a booklet with one hundred pages. I feel Sir that we should take time to study a bill of this nature, I cannot agree that we might not need some amendments because to every human we are all human, but I just don't understand this rush for changing laws so suddenly, after all with all due respect have we got as my friend here sometime said, the infrastructure to carry out all these laws. We keep what we have for the time being and go on, and when we get that we really know what we're doing, because I will guarantee you I'm not too sure what all of this means.

I am not a legally trained person, I have learnt the hard way. Fifty years of experience, and I pride myself that when it comes on common sense I will put myself with any person I've met in my life time. Now, I won't say education, I would say common sense, and I feel Mr. President that before we rashly listen to the advice of everybody, anybody who come and say, well this law isn't no good; lets get a revision we should take time to study it. A law such as this or a bill such as this when it becomes law will effect us for generations to come, all kind of things you are hearing about; abortions, marrying, giving - doing all kind of things, it's all taken into account I agree. Presumption of sanity, insanity, intoxication, immature age, compulsion defence, use of force in effecting arrest, compulsion by husband, different kinds of punishments, sentence and death, fines, imprisonment, liable to exort money, pollution, obeah -(I sometime wonder Mr. President if there is no such a thing as Obeah, why is there a law against it, that's what I sometimes wonder). Imbeciles, administering drugs to a woman or girl, for our selves -(well we have enough of them that we can care regardless if we haven't got a law, we can cure them I'm sure. I have reported to the police several times of what I know was going on). Idle and disorderly persons, proof of intent, exception of charitable collections - well Mr. President I really don't think that every time any just cause is on foot and need to be money collected, that we should have to go and get a licence or a permit for such thing to do. I feel that that should be a matter of free agents, I don't like to beg money, I'll do without it rather than beg

MISS ANNIE H. BODDEN: (CONT'D): I'll give it myself if I have it. But in this day and age when there are so many projects to be financed people here to ask, and I don't think that we should be really suppressed in doing that or called idle, to me that is a big job getting money out of some people.

Malice aforethought, poor persons suffering from diminished responsibility; everything is covered under it, but is it covered sufficiently to know what we should do when it comes before a court of law or will technicalities be found in this bill that we will waste, it might not be five thousand dollars it might be fifty, because something is wrong with the law or something is wrong with the administration of it. I feel Mr. President, and I would respectfully suggest that we defer this bill until we can have a proper study of it, and maybe by September we shall be able to know exactly what is good about it and what is bad.

I thank you Sir.

MR. JAMES M. BODDEN: Mr. President and fellow Members, I'm afraid to even speak on this bill, I'm afraid I might get life imprisonment.

I'm surprised that the word "dead wood" was used in the memorandum of objects and reasons, because if I had to pass my humble opinion on this bill I would say that ninety-nine point nine nine percent of it would fall under the category of being dead wood. I too have to wonder what has happened in our country that for years we have had laws on the statute books which have governed us, and all of a sudden we find everyone of them is deficient and wrong. The people who passed on here before us must really have been more idiotic than we that are in the House today, because every bill that has been on our statute books like this one, I think we're covering twenty-four in this one, we have to keep revising them, changing them and every time we hear they are such bad laws.

Mr. President, I wasn't kidding a while ago when I said I was afraid to speak on this before I got life imprisonment, but I would say that I'm afraid to walk out of this building when I get through because just about every sentence I see in it is life imprisonment. Now, I'm not one that is going to stand here and tell you that I'm sympathetic with a person who has committed a crime, but I believe that we should have clearer definitions to a lot of these crimes. And I'm not convinced that that is the case in that particular bill that is before us.

I for one, do not like to call on help from people, but I would say Mr. President that if ever we had a bill come before this Assembly that we should have called in, whatever you may've called in the best legal minds or whatever it is in our community I think this is where we needed them. In my opinion before this should even have been presented to the House, because it's only a few of us in this Assembly that are privileged to have legal minds the rest of us are all imbeciles, so Mr. President, we should have called everyone that could have given us an idea of just what was involved in this particular bill. We have taken twenty-two old laws plus only God knows what else that was covered under the old common law of England, and we put it together into a hundred pages and then some Members of this House would have the rashness to say that we should be able to come in here and intelligently debate this in seven days. I know that same particular Member is gloating right now because he thinks I'm going to miss the other side of it, because he says that this has been out since March. Maybe it has been out since March, but if it were I did not study it at that time. And, I will tell him this that I make it a point to study every bill that comes before this House.

Now, I will admit not being too intelligent, I may sometimes not have everything right but at least I'm a big enough man to display my foolishness by coming up here and debating it to find out whether I'm right or wrong; at least I'm not showing that I'm going to be led by the nose by someone else who tells me it is correct. My own little feeble mind must make up its own part of it to tell me whether I'm right or wrong. This bill maybe<sup>15</sup> needed Mr. President, but I would echo the words that I've heard said here just before by some of the other Members, that this bill at this time should be withdrawn from the House, come back at a

MR. JAMES M. BODDEN: (CONT'D): later sitting and during that time try to get as many lawyers as you could along with our own legal staff to brief us on it. I think this is such an important bill that we should have more than one person's opinion as to whether this is a good or bad thing. Each of us is going to put different interpretations to it, whatever we do with this law today or this bill rather is going to have great impact on our country in the years ahead, it's going to effect every human being to an extent that lives in this country and this is something that we should give good attention to, not just try to hurriedly pass it as we've done so many times in the past here.

I heard someone say, that it took the Romans five hundred years to codify their Penal Code. I do not know whether that's correct or not, but we are trying to do it here in seven days, I think it must have taken the mother country longer than that because I don't believe they have it up till today. And if British Law which is held up to the world as being some of the finest laws that are made, then why is it that we must follow the footsteps or probably again the Eastern Caribbean or some of these wonderful independent countries in this territory to try to do the same with ours.

I understand Mr. President, that a lot of cop things that were normally covered under the common law have been changed and are now codified and stipulated in here. Now, common law has always been used in my opinion to give some levity, but once we put it in here common law can then not apply anymore. Mr. President, I would like to draw the attention of the Members of this House to section 11 (4). This is in regards to the good intentions of a person who is intoxicated.

Now, Mr. President it is a known fact or an acknowledged fact rather that the road to hell is paved with many good intentions. But, if I read this correctly, unless there is some further definition for intention that what I can read into this particular bill or clause that it would be very easy for an intoxicated person to say that he had no intention to drive his car recklessly and kill someone, that can be his defence. Now, if I am making the wrong interpretation of it I am willing to listen to the learned minds later on, but Mr. President I've read that a couple of times and that's all I can make out of it. A good intention, a man is drunk, gets into a car, drives it away, knocks someone down and kill them, and then when you take him into court he can say, "My God, I'm sorry I did it, I had good intention not to do it but I did it". Now, does that help anyone, wouldn't that make a mockery of every law that we are trying to put together here today?

Section 36, I think I have searched this bill fairly close in regards to definitions, and again Mr. President I cannot find anything in this law that defines imagines. Now Mr. President, can I be penalized under this law for imaginations that I may have on my mind? How are we going to know what is imagine, how are we going to treat it in law? If I may use a little joke at this point, I heard many times of the case that was tried in the Grand Court here a number of years ago, and the person who had been accused said to the Judge, "Your Honour, can you do anything to me for what I think", he said "No", he said "well I still think then the man is a son-of-a-bitch". So, if he can't do anything for him for what he thinks how can we do it to him and defines for imagines? Now, I have no legal knowledge, I have never had the pleasure of gracing some of the big halls of the Law Society and so forth, but I cannot understand this as a layman Mr. President and I would like before we put the stamp of approval on this to have some intelligent answers to some of these questions.

Section 67, again Mr. President we have certain things here that we are labelling as offences, and labelling in that they become under the definition in this law I would say, " Prohibited". Now, Mr. President I would like again a good answer to this one, for years our people have tilled the little bit of soil that it is in this country by the use of a piece of steel known as a machete, some people intellegently call it cutlass. An ice pick, something you use in your home, a knife you use it in your home, an open razer, some of the old time people used the old razers, we today use the electric ones or the razer blade one. But, we are

MR. JAMES M. BODDEN: (CONT'D): de-finding all these as offensive weapons under this law, we are calling it prohibited and yet Mr. President we are not defining the use. Now, I can readily see where a cutless can be a very damaging thing when used offensively, but in order for us to use this definition that is in this bill Mr. President I feel like there has to be something in there in regards to the use, that it must be used offensively to be determined as a prohibited weapon. I just can't see putting it out here the way we have it that these certain things are offensive and prohibited.

Section 121, that is one of the sweet ones. This is insulting the modesty of a women; there is nothing in the world that I love any better, but we're going to talk about modesty here and cover it in this bill and tell a man that he is subject to going to jail for one year for using what could be determined here as a bad word, when Mr. President the cinemas in this Island they've <sup>with</sup> ablaze/it, you can see anything you want to see there, you can hear anything you want to hear. Well, if we are going to put this kind of thing into the law that's one of the first places that we must start at it. We have had motions in this House about those things, I'm not trying to be a prude, I'm not trying to be a moralist, I have as many faults as any person in this Assembly, but there is a point that you reach that you do not be pushed any further. And, Mr, President how can we put the little man in the street who may have had couple of drinks then too much, for using a little bad word when you can go to the cinema and pay your two dollars and hear all the bad words you want - the big ones, no, can't see it.

Section - I want to touch on one I had - I didn't intend to do that, but I'll go back. We usually follow everything that any other country does, but I am glad to see that we have not followed our mother country in section 132, I'm glad that we've been able to stand on our own two feet on that one, because I wouldn't want to see us indulged or try to indulge any more things into our community than what we are doing now.

Section 140, this I go along with, it's very much needed but that comes like a couple of more that I have to question Mr. President, because we're told it's an offence and I will admit that I read this bill much faster than I usually read the other ones. But I have not found any section of this bill that says at the end of it which it usually ~~does~~ <sup>at</sup> the end of the bills, any offence that has not been covered under any other section of this law the penalty is therefore so much. Now, it maybe in and I apologize if I'm wrong but I have not found it, so we say it's an offence but I haven't been able to find out what the penalty for that offence is, but I'm pleased to see that we are beginning to give the less fortunate children a little bit of help.

Section 144, chain letters. Mr. President I scarcely have time to handle the ones that I should handle, so I'm not here again to espouse the cause of the chain letters, but this is something that has been going around in this community from the time that I came to knowledge and it was probably going around before then. And for someone to try to codify this, now I don't know whether we have a present law that covers it, if we do, then Mr. President I believe ninety percent of our people including your senior Civil Servants maybe would be in jail in the past. Yet, for doing such a simple thing as I would call it a man or woman can be put in jail for up to six months and a fine of up to five hundred dollars or both.

Now, we have taken something like this to codify and put into this, and yet Mr, President as I search further I can't find anything <sup>about</sup> the dangerous drugs and so forth. Now, that is the thing that is menacing our community, I'll agree we've made some changes in it recently, we should make some more; but why didn't we codify that into this one then also if we are going to codify such a simple thing as a chain letter.

Section 145, again dealing with obscenity. Now we are trying to bring these laws up to date, we are being told that this is something that is badly needed. Yet Mr. President, if I recall correctly - and I think the hansards will bear me out, we have had quite a few arguments in this Chamber as to how you determine obscenity, and we never did get a correct answer for it. Under the old law, the cinemagraphic law I think it is dealing with something like this, you had to go and get a justice of the peace, swear out a warrant to get the film impounded and then take it to

MR. JAMES M. BODDEN: (CONT'D): court and let the court determine whether it's obscene or not. Well, what might be obscene to one man may not be obscene to the other, we define every other word nearly but something as important as that is not defined. So, then we have a loophole, we take it up there to the court, and what do we look like? Mr. President I feel that if we are going to leave that certain section in there, then we must define it. We must have more control over the type of films that are shown in the Island then, and Mr. President the beauty of it all is this, that all the other offences carry such stiff fines but this one is a puny three months in jail, two hundred dollars or both. Yet for some of the other things that are a lot much worse than this you can give a man life imprisonment.

Section 146, I'm still wondering where this one came from. It has been the custom in Cayman for years for people to contribute to worthy and charitable causes, recently we have brought in a thing known as the National Council of Social Services. Mr. President, how is that council going to get its money? I understand that it's roughly a quarter of a million dollars needed for this year in order for that to operate, yet you're going to put in a law like this that could probably tie exemptions although it maybe exempt being it's a government body. But, Mr. President you must tell me that if I go out on the street and try to collect ten dollars for what I consider is a worthy cause which maybe to help a family that is in dire distress and need food, and maybe I can only put ten dollars, and maybe I go to Haig and he puts ten, and you're going to tell me then I'm guilty of an offence, or you're going to tell me I got to come down to your office and get your permission? I will say this Mr. President, and until I can get some further clarification on this that this is insulting to the intelligence of every human being in this House.

Section 147, I'm going to skip.

Section 150 deals with charity again, I don't know why they put this one in between, that should have come in my mind after the next one being you're dealing with charity. Again, I have to speak subject to not knowing any better, but I do not believe that there is a law on our statute books at the present time that says, every little bit of money that is collected for charity must be reported to you. Now, I can see a little bit of merits behind it because in countries like the United States this particular thing has become in the past few years a racket, the same thing could come here. So, I would not put so much objection to section 150, but I certainly would put it on 146.

Section 147 (d). Every person being a suspected person, or reputed thief, frequenting any wharf or warehouse near or adjoining thereto, or any public place leading thereto, or any public place whatsoever or any place adjacent to a public place, with intent to commit a felony shall be deemed to be a rogue and a vagabond and so forth and so on.

Now, again I had to plead ignorance, but what it appears to me that we are basing it on the fact of him being the reputed thief. Now, if he has committed a crime I can see him being taken to court, and hope we can convict him. But if we are trying in any way to make the acquisition here on the point of him being a reputed thief, because we must remember the Bible, no man probably committed any more sins than Paul and yet he became St. Paul. So, it doesn't mean because a man has stolen ten times before that on the eleventh occasion he might not be as honest as anyone in this Assembly.

Section 151 (b) marks on any fence, wall or building any obscene figure, drawing, painting or representation, or sings any profane, indecent or obscene song or ballad, or writes or draws any indecent or obscene word, figure or representation, or uses any profane, indecent or obscene language is guilty of an offence and liable to a fine not exceeding \$100.00.

Now, Mr. President again why didn't we leave out the cinemas, why do we just put it on the fence or the wall of the building? This doesn't seem right, We must remember someone could come in here and put something on that wall, and I walk back in here - we do not charge a fee to enter that door, although some of us might have to pay quite heavy; usually you wouldn't have to pay and you can see it for free, but down at the cinemas or the theatres you must go and pay to see it, and yet we don't

MR. JAMES M. BODDEN: (CONT'D): cover it under the law.

Section 157 (1). Part of this again leaves me a bit bewildered, for pretends to possess any supernatural power.

Now, Mr. President in this Assembly as in so many other places in this Island we have so many people that claim to possess these supernatural <sup>powers</sup> then what are we going to do? Do we have enough jail space to put these people in? I don't know how you're going to define it now, this is supernatural powers, and I know that we have some friends that do claim to have wonderful supernatural powers.

The next one is 186, this is becoming just like a sermon singing the hymns. Section 186, Mr. President again I am not condoning this action but again the whole world is becoming permissive minded. A lot of other countries in the world have made this same crime that we're talking about here something of an everyday occurrence that can be done freely. Now, I can agree to a sentence being passed on this Mr. President, but I do believe that life imprisonment for such a crime is too much because we must remember in a lot of cases you could probably be helping society a lot if things like this were done. I am not saying that we become God, I do not intend that, but Mr. President I believe in speaking what I think without carrying the Bible under my arm and shouting, because when you shout you must also act.

Section 188, again Mr. President I can see giving maybe the life sentence to someone who may strangle a person to death or put an explosive aboard a plane, or something of that nature, but for anyone that would throw corrosive substance - now corrosive substance as I interpret it could mean many things; it could mean Mr. President the acid that was supposed to have been thrown in my colleague's face and my own a couple of years ago at the last election, or it could mean such a thing as the plain creosote. And for throwing that we're going to give to a man life imprisonment? I think we must use some discretion although I hate to use that word, I'm using it in the sense of saying that chase some of these - the one we <sup>had</sup> giving life imprisonment for, but the other ones maybe give twenty years, because, if we're going to send him to Jamaica he's in bad shape.

Section 190, grievous bodily harm. Again I am not a lawyer Mr. President, but I think that many legal interpretations could be put to that. Grievous bodily harm, I have heard it in a couple of times argued in courts and I've heard varied meanings attached to it, it is something again is very difficult to determined, but again we're giving the man life imprisonment.

Section 219 (2). A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force, A person who commits robbery is guilty of an offence and is liable to imprisonment for life.

Now, Mr. President I don't know what the law is now, but I don't believe that's in the law now, because we are saying here that he must only put fear into him. Mr. President, that could be interpreted many ways, because sometimes when I hear the bench on that side speak I just quake over here in fear, so the same thing could be applied in the case like this.

Now, I cannot see putting the man in jeopardy of going to jail for life just for something like that, I can see it if he is considered to be a habitual criminal and probably had eight or nine convictions before that for robbery and on the tenth time you say, well buddy you go for the rest of it now. But not to this Mr. President, that could be the first time, it could be a young kid, we do not know who's going to be our judge twenty years from now, we're not going to know the view they may have, we always respect the law, we always respect the judges but Mr. President they are also liable to make mistakes just like any of us. And, it could be carrying this to an extreme, we have lowered the age to 18, it could be a young boy 18 years and six months who has stolen five dollars and legally the judge could do this, and what are you going to do

MR. JAMES M. BODDEN: (CONT'D): about it? Give him life for it, I could never stand here long enough to agree with that.

Section 222. Whoever dishonestly uses without due authority, or dishonestly causes to be wasted or diverted, any electricity is guilty of an offence and is liable to imprisonment for a term not exceeding five years. I wonder if that's in our books today? "Wasted" Again Mr. President that can be interpreted in many different ways, you could have - be a electrician and hook up a meter wrong and you have waste a certain amount of electricity, are you going to put the man to jail for five years for doing that? Caribbean Utilities must have our Government hoodwinked in more ways than one.

Section 232. Again I have to crave the indulgence of the legal minds, I do not know whether under our present system that in the case of a Justice of the Peace issued in the search warrant whether it's addressed only to a constable. In my opinion it seems like it should be addressed and carried by the constable maybe, but addressed to me if you're coming to search my home, the person involved in my opinion should be the one that this should be addressed to. It doesn't say that he must either present it again either, it says he can enter, we got to be very careful about this. Another thing Mr. President is, "Presumption" in this particular section, just because the man has committed an offence and stole five years before must we if he's paid his penalty to society must we still victimise him and convict him of ourselves? Are we putting the man in double jeopardy? Because it says, if they have a fear that they maybe stolen goods in the man's house, if the person in occupation of the premises has been convicted within the preceding five years of handling stolen goods or of any offence involving dishonesty and punishable with imprison; or if he has been convicted within the proceeding five years of handling stolen goods has within the proceeding twelve months been <sup>in</sup> occupation of the premises a search warrant maybe issued more or less just on that basis without having any proof that anything is in that house. You don't know, but just because that man stole something else and was convicted for it five years before that you run off and get a search warrant and you go into his house to search on presumption, because he has already <sup>once</sup> been a thief, paid his crime to society and then you're going to continually victimise him.

Mr. President, with all due respect, but this bill doesn't seem to be thought out in the way that it should've been before it was presented to this House.

Section 236. I have read that one a couple of times and still I'm not certain about it, because I think contrary to certain laws that we now have on the statue books I do not believe that we can't force a man or wife to give evidence against one or the other. Now, part of this section is saying that you can and part of it is saying that you can force them to give it but then you can't use it as evidence; that is my interpretation to it. I wonder why we put it in the book like that.

Section 243. Whoever wilfully and unlawfully kills, maims or wounds any animal capable of being stolen is guilty of an offence and is liable to imprisonment for a term not exceeding five years. Again, I would have to say Mr. President that the maim and animal and serves five years for it seems like a very stiff offence. And again I have to plead ignorance because I cannot understand what is meant by any animal capable of being stolen, that one doesn't make sense to me because any animal in my opinion if you want to steal it could be capable of being stolen.

Section 244. This is dealing with the recording of titles, burial certificates, registers and so forth and so on, and some of these are serious offences I agree but not all of them. And to say again that you're going to give a person fourteen years, that's a long time in the Jamaican Jail.

Section 247. No, 244 (d). Again you're going to give the person ten years for doing damage to a well, now I'm carrying this one to extreme because you got other things above here that he can do, but the simplest one I've found is doing damage to a well and he can draw a ten year prison sentence for that.



MR. J AMES M. BODDEN: (CONT'D): Section 247, again we have this phrase "capable of being stolen".

Section 248 (2). Whoever unlawfully and maliciously cuts, breaks, barks, roots up, or otherwise destroys or damages any plant, fruit, vegetable production, tree, sapling, shrub, or any under-wood - and it goes on to say different other things with this. In any pleasure-ground, garden, orchard or avenue, or in the grounds of a dwelling house two years in jail or five hundred dollars or both; boy, I'll tell you one thing we better be very careful in the future how we root up trees. Now, I know that's not in any law now.

Section 257 (2). Forgery of a cheque, life imprisonment, and I think it also includes wills. It a good thing we didn't have this one before - a good thing or we would have plenty people in jail for life. Now, where did we get these from, this was like the questions I asked yesterday in the Juveniles bill, these figures, 3, 7, 8 where did we get them from? What is the magical idea behind it? I just cannot believe with the love I have for this country that I have been living in this country all these years with the sword of Domocoles of such high sentences for the least little thing - uprooting my neighbour's tree, two years.

Section 259 (g). Removing a stamp from any material. If I read this right again, you've got certain products that are manufactured, you'll tell me this is why it's in I guess when we get around to becoming an industrial state. Like in the manufacturing of mattresses in the United States you have a tag on them and it will tell you that it's illegal to remove it, but I'll tell you one thing you wouldn't have to spend seven years in jail for it; boy, we are really getting ridiculous with these jail sentences, the things we should put them on we're not putting them on, but something like the removing of a stamp from material, seven years.

Section 263, altering a cross cheque again seven years.

Section 293 (d). I know one thing if we had a had this one on our books before three quarters of this country would be in jail and ninety-nine percent of the professional people, ninety-nine percent of the Government employees and ninety-nine percent of the Politicians. So, we would have had nothing but a jail house in this country, so I know that one hasn't been there before, because it's never a country in the world that in certain places you can <sup>get</sup> as much professional and character assassination as you can in this Island from people whom you expect better from.

Mr. President, I beg mercy and I implore the Second Official Member who is piloting this bill to seek the indulgence of this House to withdraw this bill and present it at the next sitting of this House, and between now and then call the Assembly Members together and try to explain this bill to us, maybe we might be come wiser. But, Mr. President I must again say that for the way that I read this bill, and it maybe needed but I think it's an insult to our intelligence to bring it to us in this fashion, and we must remember these laws some of them may have been made fifty years ago and that's why we've got to change them today; but if we make this into law today we do not know who's going to administer this law twenty years from now. And, by that time Mr. President, it maybe too late, because you might not have any country left, everybody might be in jail. So, I hope that due consideration will be given to this, and that the Members on the other side will not vote yes to this just because Mr. so and so said it was a good bill.

Thank you Mr. President.

MR. CLAUDE M. HILL:

Mr. President and Honourable Members, quite a bit of discussion has arisen from this bill. I voice the sentiments of other Members who spoke on how complicated the bill was, the voice of opposition had said so much that I find myself in a position where I can only voice what was said by them in many respects.

MR. CLAUDE M. HILL; (CONT'D): While reading the memorandum of objects and reasons we learnt that the Penal Laws of the Islands are to be found in some twenty-four enactments.

Dealing from the middle of the nineteenth century we also learnt that it was written, and at that time it was also for Jamaica; quite a bit has been covered by previous speakers on the matter or the matters in this bill. The arrangement of sections numbers many - about two hundred and ninety-six. It is stated also in the memorandum of objects and reasons that any omissions which is made to this bill could give rise to public embarrassment; that is truly said, and I think quite a bit of embarrassment could arise if we here pass it as it stands.

We here are repealing quite a number of laws as I see it on page ninety-nine. These Laws were made, and we are doing away with these laws at present to make it simplified. It is proposed to follow the practice adopted by many parts of the Commonwealth of collecting the Penal Laws into a Penal Code. Just to speak of a few sections, because of other Members speaking of many sections, but there are sections like section 121. Whoever - this is dealing with the insulting the modesty of women or woman, whoever with intent to insult the modesty of any woman utters any word, makes any sound or gesture or exhibits any object intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman, or intrudes upon the privacy of such woman, is guilty of an offence and liable to imprisonment for a term not exceeding one year:

We here in this Chamber have been discussing of sending our prisoners away for punishments, and we are here now again making a law which would send a prisoner for one year away from this Island. It is a known fact that prisoners here who are sentenced over a term of six months they have to go overseas for their penal

Then again in section 145. This is just a matter of a few sections that I would like to comment on, because other Members commented on so many <sup>other</sup> sections that I don't feel it is right to be repeating what has already been said, although I think that some of these sections that I'm referring to now have been brought to the attention of Members here. And, this section 121 speaks of using the modesty of a woman and the use of indecent language, and different things; and I'm sure as a Member on the cinematograph board, I do not attend cinemas, but from what I have learnt the words that <sup>are</sup> used in some of those places are much more immoral than what is used by a common man who has in a drink or two on the street or on his way home or is aggravated by some form or the other, and not moving around to see who is present when he is using them; but here you are dressed up already for the ball listening to filthy words being used in the cinemas. Yet we are passing a Law here where on the streets or anywhere that he uses that word and he becomes immoral, he's sentenced to one year imprisonment in Jamaica.

Then on section 145 as I've said, whoever for the purpose of or by way of trade or for the purpose of distribution or public exhibition, makes, produces or has in his possession any one or more obscene writing, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films, discs, tapes and so forth. I am aware of the fact that in our book stores, in the heart of George Town today you can go and purchase pictures, photographs, writings and drawings of very immoral nature. And there are being administered commonly to people who go in and ask for that particular book, and anyone can walk in regardless of age and purchase that book from the news stand.

Then again on section 137. If a man pretends to be married to a woman, or believes that she is lawfully married to him and has sexual intercourse with him on that behalf is guilty of an offence and is liable to imprisonment for a term not exceeding five years.

Mr. President, if that law was to be carried out in its present form I am sure today the prisons would be filled. Yet in this bill in the memorandum of objects and reasons I see where the cutting out of dead wood which was mentioned here, this is what they say they are doing, cutting out dead wood. I am sure if the dead wood is cut out it wouldn't be many live woods around. We are doing away with the Common law, a law to which we were tied from many years. Mr. President, we must follow

MR. CLAUDE M. HILL: (CONT'D): what has been a success to this Island or the Islands in general. If these are the things that make the commonwealth countries great in no way we shall follow them, for it's plain to see that some of the commonwealth countries wish today - those with sense that they were not only within the commonwealth but crown colony like the Cayman Islands.

Mr. President, I shall be closing my remarks on this bill by suggesting that this bill be deferred until September, which should be the next sitting of the Assembly where the Second Official Member can take this up to the Legal Draftsman and have him to go over this bill. The matter arises here that they are changing - there are repealing this Law and they are striking out quite a bit to make it applicable to many Lawyers who do not wish to read apparently, and if we have been going along with a law such as this or parts of it, I feel that it is quite time for us to do something in order to retain our respected places in this community.

I thank you Sir.

MR. JOHN D. JEFFERSON: Mr. President and Honourable Members, I rise to speak to the Penal Code. Certainly there has been a lot said already in regards to it, I give no assurance of course of what might be or what will be proposed during the committee stages in this bill, but I rise in support of the principles of the bill that is before us.

Whenever we have one law - code like this that replaces some-thing like twenty-one others and puts it all in one nut-shell it is natural that we have to look at it very carefully. We have to scrutinise this bill with all there is in it, and then hope that the Chairman of - not hope, but expect that the Chairman of that select committee will be able to give us guidance as he has on various other times. As far as I'm concerned I support the idea of bringing our system up to date, our court has been bogged down, too many times our system has proved inadequate, and I for one favour the fact that we must bring our system up to date. I believe that there is a need for the tidying up of this system, but I will not say anymore on that in regards to this bill because whenever it goes through committee stage we are going to be doing everything possible to see that only what's good for this country is left in it.

I do not support the idea that the bill should be put off until September, I think that we should go on, see it through in the committee stages. The committee stages gives us an opportunity to be able to call for people and papers if necessary, to be able to enable us to understand fully anything that we need to know about the bill. I tried my best to look through this bill, certainly there has been so many - so much already said, so many of the sections already been named it seems - makes you feel badly because it seems like repetition, but in a bill like this one cannot help but point out anything or the things in it that catch the eyes, and there's a lot in it that catches the eyes I can assure you that.

But Mr. President we live today in a sophisticated age, we are dealing with all kinds of people, certainly we can't go back or we can't stop and say, well what worked fifty years ago is still adequate today because it isn't. And we are aware of the laws that we did have were laws that were made while we were dependency of Jamaica, and certainly there are a lot of things there that are not good enough for us, and certainly I believe there is a need for us to be able to bring our system up to date.

I noticed, like the other Members in the various sections especially sections 43, 44, 45 and 46, and we see in there the law deals with some of the things that we have been talking about in our last meeting. And sections 42, 43, 44 and 45, they are speaking about the obscene literature and various other things, make reference to the cinematographic films and other things, and certainly I feel that these are all good sections; we need them, we need to get on with our job so we can bring our system in and place the responsibility where it belongs. I trust Mr. President, and the greatest concern of mine is <sup>that</sup> in the bringing in the introduction of this new system, isn't going to discriminate in favour of the wealthy at the expense of the poor. Now, that is something that bothers me, that is something that I questioned; there is a question mark there in my mind. In this

MR. JOHN D. JEFFERSON: (CONT'D): new system it's going to cost a man to go to court and lose, and that's what happens to the poor man a lot of times, in the past it has been that way, that's the reason why we have had to bring in the land adjudication law and other laws Land registration and what have you. So many of the poor people have been deprived of their land because somebody else had a better lawyer able to go in and he lost.

Well, Mr. President I'm saying that the thing that bothers me a lot about this system as I've said is that there won't be a discrimination against the poor in favour of the wealthier. I can assure you that that is one part of the system that's going to have to be made a little bit clearer because as far as I'm concerned I have a greater responsibility for that particular person than anybody else.

One of the Members made mention of the section 116. Whoever commits the offence of rape is liable to be punished with imprisonment for life. I'm glad to see that Mr. President, but on the other hand the trend of today makes one think; I have always said that if I was ever allowed to serve on a jury, and any woman that was brought - any man that was brought before that jury on a charge of rape, that woman had better be able to prove to me that it was indeed, because the permissiveness that exists today certainly tends to attract men many times in the wrong direction. And I am sure that as well as I support the penalty for this I hope that we are not just here making a law that's going to deal to ruin men on charges of rape, because that has happened many many times; not in this country but in many other countries that thing has been used to a great disadvantage and many times many men suffered and certainly weren't guilty.

I see the other sections, I think all others was spoken of. Section 119. Whoever unlawfully takes an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of an offence. Now, Mr. President what these sentences, what these penalties do; these penalties will act as a deterrent to a community. I think that these penalties will tend to help people to think twice; you know I for one support capital punishment, and if we go back to old biblical history and biblical laws we'll find that the biblical laws for many of these offences were greater than placed within this law here this afternoon. The only thing that bothers me is the administering of justice in these various cases.

I'm glad about section 130; I want to say here that I am one hundred percent against abortion, and I trust that this country will never lend itself in that respect. I heard statistics the other day that more babies - more children die in the United States in one year because of abortion than were lost in the first - second world war, the Korean war and the Japanese war, and that's an astounding figure Mr. President, and I for one say that no country in the world can ever prosper, can ever expect to have the blessings of God indulging in so much immorality and wick

I see it would seem like the penalty for indecent assault on boys, etc., - section 134, and I must join the First Elected Member from Borden Town in that 134, because personally I owe to our mother country a deep sense of respect and honour and dedication, but personally I have been distressed for the last few years to learn the fact that homosexuality is legal in the mother country. And I will ask myself the question, how immoral can any country get or any people get? Certainly I can assure you that under no circumstance at no time would I ever agree to anything less than what is written in this law here this afternoon.

I also in section 137, I am glad to see that written there, and I think it is only proper that we seek to enforce it. It frightens me Mr. President, when I think of how common law marriages or common law life seem to be so predominant in this territory today, it frightens the average decent person to think that things that were wrong some years ago, there is nothing wrong with it today because everybody is doing it. I'm saying that it's just as wrong today as it was a hundred and fifty years ago.

MR. JOHN D. JEFFERSON: (CONT'D): I am happy to see section 154. I want to live in that kind of society. Who ever unlawfully or negligently does any act while he knows or has reason to believe to be likely to spread the infection of any disease dangerous to health is guilty of an offence. I would like to see it go even a little further than that. I would like to see written in clear language the fact that when a person is found with a contagious disease such as venereal disease, syphilis or what have you, that they are forced to tell where they've got it.

Now, you can say what you like while you infringe on somebody's right or what have you, a man's vice when he steps out of his own responsibility to the responsibility of other people, infringes on someone else's rights. And I'm saying I would like to see that written clear in my mind.

On murder there is a lot written here, and certainly we'll have to go through it in the committee stages, but I believe that a man that takes the life of someone deserves to lose his own. I have always supported capital punishment, and I forever will.

Section 186. Whoever, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, is guilty of an offence and is liable to imprisonment for life. I support that Mr. President, and there are a lot of things in this penal code that I support, and I'm saying that there are more good things than there are not good things necessarily, but there are more sound things in this law than there is flaws. But, nevertheless it will get its going through in the committee stage, and I can only hope that every Member of this Legislature will endeavour to debate it with the most seriousness of the time, that we will go through this with one thought and mind, and that is to get the very best for the people of these Islands.

I thank you.

CAPT. A.A. REID:

Mr. President and Honourable Members, Mr. President you are almost a new comer to the House and so I'm asking you to give me your sympathy. I am the freshman politician for three good reasons, I am the freshman politician and I know nothing about playing politics the way it is played as a rule in this House. Certainly I am one of a very few who cannot claim to be a lawyer on this side, and therefore I depend on the ability and integrity of the Second Official Member to check this bill and freely admit that I did not do too much homework on it. It is quite an extensive bill, very concise, and I would say knowing of his integrity and his ability for many years I am placing my confidence in him and particularly the Legal Draftsman, I think he is very good too at that sort of thing. So, I crave not only your sympathy for my lack of know how to play these politics but the sympathy of the whole House.

There is one thing in reading the law too that I didn't see, but I would like to see that inserted somewhere in this law that any man squatting on property that isn't his, no matter what time the rightful owner returns to this country and finds him there he will be in a position and will have the law on his side to back him up and rejecting that person and that that person should get a fine of at least two years for attempting to steal land which he had no right to. And I say this Mr. President because, take my own case, I'm in the afternoon and the late afternoon of my life and I have four fifths of my - four tenths of my family living in Canada, and another four tenths expecting to go there in the next year. And if those two children and my grand children were to remain there fifteen years, infact twelve and a half would be enough under the present law when they return to this country anyone could go saying Snug Harbour or any part of Little Cayman, anywhere I own land in Cayman Brac, establish himself, nobody's going to worry about it they probably think he bought it: Build himself a shack or run a fence around it, plant a few trees and take away the land. That is one thing I would like to see go in some law in this country to abolish the chances or to write off the changes of anyone squatting on land and claiming it. I don't think it's

CAPT. A.A. REID: (CONT'D): right, I can't see any justice in it whatever. As far as the bill is concerned we admitted it took a long time to come, the Romans took five hundred years and we took two hundred and ninety-three, I think it is, but it's here and well needed. We should have our laws revised, nothing wrong about revising laws that are obsolete and out of date.

Now about - the Member brought up the question on machetes and razors etc, being criminal. Well, I feel that if I were to be accosted by a policeman when I'm in my garden at the gate of Snug Harbour because I had a machete and a knife or something with me, and a hoe and an axe which I usually have out there, I would tell him to jump into the Canal, it's <sup>none</sup> of his business. But, if I were to take that machete into Galleon Beach one night and sit down to the table and tell the chef, look here I'm too tired to cook my steak, I want you to cook it for me and hurry up about it he would be perfectly justified in calling the police, and I should be sent to jail for that; that same thing would be applicable to my carrying an ice pick or a razor, there are certain places where they are not condoned.

And as for obscene language, I want to be fair to the cinema, I agree with the Member that vulgar pictures have been shown, that should not be, but it's quite different to sit in a theatre where you choose to go in and pay your two dollars and listen to the filthy language that goes on in there, that's your business. But it's a different matter - different kettle of fish when some body stands up on fort street or Albert Panton's street or Shedden road in the little city of George Town and raises his voice and your are walking along with a lady or some ladies, or for that matter in company with anyone it's a different story, there is no comparsion. You can't really put a theatre in jail, and you can't tell the manager to go in jail either, because he didn't make the picture. But there is a law for that. The one thing that disturbs me over this bill and every other bill in Cayman - in these Islands is that we haven't got the infrastructure to carry them out. I have <sup>seen</sup> enough bills since I've been here to take care of the western hemisphere; there is a bundle of them here, look, they are all bills. I thought I had enough cabinets at home, I have three but they're filled up. Look here again, "bills" but we haven't got the infrastructure to carry these bills out.

Now, Mr. President within the last month since the turtle season - well, the laying season they started - as I said, the happy season for the turtle. I know that ten full grown turtles have been caught in these Islands and it's a great pity; at least six of them were big laying she turtles, it must have been a disappointment to the he ones too, but those turtles would have layed an average of two thousand four hundred eggs on our beach, no more than that, they lay five times that because they lay five litters. They would have laid about ten thousand eggs on our beaches, and it would have help<sup>ed</sup> to rehabilitate the turtles, and what's more than that they were the best turtles, they were the Caribbean turtles far superior to the pacific ones. And that is where the police are wrong, I know that these people were poor fishermen and I know that it's pretty hard for them to refuse to catch that turtle, but then law is law. The same thing applies to a man who hasn't got any money, that doesn't mean that he must go to the bank and demand it and take it because it's unlawful for him to do so, and it is unlawful for a fisherman to catch a turtle in the laying season. But our police don't seem to be awake to very much, the only thing I can recommend them for is fast driving.

It's a great pity that people don't have anymore respect for our Natural Resources than they have, but it will never stop until the law is enforced by the police. We must have the infrastructure to carry out this law, it isn't worth what paper it's written on if I take it home and put it in my cabinet and everbody else does the same thing, and the police never see it and the police never act on it, it's not worth what it is written on.

When I read the article 257, it made me remember the two drunken Irish men who were having their lunch and one took a heavy dose of strong mustard, and when the tears started rolling down his eyes he says, Ike what' the matter. Now, when I think of my dead mother and father buried in England, now of all the places, he said I can't help crying. He

CAPT A.A. REID (CONT'D): says, what's so bad about that, well he says it worse to be dead in England than to be in Ireland. And then Mike took some himself and he started to cry, and Ike says, Mike what's wrong with you now, he says when I think of you, what a dirty bastard you are, I'm sorry you are not dead and buried with your mother and father. Now, I am sorry that law was written thirty-five years ago, because somebody might have gone to jail then.

Mr. President, there is no point in talking anymore but I think you've listened to enough rhetoric and enough preaching over this bill and so I wind up by saying, I believe it's a good bill. I haven't read it word for word verbatim, but I've sketched through it and I don't see anything wrong with it, I don't know that I could improve on it, and I'm going to vote for it.

HON. G. E. WADDINGTON: Mr. President and Honourable Members, I sympathise wholeheartedly with the Members of this House on the other side - who have criticised this Bill, and particularly the Members from Bodden Town, because were I not a person with legal training I perhaps would myself be very suspicious of, and critical of the Bill. People who do not understand certain things tend to be frightened of it, they tend to avoid it and to put it aside instead of coming to grips with it.

Now, I do not intend Mr. President and Members at this stage of the day to go into the various sections which were referred to by the first Member for Bodden Town, but I will correct one or two misstatements perhaps due to his lack of legal knowledge, and to try to reassure the Members that there is really nothing wrong with this bill. But, first a few general observations. It is important to a Member Mr. President and Honourable Members that this bill, "The Penal Code" is directly linked to the Criminal Procedure Code Law which has already passed through the committee stage of the House. The Penal Code is a necessary adjunct to the Criminal Procedure Code law, because the Criminal Procedure Code law in its schedule lists every section of the Penal Code, and sets out there in the mode of trial for each of those offences and also the arrest procedures. So, if the Penal Code is not to be considered, if it is to be rejected then of course the same thing applies to the Criminal Procedure Code Law, which this House in committee has already accepted.

The second general observation I would like to make is that we have heard a lot said about the Common Law being excluded, and that the Common Law will have no further application because of this Code, and my comment on that is this, that as I indicated in my moving this second reading of the bill, the bill does codify certain principles of the Common Law. In other words those principles which are codified in this bill now become statutory, but anybody with legal training and reading those Common Law provisions will readily appreciate that those Common Law principles and provisions have been accurately stated in the bill in accordance with the Common Law of England which applies to the Cayman Islands and which have been settled over the years by the decision of the Court, but the bill does not pretend to include every provision of the Common Law and this position is provided for in the very section of the bill which states that nothing in this law shall effect (a) the liability, trial or punishment of a person for an offence against the Common Law or any other Law in force in the Islands. Now, that means Mr. President and Members that any principle of Common Law or any Common Law offence which has not been treated in this bill will still be available and a person who breach<sup>es</sup> those Common Law offences which are not contained in the bill will still be liable to trial and punishment for such offences.

The third general observation that I should like to make is that a great deal of emphasis was placed on the question of punishment, and several offences set out in the Code provide that the person guilty of the offence shall be liable to imprisonment for so many years or for life. Well, I think the First Member for Bodden Town was fearful of walking out of this House because he might have been imprisoned for life the moment he got outside, but when a law says that the person shall be liable to imprisonment for so many years or for life, it doesn't mean that if that person is convicted of the offence that imprisonment for life necessarily follows. The person is liable to the imprisonment, but that imprisonment can

HON. G. E. WADDINTON (CONTD.): range from a day, in fact until the Court rises right through the gamut, right through to life, and not only that Mr. President and Members, but if Members will refer to Clause 23 of the Bill it will be seen that even in cases where a person is liable to imprisonment for life the Court can impose a fine; and I'll just read the Section 23 (1) A person liable to imprisonment for life or any other period may be sentenced to a shorter term (2) Subject to any provision of any other Law, a person liable to imprisonment may be sentenced to pay a fine in addition to, or instead of imprisonment. So Mr. President and Members it would seem that the fears stated on the other side, the fears which the Members from Bodden Town think exist in this Law are really illusory and non-existent.

Now dealing with the question of murder a lot was made of the definition of murder in the Bill by the Members for Bodden Town, and here again Mr. President and Members this Bill defines murder in accordance with the present definition of murder at Common Law, and it contains a precise definition that any Judge who was trying a case of murder would direct the Jury in almost, if not the exact words. Now murder is defined in Section 168 as being "whoever of malice aforethought express or implied causes the death of another person by an unlawful act or omission that person is guilty of murder", and that is the present definition of murder at Common Law, but that Section must be read in conjunction with Section 171 which sets <sup>out</sup> what <sup>is</sup> malice aforethought is, which may be expressed or implied and the express <sup>ed</sup> malice, malice should be deemed to be established by evidence proving either of the following circumstances (a) an intention to cause the death or to do grievous harm to another person whether such person is actually killed or not; (b) knowledge that the act or omission causing death will probably cause the death of or grievous harm to some person, whether or not such person is the person actually killed, and although such knowledge is accompanied by indifference whether death or grievous harm is caused or not, or by a wish that it may not be caused.

Now when a Judge is directing a Jury Mr. President and Honourable Members, those are the words that he will use to the Jury for them to make up their minds whether or not there was malice either expressed or implied, and another section which must be looked at in conjunction with these is Section 177, which also sets out the provision of the Common Law namely, a person is not deemed to have killed another if the death of that person does not take place within a year and a day of the cause of death, so those three Sections Mr. President and Members sets out the present Common Law provision as to murder, and it is rather disturbing Mr. President, and to me amusing when people who have no knowledge of Law or smattering of it try to criticise a Bill, a Bill that has been prepared not out of the blue, a Bill which has been taken from the Malawi Penal Code which in turn was taken from the Indian Penal Code which has been in existence for over fifty or sixty years at a time when India was not an independent state, and the Indian Penal Code Mr. President and Members is regarded by jurists all over the world as being one of the best Penal Codes in the world. And what is more only last week I received a communication from the Attorney General's office in Canada asking us if I would please let him have a copy of our Penal Code. So it is as I've said it is amusing if not pathetic to hear people without legal knowledge criticising a document of this nature.

Now just one or two more corrections Mr. President and Members of matters raised by the First Member for Bodden Town. He criticised the question of intention in Section 11 (4) having regard to intoxication. But there again Mr. President Section 11(4) sets out the defence of a person who has committed a crime, chiefly a crime of murder intended to deal with when that person is in a state of intoxication, and the Member was critical of the fact that it would be very easy for anybody to say, oh! I didn't intend to kill so and so - because I was drunk.



HON. G. E. WADDINGTON (CONTD.): But if the Section is studied with a little care it will be seen that although - in Sub-section (2) Intoxication shall be a defence to a criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know that such omission was wrong or did not know what he was doing and (a) the state of intoxication was caused without his consent by the malicious or negligent act of another person; (that is if somebody made him drunk) or if the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission, it is not easy for a person who by reason of self-induced intoxication to commit an offence and then say to the Court I am sorry about it, I was drunk at the time and didn't know it goes a great deal further than that as many people who have endeavoured to make use of that defence have found to their regret.

Another criticism made by the First Member for Bodden Town is the word "imagines" in Section 36 which is the treasonable section, well that section was taken from our present Treason Law Chapter 172 which was in turn taken from the Treason Act of the United Kingdom, and the decisions of the Court as regards the definition of that word are all there in the records to <sup>be</sup> made use of, and there is no difficulty at all for lawyers and for judges to know what imagining means when it comes to a question of treason.

The Member for Bodden Town said that he could find no general penalty in the law, that there were cases where a person said to have committed an offence, but what happen<sup>ed</sup> there is no general penalty, well if the Member had taken the time to read this Bill carefully, and here I cannot help but <sup>great</sup> avert, that the Member is complaining that he had only had seven days/read the Bill, but he has admitted that he has had it in his possession from March, if he had read Section 32 of the Bill he would have seen that "When in this Law no punishment is specially provided for any offence it shall be punishable with imprisonment for a term not exceeding two years or with a fine or with both".

Mr. President I could go on and on, I could answer every one of the criticisms raised by the Member for Bodden Town, but I'll just confine myself with endeavouring to supply a lapse in his legal knowledge by the reference that he made to an animal capable of being stolen; well an animal capable of being stolen is one that is domesticated, a domestic animal not a wild animal. We have a lot of rabbits here, I think they are called agoutis, I don't know if we have any other wild animals but it is recognised in Law that a wild animal is not capable of being stolen, and so this phrase was used.

There is nothing more that I need say Mr. President and Members, this Bill as I said is a good Bill, admittedly it contains some new provisions, it contains some new provisions which were taken from the Malawi and the Indian Penal Code, but that is a matter which Members will have to consider in Committee, and if they don't like a new provision then of course strike it out, but don't throw the whole Bill out of the window because of that, and I would strongly urge Members - some Members said what was wrong with the old Laws, nothing was wrong with them, its only that they were spread in various statutes, they were couched in language which was archaic and ancient and all this Bill has assumed to do is to codify them into one Law, to revise them to bring them up-to-date, but if the Bill is studied it will be seen that every relevant provision of these Laws which have been repealed has been restated in this Bill, and at this stage Mr. President I would formally move that this Bill receive a Second Reading.

QUESTION PUT: BILL GIVEN A SECOND READING

ADJOURNMENT

HON. D. V. WATLER: Mr. President and Honourable Members I would <sup>like</sup> to move that the House stand adjourn until 10 o'clock tomorrow morning

HON. G. E. WADDINGTON: I beg to second that motion.

MR. PRESIDENT: I shall put the question, but before doing so I would like on behalf of the House to wish the Clerk, who proceeds on leave to United Kingdom tomorrow, a very happy holiday after a great deal of hard work on behalf of all of us.

QUESTION PUT: AGREED.

HOUSE ADJOURNED AT 5:45 PM UNTIL 10 AM  
FRIDAY, 27TH JUNE, 1975.

FRIDAY, 27TH JUNE, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE, JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR INTER-ISLAND CO-ORDINATION AND INFORMATION)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. A. A. REID	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FORUTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDER OF THE DAY

FRIDAY, THE 27TH JUNE,

1. CONFIRMATION OF MINUTES OF MEETING HELD ON 18TH, 19TH, 20TH, 21ST, 24TH, 25TH, AND 26TH MARCH, 1975 AND 1ST MAY, 1975

2. GOVERNMENT BUSINESS:

BILLS:

SECOND READING

- (i) THE PUBLIC HEALTH (AMENDMENT) BILL, 1975
- (ii) THE HEALTH PRACTITIONERS (AMENDMENT) BILL

BILLS COMMITTEE STAGE

- (i) THE HIGHER EDUCATION (LOAN) BILL
- (ii) THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975
- (iii) THE PUBLIC HEALTH (AMENDMENT) BILL, 1975
- (iv) THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1975
- (v) THE PENAL CODE (REFERRAL TO SELECT COMMITTEE)
- (vi) THE RADIO BILL

BILLS THIRD READING

- (i) THE PUBLIC HEALTH (AMENDMENT) BILL, 1975
- (ii) THE HEALTH PRACTITIONERS (AMENDMENT) BILL
- (iii) THE HIGHER EDUCATION (LOAN) BILL
- (iv) THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975
- (v) THE RADIO BILL

MOTIONS:

- 1. FOR THE EXERCISE OF THE GOVERNMENT'S RIGHT TO SUBSCRIBE FURTHER TO THE CAPITAL STOCK OF THE CARIBBEAN DEVELOPMENT BANK.  
MOVED BY HON. FINANCIAL SECRETARY SECONDED BY HON. D. V. WATLER.
- 2. FOR THE POSTPONEMENT OF THE DATE FOR THE PRESENTATION OF THE DRAFT DEVELOPMENT PLAN TO THE LEGISLATIVE ASSEMBLY.  
MOVED BY HON. FINANCIAL SECRETARY SECONDED BY HON. D. V. WATLER.

FRIDAY, 27TH JUNE, 1975

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FRIDAY  
27TH JUNE, 1975  
10 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. The first item on today's order of the day is Confirmation of the Minutes, and I've ascertained from the Clerk that corrections which the Honourable John Jefferson, and the Honourable Capt. Reid wished to be made, may be made in the records.

HON. G. E. WADDINGTON:

Mr. President, there are three slight corrections I would ask to be made too, may be they could be done now, they're very simple. On the 19th of March, meeting of the 19th of March on page seven, the second line of my speech; the word "omitted" should be "pretermitted". On page twenty-four the fourth line from the end of my speech; the word "dual" should be "residual", and on page thirty-one the seventh line from the bottom of the page the word "not" should be inserted between the words "has" and "got".

MR. PRESIDENT:

Any objections to these alterations being made.

QUESTION PUT: AGREED: MINUTES CONFIRMED.

MR. PRESIDENT:

We will pass now to Government business - Bills Second Reading - Public Health Amendment Bill.

THE PUBLIC HEALTH (AMENDMENT) BILL, 1975

CLERK: THE PUBLIC HEALTH (AMENDMENT) BILL SECOND READING.

HON. B. O. EBANKS

Mr. President, I beg to move Sir, the Second Reading of a Bill entitled The Public Health (Amendment) Law 1975. The Memorandum of Objects and Reasons of the Bill are simple and short Mr. President.

Upon reflection it is considered that Section 17 of the Law casts its net too wide, and it is sought by an amendment there to restrict its operations to a limited class of offences. Mr. President, this is a simple amendment and should take only a few minutes of the time of this house, but as Members are aware from statements that have been made and references that have been made to this pending amendment throughout this Session, it is obvious that this Bill will be given full treatment, and that we will probably get a lecture entitled I told you so. So before the time of this House is used up unnecessarily on this exercise, I would crave the indulgence of Members to say that this proposed amendment seeks to achieve what in the final analysis was the desire of most Members of this House, when the Public Health Law, 1974 was being considered in October last year.

If Members refer to the Minutes it will be found that Section 17 of the Law was objected to in particular by the two Members from Bodden Town in its entirety at the beginning of the debate. And it will also be noted that apart from my contribution in the second reading I refrained from entering the debate for sometime, but that when I did I made the submission that in my opinion Members were reading more into the section than was really intended, and that in my opinion it related only to specific offences and that in a Law of this nature it was necessary to have it for certain offences. It will also be found that from this point onward Members, generally including the two Members who have been referring to this amendment throughout this Session agreed that if Section 17 could be limited to specific offences they would go along with it. However, the then Acting Second Official Member was strong that the Section as worded was essential to the smooth operation of the Law, and as a result no compromise on the wording of the Section was forthcoming at that time.

The amendment before us today seeks to achieve, what as I said before, was obviously the opinion, and or desire of most Members of the House when the 1974 Law was finally passed, that is to make Section 17 applicable to special and peculiar offences, and as such I think the amendment deserves the unreserved support of Members.

It is not an unusual Clause to be found in Bills, a similar Clause is in our Cinematograph Law, our Liquor Licensing Law, I think it is also to be found in our Customs Law, and it appears in this limited form in our Radio Bill, which is before the House at this Session. As I said, we in the debate in October quoted certain instances in which this Section would be desirable, and now the amendment seeks to narrow it down to the range of offences to which it would be applicable, and I therefore Mr. President, formally move the second reading of this Bill, and commend it to the favourable consideration of Members.

SECONDED BY HON. D. V. WATLER.

QUESTION PROPOSED:

MR. G. HAIG BODDEN: Mr. President, the amendment before the House has my full support, if I had had my way this amendment would have been made in October last year.

When the Member introducing this Bill said that it was the desire of most Members of this House to have the Bill written in this fashion, it is simply not so. If one looks at the vote that was taken on page 51 of the minutes of October 17th, 1974 one will see that the entire Executive Council, together with the Second Member from Cayman Brac, and the Second Member from West Bay voted for Clause 17 to stand as it was written, so it was not the desire of the majority of this House to have this Clause written in any other way. Six Members probably felt that the Clause should be written as the amendment will now make it. So that is simply not so, and I can't agree that the amendment to this Clause should take a short time, because if one examines the minutes of that day in October, one will find that sixteen pages record the debate on this particular Clause - sixteen pages of minutes were needed to record the debate on Clause 17 of this Bill alone.

My objection to Clause 17 was that it casted its net too wide, the same thing that is mentioned in the Memorandum to this Bill, and while we had a motion before the House for the complete deletion of Clause 17, we also condescended to accept an amendment which would limit Clause 17, and that is found on page 40 of the minutes, in the first paragraph at the end it says "this section must either be deleted or amended in such a way that it doesn't cover every possible offence under the Public Health Law", so what we were trying for, and what we used up many

MR. G. HAIG BODDEN (CONTD.): hours on that day for is the same thing that Government is bringing forward upon reflection. No one can convince me that this amendment is brought today just upon reflection, it could not be done that day when there were a multitude of words that would have convinced anybody else that this section was wrong, and I do not agree with the Memorandum to the amendment, which says that this is brought simply upon reflection. It is my opinion that this is brought because the section was contrary to British justice, and it is brought because pressure was put from on high, probably from the Commonwealth Office to authorise the amendment of this section.

In October last year we contended that this section was against British justice, because it was putting the onus on the accused to prove his innocence, while in normal practise, the prosecution must prove the guilt, that was my contention then, in fact if one examines the minutes, one will find that I said something about it being in accordance with the Napoleonic code, rather than with British Commonlaw, it was specifically pointed out that we would have accepted clause 17 if it had limited the proving of non-compliance to one or two specific cases, but what clause 17 was trying to do was to put the burden of responsibility for non-compliance upon every offender under this Law. In fact it reads "where any act or thing is by this Law or the Regulations prohibited or prescribed, the duty of seeing that such prohibition or prescription is complied with rests upon the person to whom the prohibition or prescription relates, whether owner, occupier, operator or other person, and in any prosecution under this Law or the Regulations the burden of proving that such prohibition or prescription was complied with rests upon such person", the amendment which we are making now will result that it will not rest on everybody; it will only rest upon those where it can be proven there is evidence of compliance would have been peculiarly within the knowledge of such person, so here this amendment will now limit the burden of compliance to those people who would have special knowledge, and this was what certain Members of this House wanted, but it was not the majority, it was the usual minority - those that are sympathized with by the Legal Department as having no knowledge of the Law - yesterday we were offered condolences, because we did not understand the Penal Code, because we did not have the required knowledge.

Today I am glad to be in the position to reciprocate with the same sympathies, and to say that this section of the Law was not understood by certain Members in October, but knowledge is not the only thing that is needed - I agree that you need all the knowledge, but when you have the knowledge you still only have five per cent of what you need, the other ninety-five per cent is not knowledge of the Law or knowledge of the product; its knowledge of people and knowledge of the situation, and the desire to do what is right, and the desire and the ability to know the difference between good and evil, so that when you have the knowledge you still do not have all you need - you need much more than that.

I welcome this amendment, this might be unbelievable, but this was one of the things that was down in my book to come up after 1976 for an amendment if there is a change in the composition of this House, whether I am here or not will not matter, I would pass it on to somebody else who would have the nerve and the guts to stand up for what is right, despite the Legal advice on it. Mr. President, I would not ask your permission to read the seventeen pages of these minutes, I think the story is clear and I am not one for rubbing it in, but to show you what goes on in this House I will just mention one thing; when this debate was going hot and heavy, and when we were about - by our superior knowledge to over throw the majority a certain Member, the Second Member from West Bay got up and asked that the debate be closed, you did not comply with that Mr. President, and a few minutes later he got up



MR. G. HAIG BODDEN (CONTD.): with a second motion asking that you close the debate on this vital clause, and you with your authority in the chair did what you had to do, you had to listen to the motion and you allowed some five or four other speakers to protect the interest of the minority, and you closed the debate. So it can't be said that Members wanted this, it can't be said that this was the feeling of Members, it was the feeling of six Members, and I need not call their names, because their names will be enshrined in the minutes of this House, because we dared at that time, despite our lack of knowledge, despite the fact that the Member piloting the Bill told us that he did not only have the advice of the one who was acting for the Second Official Member who was absent, but there had been another legal advice on it; that is in the minutes I could read it but I don't want to take up the time of the House. We had one other Member who said that he didn't see how section 17 could be improved - they see it now.

Well, I know the workings of Executive Council - what I am wondering today if the other Elected Members are going to vote along with Executive Council, I am going to vote with them because I wanted this amendment. Mr. President, I could go on for many hours, in fact I had decided to take a whole day for this, but I will not do it because I would like to see the business of the House finish<sup>ed</sup>/today, and after all we are getting what we want, we're getting what we should have had, and I must say we would have gotten this in October if Members would have listened to reasons - it was plain as the nose on my face that this was wrong; how you have the multitude of regulations that will be made under the Public Health Law, and expect every Member of the public to know about these regulations, and go to court and prove that he is innocent; that is asking too much. This section I feel was unconstitutional - Government had no right to put forward such a broad net as they term to call it now in the Memorandum - they had no reason for doing it, and when it was pointed out they could<sup>have</sup>/behaved like men and make the necessary amendments.

I have been wrong many times in this House - I've never been ashamed to admit it, why should one be ashamed to say that we were wrong, that amendment could have been made that day without putting Government to the expense of bringing it back here today - this, in this instance the tax payers money is being spent twice unnecessarily, and it is the fault of Executive Council, it is the fault of the Legal Department, it is the fault of the drafters of this Law, because this was pointed out clearly in October last year, and it did not need any deep reflection to know that it was wrong, so Mr. President, I am willing to vote for this amendment, I am only sorry that I wasn't able to have this amendment in October, eight months ago. Thank you.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, although as I was referred yesterday as only having sum<sup>g</sup>'attering' of the Law I pride myself again that I have some common sense.

I feel Sir, that when any such Bill comes before the House we who are called the opposition should not be pushed down like we are being, I feel Sir that we must work together in harmony, one thing we can say about the old forefathers of this House was this each person more or less had some particular axe they wanted to grind for themselves, but when it came on an issue that affected the public they stood firmly together, and I feel Mr. President we have too much division in this House, and I feel that when we ( I don't call myself any oppositionist, I call myself one who tries to unite this House), but I feel since we have that term applied to us that when we make any little recommendations, suggestions that we should not be cowed-down like we have been, Mr. President I feel that had the legal brain, and the brain of this House been a little more condescending this thing need not have come before the

MISS ANNIE H. BODDEN (CONTD): House today. We know the scripture says "pride goeth before destruction, and a haughty spirit before a fall", and I feel in most instances its pride that causes so much dissention in this House, some believe they can do no wrong - 'am right' - we're not all right - to ere is human, and we're all human. Now Mr. President, I support this amendment and would implore that in future we all listen to reason whether it comes from the Boddem Town Boddens or the George Town Boddens, or the East End Connolly who ever it might be, that we try to work together in better harmony than we have been doing.

I am not sure Mr. President, that I shall be in the 1976 election and appear here as a Member for George Town, but I can guarantee this Sir that I am going to work to put a Barrister at Law on our side so that we can have some conclusion that we know something of the Law, and not smutterings of it.

I thank you Sir.

MR. JAMES BODDEN: Mr. President and Fellow Members, I was hoping that I would have had the privilege of hearing a few more of the Members speak before I add my contribution to this.

I will begin my contribution Mr. President, by quoting to this House the words of Jean de La Fontaine who said that "dressed in the Lion's skin, the ass spread terror far and wide", apparently that is what happens so many times in this House. I am sorry that I had to leave a little early yesterday evening, because I may have had to request your permission to allow me to get to my feet on several occasions.

Mr. President, I have never put myself up as any genius - I've never put myself up as an educated person, but I do pride myself as having some common sense, and the ability - and not having the fear attached to it to keep me on knee to where I would speak out when ever I think it is necessary to speak. Everyone will make mistakes - there is only one human being who ever trod this earth that probably was blameless, and I would not attempt to take his halo from him. There are three things in life usually, that a man gets honour for - having a lot of education - having the ability to bend on bowed knee, or another phrase that is commonly associated with it, or bravery. I am sure that the two Boddem Town Members will never get honoured for the first two, and I doubt we will ever get it for the last. I look on this House Mr. President, as the Government of this country, but repeatedly we are told that this side of the House has nothing to do with Government we're only here to rubber stamp what is done - this seems to be the prevailing words in this Assembly. I have said in the past, and will probably continue to say it in the future that it is true - we have to take the position of being rubber stamps, I do not believe that we should be passive with it.

I have never been lucky enough in life to get a degree and I doubt <sup>whether</sup> the other honours in life will come to me other than what I have already gotten, whatever they may be. I have not been lucky enough to be bestowed for the ability to bend on my knees.

Before I am through today with my speech, Mr. President, and I crave your indulgence, I intend to take the halos from around the heads of some of these people on the other side of this House.....

MR. PRESIDENT: I must remind the Honourable Member we are talking about the general merits and principles of this bill.

MR. JAMES BODDEN: Quite correct, Mr. President, and I will stick to that with your permission into the Hansard of this House which I will be asking your permission to read in a few minutes.

And based along that, Mr. President, I do not think the remarks I have made are one bit out of order, Sir.

It is my opinion, Mr. President, that when the Constitutional Experts put together the Constitution under which this House operates that the reason a legal mind was put on the other side of the House was not just to give Government power of another vote, or enough votes to out-vote anything that comes into the House - it is my opinion that that was put there for the benefit of this entire House, to help, assist and lead, where necessary the other poor benighted members who may not have the legal knowledge that they should have. But, Mr. President, even the biggest fools in this world can sometimes say something that is correct, and that is what I am hoping that one day we will see it to where anyone needs a little help in brushing up his smattering of law that he can get the assistance which should be given to this House impartially.

The Government Bench has been quite ready in the past to point out that the opposition, as they call us, and to be frank I like to be called that, would not accept advice, but, Mr. President, it seems to me like its continually on the other side that for opposition's sake they will never accept anything that comes from this side of the House, regardless of how right it might be.

An old philosopher once said that "the wisest of the wise might hear" and I think that some of the members should try to keep that in mind. It has been said, Mr. President, that if Jesus Christ were to come today people would not crucify Him, they would invite Him to dinner and hear what he had to say and then make fun of it, and that is the policy of this House, Mr. President, and I do not think that I have drifted in making this contribution, because it all ties in with the particular section of the law that is before us today for amendment. If it takes all day, Mr. President, I intend before I sit down, literally say, blow Gabriel's horn on this section 17.

The last sitting of this House, Mr. President, we had Members of this House who were permitted to read from the Hansards of this House matters that were irrelevant to what we were dealing with. With your permission, I am going this morning to crave your indulgence to allow me not to do the same thing as they did but your permission to quote and to read from the Hansards, which are supposed to be the exact recordings of what has been said in this House. Can I have your permission, Sir?

MR. PRESIDENT: If it is relevant to the principles of the Bill.

MR. JAMES BODDEN: Quite relevant, Mr. President. Section 17 is all through the bill.

Page 6 of the Hansards of the 17th of October. In speaking on this bill, Mr. President, page 5, I spoke against the section, regarding it as skeleton legislation. At page 6 I said that we were "making legislation that will probably be on the statute books for the next 25 to 50 years and none of us can gaze into a crystal ball for the future and know who will succeed us into this House and how that person will act and interpret these laws that we make today. So that the laws that we make must be able to stand up to public scrutiny

MR. JAMES BODDEN: (CONTINUING) they must be able to stand the test of time and I submit to this Honourable House, that this bill, in its present form, could not stand up to time. We will find in many cases in the future, I think, that this bill will be test<sup>ed</sup> and will be found wanting".

And I submit to this House today that it is not just reflection in the minds of the Government Bench that has caused this particular law to come back before us so fast

Page 7, section 17, will again, I think, in certain respects, put the onus on the person who is being accused and I do not feel that that is correct. I think that under our normal course of justice a man must be presumed to be innocent until the courts have found him guilty. The person at that time, Mr. President, who is occupying the position the second Official member of this House on page 9, said - "But in this particular case again I have referred the great difficulty in nailing people down who defy a law of this sort" and he goes on to state - "that filthy matter", so forth and so on and he says "teeth has to be put into it, strengthen it by sections of this sort", this applies to sections 13, 14 and 17 - I did not read his words exactly as he said them, but this was what he was trying to do, is to strengthen this bill and to put a lot of teeth into it.

The Honourable Second Official Member to Executive Council said " I support this bill in its entirety and I can only ask members to look at the good of it and not just argue for argument's sake and I feel the bill is needed and I feel that if the members who were debating against the piece of legislation were to look at it constructively they would remind themselves that not all of their disagreements" ( I don't know what that word is)"are legitimate. I thank you, Sir".

Now, Mr. President, these are the exact recordings of the House and it tells exactly what each one said what each one felt. I am going to take the time to do this, Mr. President, because so often whenever we make the slightest mistake it is thrown back ten-fold, so I am not going to throw it ten-fold today, Mr. President, I am going to throw it one-fold, the one-fold is in this Mansard.

The Honourable Third Official Member (Second - sic) to Executive Council, in referring to my colleague here and myself on page 32 said - "I would also say that they have dug a pit about themselves and fell into it". Mr. President, I am sure we dug a pit, that side dug the pit and they were the ones that fell into it. If they hadn't fallen into it so nicely they wouldn't be back in this House this morning trying to seek an amendment to it. They are good at these pits. (MR. JOHN JEFFERSON: Ha! Ha!)

Page 36 (coming to you too,) (MEMBERS - LAUGHTER). I stated, Mr. President, "that we have tabled an amendment on section 17 and I feel that this one should not be withdrawn", that was after we had been very conciliatory before that and withdrawn quite a few of them and that this one should be given some attention, because in our estimation it runs completely contrary to all justice that is prescribed under our laws at the present time. My colleague said - I would like to add that I can't see why the onus should be on the owner or occupier to prove his innocence, I would think it should be the other way around that the onus would be on the prosecution to prove the person's guilt. It does run contrary to the normal procedures in cases where people are brought before the Courts and I feel that we should either delete this or change it so that the onus would be on the prosecution to prove the guilt rather than the onus on the offender to prove his innocence".

Section 37 - I made the remark that I doubted that we had a section like this in any other law on the statute books. Further on in that debate, the Second Official Member ( not the one occupying the seat today, the one that was

MR. JAMES BODDEN (CONTINUING) occupying it that day), in his discussion in this House said that it was quite right for us to have a section like this in the law because it had been adopted from the Associated States in the Caribbean and that is why we should follow it. My colleague and myself took strong objection to that to try to find out why we should follow the Associated States of the Caribbean blindly in some amendments that they may have made to their law.

Again, on that same page the Member occupying the seat, the Honourable Second Official Member at that time advised this House that there was no Code of British Law. My colleague replied to him " I don't want to argue in semantics, I could probably dig up the proper phraseology for it, but I think the Members get the idea, we are here inserting something which does seem to be contrary to what we've known in the past, and probably contrary to what other free countries have and the possible exception of the Caribbean Associated States, and I am positively against this, let justice be done in the way that it is always done." And so forth and so on.

I could read on, Mr. President, page 38 I think it is, dealing with the same section my contribution on that and I will read, not my contribution, Mr. President, but the contribution by the Member who is today piloting the bill through the House, the amendment through the House. - "Mr. Chairman, I believe that we are reading a little bit more into this section, than is intended. It only relates to anything, that is, where any act or thing is by this law or the regulations prohibited, or prescribed. It cannot be related to a normal offence of stealing, or slander, or wounding, or anything of this sort. This is put into this public health law to make sure, as I pointed out, for example, in the case of, and I think this would also relate to the case mentioned by the Second Official Member this morning, of the shaving brush, the one of the twelve that was not recovered. It was when we got wind of this Anthrax disease, we requested, or the department requested, that any persons having bongo drums, or goat skins brought in from Haiti, be turned into the authorities.

Now, this section I think seeks to discourage persons from disobeying, in other words, if it was stated that it was an offence to have an article of this nature. This section is put in to discourage people who know that they could actually conceal the presence of this article, from doing so, when in a year or two, it could actually cause a serious outbreak of a disease in the community.

I don't think that we should relate this to a person appearing in normal cases of mal-practice, or what have you, before the court. And I speak subject to correction, but, I feel that similar provisions to this already appear in some of our laws. It's not a new section to me, I have seen it before."

My contribution follows on 39, page 39 as well as the contribution of my other colleague from Bodden Town, but again on page 40 I wish to read to this House the words spoken by the Honourable Third Elected Member to Executive Council on the day that he piloted the bill through the House. "Mr. Chairman, I am grateful for the conciliatory mood in which Members have found themselves. But I am still not satisfied that this section is as offensive as it is being made. And I am still not convinced that it is not a necessary precatation in a bill of this type. The more I think of it, I can see why it is here. And without, in any way, shall I say, casting any aspersions, or demeaning the ability of the Second Official Member, I can give the the House assurance, that this bill has been vetted by, and shall I say, what is interpreted as second legal opinion on it, and no objection whatever was raised to this clause." So we had his assurance at that time that we were just arguing on this side for argument's sake, because all of the brains that could be mustered

MR. JAMES BODDEN (CONTINUING) had assured him, not only the Acting Attorney General, but other people that nothing was wrong with the bill.

The Honourable Fourth Elected Member (page 41) - "Mr. Chairman, I see this particular section, section 17, as just what the Member wanted, its for a special purpose. Because if we would retrace our thoughts and direct our attention to section 8, which is the section giving the offences, there are criminal offences, these are offences where the prosecution must prove guilt, whoever refuses to answer, that's false information, refuses or omits to do any act' and you turn over here, assaults, resists, bribery, obstructs, violates, all of these. These are the offences which I think the Member who is seeking to have the responsibility on the Crown to prove that is so. And I think that in this law here, the section 17 is referring to specific cases, and just recently in a recent law that we have passed, I remember where the responsibility of proving guilty knowledge is not necessary in a certain instance.

I think this Section 17 here is for a specific purpose, the case where the Member said. And I dont see anything wrong with it at all. Because surely if a person had been cited under any of these, under Section 8, then surely the Crown would have to prove".....and he goes on in other words about this and all through this, Mr. President, from page 41 on to page 52 when it was finally closed out,

The Honourable Second Official Member on that date stated, "this is a typical example of where the ordinary traditions of English Law have to be varied, because otherwise, convictions would become impossible, they'd always have the excuse, they werent there, or this or that".....and without it we would be leaving a wide loophole in the law, by which unscrupulous people would escape from it, over and over again".

We were completely assured, all the way through that nothing was wrong with this, Sir, The Second Official Member occupying the chair on that date, on page 44 said that if it was any comfort to us, he didn't draft the bill. Later on, a few minutes later he said that some of it had come from the Caribbean Associated States, some of it had come from Canada and then later on he admitted, all recorded here, that he had drafted the bill.

Now, Mr. President, I merely point these out to show the house the attitude that has been displayed in the past and I promised my good friend sitting in front of me that I had to come to him, so I will not leave him out. On page 46, the Second Elected Member from West Bay said " I think, Mr. Chairman, like it always seems like we read more into these sections, than there really is. I'm not objecting to that section, as far as I am concerned, I would hope that a vote would be taken, and let it stand on its own."

We can read on and on, from here to the number of objections we made and the replies that we got to them. Mr. President, I merely point this out to the House so that the House can get an idea that only Jesus alone could always be right and that we are not playing a game with them when we bring something to this House, but I also remind them that we are not prepared to play the game of following the leader either, just because the leader is up front and that it is time that we think for ourselves - it is time that we realise that even the experts can be wrong, and it is time that we wake up and refuse to follow blindly just because somebody else tells us that it is right for us to follow.

It has been proven many times in the past where when you follow just for the sake of following that it can lead you into a lot of trouble and I support the amendment to this bill, because, Mr. President, it should have been there in the first instance. I thank you very much.

CAPT. A.A. REID: Mr. President and Honourable Members, I had no intention of wasting the time of this House on this simple matter, and I have no intention either of sitting down here and letting these two members speak in a derogatory manner about our ability to see things and to expound their own and to make us think they are lawyers.

Now I say this, and I say it without fear of contradiction that at the time I did not pick it up but the crux of the matter is that it is simply the clash of two personalities - two imminent doctors, both of them my good friends and had I been here at the time the law came out, I am sure my good friend would have spoken to me too and he is the man who dug it up. That man is a Rhodes Scholar and although he is not a lawyer, far from it anything that affects him he is pretty sharp on it and that is where these two lawyers over here got their information from.

Another thing too, that acted against me, it was the very time that the member was speaking and he spoke for so long that the drone of it put me to sleep ( MEMBERS - LAUGHTER) and when he accused me of being asleep, my good friend the Second Member from Bodden Town, I said in defence to myself that I am a good old sailor whose accustomed to the roar of the sea and the roar of the wind or any continuous noise putting me to sleep. (MEMBERS - LAUGHTER).

Both these doctors are my good friends I hold both of them in high esteem, but it is the clash of their personalities I venture to say that if they had been good friends this bill would never have come to this House. No objection would have been made, because there are other doctors in this country and several good ones too, practising privately who have never given it a thought but these two doctors, the one in question.....

MR. G. HAIG BODDEN: On a point of order, Mr. President, this is not relevant to the motion before us, it sounds like he is debating the other amendment.

MR. PRESIDENT: I think I have allowed two Honourable Members from Bodden Town a sufficient latitude to let the Honourable Member continue with his argument.

CAPT. A.A. REID: It is relevant to the case, as far as I am concerned because when they take other people's knowledge and pick it to pieces and come here and expound and try to make me look like a little ass I am going to speak out.

I don't profess to be a lawyer - I don't profess to understand the intricacies of law or anything else and I have no intention of sitting down here and listening to this dross. This thing reminds me very much of a school-mate of mine in American when I was privileged to go to a Junior College for a matter of one year and two terms - there was one there practising or learning theology and every morning of his life he went down to the river and every evening after class he'd go down to the river and shout and preach to himself, to hear his echo coming back. (MEMBERS - LAUGHTER), and that is how he learned to be a great speaker. I believe that some others did the same thing, in this House...

MR. JAMES BODDEN: With all due respect, Mr. President, I believe many more has got that habit, Sir.

MR. PRESIDENT: The Honourable Member has spoken already, I am afraid.

MR. CLAUDE HILL: Mr. President, and Honourable Members, I rise to make my small contribution to this bill. I also rise to support the bill. I did not intend to say anything on this bill. Very much has been said by previous speakers and I am sure that the wind has been taken out of the sails of many.

I would like to say that I, for one, am getting what I asked for in October last year and I would also like to say that when mistakes are made only reflections on the poor tax payers apparently arises. And with that, Mr. President, I close thanking you very much.

HON. W. W. CONOLLY: Mr. President, I had no intention of speaking on this particular amendment because as I think the Member leading the bill, piloting the bill said it was very simple and much has been made of this amendment and a lot has been gone into of what happened last October.

I believe the Honourable Member for Bodden Town read part of the speech that was made by myself and I think if he read it correctly, if I understood what he read ( I didn't have it here), I think this is exactly what this particular bill is trying to do, it is putting the onus on certain people of proving their innocence. I said then that this is not an unusual occurrence in our laws and I am saying so today that it is not. When it is found that certain knowledge is in possession of a person then it is not unusual for the onus of the proof being on that particular person.

Now I remember the debate that took place last year in October quite well and there we are, much has been made about coming back here and making amendment. Surely bills come before the House and there is an opportune time for amendment; I don't think there is any intention or belief of any member introducing a bill that amendments cannot be made or may not be made and again much has been made of the mistake of the Legal Department of the drafting and of the agreement of the Government in accepting this. Surely this is an every day occurrence. In every law we have two different lawyers each use the same law and have different interpretations of this and as I still contend that in the law as it was written, it could have been well defended in Court and well argued on both sides and I believe if an amendment had not been made, if we didn't make the amendment now, the argument would still arise in the Court and I don't think any on this side or that side or the other side would be the people to decide who was right. I think it would be the Court to decide, which side was right.

Now I think that the Government is only being sensible - I think the Government Members are only being wise. If a situation arises in any piece of legislation where there is the presence of an ambiguity then that ambiguity should be removed but to argue to say that what was written in the law was wrong, I don't think up to this present moment that any member here is correct in saying that, because it has never, as far as I am concerned, been tested in a Court of law - there is no precedent on it and as far as I am concerned I think today that this is a common, it is a common occurrence in legislation where certain evidences of knowledge the onus of proof rests on the accused.

As I said in my speech in October and if we refer to the Public Health Law under section 8, section 8 of that law sets out in detail the offences in that law - it sets out the offences that surely require the Crown to prove the guilty knowledge or conscience of the person and it has a whole list of



HON. W. W. CONOLLY (CONTINUING) them, it goes down from (a) to (f) and it sets out the fines, but section 17 was intended, and I could still argue and I think a lot of people would argue that section 17 still relates to this special case where that in instances the onus shifts, and the onus shifts on people who would have this particular knowledge.

Now what is being done today, the member, as I said considers that the bill or the law as it is written could cause and will cause certain arguments, legal arguments - it might even be that great expenditure on the part of people who have been brought before the Court under this particular law, and I think it is only wise before this happens that if there is an ambiguity that it should be cleared up. Now all this amendment is doing, you know, it is not doing all that the members said - because the members in October wanted all of the proof to be placed on the Crown, on the prosecution to prove - this amendment is not doing that - still not doing that - this amendment is only waiving this in the instance where persons do not have that particular knowledge and this is making it quite clear that if the evidence of compliance is particularly and peculiarly within the knowledge of such persons then he still has to prove. So in a case where that a person is brought before the Court, even with this amendment, the Crown is not, in all cases, responsible for the proof.

As I see it, much has been said, Mr. President, I think it is a straight forward amendment and as I said, I think it is a wise thing to have this taken out and clarified so that there can be absolutely no misunderstanding if and when litigation is brought in this respect.

I support the amendment because I particularly, in dealing with legislation, would like to see as little ambiguities as possible and I am sure that the Legal Department and the Legal Draftsman, in doing these draftings cannot be taken to task. We have had, Mr. President, in this same Chamber an instance Legal Draftsman not here but in the U.K. who did one of the most important pieces of legislation in respect of this territory and when this was tested it was found that there was an ambiguity and it was suggested then that two people were right. There are times when this can happen and I am sure that no one is being stubborn or no one was stubborn at the time it was considered that there should be some teeth in the law - I think this is still the idea and dealing with such a law as this if it was left on all times for the Crown to prove the guilt of an individual, it probably would not have been worth the while of us passing this particular piece of legislation, and it showed up that this particular amendment is necessary and I think it is wise that we do it and this will avoid any ambiguity in the future and yet, as far as I am concerned, it retains exactly the intention of the Legal Department and it retains exactly the intention of the Member who introduced the bill last October.

MR. CRADDOCK EBANKS:

Mr. President, I don't have so much to drag along out on this amendment, the proposed amendment. As human beings there are none that are infallible, even if we may think some times its impossible. If the most educated man or woman in this country today was driving down the road and the biggest idiot stopped them and said "Sir, or Madam, you can't go cross down here - something has happened" - they would take the advice of the idiot and make a roundabout turn or turn off somewhere else.

The Father of the First Honourable Official Member told a man once when he said to him " I never made a mistake in my life" - he said "you just made one when you made those remarks" and this is not the first time after the passing

MR. CRADDOCK EBANKS (CONTINUING) of a bill, become law in this House that after a few months it was brought back for an amendment. As we usually say sometime before the ink dries you have to amend it. And it has been a known fact, Mr. President, that some of the heated debates on any amendment or on any section of a bill sometime is the very one that has to come back after a short period of time for an amendment.

I support this amendment. As has been pointed out it was one of the controversial sections in the bill that created hours and hours of argument and finally it has been brought back and its being accepted, so undoubtedly it won't create any more warm debate since it is going to be accepted and amended as proposed, but I would just like to clarify, Mr. President from the sitting of the 1st of May the remarks of one member as to how he feels about members in this House - this group of know-nothings. So it was the group of know-nothings that still is dealing with these things and have to come back and get our approval because the approval of the know-alls then has failed and had to come back for the approval of the know-nothings. Thank you, Mr. President.

MR. JOHN JEFFERSON: Mr. President, I rise to speak to the Public Health (Amendment) Law, 1975 and to say that I support the amendment. There has been enough said previously - I am not here today to throw mud, sling mud. I hope that somehow in this House we could recognise the fact that every member has a right to vote according as his conscience dictates and to vote the way he sees things. I owe no apology to anybody for that. I have been elected by my own constituency - they elected me and I am here because of that. I know I owe my allegiance to the proper people and, as far as I am concerned, whenever I deal with legislation in this House I deal with it on the basis of what is best for the people of the Cayman Islands.

I am going to say this, Mr. President, that I support this amendment.

MR. PRESIDENT: Does the Honourable Mover wish to reply?

HON. BENSON O. EBANKS: Mr. President, in introducing this bill I said that it was a simple amendment and I was going to some pains to explain the procedure that took place in 1974 to try to avoid the House wasting a lot of time on this amendment, and I pointed out that this amendment or this bill seeks to achieve what, in the final analysis appeared to have been the wish or desire of most of the members of the House in 1974.

Now the first Member to speak after me on this amendment, the Second Elected Member from Bodden Town said that this statement which I had made was not correct. Now Mr. President, I can take any type of politicking but I want to make it emphatically clear that statements such as that I resent and I want to state that as far as I am concerned my integrity and credibility is intact both locally and internationally, the only place that it is questioned I am not worried about where that questioning comes from.

A lot of effort was put into trying to prove that this amendment that is before us today is what was suggested by the two members from Bodden Town in October and I don't intend to go back to page 6 of the minutes - I intend to deal with the section that we are seeking to amend as it was debated in Committee when the Public Health Law, 1974 was being passed and that starts on page 36 and I intend to use, for the benefit of those two members, the Hansards to prove that the

HON. BENSON O. EBANKS (CONTINUING) statement I made in presenting this bill is correct. I have no apologies at all to make about bringing this amendment. Any law has amendments made to it from time to time and it certainly is in keeping with what my feeling was in 1974 and therefore I have no apology to make about it.

On Page 36 of the Minutes dealing with section 17 when we came to that the First Member from Bodden Town said "Mr. Chairman, we have tabled an amendment on that one, and we feel that this one should not be withdrawn, and that this one should be given some attention. Because in our estimation, it runs completely contrary to all justice that's prescribed under our laws at the present time".

Now to show, Mr. President, that there was no intention, at that point, of an amendment, but to delete the clause completely by those Members, the Second Member said, "Mr. Chairman, I would like to add that, I can't see why the onus should be on the owner or the occupier, or the operator, to prove his innocence. I would think it should be the other way around, that the onus would be on the prosecution, to prove the person's guilt. It does run contrary to the normal procedure in cases where people are brought before the court. And ....." before further, Mr. President, I would ask Members to note that statement, because that is why I made the reference I did when I will quote my speech further on....." and.....

MR. G. HAIG BODDEN: Mr. President, on a point of order the member should read correctly - I said that "we should either delete this, OR CHANGE IT, so that the onus would be on the prosecution" - Delete it or change it. I wish you would read it correctly.

HON. BENSON O. EBANKS: Yes, Mr. President, I am going to continue to read - I have not come to that point. "And I feel that we should either delete this, or change it, so that the onus would be on the prosecution to prove the guilt, rather than the onus on the offender to prove his innocence". Now, Mr. President, as I pointed out in my opening remark, the debate continued for some time and my first contribution in committee on this was when I said, and this is on page 38 - "Mr. Chairman, I believe that we are reading a little bit more into this section, than is intended. It only relates to anything, that is, where any act or thing is by this law or the regulations prohibited, or prescribed. It cannot be related to a normal offence of stealing, or slander, or wounding, or anything of this sort. This is put into this Public Health Law, to make sure, as I pointed out, for example, in the case of, and I think this would also relate to the case mentioned by the Second Official Member this morning, of the shaving brush, the one of the twelve that was not recovered. It was when we got wind of this Anthrax disease, we requested, or the department requested that any persons having bongo drums, or goat skins brought in from Haiti, be turned into the authorities.

Now, this section I think seeks to discourage persons from disobeying, in other words, if it was stated that it was an offence, to have an article of this nature. This section is put in to discourage people who know that they could actually conceal the presence of this article, from doing so, when in a year or two, it could actually cause a serious outbreak of a disease in the community.

I don't think that we should relate this to a person appearing in normal cases of mal-practice, or what have you, before the court. And I speak subject to correction, but, I feel that similar provisions to this already appear in some of our laws. It is not a new section to me, I have seen it before". In presenting the amendment I quoted laws in which it can be found.

HON. BENSON O. EBANKS (CONTINUING) And then, Mr. President, on page 39 we find where the conciliatory mood of members comes in. The Second Member from Bodden Town says - "if this section only referred to special cases, like the special case made out by the Member steering the Bill, he made out a special case of somebody concealing bongo drums, or something like that. If this section only referred to special cases, I would say, we could leave it; but it covers any act or thing under the law or regulations, and these offences are quite common." And it went on about dead horses and what not, so Mr. President, there is no proof that any statement which I made is in any way incorrect, because I was saying it was my interpretation that the law, that section of the law would apply in specific cases - it was not an umbrella clause and this amendment now seeks to make it unmistakably clear that that interpretation is what we want.

As regards my assurance that the bill had been seen by persons other than the Second Official Member this is correct. The three Health Bills, before they came to this House had been sent to London and no, as I stated, no objection had been taken to this clause and as far as taking credit for the amendment, Mr President, we find at the bottom of page 43 where the First Member from Bodden Town says - "I stand here in complete opposition against this section, and at this point, I do not even know whether I could accept an amendment, that would cover a specific point". So at that point the conciliatory mood which I referred to, was withdrawn and further on you find arguments going on between the members and the then Acting Second Official Member which proved the point that this clause should not be in the bill.

I have no apologies, as I said, Mr. President, to make about the amendment and I am certainly not in here playing to the gallery. The amendment, as I said in the beginning is quite simple. It removes any ambiguity that might have existed in the section 17 and puts it beyond reasonable doubt that we are talking about specific cases, although they are not enumerated. We must remember that although I was piloting this bill through the House we had the advice of the then Acting Legal Officer and the Hansard will prove that his advice was that the clause as it stood was adequate and I still maintain that section 17 is an important part in a Public Health Bill - it is necessary and this amendment does not seek to delete section 17 - it does not seek to shift the onus of proof in the specific cases such as I enumerated in October last year. I could go on and quote other examples which I gave: I gave examples of persons who had been to places and knew that they had contact with contagious diseases and this was a knowledge that would be peculiarly known to them and because of that section 17 was necessary. The amendment now makes it, as I said, abundantly clear that we are restricting this section to sections where the evidence of compliance is peculiarly within the knowledge of such persons, and it doesn't shift the guilt but it restricts the instances in which it could be used, and I think that if Members are honest about this, this is what the Minutes record that Members of the House accepted in the final analysis. The amendment that was proposed in October that started the debate on this clause was to delete it completely - was to delete - the amendment was to delete it - that was the amendment which we were debating and to prove it, on page 46 the Second Member from Bodden Town, speaking, Mr. President says "and section 17 should be deleted in its entirety, and the motion of the First Member is that the " (and that is the First Member for Bodden Town who tabled the amendment) - "is that the amendment be deleted in its entirety, section 17." So lets us not make any .....

MR. JAMES BODDEN (INTERRUPTING)..... On a point of order, Mr. President, a legitimate point of order.....

MR. PRESIDENT: May I have it, please?

MR. JAMES BODDEN: The Member is dealing here with deletion in its entirety, it is true we did table.....

MR. PRESIDENT: I can't accept arguments - what is the point of Order?

MR. JAMES BODDEN: The point is then, Sir, that if we are going to read the Hansards and try to draw a wrong conclusion from it, when the member should not have stopped where he did and should have read....."Of course, I would be willing to go along with an amendment that would limit section 17 to specific offences of non-compliance."That's the point of order.

HON. BENSON O. EBANKS: Mr. President, I don't see why I am required to read that section - I already said that the Members in the final analysis were willing to accept an amendment, and I said it in the presentation of the bill...

MR. G. HAIG BODDEN: Mr. President, on a point of Order - the Member is responsible for the accuracy of his statements.

MR. PRESIDENT: The Honourable Member may quote from the Hansard what extracts he wishes to develop his argument in the same way as the two Honourable Members on the other side of the House. As long as the quotation is correct he may choose what illustrations he wishes to make his argument.

MR. JAMES BODDEN: In that case, Mr. President, then he should have quoted from page 36 when we first said that we were willing to accept the compromise.

HON. BENSON EBANKS: Mr. President, the point I am making at this juncture is that the amendment that was proposed by the First Member for Bodden Town was to delete the section in its entirety. I have not, at any point, disputed that during the course of debate they came along to the view that if it was as I was putting forward, relating to specific instances only, that they would be willing to go along with it. I have never denied that. But I am saying that they are trying to say they tried to develop in their argument on the second reading of this bill that they offered an amendment along these lines, and it was not until it was pointed out that it was interpreted to apply to specific offences that this offer of compromise came along.

MR. JAMES BODDEN: On a point of order, that is completely incorrect, Mr. President. Page 36 of the Hansard will reveal that.

HON. BENSON O. EBANKS: I don't know where page 36 reveals that, Mr. President. What would be best would be if we would go back and pick up your proposed amendment.

MR. PRESIDENT: This is the reply on the debate on the Second Reading of the bill and the Honourable Member must be allowed to continue his reply.

MR. JAMES BODDEN: I am only asking that he become accurate as required by the Standing Orders of this House.

HON. BENSON O. EBANKS: Mr. President, I am accurate in my presentation, and as I said in the beginning, I am not accustomed to being deliberately inaccurate.

The amendment, Mr. President, as I said, reflects the final mood of the House in October - it is a desirable amendment to remove ambiguity and this is why it is brought. If an amendment like this had been offered in October I am sure that it probably would have been accepted at that point. But we had strong arguments from the then Acting Legal Draftsman or the then Legal Officer that the amendment was correct. Before sitting down, Mr. President, I must refer to a remark made by the Member from North Side when he accused Government Bench of referring to the Members opposite as a group of know-nothings in the meeting on the 1st of May, 1975. And I would just ask the Member to read that reference again and he will see that I said that this group of know-nothings as we would be termed - I am saying that that is the way they refer to us.

Mr. President, there is a lot of business before this House and I think we have wasted a lot of time this morning and I commend this bill - I formally move this bill for its Second Reading.

QUESTION PUT: AGREED: BILL READ A SECOND TIME.

THE HEALTH PRACTITIONERS' (AMENDMENT) BILL, 1975

CLERK:  
1975

THE HEALTH PRACTITIONERS' (AMENDMENT) BILL,

MOVED BY HON. BENSON O. EBANKS

HON. BENSON O. EBANKS: The Memorandum of Objects and Reasons for this bill is that it is considered that where a Health Practitioner is aggrieved by a decision of the Board made against him under section 11 he should have recourse to the Grand Court rather than to the Governor in Council since the Board will have been acting in a judicial capacity and it is sought to amend the law in order to provide for this.

Mr. President and Members, if reference is made to the Health Practitioners' Law, 1974, sections 10 and 11 it will be seen that the Board when conducting disciplinary proceedings has the same power to summons witnesses, administer oaths, take evidence and punish for contempt of its proceedings as has a Magistrate in a Summary Court. It will also be seen that the Board and the accused Health Practitioner have recourse to legal practitioners; and further, that under section 11 if found guilty of the allegation made against the accused one of the punishments which the Board may make is to permanently strike his name from the Register of Practitioners. In these circumstances, it would be reasonable to assume that the Board is acting, in that particular instance, in a judicial capacity and not in an administrative capacity as is the case when acting under section 7 of the law which is the section dealing with registration. It would therefore seem just and equitable that an appeal in this case should lie to the Grand Court, that is, for actions taken under section 11 of the law, instead of limiting the appeal to the Governor in Council, and this amendment, which is another simple amendment, seeks to achieve this objective.

Mr. President, that would normally be my presentation of this Bill, but you have heard so much on the last amendment that I am going to again try to cover some of the ground that might be introduced in this debate, because I am sure we are going to again hear "I told you so" and the rest of it.

HON. BENSON O. EBANKS (CONTINUING) Now it is true, Mr. President, that when this bill, the Health Practitioners' bill, 1974 was in its Second Reading, the Second Member for Bodden Town made reference to the fact, in passing, that generally, there was no provision for appeal from this Board and he felt that it should be, but he did not, at that point, as I see it, insist on an appeal to the Grand Court and, in fact, could probably be construed that he was saying that there was no appeal at all. But the important point, Mr. President, is that although that reference was made, and throughout this session and this morning in particular, we heard a lot about not accepting advice and one thing and the next, it would seem that the Member was convinced after hearing submissions on the point that the section was in order, because no amendment to this section or to this particular clause of the bill was offered when the bill was going through Committee and if there were any strong feelings on the matter, I would have thought that that was the point when they would have been put forward. And I am only saying this, Mr. President, to try to not to stifle argument, because I know that will come, but again I have copies of the Hansard as well and if this wants to be delved in in its entirety we can do that, but, I would suggest that this simple amendment be accepted, is worthy of acceptance by Members. I thank you, Sir.

HON. D. V. WATLER:

Second.

QUESTION PROPOSED

MR. G. HAIG BODDEN: Mr. President, I support the amendment to this bill. I do this because in October last year I recognised that this law should read the way the amendment will make it read. It is true, perhaps it is fortunate for the Member responsible for health services that we did not put up as strong a case against the sections that are being amended as we did in the Public Health Law. It is also true that we did not put forward the amendment which he seems to regret we should have put forward, but nevertheless it is clear that we recognised the defects in the Health Practitioners' Law and we said so. But after all we are not fools - we know when we are beaten - we know how the votes will go before they are counted. We are able to draw on past experiences - we know that when certain members, together with Executive Council agree to something there is nothing that a handful of people can do. The will of the majority prevails, whether it is right or wrong.

Under the Health Practitioners' Law a Board has been set up which among, its other functions, is to discipline Health Practitioners and other officers. The composition of that Board is determined by the Governor in Executive Council and by the Chief Medical Officer. The only appeal from that Board goes to the Governor in Council - Caesar appeal unto Caesar. We felt that was entirely wrong, in fact I even said in my debate that there was no appeal because how can one appeal unto himself and if the Governor in Council appoints Members to run a Board, a person who is aggrieved by that Board need not go back to the source from which the Board came and expect to get any redress. We knew this was wrong and we said so forcibly. We said that you were taking away the rights - the democratic right of the people of this Island, or the people that would work under the Medical Services - taking away their inherent right to appeal.

Because the Member has seen the error of his ways I will not quote too much from the minutes but I would like to quote a small paragraph from page 22, the 16th of October to show that I, for one, recognised that it was wrong to have a Board set up by Executive Council and no appeal to the Grand Court.

MR. G. HAIG BODDEN (CONTINUING) Remember the amendment is now making it all right or giving recourse for the aggrieved to go to the Grand Court and I said on that day in October " I see other defects in the composition of this Board. I see that its function is administrative and shall not be subject to question in any Court of law. To my mind this is wrong because here we are putting a Board above the law - there is no provision for an appeal from this Board " (of course there was the appeal to Executive Council who had set up the Board).... Its composition is different from the composition of the majority of Boards that operate within the framework of our law. We have some Boards whose decisions are subject to a special Tribunal or subject to an Appeal to the Executive Council, some of the decisions can even be appealed to the Grand Court. Here we are setting up a Board that has to answer to no one. Its actions and decisions shall not be subject to question in any Court of Law. We should have no Board or no man above the law, because no matter how much technical knowledge these people may have, they are human beings, they can err, they can make mistakes and they can wilfully do wrong. Nobody is above that, and I maintain that we should not set up a Board which cannot be questioned, we should not have a Board which is not subject to appeal.

This Board, and I can see why the Member stressed it so much in his opening, because it seems to be altogether different from any other Board in existence in these Islands." I don 't know if this was the first opportunity for a law to be re-drafted for this particular field that advantage was taken to put so much power in the hands of the member responsible for the Health Services, but there is a departure here from what we have known to be right, even our Courts are subject to appeal. Why now a Board made up of lay-people?

As to why we did not press forward for the amendment although we knew it was necessary, we knew we were right - let me tell you what the legal opinion was - page 23 of the Minutes -....."it seems to me quite unnecessary that we should have a further appeal from this Board to a Court of Law, then presumably to the Court of Appeal in Jamaica and from there to the Privy Council, because it seems that nobody can ever be convicted of a crime nowadays without going straight through with it to the Privy Council". He believed we shouldn't have an appeal because people might take it on to the Privy Council! That's a legal opinion that was given in this Chamber. Is it any wonder that a handful of us did not change the law that day when we had 9 votes stacked against us? And furthermore, the all-powerful man on that day was the Member responsible for Health Services - the man piloting the bill and this is his conclusion - "The other point that I would make, and its a final point, " (listen to that) - "its a final point - that even though it is said that the functions of the Board shall not be questioned in a Court of Law, it is a fact that upon appeal to the Governor in Council, even that decision is subject to further appeal, inasmuch as long as we have the type of Constitution that we have, I would submit that the actions of the Governor in Council are subject to appeal to the Secretary of State for the Colonies, or whatever his title happens to be at the time, and I would further submit that this would not preclude, as was pointed out yesterday, actions for damages under provisions, Common Law provisions".

So the Member steering the bill on the 16th of October, 1974 was absolutely satisfied that it was all right to set up a Board from whence there could be no appeal. The point that he makes about a further appeal to the Secretary of State cannot be substantiated by this law, because the law clearly states that the Governor's decision is final - do you know how many



MR. G. HAIG BODDEN) (CONTINUING) hours of Court work it would take somebody to get around that, if you write it into the law that the Governor's decision is final and you put it in a specific statute that the decision of the Governor is final - how can the Member talk nonsense about appeal to the Secretary of State when we have a specific statute that says the Governor's decision is final. And it is also true that there are many Boards set up where the appeal is made to the Governor, but I don't think there is any Board whose composition is exactly like the Board set up under this Law. There were other defects in this Board which I will not deal with in any great length but just to show how far this Board departed from normal procedure, I'll mention the two amendments that were made. One was that the two votes that had been given to the Chairman in the original bill was taken away. Thanks to an amendment from Bodden Town. The Chairman was given an original and a casting vote and that was amended.

Then the Medical Officer had the privilege to co-opt members to load the Board in his favour and that, too, was changed and instead of co-opted members we now have "appointed" members. So it is my contention that it was the intention of the Health Practitioners' law to take away every right that an aggrieved person could have. There was no way that justice could be done by this Board if this law had passed in its original form and while we were lucky in getting co-opted members changed to appointed members and taking away the two votes from the Chairman, it still went bad. What the Member has not told us and what I hope he will tell us in his concluding remarks, is why has it now been seen necessary to make an appeal to the Grand Court, when not only he, but his Legal Adviser and undoubtedly other members in Executive Council and one or two from this side of the House were all satisfied in October that this Board was alright and it was O.K. if a doctor or any other medical person is dissatisfied with this Board he can go to the people that set up this Board and if he is not satisfied he can go fly a kite.

Why have they changed now? The Memorandum does not give any indication of why we are bringing this amendment, yet the Memorandum should give the object and the reasons for bringing the amendment. I have my own opinion on it - I know why it is brought - I can think right off of three broad reasons why it should be brought.

- 1 - it goes against British justice, its unconstitutional for a person not to have the right of appeal.
  2. It could also be that the powers from on high, meaning the Commonwealth office has said to us "Go back and change that law", and
  3. It could also be that the Medical Practitioners themselves have come up in arms against this injustice,
- so I can think of three reasons why we should make this amendment only eight months after everybody thought it was O.K.

We made one fatal mistake on that 16th day of October and that was in not getting the votes counted to determine which members had voted against this clause. We did that in the Public Health Law but in the interest of time we do let these things slip by but it is very clear, Mr. President, that at least some of the members of this House, without any legal training at all, still know the difference between right and wrong - we still know the difference between good and evil.

This morning I heard a member get up and say "I didn't expect to speak on this". If a man has nothing to say he should say nothing. We are told that this and the amendment which preceded it are straight-forward amendments - how do they arrive at that conclusion when they were not straight-forward amendments eight months ago? We hear they are simple amendments yet they could not see the simplicity of them eight months ago when

MR. G. HAIG BODDEN (CONTINUING) we spent hours and hours in committee trying to get this bill the way it should be. It is my opinion that we are not only labouring under a form of self-government - there are some members that think we are totally independent and they can do as they please, but thank God we are still a Crown Colony and even if the members in opposition to these bills are not heard there is a force far greater than the might of voting power of Executive Council and that directs our ways and can protect the rights of the people of these Islands.

We heard from the Minutes - or we will see from the Minutes of that meeting that certain members were not convinced that we should have an appeal. How are they convinced today? What has happened? What has happened to convince them? These are things that <sup>the</sup> member <sup>should</sup> tell us. He ought to tell us the reason for bringing this amendment, but all the Memorandum says "it is considered". The other one even started in more flowery language it said "upon reflection it was found", and this one reads "It is considered that where a Health Practitioner is aggrieved by a decision of the Board made against him under section 11 he should have recourse to the Grand Court rather than to the Governor in Council since the Board will have been acting in a judicial capacity and it is sought to amend the law in order to provide for this".

I give this amendment my full support, Mr. President. I am sorry that the tax payers have to pay for the printing of this amendment and I am sorry that they have to pay for the time we are using up today when this could have been done by the stroke of a pen on the 16th of October, 1974 if Members would listen to reason, if members would sit down and examine a thing on its merits rather than dealing with personalities - it would be so simple and we could get along so well, but nevertheless I commend them for being humble enough to bring it back, even if they had to bring it by force. I commend them and I commend the Member for the reasonable manner in which he put forward this amendment and although he had great fears that we would be casting aspersions on him and although he had great fears that we would be argumentative, he need not have any fear. I look on this amendment on its merits - I think it is right - I think that it is right that the public should have an appeal from that Board and so I support it. I will not say that "Oh, you wouldn't do it in October so I won't support you now" - I am not that small.

The same thing happened with the previous bill, we had the same opportunity to say "Well, you wouldn't do it in October so we won't support it", but we won't do that - we always look on things on their merits. I think this is a good amendment - the only thing wrong with it it should have been done in October when the bill was formulated and we should not be here now wasting the tax payer's money - because in effect we have spent the tax-payers' money twice. We spent it one time trying to take away their freedoms and their rights now we are spending it giving it back to them on a silver platter. Mr. President, it gives me pleasure to support this amendment.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I rise to support this amendment. I must repeat myself, what I said previously this morning that if we were working together more in harmony we wouldn't have all this cause to have so many amendments. Every human being in the world should know that others deserve to have their rights, and it could not be right if I am aggrieved by a certain decision from a certain party that I should turn around and go to the same party and have any appeal and expect to get any different.

MISS ANNIE H. BODDEN (CONTINUING) I have been pressured, Mr. President, recently in questions from the public "What are you going to do about this Medical Practitioners' Bill?" Evidently the Doctors must have been worried because there is cause for them to be worried to know that they could not take their grievance before the highest Court in this Territory- that is, the Grand Court save anything that they could apply from there to Her Majesty's Government.

I support this bill and I am very sorry that it was not corrected in October. I am imploring this House not to be on these high horses "that I can't make a mistake". The highest human being who has ever lived in the world, he or she has made mistakes. If you will recall history Napoleon Bonaparte tried to cross the Alps - he was defeated. He said "I cannot be defeated, I am always wright" and we simply do not want that argument in this House any more. We want to work together in harmony and although, as I said yesterday, we have smatterings of the law, I feel that smattering, a full knowledge can sometimes do a better job than just knowledge alone.

Mr. President, I support the bill and I am very happy that it has reached the place where we can rectify a grievance that we have made and correct for the sake of these practitioners.

To be a qualified doctor is a noble way of life and if we are to stifle, I would say, them if they make a mistake, or be it what it may that they cannot go any higher than the Board and a little bit above that, we are not dealing justly.

I am not going to make any comments on those who proposed the bill, the records all reveal the stand but I am saying this that pride goeth before destruction and a haughty spirit before a fall. We do not want to let pride ruin what we have attained thus far, humility - Jesus the highest human being that ever trod this earth He washed His disciples' feet - that is humility. I am very sure there is nobody in this Chamber would even lick the hands of the "other side". We want to be humble and if we had a little bit more humanity and a little more humility we would not have all this bickering in this chamber and I repeat, I support this amendment and I trust in future when this "opposition", as we are called - if we make a suggestion that it will not be rammed that we are wrong. If you read the editorial in the Northwester it is feared that <sup>with</sup> the major voting power of the Government Bench that the Development Plan might go through. Then you see how the public is viewing us? Do you see that? Well, please let us correct this impression and let it be known that we are voting in harmony for the betterment of the Cayman Islands. I thank you, Sir.

MR. JAMES M. BODDEN: Mr. President, if nobody else wishes to speak, I would move for the adjournment at this point.

MR. JOHN D. JEFFERSON: I beg to second that motion.

MR. PRESIDENT: I am quite willing to suspend for lunch until 2.30 this afternoon.

AT 12.55 P.M. THE HOUSE WAS SUSPENDED

RESUMPTION: AT 2.30 P.M. THE HOUSE RESUMED

MR. PRESIDENT: Please be seated.  
Proceedings are resumed. We continue the debate on the Second Reading of the Health Practitioners' Law.

MR. CLAUDE HILL: Mr. President and Honourable Members, it seems as if I have to get some of these fellows standing and say something.

MR. CLAUDE HILL (CONTINUING) And I will deal with this bill the same as I did with the other one - I rise to support this bill, and I say this much that if this had been done in October of 1974 we wouldn't have to be worrying about it today as it stands.

The Health Practitioners' Law 1974 that we are dealing with and to speak on this I will only be repeating myself for I have said on the other previous bill that I was for it in the first instance and I am with this one the same way and with all of what the other members have said, what explanations were made I feel that it is quite time we stop biting at one another, and get about to do some good for the people who we here represent. The poor tax payers - I would not say I am going to give them on a silver platter but I say they are getting it back on a paper platter and with that, Mr. President, I close in saying let us <sup>have</sup> work together and try to make something out of nothing if we <sup>have</sup> nothing to do it with, and I thank you, Sir.

MR. JAMES M. BODDEN: Mr. President, Fellow Members, I, too, rise to support this but in supporting it I am going to try to add to it and I would like to further bring out some of the points as to the reason why we are in the dilemma we are in today.

We have never claimed to have supernatural powers - we have never claimed that we know everything - we have never opposed one hundred per cent but we did, Mr. President, make it clear from the introduction of this bill as to the necessary things that we thought should have been changed into it. We felt that in order that justice should prevail, there should have been substantial changes. When we were bold enough to express those opinions instead of being willing to be led, as usual, it was not accepted. But I will give the Members on the other side credit for one thing that on that day they were in a bit of a conciliatory mood. It was one of the few days that we have ever seen it in this House, because of their actions that date we did succeed in having the bill amended in several places - we did succeed in adding democracy to this bill, but we did not succeed far enough. I will point that out to you, first of all, by mentioning and referring to certain sections of the Hansard which covered the meeting of that day.

It was proposed originally in the bill that the Chairman would have two votes. It is not necessary for me to remind this House of the action that my colleague and myself spear-headed on that particular point, but I would read to you just a section of it.

In speaking on that particular part referring to the Hansard, I said "again I would take objection to that because we are giving the Chairman additional powers here by allowing him to have two votes. In this case, Mr. President, I submit that that should be similar to your position as Speaker of this House, where you must maintain and should maintain an impartial manner. That impartial manner can only be maintained by a Speaker when he has only a casting vote. That cannot be maintained by the Chairman, Mr. President, as long as he is empowered to cast two votes and I would hope very much that that would be considered in this bill before it is passed into law. I think I have pointed out two things that could be very beneficial to the operation of this law in the future and I submit them to this House". That was my part of the contribution on that section.

Again on page 43, speaking on the same matter I enlarged on it by saying "we had no reason to change section 4 because if any gain was made on section 4 we would definitely lose it in section 5 by giving the Chairman the two votes, so that may have been why the Member was willing to change it in section 4, is because in section 5 he would still be gaining the same thing he

MR. JAMES M. BODDEN (CONTINUING) originally set out to have, and I submit, Mr. Chairman, that as far as I am concerned, I am willing to stay here till mid-night but I will never agree to the Chairman having an original vote to create a tie and then a casting vote to break that tie".

Reading on page 27 my colleague had this to say - "I would further like to say, Mr. Chairman that the composition of this Board seems to be dual as well as the purposes of it and power of the Chairman seems to be too much. I already made mention of the fact that the Chairman was permitted two votes and I believe that if the Governor is given some of the powers of the Chairman here we could, in a way, limit the effect that the Chairman now has on the Board. "

Page 28, we went on with a similar approach to this problem. Now the reason I am bringing these things out, Mr. President, is to show this House that every change that was made in this bill when it appeared before this House was because there were things pointed out from this side of the House. I am further bringing that out to show this House that anyway we look at it, every bit of this is related down to what we are trying to do today in regards to trial, because we must admit that every section of this, in every way it is put together is dealing with the eventual trial. That we succeeded in doing.

The next thing, Mr. President, the original bill asked for three members to be co-opted by the CMO now that would have put him in the position to have had three of any members that he wanted on it at any time, at any particular case. Regardless of what it was, he could have had three men on it the day before, because he might know that they disagreed with him on a matter coming before him, it could have been changed, three more selected. So we were able to get that reduced to two, otherwise he would have had three votes there, plus his vote, which made four, plus another vote in the event of any tie. It would have been impossible nearly for a tie so I don't know why we really wanted to give him that one. Anyway, that was changed.

The next thing that was changed in this law was co-option. We got that changed to "appointed" and to show this House the relevancy of that particular section in regards to the amendment that we are proposing to make today, I would ask the Members who are following my debate quite closely, to refer to page 37 when I closed that particular section of my debate on it by saying "at his pleasure". It would take a little long to read the entire thing and I do not want to prolong the proceedings too long, but we did take the strong action to point out that there should be a change in it and that the word "appointment" should be used instead of co-opted.

I would like to refer to page 36, referring on page 36 we will find that the Honourable Second Official Member said "As Acting Second Official Member, if it will help the Honourable Members opposite, I will heartily apologise for the deficiencies of the Legal Draftsman and agree to changing the word "co-opted" to the word "appointed". Even at that point the Second Official Member, where we usually find the Rock of Gibraltar approach, was even willing to make a change so, Mr. President, it did have a very definite link into this entire case.

Page 31, reveals again an argument that was put to the House in regards to co-opted and appointed and how it dealt with trial and there is no doubt that the person is on trial and there is no doubt that we cannot get away from it that these were the guidelines which were going to be set into law which would have determined his trial. It also goes much further than that and it affects his right of appeal. These were the dangers that

MR. JAMES M. BODDEN (CONTINUING) were pointed out. We did get these three major changes into the bill but we were not of the opinion that that was enough because we did echo, referring to the Hansards again, on page 30 that the Board was at the complete pleasure of the CMO and we pointed out how detrimental that could be.

We must look at it this way, Mr. President, we are dealing with not a trivial matter here - we are dealing with something that affects the very livelihood of many people. Take for instance, we could have a young Caymanian who has gone away, studied medicine for seven or eight years coming back to the Island and for petty reasons, or any trivialities that could be dreamed up by whoever occupied the position of CMO, actually cut off that man's right of livelihood for the rest of his life because once we have branded a man of that professional nature as not being able to secure a permit or a licence to practice his chosen profession in the Cayman Islands, let's face it, we have ruined that man for life. Here we come in in this very session and we are willing for the Government to go ahead and borrow money to set up a scholarship fund which is very commendable, but at the same reason if we loan him this money to learn this profession and then he comes back and cannot obtain a licence for some petty reason to practice it, how is he going to be able to pay the Government back? He will then have to go out and may be shine shoes in order to do so. This is not a laughing matter or anything like that, Mr. President, this is a very grave situation and that is why we stood here and fought to get changes into this bill and that is why it was necessary that it be done.

I realised this, Mr. President, when I spoke on this matter in the meeting here in October. On page 32 I said "I personally do not like to go under presumptions, because I think we would all like to presume that everyone sitting in this Assembly is angels and that when we go to the great beyond we will live in a beautiful world, so presuming is just like this would be like presuming that, but Mr. Chairman, I will only speak on this probably the last time now, and before we vote on this I would like the Members hereto put themselves in the position of a person appearing before this Board. I would like them to search their conscience real deep and think that supposing they had gone abroad to study to be a doctor. It probably has taken them seven years to complete that study and it has probably cost his family in the neighbourhood of \$30,000 to \$40,000 to see him to that stage. Now human nature being what it is, Mr. Chairman, it is easy then for someone to appear before that Board, for family animosities to creep in, many other things to creep in and the person be denied the right to practise. I know the Members on the other side will be saying that I'm thinking, may be too far, but I think if we look at the fact, in the past, similar things to this have happened, Mr. Chairman, with the same Department that we are dealing with today, and it doesn't say that it won't happen again in the future, so I am only asking the Members to search their consciences real good and put themselves in the position of the applicant before this Board before they vote for it the way it is now."

So all of these things were pointed out for these changes to make it necessary to go into something else to give a more democratic approach to the Board. It is quite true that on this particular section, as Government has presented it today, we did not table an amendment to it, but we fought continually through for the right of appeal, as all of these points actually led up, in our opinion to the eventual trial.

I have pointed out the importance that I attach to this particular section, because it does deal with the man's professional right. We were so aware of that, Mr. President, that we took a great step forward, and on page 39 the

MR. JAMES M. BODDEN (CONTINUING) Hansard will reveal that at that point I craved your indulgence to release the Members of Executive Council to vote their conscience and I will read that at this time to the Members of the House to refresh their memories - "Mr. Chairman I quite agree with the member over there, but I wonder on such an important thing as this and I do not mean to infringe in any respect in your reserves, Sir, but I wonder if such an important thing as this if we couldnt have each member voting as he sees fit, because I think that some members on the other side have really seen through this argument and I think that it is very detrimental, Sir, if we leave this into the law, because we are drafting a law here that should be good for the next twenty-five years and we are going to deal with personalities, Sir. "So that was the great importance that we attached to the changes at that time.

My colleague on page 22 dealt and pointed out at the very beginning of the introduction of this bill for the right of appeal and I will read that particular section. "I see other defects in the composition of this Board I see that its function is administrative and shall not be subject to question in any Court of law. To my mind this is wrong because here we are putting a Board above the law - there is no provision for an appeal from this Board which, I think, is different from the composition of the majority of Boards that operate within the framework of our laws. We have some Boards whose decisions are subject to a special Tribunal or subject to an Appeal to the Executive Council, some of the decisions can even be appealed to the Grand Court. Here we are setting up a Board that has to answer to no one. Its actions and decisions shall not be subject to question in any Court of Law. We should have no Board or no man above the law, because no matter how much technical knowledge these people may have, they are human beings, they can err, they can make mistakes and they can wilfully do wrong. Nobody is above that, and I maintain that we should not set up a Board which cannot be questioned, we should not have a Board which is not subject to appeal." I point that out, Mr. President, as that was on page 22. The bill was put before the House on page 19 and the only speakers before that was the Member piloting the bill, the Third Elected Member from George Town and myself, my colleague here was the fourth speaker. So so early in the introduction, even before we got to Committee stage, on the Second Reading, this was pointed out that it was quite necessary to have some section of the law that would deal with the right of appeal.

I would like to go further on page 23, the Acting Honourable Second Official Member at that meeting said the following words - "In a small Island such as this, it seems to me quite unnecessary that we should have a further appeal from this Board to a Court of Law, then presumably to the Court of Appeal in Jamaica and from there to the Privy Council, because it seems that nobody can ever be convicted of a crime nowadays without going straight through with it to the Privy Council." Those were the words of the man who evidently drafted this bill and who sat in the House in the capacity as the Second Official Member on that date. So there is no doubt that from the very beginning there was no intention to give a right of appeal because this is the legal mind that we must depend on for guidance and he is telling us here, with his very words, that there should be no right of appeal. Now, Mr. President, I am not picking things out of the air and I am not dreaming up things, these were actual words that were spoke in this Assembly and I submit in deference to anyone that some of the reasons that we do not win cases or the reasons that such things as this would happen, is not because that a person shouldn't have that right but because what is done about it is not done right.

MR. JAMES M. BODDEN (CONTINUING) I wish further to bring to the attention of this House the words that were spoken on page 24 of the Hansard of the same date. This was in regards to the debate of whether the Chairman should have an original or casting vote. These words again were spoken by the Honourable Acting Second Official Member. He said "subject to what the members of this side of the House may decide about it, a matter of opinion of the various members of this House". Mr. President, we do not need to go any further to debate anything about this bill if we just paid particular attention to those words, because bear in mind what he has said, he said "its what the members on this side decide and its what the members on that side express their opinion on". So we can only expression opinions, which we all know the decision rests there. If anything was ever blunt and ever true about our present constitution, thank God if there was doubt at that meeting, although we did have a lot of recitations, he did say one thing that was true.

I refer the Members to page 35 of the Hansard to show why or show one of the reasons why we did not table any further amendments because at that particular time we were in a very conciliatory mood. Even Executive Council Members had begun to see the light, so we were quite willing at that stage to be conciliatory. I will read what was said. "I had promised not to speak any more but even Moses, after travelling through the wilderness for 40 years reached the promised land, and it seems like today we are reaching the promised land as far as letting Executive Council Members see the errors of their ways, because I think now that they have or are agreeing with us that this is an unusual thing to happen - is ever to see co-opted members given a vote and particularly for it to be written into a law that those co-opted members have a vote and I feel very good that we have gotten that point across and I am hoping that in some way we can find a way to change this by a proviso or an amendment or something attached to it."

On page 36 Honourable Acting Second Official Member said " I will heartily apologise for the deficiencies of the Legal Draftsman and agree to changing the word "co-opted" to the word "appointed". Page 39 really reflects the conciliatory mood that prevailed and proves to the public, proves to the people who some members are worried about that we are spending their money careless, because we speak in this House and it might take a little longer than people would like it. I will point out to the Members of this House how profitable it is to the country for the few dollars that are appropriated for the coffee break because on page 39 we had had quite a heated debate concerning certain sections of the bill up to that point and it will be seen by reading page 39 that after the coffee break the Honourable Member steering the bill through committee stages at that point came back after everyone had had a very refreshing talk in the Committee room and proposed the same amendments that we were asking for and then we all agreed. So you see we do not waste our time when we have the coffee break and neither do we spend Government's money foolishly when we speak our minds. At that point we were in such a conciliatory mood that we withdrew our amendment and at this point I cannot tell you whether we had any further amendments or not that were tabled, but at least whatever they were, whether they had been dealt with before or were due to be dealt with in the future, at that point they were withdrawn.

What I am wondering about, Mr. President at this point is in looking at the Memorandum attached to the bill requesting this change - it says "that it is considered" = we should change it. Mr. President, one of the reasons may be that we waste time in this House is because we are never told the truth



MR. JAMES M. BODDEN (CONTINUING) We should be told the truth - we are all elected by the people of these Islands....

MR. PRESIDENT:  
statement..

I think that's rather an extreme

MR. JAMES M. BODDEN: I apologise if it is., but Mr. President, with due respect I think we should be told the truth whether this came as a directive from London or not or who told us to change it. That is why I was making the point that we should be told the truth and I think I should have the opportunity to fully bring out my argument and then rule me out of order if I am wrong. I am asking at this point - who told us? Who considers its necessary for it to be changed? When we couldn't see these changes a few months ago who has told us now? And that's why I am saying, Mr. President we would not waste the time of this House if when matters were aired in this House, like questions and motions and bills, the right approach and the truth was told to us.

Many changes are still needed in this bill - this is not the only one and I am sure that you will be bringing it back here again asking for more. Page 23 of the Hansard - "Government doctors are not subject to the actions of this Board" - what makes them any different - don't they have to go through the same training - don't they have to spend the same money? Why should a private practitioner have to go through this Board and be subject to the disciplinary action of that Board and obtain a licence to practice in his own country if he is a Caymanian and yet we could bring in somebody else from abroad and he is not subject to this Board because he does not have to have a licence to practice. Now, if you can tell me that is right then I will be glad to sit down. I feel that they should be disciplined through this Board in the same manner as any other person coming before it. I feel further, Mr. President, that we should have a rotation of the Chairmanship of those Boards - this is what is happening to us today in Cayman - we establish Boards and there is only one thing that takes them out - and that is the Grim Reaper. They are not subject, like ourselves to election where you can be removed - they are only subject to the Grim Reaper and that is why today we have so many things going wrong in this country, because these Boards are set up and they are answerable apparently to nobody.

I feel again, further amendments should be made to it to where the Medical profession as a whole would have the right to have some representative on the Council and not just the CMO appointing whomsoever he may please to this. I know the things I am saying here are not good for the ear because people don't like to hear the truth. People don't like to hear the truth. We do not.....

HON. BENSON O. EBANKS:

Mr. President, I object to that statement, Sir, its an aspersion on the Members of this House.

MR. JAMES M. BODDEN:

Mr. President, I am putting myself in the position and saying that the Members don't like to hear the truth from us - what is wrong with that under our Standing Orders? There is no aspersion against anyone. If I were saying to them they wouldn't like to hear a lie I bet you there wouldn't have been a soul on that side got up and said anything. We can carry the Standing Orders so far and no further, Mr. President - it they are good for me they are good for the next man, remember that. No one can be right all the time. We have supported Government motions that have been brought to this House when they were brought in the manner that they should have been brought and when they were of good, or what we thought were good for the country and Mr. President,

MR. JAMES M. BODDEN (CONTINUING): we will always continue to take that approach to it, but I am warning this House that we are not going to just stand idly by and accept it just because someone else says it. And I am further warning this House that this House must have impartiality completely - we will not be subject to two rulings on any point in this House and just because some members may think and accuse of echos that some of them are like echos, Mr. President, on the banks of a mill-pond and any time you think that you are going to put a bill here....

MR. PRESIDENT: I must ask the Honourable Member not to make aspersions about the Honourable Members of this House.

MR. JAMES M. BODDEN: Mr. President.....

MR. PRESIDENT: This is according to Standing Orders.....

MR. JAMES M. BODDEN: Mr. President, quite true - I am quoting exactly what was said by another member this morning and you did not stop him. Now, Mr. President, we must have impartiality...

MR. PRESIDENT: I am not going to enter into an argument between the Chair and the Member of the House. I am asking you to respect my ruling.

MR. JAMES M. BODDEN: I respect it, Sir, but please respect me and give us impartiality.

MR. PRESIDENT: Are there any other speakers to this motion?

MR. JOHN JEFFERSON: Mr. President and Honourable Members, certainly we have heard a lot said in this Chamber today, a lot of rhetoric, a lot of empty words. It's a pity we don't spend this much time trying to do the things that would be good for the people instead of spending them in here fighting over, squibbling over little careless, little foolish things, as far as I am concerned.

I rise in support of the amendment Mr. President, the amendment to this bill this law. It is true that something like eight months ago this law was brought before this House and this law went through its normal channels, normal route and we are here today placing an amendment to this particular bill.

And if we were to sit down and listen to all that has been said in relation to that we would have thought that this is the only House anywhere in the world where an amendment to any bill has been brought and I doubt if they were to read the reports you would find that it's done in any other House anywhere else in the world, and certainly I want to say this that I believe, conscientiously, that any bill that's debated in this House (and I speak for myself) that there's only one concern of mine and that is that in our deliberations, in our consideration, that we are trying to get the best law possible.

I believe that this House has as good a legal guidance as any House anywhere else and I believe that it's about time that we quit saying some of the things that we are saying just to be heard. It's not election time yet, it's 1975 and that's almost another year away.

I rise to support this bill and hope that God will help us to set aside the little petty things and get on with the job of representation, trying to work together to be able to make these Islands a better place in which to live.

I know, Mr. President, that this is what goes on in every Parliament in the world, everybody is going to be an island unto themselves and certainly I would, while I might

MR. JOHN JEFFERSON (CONTINUING) disagree with some of the actions, I would no doubt, without any question, give my life to defend a man's right to speak out, but the repetition becomes like an old broken record after awhile. I rise to support this amendment.

MR. T. W. FARRINGTON: Mr. President, I shall be very brief with what I have to say and I am not going to quote from any Hansard but I well remember the meeting that took place in October and I further remember clearly that when this matter for the Chairman to have a casting vote as well as an original vote, I objected to it very strongly. I even went so far as to say that on one occasion I had this matter cleared up in the House of Commons during a Seminar on Parliamentary Procedure and Practice and the question that I asked the President "Is it right for the Chairman or President of any Board to have a casting vote?" He said "Well, that answer was, so far as the casting vote is concerned the Chairman of these Boards or Committees or whatever such, generally casts his vote in such a manner that it leaves the situation as before. In other words it can be brought back." And I further remember that during the administration of Mr. Long in this House that a matter similar to this came up and he said "Gentlemen, I am going to cast my vote but I am casting it with the opposition because I do feel that it shouldn't be killed at this stage but it should be left there so that it can be brought back". I also thought it was wrong for the Chairman of that Board to have the right to choose his own helpers or whatever you choose to call it and that was reduced from three to two. Furthermore, it was changed to being "appointed" rather than to be "co-opted". These three things I remember very, very clearly and I support this, I support this amendment one hundred per cent and I only want to say this, whatever I said then I still hold to and I am very glad that this is brought back and corrected because I do feel that this Board should not have the last say and it shouldn't be that the Governor in Executive Council appoints these members and then turns round and says "Well, you have to appeal to the Governor in Council and their decision is final".

I maintain that we should be in a position where if there is somebody (it mightn't be right) but if he thinks he is right, he should have a right of appeal and it should not be from the administrative part of the Government but it should be through the Court. So again, Sir, I thank you for allowing me to say a few words but this is how I felt then and this is how I feel now and that's why I heartily support this.

CAPT. A. A. REID: Mr. President, I am in support of the change in the Medical Practitioners' Bill. I still say that the storm in the tea-cup was created or emanated as a result of two strong characters clashing. But that is on one hand and on the other hand I don't blame the other side because it could well have repercussions on him, on the private doctor and knowing human nature as I know them, as I know it, it happens here and happens often.

One thing, I agree strongly with the Honourable First Elected Member for Bodden Town, is when he is voicing the opinion that nobody should be kept on the Boards indefinitely. I say that we have Boards in this country that have affected me - they have put me on the grind-stone and kept me there for a long time and did me as much damage as they possibly could and I know that it hasn't been a fair deal and I know they are capable of doing the same thing to anybody else. I say that some of them have been there five years - they have no right to be there more than two and you should seek to get men of a calibre that wouldn't stoop to that or men who have

CAPT. A.A. REID (CONTINUING) enough in the bank that they haven't got to worry about it, not somebody who is trying to get rich overnight. It is just not good enough - it is just not good enough to have somebody on a Board where his own interest conflicts in every instance. There are men on some of those Boards that their own personal affairs clash on every meeting and yet they remain there. And I am going to tear the roof off of this building or get some of it remedied. Every man in this House knows its a fact - the people on the street know it - the news media knows it - talk to them and you will find out.

I was hoping that something would come up this time that I could get to spew up all I have in my chest - ( MEMBERS -LAUGHTER), but I don't want to over-step the border but I would like to tell you something about the goose - the golden goose - every business<sup>man</sup> in this country today is murdering as fast he can - the guillotine is over the goose's head and some are dissecting his wings, some his legs - and even the little man he is plucking out the feathers, and if we don't do something to control it God help us.

I have just gone through the United States, all through Florida, 3 or 4 hundred miles through Florida and over two or three hundred miles in Ontario and the difference in prices is so appalling that....

MR. PRESIDENT: I must ask the Honourable Member to speak to the Bill - we are getting rather far away from the subject.

CAPT. A.A. REID: Yes, Sir, I know, but this House is where we can voice our opinions and sometimes the opinion is good. I will say this, Sir, no matter what the Constitution says - and I apologise if I have over-stepped the line, but I'll get it in if I have to bring a motion the next meeting - I'll get it in somehow. And a lot of these merchants are not going to like to hear what I have to say, but I am worried about the country - I am not worried about myself, I am pretty good, I am pretty safe - my anchors are pretty well secured, but I am worried about this country. But I'll get it in - rest assured on that if I've got to bring a motion for it.

I support the Bill, Sir - I can't say anymore on the subject than that because it is not necessary. What I wanted to tell you about is some of the one hundred and forty per cent profit prices being charged here, things I brought back from the States with me this time. I'll never buy anything here again, the merchants will never sell me anything - I am going to get it myself where I can save a hundred per cent.

HON. A. B. BUSH: Mr. President, Honourable Members, its just observation I would like to make and make known to this House. It is a pity that so much has been said on such a very simple bill, an amendment to a bill. If we have, on cases like this, debate all that ever went on when an original bill was passed then I am sure we are going to spend many idle hours in this place.

Now we talk about wasting time - I think this is where time is wasted when you have to go to the Minutes of meetings months ago and bring up all sorts of things of what this one said and what that one said and debate it, I must say, again here in the Chamber, then this, to my mind, is a waste of time. I think that some ruling from the Chair is going to have to be made on this or else we are not going to get anywhere in this Legislature.

Surely, all members here know what went on in the other meeting, they have the reports before

HON. A. A. BUSH ( CONTINUING ) them and what is the use of the members who said these things just repeating them again at this meeting with this little amendment? They could have easily said "We disagreed with the bill as it was before - we thought this amendment was necessary and here you are, bringing it today. We agree with the amendment - this is what we wanted originally", but don't go months back and dig up all kinds of things and come back and make all sorts of sarcastic remarks, all sorts of derogatory remarks about the members who made the bill, the members who looked at it in a different light from what they looked at it, and condemn them for everything they have ever done. Mr. President, to my mind, it is a dis-grace on this House... (MR. JOHN JEFFERSON: Hear! Hear!) to go into things such as this and for legislators, good legislators as we call ourselves to stoop to ridiculing one another, calling one another ignorant. The Executive Council is nothing to them and who then is anything to them but themselves?

Mr. President, I just wanted to make this known to the members of this Chamber.

MR. PRESIDENT: If there are no further speakers, I will ask the Honourable Mover to reply.

HON. BENSON O. EBANKS: Mr. President, this motion has been taken through so many circuits that I am at a loss where to begin and I suppose somebody must have hit upon some relevant point at some time because like the watch owned by the chap in West Bay that gained twenty-hours every thirty-six hours, he said it was right then when it crossed the right hour. (MEMBERS - LAUGHTER)

I want to make just a few points, Sir, that is that when the Health Practitioners' Bill, 1974 was drafted it was not my drafting and for the sake of the member who seems to think that the bill was drafted to put so much power in the hands of the Member for Health, I would just like to call his attention to the fact that the Member for Health is not mentioned once in this bill - he has no jurisdiction within this particular bill whatever.

In presenting the amendment bill, Mr. President, I did not deny the fact that the Second Member for Bodden Town had mentioned the fact that the section dealing with appeal, but as he himself admitted he indicated that he wasn't sure there was any appeal at all and reference was made to my statement regarding the appeal and the fact that I said "the other point that I want to make and its a final point", a lot was made out of the word final. The Speaker tried to give the impression that I was saying that I was the final authority on the law. If Members looked at the minutes, Mr. President, it will be found that it was the final point in my submission and I maintain ( I don't know whether I am wrong), I maintain that the actions of the Governor in Council are subject to appeal to the Secretary of State for the Colonies or whatever name he might have at the appropriate time, but certainly the officer to whom or who is responsible for the administration of this Colony.

Now I don't know why so much bad weather was made of this because it is a fact that this is not the only law in which appeals from a Board to the Governor are final. We have, in the case of the Caymanian Protection Board, section 11, appeals against refusal of gainful occupation permits the appeal is to the Governor and it is final. In the section dealing with licenses under the Local Companies Control Law, the granting of licenses under the Local Companies Control Law, the appeal to the Governor in Executive Council is final, and in many other Boards.

HON. BENSON O. EBANKS (CONTINUING) The Members seemed to have been trying , in jumping from one page to the other, I don't know whether it was the gallery or the members they were trying to confuse but the arguments that were going on when all of this was being referred to was not about an appeal to the Courts - it was over the question of the composition of the Board, the word "coopted" as opposed to "appointed" and whether they should be appointed by the Governor or whether they should be appointed by the Chairman, who was the Chief Medical Officer, and while the Member took pains to point out that Executive Council was in a compromising mood that day, he was very careful to read the contribution of the then Acting Second Official Member as regards changing "co-opted" to "appointed" but the Member was not generous enough to point out that it was the Member piloting the bill, that is, myself, who first made that suggestion and it is right at the top of the same page 36.

I would crave the indulgence of the House just to read that section. - "Mr. Chairman, the only thing I have to say is that if "co-opt " is what is worrying the Members in this instance I don't think if the word "appointed" was used it would alter the meaning any. So that if, but I would certainly be entirely in the hands of the Legal Draftsman, I mean the Second Official Member, as far as this is concerned". So we spent a day even on that occasion, Mr. President, arguing over semantics as to whether "co-opted" or "appointed" should be used when it was very clear in the bill what was meant by it, and as far as the section about reducing numbers and what not, the composition again of the Board, the point that was being resisted in October was to preserve the flexibility of the Board where the Chief Medical Officer's appointees served at his pleasure to enable him to appoint the type of practitioner that was required for the particular matter on which the Board was sitting and had we accepted the recommendation not to allow him, we would have had a static Board which would have defeated this flexibility, because in the law we had a provision that wherever possible the quorum sitting to try a person in a disciplinary proceeding must include one health practitioner in the field of the person being considered. It was explained that this might entail even going as far as to take somebody from overseas to sit on the Board.

And what should be remember<sup>ed</sup> / Mr. President, is even though we are now bringing this amendment, what the Board really sits, when it sits in this capacity under sections 10 and 11 it is not for a crime, these are tried in Court - it is for some complained of malpractice and this is why the Government Medical Officers are not brought under the Board, because the general orders of Government will be able to deal with their officers for malpractice if they are committed or if they have committed a crime, they would be tried under the Courts or in the Courts the same as anyone else.. Furthermore, Government would not recruit anyone into its services who was <sup>not</sup> adequately qualified. As far as the instance of the young Caymanian is concerned, Mr. President, which has really nothing to do with this again, but it was brought up, if Government educated that Caymanian he would be coming back to serve Government - he would be a Government Medical Officer so there would be hardly any chance of any Board keeping him from practising, because he would not be covered by this Board in any event.

But this country would be awfully sick if a Board would deliberately prevent a person who was qualified and not otherwise disqualified from practising and getting a licence to practice - a Caymanian.

I don't know what the argument that has been deduced, Mr. President, regarding people getting up on their high horses and saying that they can't make mistakes is all about, because the very fact that this amendment is before the House is

HON. BENSON O. EBANKS (CONTINUING) an indication that something is lacking in the bill, an admission that something is lacking in the bill. The point which I made in presenting the bill, and which no one has been able to successfully contradict is that during the study of this bill in the Committee stage where the amendments to a clause like this could have been made no effort was made to change it and I can't see how anyone could come here today and try to say that in October they wanted this in the bill - this cannot be supported from the records.

The other thing that I must make mention of, Mr. President, is the fact that that balmy tea-break that we had, when we returned there was really no agreement to accept any amendments that were before the House. If Members will read that section they will see that on resumption I made the point that at adjournment we had reached the stage where there were three amendments before the House and we were about to vote on these and although the question of numbers were not raised in the debate, I believe that may be if in the amendment which I proposed it was altered that "c" should read "up to two Health practitioners" that is substitute 2 for three and substitute "appointed" for "co-opted" that this would meet many of the fears that have been expressed and I think that it would find unanimity in the House and in an effort to do this I would be prepared to offer that amendment.

As far as this original vote on a casting vote is concerned, I would like, Mr. President, to bring members' attention again to page 44 to the contribution which I made there. "Mr. Chairman, I would have no strong objection if the casting vote alone was sustained. I don't feel strongly about it. This was a draft, I think you know. I am not going to rig this Board in any way and I would hope that democracy would prevail and that a person would get a fair break if he was innocent. I hope that it would be unanimous in his favour if he was guilty and I would hope that it would be unanimous so I am willing to give on this point. This is not a point that will affect, in my opinion, the health services of the country, so I am not worried about this. What I am concerned about is the delivery of health service". And I think that one member also said that it was a pity and it was a mistake that they did not ask for the division on this particular clause, may be I can help the member with that. If the members will refer to page 45 they will see that when the question was put on this clause there were no "No" voices recorded.

Mr. President, again I say that I commend this bill to Members and I formally move the Second Reading of the Health Practitioners' (Amendment) Law, 1975.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: The next item on the Order of the Day is BILL - COMMITTEE STAGE. We have MOTIONS already to move into Committee on the Higher Education (Loan) Bill, Public Service Commission (Amendment) Bill and the Radio Bill, that leaves Motions to move into Committee on the Public Health (Amendment) Bill, the Health Practitioners' (Amendment) Bill and the Penal Code on which I believe the Honourable the Attorney-General is moving a referral to a Special Select Committee.

HON. BENSON O. EBANKS: Mr. President, I am not sure - are you suggesting that I should make a motion for the Bill...

MR. PRESIDENT: I think it would be better if we took the three bills and then we can move into committee and take the outstanding bills in Committee.

PUBLIC HEALTH (AMENDMENT) BILL, 1975  
COMMITTEE THEREON.

MR. PRESIDENT: The Public Health (Amendment) Bill - do you wish to move on that?

HON. BENSON O. EBANKS: Yes, Sir, I would like to move that the House resolve itself into a committee of the Whole House to consider the Public Health (Amendment) Bill, 1975 clause by clause and amend it where deemed necessary.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED

THE HEALTH PRACTITIONERS' (AMENDMENT) BILL, 1975  
COMMITTEE THEREON

HON. BENSON O. EBANKS: Mr. President, I beg to move, Sir, that this House resolve into a committee of the whole House to consider a bill entitled the Health Practitioners' (Amendment) Law, 1975 clause by clause and amend it as may be deemed necessary.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED

THE PENAL CODE

REFERRAL TO A SPECIAL SELECT COMMITTEE OF THE  
WHOLE HOUSE

HON. G. E. WADDINGTON: Mr. President, I beg to move, Sir, that a bill entitled the Penal Code be referred to a Special Select Committee of the Whole House in accordance with Standing Order 62 and 55 (b).

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED

MR. PRESIDENT: The Penal Code is accordingly referred to a Special Select Committee of the Whole House, the Chairman of which will be the Honourable, the Attorney-General and the quorum as decided by the Assembly earlier in the proceedings.

The Assembly will now resolve into Committee to consider these five bills.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The House is now in Committee. We will proceed, first of all, with the HIGHER EDUCATION (LOAN) BILL.

THE HIGHER EDUCATION (LOAN) BILL.

CLERK: CLAUSE 1; SHORT TITLE

QUESTION PUT: AGREED: CLAUSE-1 PASSED

CLERK: CLAUSE 2: AUTHORITY TO RAISE LOAN

QUESTION PUT; AGREED CLAUSE 2 PASSED

CLERK: CLAUSE 3: APPROPRIATION.

QUESTION PUT: AGREED. CLAUSE 3 PASSED



CLERK: CLAUSE 4: MODE OF RAISING LOAN  
QUESTION PUT: AGREED: CLAUSE 4 PASSED

CLERK: CLAUSE 5: PRINCIPAL AND INTEREST TO BE CHARGED ON GENERAL  
REVENUE  
QUESTION PUT: AGREED: CLAUSE 5 PASSED

CLERK: A LAW TO CONFER POWER TO RAISE A LOAN NOT EXCEEDING FIFTY  
THOUSAND DOLLARS (CAYMAN) TO-GETHER WITH EXPENSES OF THE  
ISSUE THEREOF FOR THE FINANCE OF STUDENT LOANS FOR HIGHER  
EDUCATION.  
QUESTION PUT: AGREED: TITLE PASSED.

MR. CHAIRMAN: That concludes Committee proceedings on  
the HIGHER EDUCATION (LOAN) Bill.

The next bill is the PUBLIC SERVICE  
COMMISSION (AMENDMENT) LAW, 1975.

THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975

CLERK: CLAUSE 1: SHORT TITLE.  
QUESTION PUT: AGREED: CLAUSE 1 PASSED.

CLERK: CLAUSE 2: REPLACEMENT OF SECTION 6 (1) LAW 38 of 1967.  
QUESTION PROPOSED:

DRAFT REGULATIONS TO ABOVE LAW ( NOT LAID ON THE TABLE)

MR. JAMES M. BODDEN: Mr. Chairman, on this section, Sir, we  
have been circulated with a memorandum here, which is, more or less  
the Regulations under which this would work. This is the first time  
this has happened, to my knowledge and I have to crave your indulgence  
in requesting whether we are permitted to speak or make any amendments  
on this or whether we pass this section the way it is here, whether  
this bill or these Regulations that have been circulated to us, whether  
they will stand as they are. If they are going to stand as they are  
I would not be in favour of agreeing to that section, but if we have  
the power to try to deal with them and make comments on any section  
of this particular Regulations as circulated by you.

HON. D. V. WATLER: Mr. Chairman, in accordance with the law  
itself, the Governor in Council can make regulations, but we would  
welcome any comments you have on the Regulations so that we can take  
them into consideration when we are going to pass them.

MR. JAMES M. BODDEN: I appreciate that very much and I would  
like to make some comments then on certain sections of these  
Regulations. Section 20, the next to the last line ANNOUNCEMENT IN  
TIME TO ENABLE CANDIDATES TO MAKE APPLICATION FOR SUCH VACANCY IN  
ACCORDANCE WITH SUCH ADVERTISEMENT. I think this should be changed  
if not it is going to continue I think as a local sore-spot. In here  
we should specify at least 30 days in advance because that would  
enable some of our people who live abroad to have a chance to may be  
make applications for some of these positions. If it is left as  
it is circulated under section 20, then when you know about it, it  
might be too late and I would crave the indulgence of the House to  
request that this be changed, to insert, instead of "IN TIME" strike  
that out and insert instead "AT LEAST THIRTY DAYS IN ADVANCE" to  
take the place of "IN TIME".

MR. JOHN JEFFERSON: Mr. Chairman, I would also agree with that -  
I am in favour of that myself.

HON. BENSON O. EBANKS: Mr. Chairman, I hate to open a can of worm  
again but I don't think we are dealing with the REGULATIONS here and  
I don't see how they can be discussed or amendments proposed to them  
here.

MR. CHAIRMAN: I think that technically that is correct - we are dealing with a bill. The Regulations have been circulated I think to Honourable Members for their better understanding of the bill. Would it be satisfactory if they made written submissions to the Chief Secretary before the Regulations are made? If necessary a meeting could be held with Honourable Members....

MR. JAMES M. BODDEN: Mr. Chairman, I don't know then why we were really circulated with these - I was hoping that a precedent had been set which would have given us a little bit of the democratic procedure we had been requesting. However, it seems to me, I think the First Official Member was piloting this, and if he gave his permission to allow this, I was hoping that it could have stood. However, I would not, using the words of my colleague across the aisle "open a can of worms" on it, and I will be very brief if I could just be allowed then to state, on record, right now, the objections that I have this instead of us circulating them. If any other member then would wish to make a comment on them they could do so by letter but I would like to go on record to make the few items I am not in agreement with, Sir.

MR. CHAIRMAN: I think that is fair enough, if the Honourable Member states the objections to various Regulations, these can be recorded and studied later.

MR. JAMES M. BODDEN: Section 26 - last line. I would like to see inserted after "Commission" "Governor" - which, as I interpret it would be Governor in Executive Council.

Section 27 - ..

HON. W. W. CONOLLY: MR. Chairman, I think the Governor is Chairman of the Commission, I don't know what the section is, you have us at a loss here because Members over there have these.....

MR. JAMES BODDEN If I read this thing correctly - the reason that we are here amending this section is so that the Public Service Commission will be another Board set under which you will have a Chairman, who will not necessarily be the Governor, so that the Governor will not have to deal with all of these functions. That's what I thought was the interpretation and the reason for putting this through.

MR. CHAIRMAN: The Governor is not Chairman of the Public Service Commission.

MR. JAMES BODDEN: Well, that's my interpretation of it, Sir, and that's why I am asking that before - section 26 is dealing with an appointment, promotion or transfer of a public officer and I am only asking that before such a thing should be done, action should be taken on him, that the action of the Committee dealing with it should be report<sup>ed</sup> in this case, to the Commission, and I am only asking, as another safe-guard to it, that "and Governor" be added after Commission. If it is going to provoke a can of worms I am quite willing to withdraw it, Sir.

HON. W. W. CONOLLY: Mr. Chairman, as far as I remember, the Public Service Commission Law = the Public Service Commission is only in an advisory capacity to advise the Governor and I think that even though you have another Chairman, all matters would go to the Governor. I think they rest finally with the Governor, so in any case it would go there. What I was saying = I don't have these Regulations in front of me and I couldn't follow exactly what the Member was saying. But I am sure that the Public Service Commission law only makes the Commission an advisory body to advise the Governor on these matters, because under section 54 of our Constitution all

HON. W. W. CONOLLY: (CONTINUING) matters dealing with this, rests in the hands of the Governor, not the Executive Council either.

MR. JAMES BODDEN: Mr. Chairman, I am not trying to get a debate into this, Sir, if it is I am willing to debate my side of it. I was quite willing to go along with the suggestion that we just read them out and I understand and I quite know, Sir, that regardless of what points we raise, nothing can be done about it, it is going to stay as it is anyhow. I only want to go on record that I have made these points.

If I read this amendment correctly, Sir, you are trying to get this law into shape that you would not have to deal with every bit of the little day-to-day workings of it, and you would set up a separate Commission which would then have a Chairman and all I am requesting is that before we would transfer or demote someone into the service that the final say should come from you - not from the Commission.

MR. CHAIRMAN: I can give that assurance. There is a Public Service Commission doing this function now and these Regulations, slightly re-define the functions of the Commission, but the Commission is still advisory to the Governor and there is no change in this respect from the existing regulations.

MR. JAMES M. BODDEN: All right, Sir, if that's it - I mean...

MR. JOHN JEFFERSON: The only point that I would make on that as far as I am concerned, Mr. Chairman is that as far as I am concerned the Public Service Commission, up until now, and I agree with the Lady Member, has only been a farce, as far as I am concerned and I am glad that since you have been here that you are taking steps to see that it functions like it should, because I am not at all satisfied that it functions like it ought to and I must be quite honest about it, so the points the member from Bodden Town is making, as far as I am concerned, I support them one hundred per cent.

MR. JAMES M. BODDEN: Well, Mr. Chairman, it's just a suggestion - I will move on to my not one which is Section 27 (a) section 27 (a) reads that the position does not have to be advertised, in other words, the exact words, reading from the second line after the word "whether" "or not the vacancy shall be advertised". I would request that after "whether" we insert "must be advertised if no one being promoted to fill the post", on page 8. I will repeat that - after the word "whether" I would like to see everything struck out from "or" to "advertise" and instead we add the following - "must be advertised if no one being promoted to fill the post".

Section 27 (c) where it reads: "if the Commission decides" - now this again is in regards to advertising the post. I would like to see "if the Commission decides" struck out and the following inserted - "the Commission shall advertise locally" which would mean that section (c) would read "that the Commission shall advertise locally that the office " and not "should" but "shall" "be advertised locally". Here we are giving discretion as to whether the job must be advertised or not if a person on the commission or the Chairman of the Commission decides it shouldn't be advertised then it would not be advertised, so I am requesting that.

Section 27 (d) : on the third line after "overseas" I would appreciate some clarification on this because I am not certain of it, but I would like to see something inserted there in regards to whether he is already resident here, in which case his emoluments shall be the same as the local staff entering such category. What I am really trying to get at, Mr. Chairman is

MR. JAMES M. BODDEN (CONTINUING) this, the way I read this. If a person does not have Caymanian status was residing locally and applied for the position and got it, that person then would have all the emoluments in regards to additional pay, houses, so forth and so on that we have to give to any other outside person that we bring in but if he is already resident here, in my opinion then he should come in in the same category as a Caymanian where, instead of him getting say \$350 House allowance he only gets the \$50 or whatever it is that we allow the Caymanians.

MR. JOHN JEFFERSON: I so echo.

MR. JAMES M. BODDEN Section 28: I must admit, Mr. Chairman, that in reading this, I was somewhat baffled because it appeared to me that these were drafted and then, as an after-thought, somebody injected the words that I am going to speak on in a minute, in the hopes probably that it wouldn't have been caught or that it wouldn't have been circulated to us and the words that I take objection to are at the beginning of section 28 where they were added in between section 27 and 28 in very small print "if the Commission decides that the office should not be advertised locally or if as of local advertisement there is no applicant". I am not quite pleased with that and I would like to see that completely struck out in completion and read that "if/a result of local advertisement there is no applicant" and strike out completely from "if" in the first line to "or" in the second line where it reads "if the Commission decides that the office should not be advertised locally or". If we leave this in we would defeat the purpose that we have asked for the amendments in the other three different sections. Again, it is a sore spot, and Mr. Chairman, I hope that due consideration will be given to it.

Section 31 (3): On the last line I make a similar request as I did in the one before this, that after "Chairman" "or Governor" would be inserted, but I am quite willing to see Chairman stay if we have the assurance that it would be reported to you.

Section 58 (b): I would like, Mr. Chairman, to see this worded a little differently because I am not quite sure really what it means. It appears to me that we have set two scales of justice here in regards to pay scales and in regards to the wage bracket as to what the sentence should be and I have no amendment to offer to you other than if we could may be have some clarification on it as just what this means. Whether it means that a person say making \$5,000 a year may be simply admonished because of something he has done, but if he is making \$10,000 a year then he could be, lets say, disciplined and fired from the service. I am not sure exactly what 58 means so I crave the indulgence of the House on that one. And Mr. Chairman, I can assure members that I am not putting myself up as a lawyer and I haven't talked to anyone at all about this other than Haig and myself, so these are the submissions that I make. I thank you.

MR. JOHN JEFFERSON: I think they are good points, Mr. Chairman and I voice the same.

MR. CHAIRMAN: Well, I think the position is that the Honourable the Chief Secretary will be pleased to discuss these individual points with members before Regulations are submitted to the Executive Council.

MR. JOHN JEFFERSON: I look forward to that, Mr. Chairman.

HON. D. V. WATLER: The trouble is I don't have a copy of the Regulations right here with me, so I am just making notes and its hard

HON. D. V. WATLER (CONTINUING) for me/<sup>even</sup>to comment on the one that the Member is referring to - 58 - I don't have it with me, but we can discuss that afterwards.

MR. CHAIRMAN: Are there any further discussions on Clause 2

QUESTION PUT: AGREED: CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE PUBLIC SERVICE COMMISSION LAW, 1967  
QUESTION PUT: AGREED: TITLE PASSED

MR. CHAIRMAN: That concludes the study of the Public Service (Amendment) Law, 1975.  
We now turn to the Public Health (Amendment) Law, 1975.

PUBLIC HEALTH (AMENDMENT) LAW, 1975

CLERK: CLAUSE 1; SHORT TITLE.  
QUESTION PUT: AGREED: CLAUSE 1 PASSED.

CLERK: CLAUSE 2: AMENDMENT OF SECTION 17 OF LAW 21 OF 1974.  
QUESTION PUT: AGREED; CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE PUBLIC HEALTH LAW, 1975.  
QUESTION PUT: AGREED: TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings on a law to Amend the Public Health Law, 1974.  
The next bill before the Committee is the Health Practitioners' (Amendment) Law.

THE HEALTH PRACTITIONERS' (AMENDMENT) LAW, 1975

CLERK: CLAUSE 1: SHORT TITLE.  
QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2: INTERPRETATION  
QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: CLAUSE 3: SECTION 5 AMENDED.  
QUESTION PUT: AGREED: CLAUSE 3 PASSED.

CLERK: CLAUSE 4: SECTION 11 AMENDED  
QUESTION PUT: AGREED: CLAUSE 4 PASSED.

CLERK: A LAW TO AMEND THE HEALTH PRACTITIONERS' LAW, 1974  
QUESTION PUT: AGREED: TITLE PASSED.

MR. CHAIRMAN: That concludes examination of this bill.  
The last bill before the Committee is the RadioBill.

THE RADIO LAW

CLERK: CLAUSE 1: SHORT TITLE AND COMMENCEMENT.  
QUESTION PUT: AGREED: CLAUSE 1 PASSED.

CLERK: CLAUSE 2: INTERPRETATION.  
QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: CLAUSE 3: APPLICATION.  
QUESTION PUT: AGREED: CLAUSE 3 PASSED.

CLERK: CLAUSE 4: ESTABLISHMENT OF ADVISORY COMMITTEE.  
QUESTION PUT: AGREED: CLAUSE 4 PASSED.

CLERK: CLAUSE 5: FUNCTIONS OF ADVISORY COMMITTEE  
QUESTION PUT: AGREED: CLAUSE 5 PASSED.

CLERK: CLAUSE 6: UNLICENSED RADIO OR TELEGRAPH APPARATUS PROHIBITED  
QUESTION PUT:

MR. JAMES M. BODDEN: Mr. Chairman, I object to section 6, subsection (1) (d). This is very broad - it gives a lot of discretion and I am not quite sure exactly what the meaning is. I don't see where we should exempt any particular radio telegraph station or apparatus and I would think that the guide--lines as set down in this law should probably be large enough to cover anything that we have in operation and I think that that complete section should be deleted.

HON. A. B. BUSH: Mr. Chairman, I wonder if the Member could say what harm he sees in this section?

MR. JAMES M. BODDEN: Mr. Chairman, I wouldn't want to debate that it would take too long. It falls under the usual opposition that we place to discretion.

CAPT. A. A. REID: It doesn't prohibit a man - he just doesn't have a licence.

MR. JAMES M. BODDEN: No, section 6 (1) (d) establishes a two-pot system, if you want to go that far and call it. We could have certain people that would be bound to get a permit under this Law and then by the same token we are allowing the Member to use his discretion and allow someone else to operate without having a licence so I am strictly against that section, Mr. Chairman, I feel strongly that it should be deleted in its entirety or worded in such a way that this discretionary power is not left in the hands of any particular member. I am casting no aspersion but again I repeat, we do not know who will occupy these seats in 20 years' time.

MR. JOHN JEFFERSON: Mr. Chairman, I would like to ask our Second Official Member if he would throw some light on that for us.

HON. D. V. WATLER: I would think that this particular section would apply say, to an aircraft coming in. You may find an aircraft would have a radio on board, broadcasting and do you expect each and every one of those that are coming in like that, so these are the kind of things that could happen in emergency, any broadcasting apparatus within these territorial waters would be breaking the law provided the Member did not have that power.

MR. CLAUDE HILL: Mr. Chairman, if I am permitted, wouldn't that interfere with a broadcast in general? Of any broadcast in general, within the limits of the Cayman Islands?

HON. D. V. WATLER: Yes.

MR. JAMES M. BODDEN: Mr. Chairman, what the First Official Member has just said I could quite agree with that that that could happen in an emergency, well, in that case then if we struck out "the establishment and installation" and just use "the use of such radio or telegraph station or apparatus in a time of emergency as may from time to time be exempted".

In view of what I have said on that, Mr. Chairman, and so as not to prolong the deliberations I would formally move an amendment to that section instead of asking for the deletion and I would move the amendment in the following words -

MR. JAMES M. BODDEN (CONTINUING) that section 1 (d) start at the word "use" and after the word "apparatus" appearing in the second line would be inserted "in cases of emergency".

MR. CHAIRMAN: I take it that the amended clause would now read, the proposal to amend would read as follows -

"the use of such radio or telegraph station or apparatus in cases of emergency as may from time to time be exempt by the Member", etc.

HON. BENSON O. EBANKS: How are you going to use it if you don't install it, Sir?

HON. A. B. BUSH: Or establish it?

MR. JAMES M. BODDEN: Very simple thing - we're following it under the lines of what the First Official Member said and I hope we are not going to get into a verbal hassle on that because.....I am only trying to work along with you....

HON. BENSON O. EBANKS: With respect...

MR. JAMES M. BODDEN: Just a minute please. I would imagine that if we had an aircraft or a ship arriving in these waters, say in a case of emergency where this would have to be allowed, that it would have already been installed, I can't imagine them coming in to use one that has not already been installed that they'd have to install after they get here.

HON. BENSON O. EBANKS: Mr. Chairman, I would just call Members' attention to (b) that covers aircraft and ships.

CAPT. A. A. REID: In that case of a ship and it is war-time there must be some reason...

MR. JAMES M. BODDEN: Well, then why do we want this then at all, if you think section (b) covers it in its entirety, then why do you want additional discretion in 6 (1) (d)?

MR. JOHN JEFFERSON: Mr. Chairman, in spite of what the First Official Member has said, which I accept, I'd really like to hear the Second Official Member in relation to that section, section (d)

HON. G. E. WADDINGTON: Well, Section (d) as it stands, Mr. Chairman, gives the Member power to exempt, from time to time, any radio or telegraph station or apparatus which, in his discretion, thinks should be exempted subject to such terms and limitations as he may specify. I don't know whether, for instance, the Government Broadcasting Station, when it comes into being, would be required to be licensed under this Law, and that is one exemption that I should imagine would be made under (d).

MR. JAMES M. BODDEN: Well, if that's the only case that it would be needed, Mr. Chairman, I am sure that every Member in this House would be willing for the Government Station then to get their license automatically, and we know that it will go that way. I cannot take that as a good explanation.

HON. G. E. WADDINGTON: No, I am not saying that that's the only reason, the section as it stands there now gives the Member an absolute discretion in any case in which he thinks it is desirable to exempt any particular installation. I merely cited an example that I would imagine that the Government Broadcasting Station

HON. G.E.WADDINGTON (CONTINUING) would be exempted under such a provision, but it doesn't necessarily mean that it would only apply to a Government Broadcasting station.

MR. CLAUDE HILL: Mr. Chairman, I would like to ask the Second Official Member, what effect this would have on one that would be with a limited licence now, because we have quite a number of them with limited licences at present. What effect would that have on those?

HON. G.E.WADDINGTON: On those who....?

MR. CLAUDE HILL: Regardless of a ship with a licence or apparatus on a plane or something, they have their license already, what effect would that have?

HON. W.W. CONOLLY: Oh, that's covered.....

HON. G.E.WADDINGTON: Those would come under (b), (b) applies to any mobile station of foreign registry temporarily in or over the Islands which is covered by a valid licence in the country in which it is registered. It may well be, for instance, that a station of foreign registry - suppose a ship came in or an aircraft and for some reason or other the licence issued in its country expired on that day, for instance, then under (d) the Member could exempt for the time that it was in the Island that particular apparatus from being licensed.

MR. CLAUDE HILL: Does that also apply to a local one here?

HON. G.E.WADDINGTON: It would - it would apply to any apparatus which the Member considers to be a case for the exercise of this discretion.

MISS ANNIE H. BODDEN: The Broadcasting Station - would that be exempted under this Law.

HON. G.E.WADDINGTON: The present....

MISS ANNIE H. BODDEN: The present Broadcasting station ....

HON. G.E.WADDINGTON: No, they would have<sup>to</sup> have a licence under the Law.

MISS ANNIE H. BODDEN: Well, if that licence had expired is there anything in this section here that would debar the applicants from getting a renewal of that Licence?

HON. G.E.WADDINGTON: Oh, no.

CAPT. A.A. REID: Mr. Chairman, every country in the world demands that every licence, every transmitting set in that country is licensed = they pay a license to operate = there's nothing wrong about it. If it is a transmitting set, they pay a license - like a ship-to-shore radio - no one has a right to operate a ship-to-shore radio in this country or in either one of the Islands without paying the Government a registration fee. It's not done in Nassau, they would prosecute you if you ever went into port on a ship and used your radio - and in most countries, they lock it up, put a seal over it, stick a plaster over it and write on it and you dare not break it, if you do you are under a fine. People have laws to obey, they must obey them.



HON. A. B. BUSH: But I think they operate under a licence and...

CAPT. A. A. REID: Every ship has to have a licence....

HON. A. B. BUSH: Yes....

CAPT. A. A. REID: Every plane has to have.....

HON. A. B. BUSH: and if a foreign ship comes in here....

CAPT. A. A. REID: and as far as issuing a licence is concerned....

HON. A. B. BUSH: It must have a license for its radio in the country in which it is registered...

CAPT. A. A. REID: In the old days in Jamaica you had to pay a license on the radio, you had the receiving set in your house....

HON. A. B. BUSH: Well, we haven't got to that stage yet...

CAPT. A. A. REID: No, I hope not.

MR. JOHN JEFFERSON: I don't see anything wrong with the section, Mr. Chairman, I am satisfied.

HON. A. B. BUSH: Mr. Chairman, I wouldn't like to see it out, even though it is the Member which refers to me, I won't be the member all the time, but I wouldn't like to see it out because one never knows what will crop up and I imagine it is put there for some purpose. This is how I looked at it, that the Government Broadcasting station would be exempted under this section.

MR. CHAIRMAN: Is there any further debate on this amendment? Well, I shall put the question that the words of the question do stand as in the original motion, that is that clause 6 do stand part of the bill. If that is negatived then we will proceed to the Honourable Member's proposed amendment to the Motion.

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: I think the Ayes have it.

HON. A. B. BUSH: Another one to go back on sometime.....

MR. CHAIRMAN: The question now is that clause 6 do stand part of the bill.

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: Again, I think the ayes have it.

CLAUSE 6 PASSED.

CLERK: CLAUSE 7 MEMBER MAY GRANT SPECIAL LICENCES.

QUESTION PUT:

MR. JAMES M. BODDEN: Mr. Chairman, I make a similar submission under 7. Again it is dealing with discretionary powers and it seems like we have already granted enough under 6 (1) (d) that I cannot imagine why it would be necessary to enlarge it under section 7, so I hereby move that section 7 be struck out in its entirety and I am prepared just for it to go to a vote. Its not necessary for a debate

HON. W. W. CONOLLY: No, no, dont agitate me (laugh-ing).

HON. A. B. BUSH: Mr. Chairman, may I remind the Member that this is not the only law in which special licences are granted by the Member. There are other laws as well.

MR. JAMES M. BODDEN: Mr. Chairman, quite true, that's why I'm so afraid of it.

HON. W. W. CONOLLY: Mr. Chairman, as I see it, in section 6 this is an exemption from having a licence, in section 7 this is where the Member grants a special licence. I don't know that - I don't suppose that it would ever happen that the Member would just grant a licence - it would have to be a special circumstance under which this would happen and I don't think today that radio, this type of radio - there wouldn't be too many cases, as I see it where people would want to have permission to install radio and broadcasting, telegraph station. I think these would be very limited, as far as I am concerned.

MR. JAMES M. BODDEN: As the person moving or asking for the amendment on this, or the deletion of it rather, I know that everybody is anxious to complete the bill and to get out of the House, so its a fore-gone conclusion that its lost, so I am prepared for it to go to a vote, Sir.

MR. CHAIRMAN: Right, in that case we will put the question that clause 7 do stand part of the bill.

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: The Ayes have it.

CLAUSE 7 PASSED.

CLERK: CLAUSE 8. OFFENCE TO ACT CONTRARY TO SECTIONS 6 AND 7.  
QUESTION PUT:

MR. JAMES M. BODDEN: I take objection to 8, too, Sir. I cannot understand why this would be a penalty to have a station or apparatus that is not in working condition so I would ask "whether such station or apparatus is in working condition or not" be struck out .

HON. W. W. CONOLLY: Mr. Chairman, I can see why this condition is put here because I think it is true to say that one can do very little, doesn't have to do very much to a receiving set, like pulling a tube or just removing - at the time this is inspected one could say it wasn't working, yet in just a flick of seconds these parts could be replaced and it could be working, so I imagine that this is why it is put there to cover it. I am not an electronics engineer or anything but I know that in instances like this, it is not like a machinery that would take some time to put it back into working condition, I think it can be put back into working condition readily and it can be taken out of working condition likewise easily, and may be this is the point why this is placed there.

MR. JAMES M. BODDEN: Mr. Chairman, I am prepared to go to a vote, Sir.

MR. CHAIRMAN: The Honourable Lady Member has a point?

MISS ANNIE H. BODDEN: Mr. Chairman I was about to ask if an ordinary radio would there be any restriction on that, for instance I just have an ordinary radio in my home, would there be any restriction on that that any license or anything would have to be granted, under any part of this section.

HON.G.E.WADDINGTON: No, section 3 covers the ordinary radio, it is exempt from the provisions of this Law.

HON.A.B.BUSH: The definition of radio, Sir, will tell you that.

MR.CHAIRMAN: Does the Honourable First Member for Bodden Town wish to press this amendment?

MR. JAMES M.BODDEN: Yes, Sir, strike out "whether such station or apparatus is in working condition or not, and just let it go to a vote, Sir.

HON.A.B.BUSH: Mr.Chairman, I would remind the Members that this is a technical something and as the Member for East End said that one moment it could be working and the next moment it could not be working, because of the removal of a tube or something of the sort - this, I think, is a safe-guard rather than anything else to make sure that there is no one operating this type of equipment, or has it in his possession, because as I said, one moment it could be working and the next minute it could be out of commission, by his instigation.

MR.CHAIRMAN: Well, I will put the question that the words of the motion stand as in the original motion.

QUESTION PUT: AYES AND NOES.

MR.CHAIRMAN: I think the ayes have it. I will put the question that Clause 8 do stand part of the bill.

QUESTION PUT: AYES.

MR.CHAIRMAN: The ayes have it.

CLAUSE 8 PASSED.

CLERK: CLAUSE 9: DEALER TO HAVE LICENCE.

QUESTION PUT: AGREED: CLAUSE 9 PASSED.

CLERK: CLAUSE 10: SALE BY PRIVATE PERSONS.

QUESTION PUT:

MISS ANNIE H.BODDEN: Mr.Chairman, I wonder if the second official Member could explain exactly what that means?

HON.G.E.WADDINGTON: It means that anybody, other than a trader, or a person by the way of his business sells or exchanges or disposes of a radio or telegraph station or apparatus which requires a licence under the law must report the sale, notify the person authorised by the Member of the transaction - it doesn't apply to an ordinary radio, it applies to the apparatus for transmitting.

MISS ANNIE H.BODDEN: Thank you, Sir.

QUESTION PUT: AGREED: CLAUSE 10 PASSED.

CLERK: CLAUSE 11 DESIGNATION OF INSPECTORS.

QUESTION PUT:

MR.JAMES M.BODDEN: Mr.Chairman, instead of moving an amendment under that, I would request assistance from the Second Official Member whether section 11 (2) is covered under section 12 to where the person, before entering a premise would have to have a search warrant.

HON. G. E. WADDINGTON: The answer is no, Mr. Chairman, under sub-section (2) a search warrant isn't necessary and sub-section (2) is intended to give the inspector the right to go<sup>in</sup> without having to apply for a search warrant, because the time taken in applying for a search warrant might very well nullify the reason for going in - he may have to act in a hurry.

MR. JAMES M. BODDEN: Mr. Chairman, could we have then an amendment to that exempting a person's private home if we are going to have premises, because premises could mean my place of business and I would agree may be to have it covered under there without a search warrant but not into a man's private home, Sir, never.

HON. G. E. WADDINGTON: Well, it might be that that is the exact place where a person might keep an unlicensed apparatus.

MR. JAMES M. BODDEN: Well, Mr. Chairman, I think we are getting to where our laws are somewhat nearly like a Republic...

CAPT. A. A. REID: Just in case of war, Jim...

MR. JAMES M. BODDEN: You must think about the ramifications of this thing. You have, under this law, a person can be appointed, the Governor can appoint anybody as this officer. It could be anyone, remember that, the law doesn't specify, we just dealt with that in section 10, he doesn't have to have any particular qualities - he doesn't have to have any particular knowledge - so anyone could show up at your door, my door, 2 o'clock in the morning - doesn't even have to tell you what he is there for and come right into the House.

HON. BENSON O. EBANKS: Mr. Chairman, I would disagree with that, because 3 says "an Inspector shall be furnished with a certificate of appointment and on entering any premises, vehicle, vessel or aircraft pursuant to subsection (2) and shall, if required to do so, produce the certificate to the person in charge of the premises..."

MR. JAMES M. BODDEN: I hope that the Member pointing that out did not think that I had missed it, because I was going to cover that when I came to it. If that was enough I would be satisfied but it doesn't say that, Mr. Chairman, it says "and shall, if so requested". Again, when I was coming to that I had made an amendment here that it must be produced and I still feel strongly that a private dwelling house should be exempted from this. If there is somewhere that you can cover it as being the place of business I would accept an amendment from anyone that can help me word it but I still feel very strongly that a person's private dwelling house should come under section 12 (1) where you have to have a search warrant.

HON. W. W. CONOLLY: Mr. Chairman, I think a point was made that you could enter at any time of the night - I don't think that is so because it says here "at any reasonable time" and I think that this is covered, so it would be "reasonable time" would be not one and two o'clock in the morning - I am sure that the Court would not up-hold that as being reasonable time and another point is this that if someone came up and there was any question as to the person entering, naturally, the request for the certificate would be made. If someone came up and everything was friendly and there was no question, so he wouldn't be required to produce it.

Personally, we have to protect the right of the home - on the other hand, as the Second Official Member said, this might be the very place that the breach of this law is being committed and if there wasn't certain admittance, then the law would be practically useless, because all I would have to do if I knew that that was in the law, instead of keeping this apparatus at my shop, or my business place, I could just move it

HON. W.W. CONOLLY (CONTINUING) in my house....

CAPT A.A. REID: You could put it in the freezer....

MR. JAMES M. BODDEN: Well, Mr. Chairman, it seems like we are very, very scared of radios - I don't know what's going to creep out from this Island and again for the sake of brevity I am prepared for it to go to a vote because I know, before I raised it, it would be lost.

MR. T.W. FARRINGTON: I would think, though, in the case of anything in a house, private home, that even though an officer might have power to do it, that a warrant should be executed.....

MR. G. HAIG BODDEN: Mr. Chairman, reasonable time is not defined in the law so I suppose that could well be any time that the Inspector felt was reasonable for him, which could be mid-night. I would say that this could be amended very easily by saying that the Inspector may enter any premises other than a private dwelling house. I think that should be exempted and should not be entered without a warrant.

MR. JAMES M. BODDEN: Mr. Chairman, we cannot tamper too much with these corner-stones of justice that have been set up for thousands of years. We find ourselves in a position, like we found ourselves today, where we have been accused of a lot of rhetoric because certain things had to come back before this House and I just hate to see the erosion of common justice that I am beginning to see and believe me, people outside of our country are also taking notice of it, Sir, and the old precept that a man's home is his castle is completely thrown out of the window when we continue to pass this. I think we have already dealt with one quite similar to this, one other law that gave that right and Mr. Chairman, I am getting afraid of it because we will soon have it then that you can come into a man's house anytime you want to, do anything you want to and there is nothing that is covered under it. So, I would like to be brief on this - I am quite prepared for it to go to a vote because I knew it was lost before I brought it up, Sir, but one of these days we may get it changed. Thank you, Sir.

HON. BENSON O. EBANKS: The only point I would make, Mr. Chairman, if I remember the Search Warrants Law correctly, although it said it would normally be executed between the hours of sunrise and sunset it can, in certain instances, be enforced at any time.

MR. JAMES M. BODDEN: That is quite true, probably, Mr. Chairman, but we are dealing here - it is just that you have other little bit of protection for your home, Sir, the sanctity of the home must mean some thing, why do you build one? And you must remember one other thing coming under this - I think it is in this same bill that the warrant again is called for, is not made out in the name of the person that you are going to search - it is made out to the Constable - now it might not be in this one but I know we dealt with it some place here in the last few days, so Mr. Chairman, I am the one that raised the point - I am quite willing for it to go to the vote, Sir, to save time. I know its lost, so I'll take defeat gracefully.

QUESTION PUT: AYES AND NOES

MR. CHAIRMAN: I think the Ayes have it.

CLAUSE 11 passed.

CLERK: CLAUSE 12 ENTRY AND SEARCH OF PREMISES.

MR. JAMES M. BODDEN: Mr. Chairman, Its my fault, Sir, I had another one under 11 (3), but I was thinking - you got on me too quick, I apologise.

QUESTION PUT: AGREED: CLAUSE 12 PASSED

CLERK: CLAUSE 13 MISLEADING MESSAGES AND INTERCEPTION AND DISCLOSURE OF MESSAGES.

QUESTION PUT:

MR. CLAUDE HILL: Mr. Chairman, I would like for the Second Official Member to have something worded in this section where, in the event of a disaster we may have to revert to a ham or some local person to get a message sent through and we could find ourselves in a position where we had to take someone who is licensed but may not be able to send the distance required to get the message through, as well as may be might send beyond the distance required by you who is sending the message.

MR. JOHN JEFFERSON: I am wondering, Mr. Chairman, if that section we dealt with a little while ago, section 6 (d) wouldn't take care of the same incident just like what he is talking about, exemptions. The Member has discretion in 6 (d) so I would think that that would take care of the point the member was raising.

MR. CLAUDE HILL: Mr. Chairman, then again I see if we have a biased Member or he might have got hurt in the disaster he just couldn't send the message.

HON. A. B. BUSH: Is it section 13? Well, this is misleading messages and interception and disclosure of messages...

MR. CLAUDE HILL: Yes, but, the word "misleading" would have to be dealt with in a different form because he would be misleading, although he might not have a license even, he might not be a licensed man .....No, he can make-shift.

HON. A. B. BUSH: But it says - Whoever by means of radio or telegraphy sends or attempts to send any message which to his knowledge is false or misleading and is to his knowledge, likely to prejudice the efficiency of any safety service or endanger the safety of any person or of any vessel, aircraft or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress'''''' (b) otherwise than in the course of his duty as a public officer, either - uses any radio or telegraph station or apparatus with intent to obtain information .... intercepting messages, this is what is meant...

MR. CLAUDE HILL: That is the point I am dealing on, Sir, obtaining information - we may require him to obtain information.

HON. G. E. WADDINGTON: I don't quite understand <sup>what</sup> the Member is referring to, Mr. Chairman, I don't think that section 13 really has anything to do with what the Member is suggesting. Section 13 deals with people who falsely and knowingly sends misleading messages which might endanger the safety of vessels, etc. and (b) deals with a person who is endeavouring to, otherwise than in the course of his duty to obtain information as to the content sender or addressee of any message.

MR. CLAUDE HILL: But he could be doing this illegal.....

HON. G. E. WADDINGTON: Well, if he does then he commits an offence

MR. CLAUDE HILL: This is being done in the event of a disaster.

HON.G.E.WADDINGTON: No, this doesn't apply to a disaster at all, this has nothing at all to do with disaster..

MR.CLAUDE HILL: No, but I am suggesting that in the event of a disaster you might find yourself having to use someone who is not licensed...

HON.G.E.WADDINGTON: Well, that has nothing at all to do with section 13, that doesn't come under section 13, that would come under, as the Member for West Bay pointed out, come under section 6, a person would be using his apparatus without a license and unless he was exempted under (d) by the Member he would be committing an offence.

MR.CLAUDE HILL: But we are speaking of misleading messages.....

HON.G.E.WADDINGTON: ...MISLEADING....

MR.CLAUDE HILL: messages...

HON.A.B.BUSH: right - you are misleading messages and also intercepting messages for information.

MR.CLAUDE HILL: We are dealing with misleading messages....

HON.G.E.WADDINGTON: If you have an apparatus and you falsely and knowingly sends out a message to say that a vessel is in distress five miles off shore and calls the aircraft to go out and look for this vessel and waste a lot of time, then you are committing an offence under 13.

MR.CLAUDE HILL: Right - but in the event of a disaster he could be considered misleading...

MR.JOHN JEFFERSON: No, I don't agree with you. Mr.Chairman, I can't see how in a disaster that it would be misleading...

MR.CLAUDE HILL: I have seen where searches have been made and the person in the search went in the opposite direction trying to find the boat because they had no direct communication, this "misleading" is what I am driving at...

HON.G.E.WADDINGTON: Well, that wouldn't be a case of knowingly misleading, the person sent out the message would have done so bonafide and, if there was somebody in distress and a person sent out a message to say there is somebody in distress but gave, perhaps, the wrong information, bonafide, not knowingly, or with intent to mislead, then no offence would be committed. It says "who falsely and knowingly sends out a misleading message" - not a person who makes an honest mistake..

MR.JOHN JEFFERSON: No, you couldn't hold that against him at all, I couldn't see any how.

HON.G.E.WADDINGTON: I don't know if that helps...

MR.CLAUDE HILL: I understand the Second Official Member, I quite understood what he has said but at many times this has happened and I just hope that it doesn't happen.

QUESTION PUT: AYES.

MR.CHAIRMAN: The Ayes have it.

CLAUSE 13 PASSED.

CLERK: CLAUSE 14: HARMFUL INTERFERENCE.  
QUESTION PUT: AGREED: CLAUSE 14 PASSED.

CLERK: CLAUSE 15: DISPOSAL OF ARTICLE SEIZED.  
QUESTION PUT: AGREED: CLAUSE 15 PASSED.

CLERK: CLAUSE 16: GOVERNOR MAY ASSUME CONTROL OF, USE OR PROHIBIT  
USE OF STATION OR APPARATUS.  
QUESTION PUT: AGREED: CLAUSE 16 PASSED

CLERK: CLAUSE 17: GOVERNOR -IN-COUNCIL MAY MAKE REGULATIONS.  
QUESTION PUT:

MR. JAMES M. BODDEN: I object, Sir. 17 (c), (d), (e) and (o) - these regulations are very broad, Sir, the amount of regulations that would be passed under this would be ten times as much in bulk as the law itself and it does constitute a tax which should be levied by the whole House and in regards to the revocation and suspension of licences and so forth I would appreciate, I will not formally move any amendment to this, Sir, but I would appreciate assurances that before these Regulations come into effect that they would be tabled in the House. (pause)

Is the Government Bench willing to table the Regulations in the House?

HON. A. B. BUSH: For information or for correction?

MR. JOHN JEFFERSON: As long as there is no emergency, Mr. Chairman, I can't see any reason why any Regulation that is put out couldn't be circulated to Members before it is public. I am not saying that in instances where something needs to be done, that's a different story, but I think it would only be a matter of common courtesy that Members got the Regulations before they were put on the street and this has been done sometime recently and I hope that it will be done in toto except at times where there might be an emergency.

MR. JAMES M. BODDEN: Mr. Chairman, I believe that the Members can see where this could help because we were lucky to have set a precedent today in having other Regulations brought to the House which I am sure that if the suggestions that have been put forward in those are adopted, it will help the Regulations tremendously and may be in future cases it might be cases where we could be of some little help other than just being rubber stamps. And we would have at least a chance to see what is coming and whether we want to make an objection to it. I see no valid reason why this couldn't be done because we have operated all these years, without a radio law and I am sure you wouldn't need one this quick. I can't understand the reluctance on the Government Bench not wanting to agree to this or one of the members not wanting to take the blame for allowing it - they keep passing it from one to the other one.

MR. JOHN JEFFERSON: Mr. Chairman, I am not quibbling and I don't want to start any quibbling, but I say this that I take exception to any rubber stamp, because I don't consider myself any rubber stamp in this Legislative Assembly.

HON. A. B. BUSH: Mr. Chairman, as I asked - what would be the purpose of this - is this for the purpose of members being notified of the Regulations, having the Regulations before they are finally put before the public or is it for the Members to correct the Regulations...

MR. JAMES M. BODDEN: Mr. Chairman, what I am suggesting is, I don't know who was responsible for forwarding the Regulations under the Public Service Commission to the Members - I take it, to be frank with you, Sir, that it was yourself and if so I give you much thanks



MR. JAMES M. BODDEN ( CONTINUING ) for doing so and I was only hoping that being a precedent had been set in that case, and as a Government we like to follow precedents once they are set, I would hope that in this particular case, then, being we have so many different Regulations that these regulations could be very broad and effective, I was hoping that before they would become law that they would be tabled in this House for the Members to have a chance to make objections to those Regulations before they actually became law. I don't think we are asking for too much and I don't see why the other ones then were sent to us this morning if we couldn't say anything about them, because in that case we are just wasting our time all the way around, even the suggestions we made before probably have no strength then. So that is the reason, Mr. Chairman, I'd just like to see them tabled.

HON. A. B. BUSH: Mr. Chairman, as far as I am concerned, as the Member for this bill, as far as I am concerned if the Members want to see the draft Regulations and Executive Council has no objection, it is all right with me. I mean, I don't think there is anything to hide in them from anyone, I don't think that Members can look upon the Governor in Council as making regulations that are going to be altogether unsuitable for the Island not in compliance with the law.

MR. JOHN JEFFERSON: The point I was making was the fact that I thought it wasn't any more than an act of courtesy that Members did get the Regulation before they were put on the street.

MR. JAMES M. BODDEN: I am prepared to go to a vote, Mr. Chairman.

QUESTION PUT: AGREED AYES AND NOES.

MR. CHAIRMAN: I think the Ayes have it.

CLAUSE 17 PASSED.

CLERK: CLAUSE 18. FEES.

QUESTION PUT: AGREED: CLAUSE 18 PASSED.

CLERK: CLAUSE 19. PENAL

QUESTION PUT:

MISS ANNIE H. BODDEN: Mr. Chairman, is not the figure \$2,000 kind of a high fine, Sir and the imprisonment only six months - I know "not exceeding" It could mean from a \$1 up to \$2,000, but it is such a high fine which could be charged and a prison term not exceeding six months. I would say the prison term should be more than not exceeding six months, not exceeding a year, twelve months.

HON. G. E. WADDINGTON: I think that is a very valid point, Mr. Chairman, compared to the size of the fine the imprisonment could very well be not exceeding twelve months.

HON. W. W. CONOLLY: I would just like to make a point, this is a very broad coverage and we do find vessels, for instance, coming into ports that do contravene these and usually the fine is much higher than the prison term because it is expected that the company would pay a fine and get out rather than the prison term. This might be one of the reasons why it is this way.

MR. JOHN JEFFERSON: It might be, Mr.Chairman, but I don't think still - I was going to say that as far as the penalty was concerned, \$2,000 that's reasonable, we could up it \$500 more but what I am saying is that the term of six months against \$2,000 doesn't quite balance.

HON.W.W.CONOLLY: But it could be six months against \$100 you know, it says "not exceeding \$2,000".

HON.BENSON O.EBANKS: That's about equivalent to what a fellow who cuts bush would make in six months.

MR.JOHN JEFFERSON: Well, the man that cuts bush makes more than I would while I am up in here.

MISS ANNIE H.BODDEN: Mr.Chairman, I would like to make a motion that this six months be deleted and inserted "twelve months" - I don't know even if anybody will second it.

MR.JOHN JEFFERSON: I second that, Mr.Chairman.

HON.A.B.BUSH: We are not against this.

MR.CHAIRMAN: Well, the amendment proposed is that six months should be deleted and twelve months substituted.

MR. JAMES M.BODDEN: I do not have much to say on that I just wonder whether under summary conviction whether the Court does have power to go one year, because I think there was something recent in the papers dealing with the excessive conviction that was given to a certain person in a summary court.

HON.G.E.WADDINGTON: The summary court can impose a maximum sentence of twelve months.

MR. JAMES M.BODDEN O.K.Sir.

MR.CHAIRMAN: Well, I will put the question first that the clause stand as in the original motion and this will have to be defeated if Members wish to vote for the amendment. So the first question is that the words of the clause stand as in the original motion. Those in favour say Aye, those against No.

MEMBERS: No.

MR.CHAIRMAN: The Noes have it. The question now is that the clause as amended do stand part of the bill.

MEMBERS: AYE

MR.CHAIRMAN: The ayes have it.

CLAUSE 19 PASSED AS AMENDED.

CLERK: CLAUSE 20: REPEAL OF CAP.166 CAP.165 and of LAW 1 OF 1966  
WITH SAVINGS

QUESTION PUT: AGREED: CLAUSE 20 PASSED

CLERK: THE SCHEDULE  
QUESTION PUT:

MR.G. HAIG BODDEN: Mr.Chairman, I have tabled and amendment to 8 (5) in the Schedule, the effects of this amendment would be to take away the two votes from the Chairman and leave him with only a casting

MR. G. HAIG BODDEN (CONTINUING) vote, the amendment would read that the last two lines would be deleted and replaced with the words "The Chairman or other person presiding shall only have a casting vote". This would bring this law in line with the Health Practitioners' Law which we dealt with recently and in which the same amendment was made. Since the idea of giving one man two votes was done away with from eighteen hundred and seventy as was brought out clearly in the other debate, I think we ought to change this.

MR. JAMES M. BODDEN: And I have a further one to 8 (7).....

MR. CHAIRMAN: Could we take the first one first? I am not still terribly clear on the Bodden Town amendment.

HON. BENSON O. EBANKS: I think the Member is referring to 8 (5).

MR. CHAIRMAN: 8 (5) - Could the Honourable Member read out this sub-clause as he would like to see it amended.

MR. G. HAIG BODDEN: The Clause as amended would read -  
"the decision of the Committee shall be by a majority of votes, the Chairman or other person presiding shall only have a casting vote".

MR. CHAIRMAN: I suggest we debate this before we proceed with the second amendment that the First Elected Member for Bodden Town would like to propose.

HON. W. W. CONOLLY: Mr. Chairman, I don't feel strongly on this, Sir, but I would just like to point out that I don't think there is any comparison between this and the Committee of some other law that the Member mentioned. Surely this Committee is purely in an advisory position and I don't think that the effect, even if it were left, would be as in a statutory Board as such. But I have no strong feelings on it as far as that is concerned.

MISS ANNIE H. BODDEN: Mr. Chairman, even although this Committee is merely in an advisory capacity, nevertheless I think we should not give them too much lee-way and I feel that the Chairman should have one vote and one vote only.

HON. BENSON O. EBANKS: Mr. Chairman, I won't oppose the motion, Sir, but I do not really subscribe to the view that the parliamentary procedure that is applied in a Legislature or Parliament is necessarily always in the best interest of Committees working outside of Parliament. It is not unusual in public companies and things of this nature for the Chairman to have an original and a casting vote, because contrary to the point made by the First Member for West Bay about parliamentary procedure in keeping the matter open, the decision in Boards and such, the desire there is to bring the matter to a decision, but, as I said, this will depend on the number of members and so on that are appointed, whether it is effective or not, but I don't think that we should be carried away, generally, by the principle that in Parliament, or parliamentary committees, a member should only have one vote and then extend this to Boards and so on, because it is not unusual in companies, for example. I think the desires in those cases are different. In Parliament, keep the matter open so that it cannot be said that one member railroaded anything through whereas in a Board or a company the desire is to finalise the matter, it should not be left hanging in the air.

MR. T. W. FARRINGTON: My reply to that is this, whether in parliamentary committees or parliamentary procedure, as the member is referring to, or whether it is a <sup>private</sup> company - take for instance it may be a company that has twelve members and on that particular day that this matter is being heard, there might be only eight and of course if the Chairman, whoever he is, has a casting vote as well as an original vote, then it would affect the whole works completely. I don't think in any kind of a committee, whether its a parliamentary committee or not that there should be one who can create a tie by his original vote and then un-tie that vote by his casting vote. That's my view of it.

MR. JAMES M. BODDEN: I subscribe to that, Mr. Chairman, because if we are going to espouse the cause of democracy - we certainly wouldn't have it the other way with him being able to make this tie and then use the vote to break it too and in regards to other Boards we are responsible to the electorate of this country and it seems like these Boards have very, very wide powers, subject to the Grim Reaper. Mr. Chairman, I think that the member speaking awhile ago he would either to be for it or against it, which it appeared to be that he was against it and I still feel strongly that the Chairman should not have this vote. I would hope that we would put it down to only one.

HON. BENSON O. EBANKS: Mr. Chairman, as I said, I have no strong feeling on this but I would just like to point out to Members that this is an advisory committee. If the Member refers a matter to the Committee for advice he expects advice - in other words, he expects an answer from the Committee - he does not expect to be told that we had a tie and the Chairman cast his vote to keep it open until next year.....

HON. A. B. BUSH: That's true.

HON. BENSON O. EBANKS: and in private companies ( I speak without fear of successful contradiction) that it is practice.

MR. T. W. FARRINGTON: Mr. Chairman, may I ask the Member if he considers this within the realm of parliament, this particular bill which we are working on now - I mean he is speaking about privacy -

HON. BENSON O. EBANKS: Its not an issue before parliament.

MR. T. W. FARRINGTON: whether he would consider this a parliamentary committee or what would he consider it. I can't see where it is a private committee - I couldn't - definitely - and therefore I feel very strongly that no Chairman or other one should be privileged to have an original vote, which creates a tie, and then break that tie by a casting vote. I think it is all wrong in principle from beginning to end.

MISS ANNIE H. BODDEN: Mr. Chairman, in that section 5 where I have placed a question mark and I must agree that no man should be able to create a situation - naturally he would have to vote how he voted in the first instance or he would be a fool - and I feel now we shouldn't let little quibbles mess up every law. As I will say, this is only in an advisory capacity, the advice may, or may not be taken, like the Public Service Commission bill which we have - law now. We had a very strong argument, it was a farce, it was only done to appease a few of us. Well, I feel, Sir, that this decision of the Committee shall be by majority of votes, the Chairman or other person presiding at a meeting shall have a casting vote and a casting vote alone.

MR. G. HAIG BODDEN: Mr.Chairman,<sup>whether</sup> this is a Committee or a parliamentary procedure doesn't matter, the principle is wrong. Today we have had two classic examples of where we departed from the normal principles, and I would expect that burnt children would be scared of the fire.

I will not argue this any more but I will promise that if it is passed as it is, I'll bring it back as a motion to the House sometime when we have time - this has been a very long day. I would like to see it changed now without a long debate on it later on.

HON.A.B.BUSH: Mr.Chairman, the fact that this committee is only advisory, I don't think it would matter one way or the other, how many votes the Chairman has. I think it would give the Member responsible a much clearer view of the feelings of the Committee if the Chairman used both of his votes, so I don't think that it would, in any way, prejudice anything as far as the law is concerned, being the Committee is only advisory.

MR. JAMES M.BODDEN: What the Member is saying then is that he would like to see this put in such a way that he could get a biased opinion, Sir, if you are going to have the man with two votes.

HON.A.B.BUSH: No, No - I think it would be a stronger case for the Member to look at it, that something wasn't wanted that the Chairman voted on.

HON.BENSON O.EBANKS: Mr.Chairman, what would be the position if the Committee comprised of five members, plus a Chairman and they were divided three two and the Chairman was disposed to vote the way the two Members voted? By using his casting vote he would only tie, and the Committee would be dead-locked.

MR.G.HAIG BODDEN: No, Mr.Chairman, the first line says that the decision of the Committee shall be by a majority of votes, so if they were divided three two there would be no need for the Chairman to exercise any kind of vote.

HON.BENSON O.EBANKS: Yes - I agree with you there.

MR.JAMES M.BODDEN: Section 1 - covers that because it says "shall not be less than three nor more than five". We couldn't have five members, plus a Chairman, Sir. ( A MEMBER SPEAKING - NOT IN MIKE..) It doesn't make any difference, it can't be less than three and it can't be more than five and one of that number must be the Chairman.

MR. JOHN JEFFERSON: Anyway, Mr.Chairman, let's put it to a vote , let's settle it.

MR.CHAIRMAN: Is there another suggestion for amending the schedule, or is that...

MISS ANNIE H.BODDEN: Mr.Chairman, there is just one question - no long debate, Sir. The appointment of a member of the Committee shall, subject to the provisions of this Schedule, be for a period not exceeding three years. Is that too long or too short?

HON.W.W.CONOLLY: As I see it, Mr.Chairman, the constitution of this Committee - they are purely technical people, they are not people that you can probably get around and change the Committee every year or such - we might be obliged to keep them and looking at it from that point, as far as the number right now of people in radio technology , those that have practical experience in frequency management and utilisation

HON. W. W. CONOLLY (CONTINUING) of the radio frequency spectrum, I would think that we might have to keep on members of the Committee for quite a long time.

MISS ANNIE H. BODDEN: Mr. Chairman, that is exactly my question - I am asking is whether the three years is a long enough period or you need to put it at five.

MR. JAMES M. BODDEN: They will stay there till the Grim Reaper comes.

MR. T. W. FARRINGTON: (MIKE NOT TURNED ON)

HON. W. W. CONOLLY: No, but if he appoints anybody it has to be in what I says....

MR. W. W. FARRINGTON: ( MIKE NOT TURNED ON)

HON. A. B. BUSH: You are saying the Member could sit by himself?

MR. T. W. FARRINGTON: ....an original vote and that original vote creates a tie, then we allow him to have a casting vote..... it couldn't be right no matter how you put it.....

MR. CHAIRMAN: Well, the question is that the Schedule do stand part of the bill, but as there is an amendment I have to put that the words of the question stand as in the original motion. If people are voting for the amendment then they negative the original vote. So the question is that the words of the question stand as in the original motion. Will those in favour please say Aye -

ONE MEMBER: Aye

MR. CHAIRMAN: Those against No -

MEMBERS: No.

MR. CHAIRMAN: I think the Noes have it. The next question is that the Schedule, as amended, do stand part of the bill.

MR. JAMES M. BODDEN: Mr. Chairman, I have one on (7) I don't quite understand what this is because it says the validity of the proceedings of the Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member thereof. Now whether that vacancy is in reference to the vacant seat to make up a quorum or whether it is a vacancy that has been created on the Board due to let's say, someone has not been appointed to it - I don't know which way it refers to, but the thing that bothers me about it is that it does say that anything this Committee does is not subject to any of this law, if there has been a defect in the appointment of that Board, of that Member or that Board, so, Mr. Chairman, I could not agree that we should negative this entire bill by actually having this section into it, because we are championing the cause of something that is wrong, so I respectfully request that section (7) be deleted in its entirety.

MR. CHAIRMAN: This is clause 8 (7) is it?

MR. JAMES M. BODDEN: Yes, Sir.

HON. W. W. CONOLLY: Mr. Chairman, I think this is a common practice - I believe our Constitution carries similar words to this effect and once a Board or a Committee has been constituted, because

MR. CHAIRMAN: Shall only...

HON. A. B. BUSH: Shall have a casting vote only.

HON. G. E. WADDINGTON: "only" after vote.

MR. JOHN JEFFERSON: So, Mr. Chairman, you are deleting everything prior to "Chairman"..

HON. A. B. BUSH: "and in addition to an original vote" is being deleted

MR. CHAIRMAN: The words "and in addition to an original vote" come out, a new sentence - "The Chairman or other person presiding at a meeting shall have only a casting vote". Well, that's the amendment that was carried before and I shall put the question that the Schedule, as amended, do stand part of the Bill.

MR. JAMES M. BODDEN: No, Mr. Chairman, I had a motion . 8(5) has already been carried. Are you putting the vote on the entire section 8 ...

MR. CHAIRMAN: I understood the Member to say that he was withdrawing, that he was going to bring the matter as a motion...

MR. JAMES M. BODDEN: Oh, no, no..... I want it to go to a vote, Sir.

MR. CHAIRMAN: Right. Well, I shall put the question that the words of the question stand as in the original motion, the original motion being the Schedule as amended.

MR. JAMES M. BODDEN: No, Sir, we would have to, respectfully, Sir, we would have to vote on 8 (7) because I am in favour of what has gone on before....

MR. CHAIRMAN: Yes....

MR. JAMES M. BODDEN: but I would not be in favour of 8 (7) so that would negative my vote, I couldn't vote one way or the other on it, so I would respectfully ask that we have a vote on sub-section (7) of section 8...

HON. W. W. CONOLLY: But do you have a motion - what is your motion on it...

MR. JAMES M. BODDEN: Yes, Sir - my motion is that sub-section (7) of section 8 be deleted in its entirety.

HON. W. W. CONOLLY: No, no. you have no motion on that.

MR. CHAIRMAN: Well, I think for the sake of clarity I will put that as it stands, a straight vote on whether section 8 (7) stands part of the schedule. Will those in favour say Aye

MEMBERS: AYE.

MR. CHAIRMAN: Those against No.

SOME MEMBERS: No.

MR. CHAIRMAN: The Ayes have it.

MR. JAMES M. BODDEN: For posterity sake I would like for us just to record those who voted against it so I would record mine.

HON. A.B.BUSH: You mean who was for it?

HON.D.V.WATLER: What is this one?

HON.G.E.WADDINGTON: I take it that the Member is asking for a division?

HON.A.B.BUSH: Yes.

HON.D.V.WATLER: And this is...

MR. JAMES M.BODDEN: I was doing it much simpler than that because I think it was only two of us who voted in favour of it, which would have been Haig and myself.

HON.D.V.WATLER: This is the motion as amended with section 5 amended ....

HON.A.B.BUSH: Seven...

MR.G.HAIG BODDEN: I take it, Mr.Chairman, you've not yet put the amendment for sub-section (5)

MR.CHAIRMAN: The motion was section 8 (7) should stand part of the bill.

HON.D.V.WATLER: 8 (7)? Right, Sir.

HON.A.B.BUSH: Section 5?

MR. JAMES M.BODDEN: If you people don't wake up over there we gonna win this 8 (7).

D I V I S I O N

AYES

Hon.D.V.Watler  
Hon.G.E.Waddington  
Hon.V.G.Johnson  
Hon.A.B.Bush  
Hon.Trevor Foster  
Hon.Benson O.Ebanks  
Hon.W.W.Conolly.

NOES

Mr.James M.Bodden  
Mr.G.Haig Bodden

CLERK: MR.FARRINGTON:

MR.T.W.FARRINGTON: I am afraid I don't quite understand what it is about, so I abstain.

Mr.John D.Jefferson  
Miss Annie H.Bodden

MR.CLAUDE HILL: ABSTAIN

MR.JOHN JEFFERSON (LAUGHING) Claude what you say - you abstain?  
Capt. Reid busy, boy.

HON.A.B.BUSH: They can't disagree with sections 9 and 10.

HON.BENSON O.EBANKS; Capt Reid - he gone?

HON.W.W.CONOLLY: Yes, Capt. Reid gone, man, he got to catch the bank, he had a cheque in his pocket.

MR.CHAIRMAN: The results of the division are 9 - 2 in favour of retaining clause 8 (7) of the schedule. I shall finally put the question that the Schedule, as amended, that is the amendment



MR. CHAIRMAN (CONTINUING) to section 8 (5) do stand part of the bill. Will all those in favour please say Aye.

MEMBERS: AYE

MR. CHAIRMAN : Those against No. The Ayes have it.

HON. G. E. WADDINGTON: Mr. Chairman, before we finish the bill, may I go back to clause 13 and point out a slight re-arrangement of the last line - clause 13 (b), last line, the words "is guilty of an offence" should be extended out to the left margin because that applies to (a) and (b) and not just to (b) alone.

MR. JOHN JEFFERSON: Mr. Chairman, I am afraid I didn't quite get that...

HON. G. E. WADDINGTON: The words "is guilty of an offence" at the end of clause (b), the very last line - do you see the words "is guilty of an offence"? (MR. JOHN JEFFERSON: Yes.).. That should be removed and extended out to the extreme left margin, in the next line because those words apply to both (a) and (b), they are not just to (b) alone.

MR. JOHN JEFFERSON: is guilty of an offence?

HON. G. E. WADDINGTON: Is guilty of an offence.

HON. A. A. BUSH: that would be a full-stop at person

HON. G. E. WADDINGTON: No, just a comma after "person" then "is guilty of an offence" is put in the next line and extended out, just above the 14.

MR. CHAIRMAN: Is there any object to that slight alteration - typographical alteration?

CLERK: A LAW TO REPEAL <sup>AND REPLACE</sup> THE WIRELESS TELEGRAPHY CONTROL LAW, 1965.

QUESTION PUT: AGREED: TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings on the Radio Law.  
The House will now move into full Assembly.

HOUSE RESUMED

MR. PRESIDENT: Could we have the bills reported out of Committee?

THE PUBLIC HEALTH (AMENDMENT) BILL, 1975  
REPORT THEREON

BY HON. BENSON O. EBANKS

MR. PRESIDENT: The Bill is accordingly set down for Third Reading under Standing Orders.

THIRD READING

MOVED BY HON. BENSON O. EBANKS  
SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE HEALTH PRACTITIONERS' (AMENDMENT) BILL, 1975  
REPORT THEREON

BY HON. BENSON O. EBANKS

MR. PRESIDENT: The bill is accordingly set down for Third Reading.

THIRD READING

MOVED BY HON. BENSON O. EBANKS  
SECONDED BY HON. D. V. WATLER  
QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE HIGHER EDUCATION (LOAN ) BILL  
REPORT THEREON

BY HON. BENSON O. EBANKS

MR. PRESIDENT: The bill is accordingly set down for Third Reading.

THIRD READING

MOVED BY HON. BENSON O. EBANKS  
SECONDED BY HON. D. V. WATLER  
QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975  
REPORT THEREON

BY HON. D. V. WATLER

MR. PRESIDENT: The bill is accordingly set down for Third Reading.

THIRD READING

MOVED BY HON. D. V. WATLER  
SECONDED BY HON. G. E. WADDINGTON  
QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE RADIO BILL  
REPORT THEREON

BY HON. A. B. BUSH: Mr. President, Honourable Members, I beg to report that a bill entitled THE RADIO BILL was examined by this House and passed with the following amendment -

- (a) on page 9 section 13, "is guilty of an offence" was removed from its original position and placed out in the margin.
- (b) On page 11, section 19 - Penal - the words "six months" were changed to read "twelve months"
- (c) On page 13, an amendment was made to sub-section (5) of section 8 of the Schedule and it should now read - "The decision of the Committee shall be by a majority of votes. The chairman or other person presiding at a meeting shall have only a casting vote".

MR. PRESIDENT: The amendments to section 13, 19 of the bill and section 8 (5) of the Schedule are noted and the bill is accordingly set down for the Third Reading.

THIRD READING

MOVED BY HON. A. B. BUSH  
SECONDED BY HON. D. V. WATLER  
QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: Perhaps the Clerk would read the titles of these five Bills.

CLERK: THE PUBLIC HEALTH (AMENDMENT) BILL, 1975 THIRD READING  
THE HEALTH PRACTITIONERS' (AMENDMENT) BILL, 1975 THIRD READING  
THE HIGHER EDUCATION (LOAN) BILL THIRD READING  
THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975 THIRD READING  
THE RADIO BILL THIRD READING.

MR. PRESIDENT: Do Members wish to proceed with the two motions that are left

MISS ANNIE H. BODDEN: I was going to ask that, Mr. President, because I have to be in the Tribunal on Monday morning at 9.15 - I would like to have this thing finished, if possible, this evening.

HON. A. B. BUSH: Here! Here!

MR. G. HAIG BODDEN: Mr. President, I can assure you we are not offering any objections to the two motions, so I believe we can conclude them.

MR. PRESIDENT: Very well.

GOVERNMENT MOTION NO. 1 FOR THE EXERCISE OF THE GOVERNMENT'S  
RIGHT TO SUBSCRIBE FURTHER TO THE CAPITAL STOCK OF THE CARIBBEAN  
DEVELOPMENT BANK

HON. V. G. JOHNSON: Mr. President and Honourable Members, the motion deals with the increase in the capital stock of Caribbean Development Bank, an institution of which the Cayman Islands Government is a member.

The Bank at one of its meetings last year passed a resolution to increase the capital stock of the Bank from the present authorised capital stock of \$50M which, at present is comprised of \$25M in issued shares and \$25M in callable shares. This stock to be increased by \$92M to make a total CAPITAL stock of the Bank of \$142M.

The reason given by the Bank for this increase in its capital stock was in order to enable the institution to provide additional backing for borrowing by the bank which was very essential at the present time as time went on demands on the bank increased, territories were in need of assistance, that is financial assistance for projects in various sectors and the bank, which is serving as a regional financial institution is making every endeavour to assist as much as possible. But in order to go to the big institutions outside of the region to attract the sort of funds which the bank needs at the present time, it has got to show that its capacity to back its borrowing is quite substantial and for this reason the bank has decided to increase its capital stock, but this additional \$92M will only be in callable stock which will not be issued unless the need arises.

As I said before, the present position of the present capital stock of \$50M the bank has issued so far only 50% of this stock. The 50% of the share which the Cayman Islands Government has contributed to or is contributing to is a sum of \$62,500 (U.S.), the total amount is \$125,000 which is 25 shares at \$5,000 each. These shares were issued in 1969 to cover a period of five years, in other words, the annual subscription by this Government was at the rate of \$12,000 plus per annum.

The bank, in proposing this increase in capital stock, has suggested the motion which is before us - it is a model motion which is used by all Governments. It was sent to us and we were asked to put it before our Legal Department for their advice as to whether this would fit the need of the Cayman Islands Government and the Legal Department ruled that it could, and therefore

HON. V. G. JOHNSON (CONTINUING) the motion was presented to the House in the form we received it from the bank.

The motion itself is set out in detail, on page 2, members will see how the shares are divided. The \$92M will be divided among those territories or countries in Eighteen thousand four hundred shares at \$5,000 (U.S.) per share, but, as I said before they are only callable shares and nobody will be asked, at the present time to make subscription to any portion of these shares.

The motion is straight-forward and given in detail and so there is very little more which I can add. It has been examined in great detail in all its perspectives and nothing is seen objectionable to the recommendation and so I will ask this Honourable House to give its due consideration to the proposal contained in the motion. Thank you, Sir.

HON. D. V. WATLER: Second.

MR. PRESIDENT: Well, the question is that the motion standing in the name of the Honourable Financial Secretary, attached to to-day's order paper should be approved. I shall read out the Resolution section which summarises the context of the motion -

BE IT RESOLVED THAT the Government of the Cayman Islands exercise its right to subscribe to forty four (44) callable shares of the Capital Stock of the Caribbean Development Bank and that the Financial Secretary be and is hereby authorised to pay to the Caribbean Development Bank out of the General Revenue a sum not exceeding \$220,000 in terms of United States dollars of the weight and fineness in effect on 1st September, 1969 in respect of such shares in such instalments and at such times as the Board of Governors of the said Bank may determine."

The motion is now open for debate.

MISS ANNIE H. BODDEN: Mr. President, and Members <sup>of</sup> this House, I can only hope that our Government has the money to turn in, because it is a good thing for us to have this facility from this Caribbean Bank and any time we want something we should be prepared to give something to get what we want, and I have no objection to it whatsoever. Thank you, Sir.

MR. PRESIDENT: Does the Honourable Member wish to reply?

HON. V. G. JOHNSON: Mr. President, not really, Sir, only to say that of the \$62,500 that this Government has contributed to the equity of the Bank which is a form of investment by this Government, we have received much benefit from the Bank already because as Members would have seen and heard, the Bank has now approved of a loan in the sum of \$2.2M for the Port Project and the greater portion of this loan is a "soft" loan at the rate of 4% payable over a total period of approximately 20 years, so I think this is of great advantage to this Government.

Another application is before the Bank in respect of the Airport Development.

Mr. President and Honourable Members, I recommend the motion as it stands.

QUESTION PUT: AGREED: GOVERNMENT MOTION NO. 1 PASSED

GOVERNMENT MOTION NO.2: FOR THE POSTPONEMENT OF THE DATE FOR THE PRESENTATION OF THE DRAFT DEVELOPMENT PLAN TO THE LEGISLATIVE ASSEMBLY.

HON. V. G. JOHNSON: Mr. President and Honourable Members, I beg to move Government Motion No.2. The Motion, Mr. President, which I will read since it is short motion -

WHEREAS on the 11th December, 1973 this Honourable House passed a Resolution that the Development Plan which is required to be produced by the Central Planning Authority and approved by the Legislative Assembly in accordance with the provisions of Section 6 of the Development and Planning Law 1971 be presented to the Legislative Assembly not later than the 30th June, 1975 AND WHEREAS because it was necessary to extend the time for public viewing of the Draft Development Plan it is now no longer possible to have the Plan ready for presentation to the Legislative Assembly by the 30th June, 1975 BE IT THEREFORE RESOLVED that the date for presentation of the Draft Development Plan to the Legislative Assembly be postponed from the 30th June, 1975 to a date to be fixed by His Excellency the Governor following completion of the enquiry of the Appeals Tribunal into the public objections and enquiries regarding the Development Plan.

HON. D. V. WATLER: Second.

HON. V. G. JOHNSON: Mr. President, Honourable Members it was necessary to bring this motion at this time because as was stated in the first paragraph of the Motion, and as Members will recall very well, in December, 1973 this House directed that the Development Plan which is required under the Development and Planning Law, should be presented to this Honourable House not later than mid-1975. Although it was a fairly tight schedule depending on the sort of Development Plan which one would expect to be produced, nevertheless Government went about establishing the machinery to produce this plan and to meet the wishes of this Honourable House. Government was very well, pretty well on the way to meet the dead-line, however, because of the need to extend the time for public viewing and even though the time extended was only one month, the extension of that time had an interrupting effect on the entire programme and naturally it was impossible to have the plan completed and presented to the Assembly at this meeting according to the schedule the plan should have been presented at this meeting.

With the number of public objections which have been received it is difficult, under the circumstances, to determine the exact time the Tribunal would require to deal with these and since there was no need or there was no wishes on the part of Government to set any schedule or programme for the Tribunal in dealing with these matters, it was thought that the process should follow the normal course and when the Tribunal completed its task then the decision would be taken for the presentation of the Plan to the Legislative Assembly. Therefore it is difficult to name a date and I think it is reasonable to put this decision in the hands of His Excellency the Governor. I therefore recommend the motion and ask this Honourable House to accept the recommendation which is put forward in the Resolve Section.

MR. PRESIDENT: The motion is now open for debate.

MR. JAMES M. BODDEN: Mr. President, for brevity sake, we have agreed not to oppose, although we were quite prepared and willing to do so and I would only like to make - I am caught in a dilemma, Sir, I am exposing myself and I imagine, under the rules of order, if it is attacked, I would not be able then to defend it, but I will take that chance by saying that we feel strongly that the date should be set. Leaving it in complete discretion is leaving a wide open thing, and the next thing we would like is an assurance that decisions under this Plan will not be made under any application

MR. JAMES M. BODDEN (CONTINUING) that is before the Board like we found out it was done in the case of the previous Plan. If we could have some assurances on those things, Sir, I could be willing to go along with this, and, as I said, I have exposed myself, I was ready for a very long debate on this, and I am hoping that the Members will take what I have said in the spirit in which I gave it and hoping that we can have those two assurances from you that the Plan will definitely not be used for decisions, number one, and number 2 that you will try to set a date within six months of today to bring this back to the House. So if we could have your assurances on that I would be quite willing not to debate this bill, Sir.

MR. JOHN JEFFERSON: Mr. President, I would hope that we are going to have dinner brought in for us tonight (HON. A.B. BUSH: Yeah - you are going to debate it long?)

In relation to Government motion No. 2 the extension of time, in relation to the Development Plan being presented to the Legislature I am in complete agreement with the motion. I felt all along that certainly there was no reason to panic in relation to the Development Plan. I know a lot has been said and certainly a lot more will be said, but I am glad that the motion before us today, the resolve section BE IT RESOLVED that the date for presentation of the Development Plan to the Legislative Assembly be postponed from June the 30th, 1975 to a date to be fixed by His Excellency the Governor following the completion of the enquiry of the Appeals Tribunal into the public objections and enquiries regarding the Development Plan.

I am happy to see that - I wouldn't think it would be responsible of us, coming here every few months, asking for an extension of time but the motion as it reads, as far as I am concerned, is in its proper form. It means that whenever the objections have been heard, whenever all the appeals have gone before and been dealt with and an additional preparation to the plan has been made, ready to be made, then the Legislature will have that package in its hands.

Mr. President, I know that the Development Plan in any country is always a controversial thing, but let me say this, I believe that we are far better off with one than not having any at all. There is a direct need for the Plan and I welcome the extension of time and I am glad that it is indefinite, instead of a fixed date and I look forward to the Plan being presented to the Legislature and in due course we shall do whatever is necessary to be done with it. I thank you very much.

MISS ANNIE H. BODDEN: Mr. President, I rise to support this motion. There is only one stipulation that I would like to make, Sir, and it is this, I am not very happy with the Planning Board, I might as well tell you the truth, because there is a lot of discrimination. This might be (if I am out of order, please correct me, Sir) - I have seen right here in this Central George Town a huge, high cement fence around property, which I feel the Planning Board did not use its powers, discretion or whatever it was to correct. I have a client who lives in the interior of George Town, a bare little fence she had to pull down. Now, Mr. President, this Plan which we now have, I am happy to hear of the extension and I hope that the time will arrive before the end of 1976 that I can have a say into it before I get out of the Assembly. If it takes a year to get this thing right, let us get it right. We cannot rush something like this and I feel, Sir, the matter being left in your good hands, you will see that there is not any undue delay in getting it to the place where we shall have the privilege of checking on it.

I am happy because of the extension, Sir, and I feel that with due consideration of all the points that have been raised that we shall, eventually, get the Plan, not all that we want, because God Himself cannot satisfy us, but we shall get something very reasonable that we can work on and I am very happy, Sir that this privilege has been afforded that the Plan will be, the time

MISS ANNIE H. BODDEN (CONTINUING) will be extended so that whoever has to deal with this Plan will have ample time to do what is right in the matter. Thank you, Sir.

MR. CLAUDE HILL: Mr. President and Honourable Members, I rise in support of this motion No. 2 and I have great confidence in you and the Draft Development Plan. The date fixed by you I am sure will be done orderly and I do not think that anyone should panic even if it was brought here today.

I welcome the nature of how the extension of time has been given and I trust that you, with your guidance, will do what is right for us in these Islands. I thank you, Sir.

CAPT. A. A. REID: Mr. President and Honourable Members, it gives me great pleasure to sanction or approve of the postponement of the Plan. I hope that that would indicate that they are going into it thoroughly and making the necessary changes before it comes back to this House that we don't have to argue too much here, because there were things in that Plan that were capable of ruining the economy of this country, or that part that comes from land. I don't think we could ever sell another acre of land if that Plan had been allowed to go through and when one or two people speak out against something you can discount some of it, but when the whole nation or the whole country speaks out against it, then, my God something is wrong. And there are so many things I see wrong that I see dragging us in the gutter fast, that I feel that I've got to tell you about something this evening and if I am out of order you will have to tell me. But I'd like to tell you something.

I have been working - wealthy people come to this country - people that I know that can do this country some good. There are three particular people, they were selling their big estates in Jamaica and they have succeeded and they are prepared to come here. And those people I know would be building at least one hundred thousand dollar homes, the three of them and they have been told - I just got the information fifteen minutes ago and I nearly dropped dead! from temper. I've been told, they give them three months, give - that - stupid Board you've got there - that stupid destruction Board - to wait three months before we can tell you. Tell you what? When the carpenters and the building industry is begging for work - begging for work - what you gonna tell the man to wait for? Tell him, come, quick, for God's sake! and build a house, that's what you should tell him.

Now these are people of my choice, people that I have spoken to "What are you going to Canada for? Come to us, man, you can live, no matter how expensive we get - you can live on the income tax you will save". They are not beggars, but they let a no-good parasite walk off the plane, today and tomorrow he is employed to somebody and I can tell you that happened last week. One man came in here on the plane on Wednesday and by Friday he was employed to Heber Arch.

Now what am I trying to do? Work myself to death trying to get people to come here and then the Planning Board, the Cayman Protection Board will tell them "Oh, wait three months before we can give you an answer". What for? They are not getting married to anybody.

Mr. President, Oh I'd like to write that off the record - that Board - I'd like to go over there tomorrow and abolish it, because I see it doing nothing but interfering with progress. I got to be in better trim to discuss this, but I'll discuss this at further length another time.

I agree with the extension for this Development Plan.

HON. V.G. JOHNSON: Mr. President, I want to thank Members for their support of this motion. The point which was raised by the First Elected Member for Bodden Town is something which we investigated before the motion was prepared, that is the setting of a specific time for the presentation of the Plan to the Legislative Assembly. After discussing the matter with the Magistrate especially who is Chairman of the Tribunal, the indications were that the Tribunal could take anything from two to three, four months to complete its work in examining all these objections and therefore it would be wrong to tie the hands of the Tribunal to complete this work within a specified time and thus the reason why the motion had to be worded in this manner. I am sure that Members can see the wisdom in it and I hope that they will all agree to let it remain in the form that it is presented.

I recommend the motion, Mr. President.

QUESTION PUT: AGREED: GOVERNMENT MOTION NO.2 PASSED.

ADJOURNMENT

MOVED BY HON. D. V. WATLER

SECONDED BY HON. G. E. WADDINGTON

QUESTION PUT: AGREED:

AT 6.45 P.M. THE HOUSE ADJOURNED SINE DIE.



PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE.      PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, OBE., J. P.	FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS
HON. G. E. WADDINGTON, CBE., QC.	SECOND OFFICIAL MEMBER AND ATTORNEY-GENERAL
HON. V. G. JOHNSON, OBE.	THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY
HON. A. B. BUSH, J. P.	SECOND ELECTORAL DISTRICT (GEORGE TOWN) MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, (LESSER ISLANDS) AND MEMBER FOR LESSER ISLANDS CO-ORDINATION AND INFORMATION
HON. BENSON O. EBANKS	FIRST ELECTORAL DISTRICT, (WEST BAY) MEMBER FOR SOCIAL SERVICES, EDUCATION, HEALTH AND LABOUR
HON. W. W. CONOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT ( EAST END ) MEMBER FOR TOURISM, LANDS, NATURAL RESOURCES, MRCU AND SURVEYS

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE., JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MR. CLAUDE M. HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

MISS ANNIE H. BODDEN	<u>(WITH PERMISSION ATTENDING GRAND COURT)</u>
CAPT. A. A. REID	<u>(WITH PERMISSION, OVERSEAS FOR MEDICAL AID)</u>

ORDER OF THE DAY

WEDNESDAY, 3RD SEPTEMBER, 1975

10 a.m.

1. PRAYERS - BY THE REV. DR. A. N. HANKS
2. STATEMENT BY FIRST OFFICIAL MEMBER OF GOVERNMENT BUSINESS.
3. GOVERNMENT BUSINESS -

BILLS -

- |        |                                   |                                  |
|--------|-----------------------------------|----------------------------------|
| (i)    | THE GRAND COURT BILL              | REPORT THEREON AND THIRD READING |
| (ii)   | THE JUDICATURE BILL               | REPORT THEREON AND THIRD READING |
| (iii)  | THE COURT OF APPEAL BILL          | REPORT THEREON AND THIRD READING |
| (iv)   | THE CORONER'S BILL, 1975          | REPORT THEREON AND THIRD READING |
| (v)    | THE POOR PERSONS (LEGAL AID) BILL | REPORT THEREON AND THIRD READING |
| (vi)   | THE JUVENILES BILL, 1975          | REPORT THEREON AND THIRD READING |
| (vii)  | THE SUCCESSION BILL, 1975         | REPORT THEREON AND THIRD READING |
| (viii) | THE PENAL CODE BILL               | REPORT THEREON AND THIRD READING |

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- |       |                               |   |
|-------|-------------------------------|---|
| (i)   | THE CRIMINAL PROCEDURE CODE   | REPORT THEREON<br>RECOMMITTAL<br>THIRD READING  |
| (ii)  | THE IMPRISONMENT BILL         | REPORT THEREON<br>RECOMMITTAL<br>THIRD READING  |
| (iii) | THE SUMMARY JURISDICTION BILL | REPORT THEREON<br>RECOMMITTAL<br>THIRD READING. |

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THE LAW REVISION BILL

FIRST AND SECOND READINGS

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WEDNESDAY, 3rd September, 1975

10 .a.m.

MR. PRESIDENT: The Assembly is in Session. I shall ask the Rev. Neil Banks to say Prayers.

PRAYER: REV. DR. A. N. BANKS: Let us Pray. Almighty and Everlasting God, the Source of all Wisdom and the Source of all Strength, at the opening of this Session of the Legislative Assembly we pray for these Members here assembled. Grant unto them of Thy divine wisdom, grant unto them the strength of conviction. Grant unto them the knowledge of Thy will that together they may surely lead to the enactment of laws which will be to the benefit of all within these Islands.

We pray, Our Heavenly Father, for Her Majesty The Queen, the Members of the Royal Family. We pray for Her Ministers of Government in the United Kingdom and in this territory here. Especially we pray for His Excellency the President of this Assembly, for the Members of the Executive Council which have the task of carrying out the day-to-day administration. Help each one that all may be done in Thy service and to Thy glory, in Jesus' name we ask it - AMEN.

MR. PRESIDENT: Please be seated.  
The first Item on the Agenda this morning is Statement of Government Business.

HON. D. V. WATLER: Mr. President and Honourable Members, in the Order of the Day you will see listed the various bills that will be taken today, the Reports on these Bills and the Third Reading of the following Bills

Grand Court Bill,  
Judicature Bill  
Court of Appeal Bill  
Coroner's Bill  
The Poor Persons ( Legal Aid ) Bill  
The Juveniles Bill  
The Succession Bill  
The Penal Code.

And then we will have the Report and the Third Reading, at which stage a Recommittal will be requested for the following bills -

The Criminal Procedure Code Bill.  
The Imprisonment Bill  
The Summary Jurisdiction Bill.

We will also have the First and Second Readings of the LAW REVISION BILL.

Tomorrow, the Confirmation of the Minutes of the meeting of the Legislature held on the 24th, 25th, 26th and 27th of June and the Private Member's Motion from the Lady Member of the Legislature, also the presentation of the Report from Cayman Airways, Ltd. and followed by the Third Reading of the Law Revision Bill. These are all the businesses that will be dealt with at this session.

GOVERNMENT BUSINESS: BILLS

THE GRAND COURT BILL

REPORT THEREON

BY HON. G. E. WADDINGTON, C. B. E., Q. C. CHAIRMAN OF SELECT COMMITTEE.

HON. G. E. WADDINGTON: Mr. President and Honourable Members, I have the honour of presenting the Report of the Select Committee that was appointed by this Assembly for the purpose of examining and reporting on the clauses of the GRAND COURT BILL.

The Committee held one meeting for this purpose and a copy of the notes of the meeting and the usual analysis of attendance is attached to the Report.

The Committee made a few verbal amendments, no more than verbal amendments to this bill, Mr. President and Members and it is not necessary for me to refer to these amendments as they are set out in detail in the Report which, I believe, has been circulated to all members.

In conformity with Standing Order 56 (4), Mr. President, I have appended to the Report my certificate certifying that the bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the whole House. I, therefore, Mr. President and Members, at this stage, have much pleasure in moving the adoption of the Report.

HON. D. V. WATLER: Second.

MR. PRESIDENT: The question is that the report on the Grand Court Bill be adopted. This contains amendments to clauses 1, 13, 14, 21, 23 and 31.

QUESTION PUT: AGREED: REPORT ON GRAND COURT BILL ADOPTED.

MR. PRESIDENT: The necessary certificate having been given under Standing Order 56 (4) the bill is now deemed to have been set down for Third Reading.

#### VERBAL AMENDMENTS TO GRAND COURT BILL

HON. G. E. WADDINGTON: Mr. President and Honourable Members, before moving for the Third Reading of this Bill, there are, I think, two verbal amendments which I would ask to be made thereto, in accordance with Standing Orders.

The first amendment, Mr. President, is to Clause 23 - in the last line on page 10 of clause 23 the word "Law", Criminal Procedure Law appears. In due course, Mr. President, I will be moving for a slight amendment to the Criminal Procedure Code Law, to delete the word "Law" and to substitute just the word "Code", so that it will be referred to as The Criminal Procedure Code. So I would ask that members would delete the word "Law" and substitute the word "Code" in that clause.

That, Mr. President and Members, is really the only amendment that I would ask on this bill and I would now move the Third Reading of this Bill with that amendment as well as the amendments in the Report.

SECONDED BY HON. D. V. WATLER.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

#### JUDICATURE BILL

##### REPORT THEREON

HON. G. E. WADDINGTON: Mr. President and Members, I have the honour of presenting the Report of the Select Committee appointed by the Assembly for the purpose of examining and reporting on the clauses of the Judicature Bill.

HON. G. E. WADDINGTON (CONTINUING) The Committee held two meetings for this purpose and the notes of these meetings and the customary analysis of attendance is attached to the Report.

The Committee made several amendments to the bill, amendments were made to clauses 1, 2, 15, 29, 30, 31, 32, 34, 43, 44, 51, 55, 57 and certain other consequential amendments by re-numbering certain clauses and certain other verbal amendments. I will not refer to the amendments in any detail, Mr. President, because they are all set out in the report which has been circulated to Members.

And in conformity with Standing Order 56 (4) I have appended my certificate to the report certifying that the bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the Bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House, and I now have much pleasure, Mr. President, in moving the adoption of the Report.

SECONDED BY HON. D. V. WATLER:

QUESTION PUT: AGREED: REPORT ON JUDICATURE BILL ADOPTED.

MR. PRESIDENT: The necessary certificate having been given under Standing Order 56 (4), the Bill is accordingly deemed to have been set down for Third Reading.

Could the Clerk read the title please?

HON. G. E. WADDINGTON Before the Third Reading, Mr. President, there are a few verbal amendments that I would ask be made to the bills. In clause 1 the bill is cited as the Judicature Law 1975, 1975 is unnecessary and I would ask that those figures 1975 be deleted so that the bill may be cited simply as the Judicature Law,

I would also ask, Mr. President, that in clause 2 at the bottom of page 5, at the very end, the words appear Criminal Procedure Code Law, and in pursuant of what I said on the previous bill, the Criminal Procedure Code Law will in due course be amended to read the Criminal Procedure Code, and so I would ask that the word "Law" be deleted.

There are some marginal notes, Mr. President, which really do not form part of the bill and I take it that the Clerk will, in due course, make the correct marginal notes to correspond with the text. I don't think I need mention those.

Those are the only two verbal amendments that I would ask, Mr. President.

#### THIRD READING

CLERK: THE JUDICATURE LAW.

HON. G. E. WADDINGTON: I would now move, Mr. President, the Third reading of the Judicature Law.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

#### THE COURT OF APPEAL BILL

##### REPORT THEREON

HON. G. E. WADDINGTON : Mr. President and Honourable Members, I have the honour of presenting the Report of the Select Committee appointed by the Assembly for the purpose of examining

HON. G. E. WADDINGTON (CONTINUED) and reporting on the clauses of the Court of Appeal Bill.

The Committee held two meetings, Mr. President at which this bill was considered clause by clause and copies of the notes of meetings are attached to the report containing the usual analysis of attendance.

The Committee made one slight amendment to the bill, clause one of the bill and I have certified, Mr. President, that in conformity with Standing Order 56 (4) the bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the members, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House. I have much pleasure in moving the adoption of the Report.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: REPORT ON THE COURT OF APPEAL BILL ADOPTED.

MR. PRESIDENT: The necessary certificate having been given under Standing Order 56 (4) the Bill is accordingly deemed to have been set down for Third Reading.

HON. G. E. WADDINGTON: Before the Third Reading is taken, Mr President, there is a verbal amendment that I should like to move to Clause 9 (3) of the bill on page 9. Again, this amendment has to do with the alteration to the title of the Criminal Procedure Code Law and in the third line from the bottom, Mr. President, the words "Criminal Procedure Code Law" appear and I would ask that the word "Law" be deleted. That is the only amendment I'd ask.

MR. PRESIDENT: Could I ask that if that would require a consequential amendment to the word "Law" in the last line?

HON. G. E. WADDINGTON: In the what line?

MR. PRESIDENT: In the last line of 9 (3), the word Law is used?

HON. G. E. WADDINGTON: Well, it is a law, although it is called the Criminal Procedure Code, it is nonetheless a law, so the "Law" is correct.

#### THIRD READING

CLERK: THE COURT OF APPEAL LAW.

HON. G. E. WADDINGTON: Mr. President, I beg to move the Third Reading of the Court of Appeal Law, as amended.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL PASSED AND GIVEN A THIRD READING.

#### THE CORONER'S BILL, 1975

#### REPORT THEREON

HON. G. E. WADDINGTON: Mr. President and Honourable Members, I have the honour of presenting the Report of the Select Committee appointed by the Assembly for the purpose of examining and reporting on the clauses of the Coroner's bill, 1975.

The Committee held two meetings at which the bill was considered clause by clause and copies of the notes of these

HON. G. E. WADDINGTON: (CONTINUING) meetings, together with the customary analysis of attendance, are attached to the Report.

The Committee made three amendments and some consequential amendments. Amendments were made to clauses 1, 12, 18 and the Schedule to the bill and these amendments appear in detail in the Report.

And in conformity, Mr. President, with Standing Order 56 (4) I have appended my certificate to the report certifying that the bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House, and I have much pleasure in moving the adoption of that Report.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: REPORT OF THE CORONER'S BILL ADOPTED.

MR. PRESIDENT: The necessary certificate having been given under Standing Order 56 (4) the bill is accordingly deemed to have been set down for Third Reading.

HON. G. E. WADDINGTON: Mr. President, before moving the Third Reading, there is a verbal amendment that I would like to have made to clause 18 of this bill and this amendment also is consequential on the alteration of the title to the Criminal Procedure Code Law and in the last line of clause 18 appears "Criminal Procedure Code Law" and I would ask that the word "Law" be deleted.

#### THIRD READING

CLERK: THE CORONER'S LAW, 1975

HON. G. E. WADDINGTON: Mr. President, Members, I beg to move the Third Reading of the Coroner's Law, 1975 as amended.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

#### THE POOR PERSONS ( LEGAL AID) BILL

##### REPORT THEREON

HON. G. E. WADDINGTON: Mr. President and Honourable Members, I have the honour of presenting the Report of the Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Poor Persons ( Legal Aid) Bill.

The Committee held one meeting for this purpose and a copy of the notes of the meeting is attached, together with the customary analysis of attendance. No amendments were made to the bill and in accordance with Standing Order 56 (4), Mr. President, I have appended my certificate to the report, certifying that the bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House. I have much pleasure in moving the adoption of the Report.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: REPORT ON THE POOR PERSONS (LEGAL A(D) BILL ADOPTED.



MR. PRESIDENT: The necessary certificate having been given, the bill is accordingly deemed to have been set down for Third Reading.

THIRD READING

CLERK: THE POOR PERSONS (LEGAL AID) BILL.

HON. G. E. WADDINGTON: Mr. President and Honourable Members, I have much pleasure in moving the Third Reading of the Poor Persons (Legal Aid) Law.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE JUVENILES LAW, 1975

REPORT THEREON

HON. G. E. WADDINGTON: Mr. President and Honourable Members, I have the honour of presenting the Report of the Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Juveniles Bill, 1975.

The Committee held two meetings at which the bill was considered clause by clause and copies of the notes of these meetings are attached to the report. The Committee made a few slight amendments to the bill, Mr. President and Members, slight amendments were made to clauses 2, 6, and 9 and some amendments, verbal amendments to the Schedule.

And in conformity with Standing Order 56 (4), Mr. President, I have appended my certificate to the Report certifying that the bill has been considered clause by clause in the presence of a quorum of the members of the Committee, and that, in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House.

I now have much pleasure in moving the adoption of the Report.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: REPORT ON THE JUVENILES LAW, 1975 ADOPTED.

MR. PRESIDENT: Requirements of Standing Order 56 (4) having been complied with, the bill is accordingly deemed to have been set down for Third Reading.

THIRD READING

CLERK: The Juveniles Law, 1975.

HON. G. E. WADDINGTON: I beg to move, Mr. President, the Third Reading of the Juveniles Law, 1975.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE SUCCESSION BILL, 1975

REPORT THEREON

HON. G. E. WADDINGTON: Mr. President and Honourable Members of this House, I have the honour of presenting the report of the

HON. G. E. WADDINGTON (CONTINUING) Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Succession Bill, 1975.

The Committee held one meeting at which the bill was considered clause by clause and the notes of this meeting are appended to the Report.

The Committee made a few amendments to this bill, the amendments being to clauses 1, 6, 13, 31, 34 and 35 and those amendments appear in detail in the report and I will not refer further to them.

In conformity with Standing Order 56 (4) I have appended my certificate to the report certifying that the bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House and I now beg to move the adoption of this report.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: REPORT ON THE SUCCESSION BILL, 1975 ADOPTED.

MR. PRESIDENT: Requirements of Standing Order 56 (4) having been met, the bill is accordingly deemed to have been set down for Third Reading.

THIRD READING

CLERK: THE SUCCESSION LAW, 1975.

HON. G. E. WADDINGTON: Mr. President, I beg to move the Third Reading of a bill entitled the Succession Law, 1975.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE PENAL CODE BILL

REPORT THEREON

HON. G. E. WADDINGTON: Mr. President and Honourable Members, I have the honour of presenting the Report of the Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Penal Code Bill.

The Committee held six meetings at which this bill was considered clause by clause. Copies of the notes of the meetings, together with the usual analysis of attendance, are attached to the report.

The Committee made amendments to clauses 44, 45, 98, 108, 125, 127, 147, 154, 165, 171 (a), 190, 192, 205 (b), 235 (b), 247 and 296, and some other consequential amendments in the marginal notes and so on. Those amendments all appear in detail in the report and there is no need for me to refer to them in any greater detail.

In conformity, Mr. President, with Standing Order 56 (4), I have appended my certificate to the report certifying that this bill has been examined clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House, and I now have much pleasure in moving the adoption of the Report.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: REPORT ON PENAL CODE BILL ADOPTED.

MR. PRESIDENT: The necessary certificate having been given under Standing Order 56 (4), the bill is accordingly deemed to have been set down for Third Reading.

THIRD READING

CLERK: THE PENAL CODE BILL

HON. G. E. WADDINGTON: Mr. President, I beg to move the Third Reading of a bill entitled the PENAL CODE.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE CRIMINAL PROCEDURE CODE.

REPORT THEREON

HON. G. E. WADDINGTON: Mr. President and Honourable Members, I have the honour of presenting the report of the Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Criminal Procedure Code.

The Committee held five meetings at which this bill was considered clause by clause and copies of the notes of these meetings, together with the customary analysis of attendance, are attached to the report.

The Committee made several amendments to this bill and the amendments are set out in detail in the Report and I will not refer in any detail, but I will just mention the clauses which were amended. Amendments were made to clauses 1, 13, 14, 15, 16, 23, 29, 56, (1), 70, 81, 105, 127, 159, 162, 165, 170 and 180. Certain amendments were also made, chiefly verbal amendments to the Schedules to the bill, Schedules I and III, and particularly in the specimen form of indictment, several amendments were made thereto, as a result of the amendment which had been made previously to the Penal Code. Those amendments, as I have said, Mr. President, are set out in detail in the report and I will not refer further to them.

In conformity with Standing Order 56 (4) I have appended my certificate to the report certifying that the bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House, and I now have much pleasure in moving the adoption of the Report.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: REPORT ON CRIMINAL PROCEDURE CODE ADOPTED.

MR. PRESIDENT: The necessary certificate having been given under Standing Order 56 (4) the bill is accordingly deemed to have been set down for third reading.

AMENDMENTS TO CRIMINAL PROCEDURE CODE

HON. G. E. WADDINGTON: Mr. President, before this bill is given a third reading, there are some amendments which I would like to move to be made thereto which, in my opinion, will require, a recommitment of the bill in Committee and I accordingly, in accordance with

HON. G. E. WADDINGTON (CONTINUING) Standing Order 59 (2) move that this bill be referred to a Committee of the Whole House.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: HOUSE IN COMMITTEE.

HON. G. E. WADDINGTON: Before the House resolves in Committee, Mr. President, perhaps I should mention the particular sections at this stage which I would ask be referred to the Select committee. These, Mr. President, will be clauses 1, 156, 166, 168, 169, 170, 171, 172, 180 and Schedules I and II.

HOUSE IN COMMITTEE

CLERK: Clause 1 Short title and commencement.

HON. G. E. WADDINGTON: In this clause, Mr. Chairman and Members there is the same consequential amendment arising out of the alteration of the title of the Criminal Procedure Code Law, 1975 and I would ask that in the second line the words "law, 1975" be deleted so that the reference will be to the Criminal Procedure Code.

QUESTION PUT: AGREED. CLAUSE 1 AS AMENDED PASSED.

CLERK: CLAUSE 156. Appeals from decision of Summary Court.

HON. G. E. WADDINGTON: In 156, sub-section (2), Mr. Chairman, in the second to the last line appears the word "sub-section (3) of section 11," I would ask that (3) be altered to (5), so that it will read "the provisions of sub-section (5) of section 11"...

QUESTION PUT: AGREED: CLAUSE 156 AS AMENDED PASSED.

CLERK: CLAUSE 166 Appellant entitled to copies of evidence.

HON. G. E. WADDINGTON: I'd ask, Mr. Chairman, that in the first line, between the words "appeal" and "the" the words "by motion" be inserted, so that the clause will now read "on appeal by motion the appellant," etc....

MR. G. HAIG BODDEN: Mr. Chairman, just bear with me one minute. I seem to feel that the amendment suggested here will limit the persons appealing. It will limit their right to receive these copies of evidence only when the appeal is by motion. I think we have to refer to section 156 where people have a right to appeal from the Summary Court and apparently that appeal can be in two different ways, by motion and by another way. As the section was passed by the Committee, everybody appealing apparently had the right to receive the notes of evidence. Here, if we say "on appeal by motion" it would mean that only those appellants who appealed by way of a motion would have a right to receive the notes which I think is wrong. If a person has the right to appeal, certainly he should have the right to everything that pertains to the original hearing and there may be a specific reason for this limitation, but as it stands now I would have to go against it. Of course, this morning we have seen the might and power of Executive Council with its collective vote going to such an extent that even people like me were afraid to open my mouth because I knew I couldn't stem the tide, I couldn't stop the on-slaught, but I think we should consider this carefully before we limit the appeals in this way.

HON. G. E. WADDINGTON: Mr. Chairman, the words "by motion" were omitted in error. There is a specific reason why the words "by motion" should appear in that section. As the Member, very correctly appointed out, clause 156 gives a right of appeal either by motion on matters of law or fact or both or by way of case stated on a point of law only, so, under 156, on an appeal by motion all that the appellant would be entitled to would be the notes of evidence that were given in the case, because the appeal then is on matters of fact and when we refer to other sections, I will ask for the words "on motion" as well and also in clause 171 which specifically refers to an appeal by way of case stated, so that in 166 it is necessary to state that 166 only applies to appeal by way of motion, that is to say, appeal on questions of fact or on mixed law and fact. That is the only reason for the amendment. It should have appeared in the original clause as printed but by some error it was omitted.

MR. G. HAIG BODDEN: Mr. Chairman, I feel that a very good case has been made out for adding the words "by motion" but I still feel that it is wrong and I'll still vote against it. Of course, I knew before I voiced my objections that it would be useless in today's session, but I would still like to go on record as stating that this is entirely wrong.

MR. CLAUDE HILL: Mr. Chairman, on the Memorandum of Objects and Reasons of this bill, it is clearly stated that the procedure of this bill follows the practices found in many other Commonwealth countries and I think the Attorney-General, our Second Official Member, is doing so.

QUESTION PUT: AGREED

CLAUSE 166 PASSED AS AMENDED.

CLERK: CLAUSE 168 Appeal not a re-hearing unless the Court so directs.

HON. G. E. WADDINGTON: Now, Mr. Chairman, clause 168 as printed, either the printer or the printer's devil or somebody went completely awry and I'd ask that that clause would be completely deleted and a new clause inserted in accordance with a re-print that I have here for distribution to the Members.

MR. PRESIDENT: The question is that clause 168 be struck out and that a new clause as circulated to Honourable Members be substituted therefor.

MR. JAMES M. BODDEN: Mr. Chairman, it seems as if this could not be attributed to the printer's devil because there are too many words changed. I wonder if we could have the help of the Second Official Member in advising us as to exactly why it should be changed from the way it was in the bill and changed to the way that he has suggested. What is the real meaning behind it?

HON. G. E. WADDINGTON: The reason behind this, Mr. Chairman, is that clause 168 as it stands is hopelessly incomplete and it was discovered on re-checking the bill that the precedent or the draft from which this bill was prepared contained the clause that it is now sought to be put in.

MR. JAMES M. BODDEN: Could he tell us where this similar law came from and why if we change it this way it would be more acceptable than the way it is in the present bill.

HON. G. E. WADDINGTON: The Clause, Mr. Chairman, came from a draft which was prepared by a Legal Draftsman who had been engaged by this Government in the year 1969, I think, but the bill

HON. G. E. WADDINGTON (CONTINUING): had never been presented to the Assembly and on examining the draft it was decided that the clause, as drafted by that draftsman, was a proper clause and should be put forward. And I should just add further that the clause follows the usual appellate procedure in an appeal from a Summary Court to a Higher Court.

QUESTION PUT: AGREED: CLAUSE 168 DELETED AND THE FOLLOWING SUBSTITUTED THEREFOR -

"Appeal not a re-hearing unless the Court so decides. On an appeal by motion, unless the Court considers the justice of the case requires a re-hearing, the appellant shall begin; and unless he satisfies the Court that it is necessary to call on the respondent, the conviction, order or judgment shall be confirmed:

Provided that, if the Court directs a re-hearing the respondent, if the issue is with him, shall begin and prove his case, and the Court may, if the justice of the case requires it, adjourn the hearing to some convenient day."

CLERK: CLAUSE 169 Procedure of hearing of appeal.

HON. G. E. WADDINGTON: In this clause, Mr. Chairman, I would ask that in the first line between the words "appeal" and "the" the words "on motion" be inserted. The reason, Mr. Chairman, is exactly the same as the reason for the insertion in clause 166.

QUESTION PUT: AGREED: CLAUSE 169 AS AMENDED PASSED.

CLERK: CLAUSE 170 Court on hearing appeal to decide on facts as well as law.

HON. G. E. WADDINGTON: In this clause, Mr. Chairman, I would ask that in the first line between the words "appeal" and "the" the words "by motion" be inserted and the reason for this is the same as in the two previous amendments, clauses 166 and 169.

MR. G. HAIG BODDEN: Mr. Chairman, I am not seeking to change anything because I see it is useless, but why is it that in one case it is "on motion" and the other one "by motion" - what is the difference, in clauses 169 it is "on motion" and in 170 "by motion" - what is the difference?

HON. G. E. WADDINGTON: The difference is the beginning of the sentence with the word "on" - the word "by" is considered more suitable after "On appeal". You will notice that in 169 it is "At the hearing of an appeal" - "on motion" - simply a matter of words, what is considered to be a more appropriate word.

MR. G. HAIG BODDEN: But, why not use "by" right through then, since none of the sentences start with "By".

HON. G. E. WADDINGTON: Because "By" would not be appropriate in clause 169

QUESTION PUT: AGREED: CLAUSE 170 AS AMENDED PASSED.

CLERK: CLAUSE 171 On appeal court confined to facts and evidence stated therein.

HON. G. E. WADDINGTON: In this clause, Mr. Chairman, I would ask that the words appearing in the first line and reading "Where an appellate court entertains an" be deleted, from "Where" to "an" be deleted and the following words be substituted -

HON. G. E. WADDINGTON (CONTINUING) "On appeal by special case the Court shall entertain such" - so that the clause will now read - "On appeal by special case the Court shall entertain such appeal on the ground, etc. etc." And a second amendment I'd ask in the fourth line the words "the appellate" be deleted the following words substituted - "in the special case. The" - so that that line will now read "and upon the facts stated and the evidence mentioned in the special case. The court may remit the case to the Summary Court", etc. etc. The whole section will now read, Mr. Chairman -

"On appeal by special case the Court shall entertain such appeal on the ground only that the decision of the Summary Court was erroneous in points of law, or in excess of jurisdiction, and upon the facts stated and the evidence mentioned, in the special case. The Court may remit the case to the Summary Court for amendment or restatement if necessary, or for re-trial and determination in accordance with such directions as may be deemed necessary."

MR. PRESIDENT: Could I clarify whether "court" is spelt with a small c or a large C?

HON. G. E. WADDINGTON: Court is spelt with a small c, Mr. Chairman, in conformity with the definition in the definition section of clause 2.

MR. G. HAIG BODDEN: Here again, we seem to be limiting the type of appeal to a special case and in section 156 I don't seem to see any provision for special cases - I think that reads "by way of case stated on a point", and in the definitions at the beginning of the law we don't seem to have anything about the special cases. So, I am wondering if this would be clear to the officers of the court when they come to deal with this because we seem to be putting into this section something entirely new to this bill.

HON. G. E. WADDINGTON: The Member stopped at the word "point" in section 156, well the section doesn't stop at "point" - it goes on to say "a point of law". In other words, one can only appeal on a point of law by a case stated and clause 171 is merely setting out the provisions - it says "on a case stated on a point of law only as hereinafter provided" and clause 171 is the "hereinafter provided", and this is setting out the provisions that the Court must apply when an appeal is only by way of case stated on a point of law.

MR. JAMES M. BODDEN: But, Mr. Chairman, what is the definition for the special case - how would we determine that a case is special?

HON. G. E. WADDINGTON: There is nothing special about it, it merely says "by way of case stated" and clauses 163, 164 and 165 set out the provisions which must be followed when an appeal is made by way of case stated - it is not special - nothing special about it.

MR. JAMES M. BODDEN: Well, isn't your wording of it special? "On appeal by special case the Court shall entertain such a ..." or something like that? We are making it a special case. This is what I want to find out, what is the definition that will determine the speciality of the case? Could we have that clarified?

HON. G. E. WADDINGTON: A special case there is referring to a case stated and there is a point there, perhaps instead of using the term "special case" we could say "an appeal by case stated".

MR. JAMES M. BODDEN: That's what I would like to see.

HON. W. W. CONOLLY: Mr. Chairman, in 164 and 165 "special case" is used. I think it would be quite in line to continue using the "special case", because if you read 165 it says down to the last "appeal from and all documents alluded to in the special case on motion or by special case stated as hereafter in this Code provided". So I don't think that the words "special case" would be out of order to be used in 171. It comes in from 163, it is referred to.

HON. G. E. WADDINGTON: The whole thing, Mr. Chairman is this, that one can only appeal in two ways - either by motion on matters of law or fact together, or on facts alone, but when it comes to a point of law alone, the appeal can only be by case stated and the law terms a case stated as being a special case because it is a case, only on a point of law. So that I think it should be clear that the reference to "special case" where it appears in the clause is a reference to an appeal by way of case stated.

MR. JAMES M. BODDEN: So suppose we put "case stated" instead of "special case"?

MR. G. HAIG BODDEN: Mr. Chairman, I am afraid I will have to vote against this section, too, because everything I hear on it seems to further obfuscate rather than illuminate this section. It is not clear to me at all.

HON. W. W. CONOLLY: Mr. Chairman, I take this that whenever an appeal comes up a case stated, that particular case automatically becomes a special case - this is the way I see it and I think this is the way it is presumed to be. But I don't think anybody can put down a definition of "a special case" because no one knows what point of law any such case might arise on.

MR. JAMES M. BODDEN: That is why we are contesting that it shouldn't be there, you should go back to your definition and use, say, "case stated" - it would be much clearer to everybody including the poor benighted fools on this side if it was that way.

HON. BENSON O. EBANKS: Mr. Chairman, I think if we refer to 163 the marginal note of which is "case stated" it gives the procedure to be followed in the case where an appeal is being made by way of a case stated and that requires that the appellant state a special case for the purpose of the appeal. So I think this is where you are getting "special case" coming in, being mentioned thereafter - it isn't confusing to me.

MR. JAMES M. BODDEN: But it is confusing to me, Mr. Chairman, because we can have this word "special" being interpreted in different ways and I would like to have it as is defined in here under "case stated", so that we have no misinterpretation that it is interpreted one way for one person and one way for another. If it is left at special well, then it might be that the Judge may think that something has to be a bit special before he can entertain it.

HON. G. E. WADDINGTON: I personally can see no confusion, Mr. Chairman, the whole matter is governed by 156 which says "that an appeal may be made by way of case stated on a point of law only as hereinafter provided" and clause 163 sets out the manner in which the case stated is to be done. It provides there that in all cases of appeal by way of case stated the appellant shall, within the time and in the manner and form hereinbefore prescribed serve a notice of appeal and enter into recognizances and shall within fourteen days after the day on which the Summary Court



HON. G. E. WADDINGTON (CONTINUING)" gave the decision from which the appeal is made, apply to such Court to state a special case for the purpose of the appeal", so that what the section is doing is to equate the special case that will be stated by the court as being the case stated, so that it seems clear to me that once the word "case" is mentioned, whether "case stated", once it is stated that a case is stated then it becomes a special case.

MR. JAMES M. BODDEN: But Mr. Chairman, you must remember that this entire bill recently went through the hearings of a Committee, and if it was acceptable then, all of a sudden we are getting a lot of big changes in only about two weeks from the Committee stage - somebody must have been doing a lot of additional research. Just a few minutes ago the Second Official Member said that he could see no reason why it couldn't be changed until our learned friends on the other side found something in 163 to substantiate the case. So I still stand to it, Sir, that I think it should be "under case stated" rather than "special case".

HON. G. E. WADDINGTON: Mr. Chairman, the errors, these errors which were discovered, were discovered on a re-checking, a careful re-checking of the bill. The amendments which are sought were contained in a bill which was prepared by an erudite lawyer whom this country had employed to draft this bill years ago, and I, for one, would be very loth to depart from the wording of the bill as now sought to be amended.

MR. JAMES M. BODDEN: In that case, if you are loth to change just this one word, why have you been willing to change so much more? You must remember that the people on this side of the House do not have too much legal knowledge.

HON. G. E. WADDINGTON: I have nothing further to add, Mr. Chairman, I consider the wording to be in order and I am not prepared to make any changes to it.

MR. JAMES M. BODDEN: That is not unusual, Sir.

MR. CHAIRMAN: Well, I think we've had the pros and cons of this sufficient now to take a vote on it. I had better read out the clause as amended finally - The clause, as amended, will read

"On appeal by special case the court shall entertain such appeal on the ground only that the decision of the Summary Court was erroneous in points of law or in excess of jurisdiction and upon the fact stated and the evidence mentioned in the special case. The court may remit the case to the Summary Court for amendment or re-statement if necessary or for retrial and determination in accordance with such directions as may be deemed necessary. "

That's the amendment as moved.

QUESTION PUT: CLAUSE 171 AS AMENDED PASSED.

CLERK: CLAUSE 172 Powers of Court on hearing appeal.

HON. G. E. WADDINGTON: I'd ask, Mr. Chairman, that the word "court" appearing as the last word of the clause be deleted and the words "Summary Court" substituted, a capital S and a capital C. The reason for this amendment, Mr. Chairman, is this that the word "court" there as defined in the definition section means the Grand Court or the Summary Court as the context may require, but I think that instead of relying on the context in this, we should spell it out quite clearly that what is meant here is the Summary Court.

QUESTION PUT: AGREED: CLAUSE 172 AS AMENDED PASSED.

CLERK: CLAUSE 180 Code not to affect powers conferred by Cap.136.

HON.G.E.WADDINGTON Here, Mr.Chairman, the reference in the last line of the clause is to the Juveniles Law. I would ask that that be a reference to the new Juveniles law which we have passed and that the reference should be the "Juveniles Law, 1975" and the corresponding marginal note made " Law of 1975".

QUESTION PUT: AGREED: CLAUSE 180 AS AMENDED PASSED.

CLERK: SCHEDULE I

HON.G.E.WADDINGTON: In Schedule I, Mr.Chairman, the Schedule is headed The Criminal Procedure Code Law and in keeping with the previous amendments I would ask that the word "Law" be deleted in all parts of the Schedule. It appears on the front cover and on page 2, the top of page 2.

QUESTION PUT: AGREED: SCHEDULE I AS AMENDED PASSED.

CLERK: SCHEDULE III

HON.G.E.WADDINGTON: In Schedule III, Mr.Chairman, on page 76 the sixth item, on page 76 where the Statement of Offence is Cruelty to a juvenile, contrary to section 4 (1) of the Juveniles Law, 1964, I would ask that "1964" be deleted and "1975" substituted.

QUESTION PUT: AGREED: SCHEDULE III AS AMENDED PASSED.

MR.CHAIRMAN: That concludes proceedings in Committee on the Criminal Procedure Code.

#### THE HOUSE RESUMED

#### REPORT THEREON

HON.G.E.WADDINGTON: Mr.President, I have to report, Sir, that a bill entitled the Criminal Procedure Code, after recommitment to a Committee of the Whole House was considered, certain clauses by the Committee and amended as follows -

In Clause 1 the words and figures "Law 1975" were deleted

In Clause 156 sub-clause (2) the last line the figure (5) substituted for the figure (3).

In Clause 166 the words "by motion" were inserted between the words "Appeal" and "the" in the first line

Clause 168 - the entire clause was deleted and a new clause substituted as appears by the re-printed clause.

In Clause 169 the words "on motion" were inserted in the first line between the words "appeal" and "the"

In Clause 170 the words "by motion" were inserted in the first line between the words "appeal" and "the"

In Clause 171 the words "Where an appellate Court entertains an" in the first line were deleted and the following words substituted - "On appeal by special case the court shall entertain such" and in the fourth line the words "the appellate" were deleted and the words "in the special case.Full-stop The" were substituted

In Clause 172, in the last line the word "court" was deleted and the words "Summary Court" substituted

In Clause 180 the figures "1975" were added after "Juveniles Law" in the last line

HON. G. E. WADDINGTON (CONTINUING) In Schedule I the word "Law" was deleted where it appears after the reference to Criminal Procedure Code  
And in Schedule III on page 76, Item 6, on the third line the figures "1964" were deleted and the figures "1975" substituted after the words "Juveniles Law".

These were all the amendments which were made on the recommitment, Mr. Chairman.

MR. PRESIDENT: The Bill is deemed to have been set down down for Third reading.

THIRD READING

CLERK: THE CRIMINAL PROCEDURE CODE.

HON. G. E. WADDINGTON: Mr. President, I beg to move that a bill entitled The Criminal Procedure Code be given a third reading.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE IMPRISONMENT BILL

REPORT THEREON

HON. G. E. WADDINGTON: Mr. President and Honourable Members of this House, I have the honour of presenting the Report of the Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Imprisonment Bill.

The Committee held one meet at which this bill was considered clause by clause and the notes of the committee's meeting are attached to the report.

The Committee made a few amendments to this bill and those amendments were to clauses 1, 2, 22, 27, 30 and 43, and those amendments all appear in detail in the report.

In conformity, Mr. President, with Standing Order 56 (4) I have appended my certificate to the report, certifying that the bill has been considered clause by clause in the presence of a quorum of members of the Committee and that, in the opinion of the Committee the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the whole house and I now have much pleasure in moving the adoption of the report.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: REPORT ON IMPRISONMENT BILL ADOPTED.

MR. PRESIDENT: The necessary certificate having been given under Standing Order 56 (4) the bill is accordingly set down for Third Reading.

HON. G. E. WADDINGTON: Mr. President and Members, before moving the Third Reading of this Bill, I would ask that the Bill be recommitment to a Committee of this Whole House in accordance with the provisions of Standing Order 59 (2) in order to consider further amendments to the following clauses - Clause 2, Clause 22, and Clause 25.

QUESTION PUT: AGREED: BILL RECOMMITTED TO COMMITTEE OF THE WHOLE HOUSE.

HOUSE IN COMMITTEE

CLERK: CLAUSE 2 INTERPRETATION.

HON. G. E. WADDINGTON: I would ask, Mr. Chairman, that in the definition of "juvenile" on page 6 that the figures "1975" be added after the word "Law", that is to say, the definition will be "juvenile" has the meaning ascribed to it in the Juveniles Law, 1975 and that the marginal note be amended accordingly - "Law of 1975".

Another amendment to Clause 2, Mr. Chairman, a similar amendment to the definition of "young persons" at the end of the clause - "young persons" - I would ask that the figures "1975" be added after "Juveniles Law" and the marginal note amended accordingly - "Law of 1975".

QUESTION PUT: AGREED: CLAUSE 2 AS AMENDED PASSED.

CLERK: CLAUSE 22 Execution of Death sentence in Jamaica.

HON. G. E. WADDINGTON: Now, Mr. Chairman, before this bill was submitted to the Select Committee, a copy of it was sent to Jamaica so that the appropriate authorities could have a look at the provisions which refer to Jamaica, which apply to them, and to advise us as to any amendments which they might consider necessary or give their comments on those provisions and it was pointed out, Mr. Chairman, that the reference in Clause 22 to the Prisons Law of Jamaica and the sections there quoted were not correct, as apparently there has been a new Prisons Law in Jamaica, called the Prisons Act and the sections are quite different but the corresponding sections are the same and so the amendment which I will move would be that in the second to the last line of sub-clause (1) that the sections be 43, instead of 51, 44 instead of 52, 45 instead of 53, 46 instead of 54 and 47 instead of 55 and in the last line instead of the Prisons Law of Jamaica, it is the Prisons Act of Jamaica.

QUESTION PUT: AGREED. CLAUSE 22 AS AMENDED PASSED.

CLERK: CLAUSE 25 As to return passage of prisoner

HON. G. E. WADDINGTON: Likewise, Mr. Chairman, comment was made from Jamaica with respect to the proviso to Clause 25. Clause 25 provides that the Governor-General shall provide any prisoner, other than a prisoner who is a citizen of Jamaica with a free return passage to the Islands by the last aircraft before the expiration of the sentence and then the proviso went on to say that provided if such a prisoner, on being offered a passage as aforesaid, before the expiration of the sentence, expressed a wish not to return to the Islands, he shall be kept in the penitentiary, etc. etc. Well, Jamaica raised the point that they weren't too happy about prisoners remaining in Jamaica after the expiration of their sentences, other than, of course, prisoners who were citizens of Jamaica and so it was thought that all such prisoners should be returned to the Cayman Islands, to be dealt with here at the expiration of their sentence in accordance with law and to be set free here, and that we shouldn't foist such prisoners on Jamaica by giving them the choice to remain there and so I would ask that the entire proviso be deleted.

QUESTION PUT: AGREED: CLAUSE 25 AS AMENDED PASSED.

HOUSE RESUMED

REPORT THEREON

HON. G. E. WADDINGTON: Mr. President, I have to report that a bill entitled the Imprisonment Bill was re-committed to a Committee of the Whole House and on such recommitment the following further amendments were made thereto -

Clause 2, in the definition of "juvenile" the figures "1975" were added after the words "Juveniles Law"

In the definition of "young persons" the figures "1975" were added after the words "Juveniles Law"

Clause 22 - sub-clause (1), in the second to last line of the sub-clause the figures 51, 52, 53, 54, and 57 were deleted and the following figures substituted 43, 44, 45, 46 and 47

In the last line the word "Law" was deleted and the word "Act" substituted.

Clause 25, the entire proviso was deleted.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THIRD READING

CLERK: THE IMPRISONMENT BILL.  
MOVED BY HON. G. E. WADDINGTON, SECONDED BY HON. D. V. WATLER.  
QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE SUMMARY JURISDICTION BILL

REPORT THEREON

HON. G. E. WADDINGTON: Mr. President and Honourable Members, I have the honour of presenting the Report of the Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Summary Jurisdiction Bill.

The Committee held one meeting for this purpose and a copy of the notes of the meeting is attached to the Report, which contains a summary of the analysis of the attendance.

The Committee made amendments, Mr. President, to clauses 18, 21, 26, 43, 44, 45 and 49 of the Bill and also to the First Schedule and the Second Schedule and those amendments appear in detail in the Report.

In conformity with Standing Order 56 (4), Mr. President, I have appended my certificate to the Report certifying that the bill has been considered clause by clause in the presence of a quorum of the Members of the said Committee and that in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole Assembly. I have much pleasure in moving the adoption of the Report.

HON. D. V. WATLER: Second.

*The Summary Jurisdiction*  
QUESTION PUT: AGREED: REPORT ON IMPRISONMENT BILL ADOPTED.

MR. PRESIDENT: As the necessary certificate has been given under Standing Order 56 (4) the bill is accordingly set down for Third Reading.

HON. G. E. WADDINGTON: Mr. President, before the bill is given a third reading there are certain amendments which I would move be made thereto and for this purpose I would ask that the bill be re-committed to a Committee of the Whole House, in accordance with Standing Order 59 (2). The clauses in question, Mr. President, are clauses 2,, 13, 17, 22, 26, 28, 30, 38 and 54.

HON. D. V. WATLER: Second.

QUESTION PUT: BILL RECOMMITTED TO A COMMITTEE OF THE WHOLE HOUSE.

HOUSE IN COMMITTEE

CLERK: CLAUSE 2: Interpretation.

HON. G. E. WADDINGTON: On page 7, Mr. Chairman, top of the page, a reference is made in the second line of the definition of Criminal Procedure Code, the words Criminal Procedure Code Law appear. I would ask that the word "Law" be deleted in accordance with the previous amendment to that law.

QUESTION PUT: AGREED: CLAUSE AS AMENDED PASSED.

CLERK: CLAUSE 13: Criminal Jurisdiction.

HON. G. E. WADDINGTON: In Clause 13 (1), Mr. Chairman the same consequential amendment in the second line of sub-clause (1) appears Criminal Procedure Code Law and I would ask that "Law" be deleted and in sub-clause (2), the same thing, that the word "Law" be deleted. I would also ask for the addition of a sub-clause (4) in accordance with the re-print which I will ask to be distributed to Members.

HON. BENSON O. ERANKS: This one was sent to me by the Clerk.

HON. G. E. WADDINGTON: The reason for this addition, Mr. Chairman, is that by virtue of the changes which we have made in our judicial processes the Grand Court remains a court of trial on indictment, that is to say, with a jury, but we have certain anomalies in our Law, for instance, in the Gambling Law, the petty offence by gambling is stated to be tried Summarily by the Grand Court and having regard to the changes which we have made, namely all summary offences to be tried in the Summary Court, and indictable offences in the Grand Court, it is necessary to provide that wherever these anomalies appear, of a case being tried summarily by the Grand Court, it should be tried in the Summary Court. So I'd ask that sub-clause (4) be added to clause 13.

MR. CHAIRMAN: The amendments to Clause 13 are the deletion of the word "Law" in the second line of sub-clauses (1) and (2) and the addition of a sub-clause (4) as follows -

"Where under any provision of any other law an offence is triable summarily by the Grand Court such provision shall operate as if for the words "Grand Court" there were substituted the words "Summary Court"."

QUESTION PUT: AGREED: CLAUSE 13 AS AMENDED PASSED.

CLERK: CLAUSE 17: General powers of process.

HON. G. E. WADDINGTON: In Clause 17, Mr. Chairman, the same consequential amendment by virtue of the changing of the title of Criminal Procedure Code I'd ask for the word "Law" to be

HON. G. E. WADDINGTON (CONTINUING) Deleted in the fourth line of sub-clause (1).

QUESTION PUT: AGREED: CLAUSE 17 AS AMENDED PASSED.

CLERK: CLAUSE 22: General provisions as to practice and procedure.

HON. G. E. WADDINGTON: Similar amendment in the fourth line to clause 22, Mr. Chairman, that the word "Law" after Criminal Procedure Code be deleted.

QUESTION PUT: AGREED: CLAUSE 22 AS AMENDED PASSED.

CLERK: CLAUSE 26 Record of proceedings.

HON. G. E. WADDINGTON: A similar amendment to <sup>sub-</sup>clause (2), in the sixth line of sub-clause (2), Mr. Chairman, the word "Law" after Procedure Code be deleted.

QUESTION PUT: AGREED: CLAUSE 26 AS AMENDED PASSED.

CLERK: CLAUSE 28 Procuring attendance of witnesses.

HON. G. E. WADDINGTON: A similar amendment to sub-clause (3) Mr. Chairman, in the last line, the word "Law" be deleted after the word "Code".

QUESTION PUT: AGREED: CLAUSE 28 AS AMENDED PASSED.

CLERK: CLAUSE 30 Prisoner as witness.

HON. G. E. WADDINGTON: A similar amendment to sub-clause (2) of that clause, Mr. Chairman, the last word of this sub-clause, "Law" be deleted.

QUESTION PUT: AGREED: CLAUSE 30 AS AMENDED PASSED.

CLERK: CLAUSE 38 Criminal appeal.

HON. G. E. WADDINGTON: In the fourth line of that clause, the same amendment, Mr. Chairman, the word "Law" to be deleted.

QUESTION PUT: AGREED: CLAUSE 38 AS AMENDED PASSED.

CLERK: CLAUSE 54 Repeal, consequential amendments and transitional provisions.

HON. G. E. WADDINGTON: The same amendment to sub-clause (4), Mr. Chairman, in the third line of sub-clause (4) the word "Law" should be deleted.

QUESTION PUT: AGREED: CLAUSE 54 AS AMENDED PASSED.

HOUSE RESUMED  
REPORT THEREON

HON. G. E. WADDINGTON: Mr. President, I have to report that a bill entitled the Summary Jurisdiction Bill was re-committed to a Committee of the Whole House and the following amendments were made thereto -

In Clause 2, in the definition of "criminal procedure code" the word "Law" was deleted after the word "Code" in the last line.

HON. G. E. WADDINGTON (CONTINUING) In clause 13 a similar amendment was made to clause 13, sub-clause (1) in the second line the word "Law" was deleted  
In Sub-clause (2) the second line the word "Law" after the word "Code" was also deleted.  
A new sub-clause was added to clause 13 as appears by the printed notice circulated to the members.  
In Clause 17, in the fourth line the word "Law" was deleted after Criminal Procedure Code  
Similarly, in clause 22 in the fourth line the word "Law" was deleted after Criminal Procedure Code  
In Clause 26 (2), the sixth line the word "Law" was deleted after Criminal Procedure Code  
In Clause 28 (3), similarly, the word "Law" was deleted at the end of the clause  
In Clause 30 (2) the word "Law" was deleted at the end of the clause  
In Clause 38 the word "Law" was deleted in the fourth line  
In Clause 54 sub-clause (4) the word "Law" was deleted from Criminal Procedure Code in the third line.

Those were all the amendments made on re-committal.

MR. PRESIDENT: The bill having been reported out of Committee is deemed to have been set down for Third Reading.

THIRD READING

CLERK: THE SUMMARY JURISDICTION LAW.

MOVED BY HON. G. E. WADDINGTON SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE LAW REVISION BILL

INTRODUCTION AND FIRST READING

CLERK: THE LAW REVISION BILL.

HON. G. E. WADDINGTON: Mr. President, I beg leave to introduce a bill entitled the Law Revision Law.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL INTRODUCED AND GIVEN A FIRST READING.

SECOND READING

CLERK: THE LAW REVISION BILL.

HON. G. E. WADDINGTON: Mr. President, I beg to move, Sir, the Second reading of a bill entitled the Law Revision Law.

As the Memorandum of Objects and Reasons states, Mr. President and Members, after the Legislative programme which the Legal Department is now involved on, has been completed, the major part of the present revised laws of the Cayman Islands, which are set out in those bound volumes, will become obsolete by reason of the repeal and the replacement of several of those laws. In addition to this, nearly all the laws which were published in or since 1963, which it is intended to retain, have been amended in some form or other and, indeed, some of them are already out of print, and so it is proposed, Mr. President and Members, to publish new laws in loose leaf form, so as to enable them to be fitted into binding covers so that after 1974 it will



HON. GE. WADDINGTON: (CONTINUING) not be necessary to issue annually bound volumes of the laws, which has been found to be of great expense.

Now along with the publication of new laws which will be published as supplements in the Gazette, it is proposed also to re-publish existing laws in amended and revised form, which can also be fitted into the binders and it is hoped that at the conclusion of this process that all the laws will then be in the loose leaf form, bound in these special covers, and kept in alphabetical order. And another feature, another good feature of this loose leaf procedure will be that the regulations which are made pursuant to each law, can also be put in the binders right next to the law under which such regulations were made, and then at the end of each year a subject matter index will be published.

Now the purpose of this Law, Mr. President and Members, is to authorise, and at the same time limit and control the re-publication of existing laws in revised, amended and, in certain cases, consolidated form. By so doing, instead of having a law in three different laws, because of several amendments made, the amendments will be incorporated in the revised law and consolidated therein and we will then have, in effect, a revised law right up-to-date containing all the necessary amendments. This procedure, it is hoped, will result in a great simplification of the work of those who have to consult our laws, instead of having to wade through a mass of different statutes, they will have a revised and up-to-date edition of the law in this loose leaf form.

The cost of the re-publication, it is estimated, will be about \$19,000 of which it is hoped that a goodly portion of that amount will be off-set by sales to the public of the revised laws and I would commend this bill, Mr. President, to the favourable consideration of members.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

COMMITTEE THEREON

HON. G. E. WADDINGTON: Mr. President, I beg to move, Sir, that the House resolved itself into a committee of the whole House to consider this bill clause by clause and to amend it as may be deemed necessary.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: HOUSE IN COMMITTEE

CLERK: CLAUSE 1: Short title.

QUESTION PUT: AGREED: CLAUSE 1 PASSED.

HON. W. W. CONOLLY: Mr. Chairman, just before we leave this clause - isn't it common for us to say "shall be published" in conformity with the other laws?

HON. G. E. WADDINGTON: This law didn't follow that form, Mr. Chairman. Under the Interpretation Law, the law comes into force on such date as it is published in the Gazette, the moment it is published, it comes into force, in other words, after it has been assented to there need not be any special notification of a date on which it comes into effect. It will come into effect the moment it is published in the Gazette, after assent.

CLERK: CLAUSE 2 Interpretation.

QUESTION PUT: AGREED: CLAUSE 2 PASSED.

CLERK: CLAUSE 3: Governor may authorise re-publication of laws in desired form.

QUESTION PUT: AGREED: CLAUSE 3 PASSED.

CLERK: CLAUSE 4 Powers of the Governor

QUESTION PUT: AGREED: CLAUSE 4 PASSED

CLERK: A LAW TO PROVIDE FOR THE RE-PUBLICATION OF EXISTING LAWS IN AMENDED AND REVISED FORM

QUESTION PUT: AGREED: TITLE PASSED.

HOUSE RESUMED

REPORT THEREON

HON. G. E. WADDINGTON: Mr. President, I have to report that a bill entitled the Law Revision Law was considered clause by clause by a Committee of the Whole House and passed without amendment and accepted.

MR. PRESIDENT: The bill is accordingly set down for Third Reading.

ADJOURNMENT

HON. D. V. WATLER: Mr. President and Honourable Members, we have now come to the end of the business for the day and I therefore move that the House adjourn until tomorrow morning 10 o'clock.

HON. G. E. WADDINGTON: I beg to second that motion.

MR. PRESIDENT: I think the Honourable Attorney-General seconded that very whole-heartedly this morning.

QUESTION PUT: AGREED: AT 12.35 P.M. THE HOUSE ADJOURNED UNTIL THURSDAY MORNING, 4TH SEPTEMBER, 1975.

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE.                      PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, OBE., JP	FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS
HON. G. E. WADDINGTON, CBE., QC.	SECOND OFFICIAL MEMBER AND ATTORNEY-GENERAL
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY
HON. A. B. BUSH, J. P	SECOND ELECTORAL DISTRICT (GEORGE TOWN) MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS) AND MEMBER FOR LESSER ISLANDS CO-ORDINATION AND INFORMATION.
HON. BENSON O. EBANKS	FIRST ELECTORAL DISTRICT, (WEST BAY) MEMBER FOR SOCIAL SERVICES, EDUCATION, HEALTH AND LABOUR.
HON. W. W. CONOLLY, OBE., JP	SIXTH ELECTORAL DISTRICT (EAST END) MEMBER FOR TOURISM, LANDS, NATURAL RESOURCES, MRCU AND SURVEYS.

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE., JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE M. HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

CAPT. A. A. REID	(WITH PERMISSION, OVERSEAS FOR MEDICAL AID)
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ORDER OF THE DAY

THURSDAY, 4TH SEPT. 1975

10 a.m.

1. CONFIRMATION OF THE MINUTES OF THE SECOND MEETING OF THE (1975) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON THE 24th, 25th, 26th and 27th JUNE, 1975.
2. TO BE LAID ON THE TABLE: THE DIRECTORS' REPORT AND AUDITED ACCOUNTS OF CAYMAN AIRWAYS, LIMITED FOR THE YEAR ENDED 30TH SEPTEMBER, 1974. BY HON V. G. JOHNSON, OBE., THIRD OFFICIAL MEMBER.
3. PRIVATE MEMBER'S MOTION -

AMENDMENT TO THE LAND ADJUDICATION LAW (LAW 20 of 1971)

TO BE MOVED BY MISS ANNIE H. BODDEN (FIRST ELECTED MEMBER FOR GEORGE TOWN)

TO BE SECONDED BY MR. CRADDOCK EBANKS (ELECTED MEMBER FOR NORTH SIDE)

WHEREAS Section 16 (2) (a) of the Land Adjudication Law 20 of 1971 reads -

PROVIDED THAT WHERE IT IS ESTABLISHED (WHETHER BY LOCAL CUSTOM OR OTHERWISE) THAT ANY PARCEL OF LAND INCLUDES AN AREA OF SWAMP OR CLIFF LAND, OCCUPATION OR USE OF OTHER AREAS OF SUCH PARCEL SHALL BE DEEMED TO IMPLY POSSESSION OF THE SWAMP OR CLIFF LAND ALSO"

AND WHEREAS on several occasions the view has been expressed by two different Grand Court Judges and Counsel for the persons who have appealed from the Land Adjudication Tribunal, that the term "local custom or otherwise" is too vague, and the Court has been put to grave disadvantage in determining what is actually meant, and what interpretation should be put to these words:

AND WHEREAS it has been expressed in open Court that "local custom or otherwise" could not refer to "custom" under the Common Law of England, CUSTOM (in this sense) was abolished in the year 1189, and that the Cayman Islands were settled Colonies in the year 1503 or thereabouts:

AND WHEREAS this situation has led to confusion and disadvantage to Land owners who have appealed to the Grand Court, and is a reflection on legislators, and has been so expressed:

AND WHEREAS at the Meetings of Select Committees held to deal with this draft Bill, before its enactment, some of the Legislators proposed that "local custom" should be defined as follows:-

"The One-half of all Swamp, Cliff and Button Wood Land should be equally divided between adjoining 'Dry Land' owners, as was the local custom previously",

but this was not acceptable and not adopted by the majority:

AND WHEREAS as complications have now arisen from these words "local custom", not being properly defined:

BE IT RESOLVED that steps be taken to have the section 16 (2) (a) as quoted amended in such a manner that it will be clearly defined that the meaning of "local custom" is that, ONE HALF OF ALL SWAMP, CLIFF AND BUTTON WOOD LAND be equally divided between adjoining Land Owners, and that the Legal Department be instructed to prepare the proper amendment in time to be presented at the next meeting of the Legislative Assembly in November, 1975 to be dealt with

AND BE IT FURTHER RESOLVED That the word "otherwise" be also defined in the amendment, so as to avoid any future conflict.

4. GOVERNMENT BUSINESS:

THE LAW REVISION BILL

THIRD READING

THURSDAY, 4TH SEPTEMBER, 1975

10:11 A.M.

MR. PRESIDENT: Please be seated.  
Proceedings are resumed. The first item on the Order of the Day - Confirmation of the Minutes of the last Meeting.

CONFIRMATION OF MINUTES OF MEETING ON 24TH, 25TH, 26TH AND 27TH JUNE, 1975

HON. D. V. WATLER: Mr. President and Honourable Members, I would like to move the confirmation of the minutes of the Legislative Assembly held on the 24th, 25th, 26th and 27th June, 1975.

HON. G. E. WADDINGTON: I beg to second that motion.

QUESTION PROPOSED:

HON. B. O. EBANKS: Mr. President, before confirmation of the minutes I would like to move a few amendments to these minutes, Sir. The minutes of the 25th June, page 16 and 17. Page 16 the second paragraph, line 4 in the sentence which reads "well this home is being built on the guarantee that Government will", the minutes states "start the home", that should read "staff the home". And page 17 third paragraph seventh line in the sentence beginning on the sixth line "because, if we are forced if this occasion arises to make", that should read "to mix". On the 26th of June, about midway down the page where I am giving a reply - the relevant section is "Mr. President, bitter experience has proven that to recruit someone who is unseen and unknown can be more expensive than the (the minutes read "the purchase sum") the word is the "paltry sum". On the 27th June page 34 - I am requesting, Mr. President, that in order for this to convey what was said - this in the third paragraph, eighth line, that after the word "break", where it is said would get a fair break, I am requesting that a full stop be placed after the word "break", and the "i" in "if" be made a capital and the full stop be removed after the word "innocent". Those are the amendments I would move to be made to the minutes, Mr. President.

MR. PRESIDENT: These are understandable errors in transcribing from taped records, unless there are any objections from the Clerk or from Members, I would suggest that these amendments be made in the minutes.

QUESTION PUT: AGREED. MINUTES CONFIRMED AS AMENDED.

MR. PRESIDENT: We will proceed to item two on the Order of the Day.

DIRECTORS' REPORT AND AUDITED ACCOUNTS OF C.A.L.

HON. V. G. JOHNSON: Mr. President and Honourable Members, I beg to lay on the table of this Honourable House the Directors' Report and Audited Accounts of Cayman Airways Limited for the year ended 30th September, 1974.

SECONDED HON. D. V. WATLER

MR. PRESIDENT: So ordered.  
Proceed to item three Private Member's Motion

PRIVATE MEMBER'S MOTION - AMENDMENT TO LAND ADJUDICATION LAW

MISS ANNIE H. BODDEN: Mr. President, first of all I would like to apologise for not being here yesterday. I had to attend Court, and I

MISS ANNIE H. BODDEN (CONTD.): had hoped to get here in the afternoon but there was no Session. I am sorry that I missed the morning Session but it was due to circumstances.

Mr. President and Members of this House, I beg to move the following resolution standing in my name as follows: WHEREAS Section (2) (a) of the Land Adjudication 20 of 1971 reads:

PROVIDED THAT WHERE IT IS ESTABLISHED (WHETHER BY LOCAL CUSTOM OR OTHERWISE) THAT ANY PARCEL OF LAND INCLUDES AN AREA OF SWAMP OR CLIFF LAND, OCCUPATION OR USE OF OTHER AREAS OF SUCH PARCEL SHALL BE DEEMED TO IMPLY POSSESSION OF THE SWAMP OR CLIFF LAND ALSO"

AND WHEREAS on several occasions the view has been expressed by two different Grand Court Judges and Counsel for the persons who have appealed from the Land adjudication Tribunal, that the term "local custom or otherwise" is too vague, and the Court has been put to grave disadvantage in determining what is actually meant, and what interpretation should be put to these words:

AND WHEREAS it has been expressed in open Court that "local custom or otherwise" could not refer to "custom" under the Common Law of England, CUSTOM (in this sense) was abolished in the year 1189, and that the Cayman Islands were settled Colonies in the year 1503 or thereabouts:

AND WHEREAS this situation has led to confusion and disadvantage to Land Owners who have appealed to the Grand Court, and is a reflection on Legislators, and has been so expressed:

AND WHEREAS at the Meetings of Select Committee held to deal with this draft Bill, before its enactment, some of the Legislators proposed that "local custom" should be defined as follows:

"The One-half of all Swamp, Cliff and Button Wood Land should be equally divided between adjoining "Dry Land" owners, as was the local custom previously",

but this was not acceptable and not adopted by the majority:

AND WHEREAS as complications have now arisen from these words "local custom", not being properly defined:

BE IT RESOLVED that steps be taken to have the Section 16 (2) (a) as quoted amended in such a manner that it will be clearly defined that the meaning of "local custom" is that, ONE HALF OF ALL SWAMP, CLIFF AND BUTTON WOOD LANDS be equally divided between adjoining Land Owners, and that the Legal Department be instructed to prepare the proper amendment in time to be presented at the next meeting of the Legislative Assembly in November, 1975 to be dealt with

AND BE IT FURTHER RESOLVED THAT the word "otherwise" be also defined in the amendment, so as to avoid any future conflict. I beg to move that Sir.

MR. G. HAIG BODDEN: I second this Motion.

MR. PRESIDENT: The motion is as set out in the Order of the Day, has been moved and seconded, and is now open for debate.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I sincerely hope that it will not be taken that I have any personal axe to grind in this matter. I, as the whole Island knows was at the time of the Land Adjudication Law, opposed to that Law; not opposed to the Law as a Law, but opposed to certain stipulations which were contained in that Law. My objection then, and still is that instead of one adjudicator we should have had tribunal with three, the majority of two being the decision given by the majority. Of course



MISS ANNIE H. BODDEN (CONTD.): I am the only human being in the Cayman Islands that the Land Adjudication Bill ever cost one penny. It cost me \$1,575,00 plus being tortured in the Court house for three days. But I am very proud that thank God the aim that was set in view to collapse me in the Court house failed.

Now I bring this amendment for the good of the people of the Cayman Islands. The resolution speaks for itself and I feel that we should not hesitate to correct something which needs correction. I have been in court on several occasions concerning Land Adjudication Appeal; in one instance a Judge not presently on the Island said this thing you call a Law, what kind of a Law is this. Well it is submitted there is a Legislator sitting in Court that was responsible, of course I kept my mouth shut. I have had two since, and this particular question had come up - what is meant by "local custom" - two different Judges have expressed that it should have been properly defined. They say "local custom" as far as they are concerned has no meaning what so ever. Not too long ago I had a case, and the then Judge said that it means something, the opposing Lawyer said it can mean nothing, we are at sea. Well, I think a situation such as this needs correction, and I feel that if in the first instance our smattering minds had been taken into account, and this definition had been put in the Law we would not have had to come here to make such an amendment.

I am not casting any reflections on any body, but I feel that when we as Legislators make simple suggestions knowing customs, knowing land as we should know it that our suggestions, our recommendations should be taken into account. I heard a famous Judge express himself once in the Court room "everyday I learn something, sometimes it is even from a little child". Well, I feel that the Legal Department can learn something from us - grown up people and I am asking Sir, that this resolution be favourably considered and the adjustment as asked for made. Now I repeat, I have no axe to grind personally, but I represent the people of the Cayman Islands although I was told not long ago by a certain person "don't invade in West Bay you have no business there", I said I represent the Cayman Islands, and as such I feel that it is my duty to bring such an amendment, or request it - I can't say that it will be put through, I hope it will, but you never can tell.

I personally have eight pieces of land, no swamp land, no cliff, no button wood, I have absolute titles of five pieces, the other three have not yet been adjudicated on, but I am very sure that it will not fall where any discrimination has to be made because I have swamp, cliff or button wood. I feel that we should very seriously go into this matter, and I hope that it will be supported. Thank you Sir.

MR. JOHN JEFFERSON: Mr. President and Honourable Members, I rise to the motion before us brought by the First Elected Member of George Town, proposing an amendment to the Land Adjudication Law 20 of 1971.

The proposal that is being brought here, the amendment, as far as I am concerned, I congratulate the Lady Member for thinking, but on the other hand at this stage, being this late in the game I fail to see the necessity of such an amendment.

There has been a tremendous amount said in opposition to the Land Adjudication Law which will shortly be completed. I think that too few times in this country responsible people fail to give credit where credit is due. In an Island of thirteen thousand people - the number of disputes that arose in the Courts of the Cayman Islands as far as I am concerned were disputes that would no doubt be accredited or attributed to a populace of two million people. No responsible Government any where in the world could ignore the need for Government to take steps to try to bring

MR. JOHN JEFFERSON (CONTD.): about calmness, or try to resolve this situation.

I feel Mr. President that this Government and Members of this Legislature should be congratulated for the fact that they/<sup>did</sup> what was necessary, that the steps that were taken, were steps that we can look back today and certainly see that it has been steps in the right direction. If we would step back to 1971, or no doubt 1970 - myself being one Member in this Chamber at that stage that advocated that at least two Members of this Assembly be sent to the Turks and Caicos Islands where this/<sup>law</sup> had been brought about. Government making sure that the course which we were about to embark upon was a sound one, Government did nothing to oppose the proposal brought forth - myself and another Member of this Assembly and/<sup>one</sup> of the Administrative/<sup>Officers</sup> of the Cayman Islands Government embarked on a trip to the Turks and Caicos Islands. What I saw in the Turks and Caicos Islands, Mr. President, convinced me that, what was needed for the Cayman Islands was a Law similar to this, where we would strive in a short time to bring these disputed areas to a halt.

I think the Land Adjudication Law has worked well, I have heard a lot of Members in this Chamber, I've heard some say that the Land Adjudication process will never be over in this Island. The Land Adjudication, as far as I am concerned, Mr. President is over two-thirds over in these Islands. Speaking from a very personal experience, I believe if I am correct in the District of West Bay there was something like - near 6,000 parcels of land, and to my knowledge there has been a very nominal amount of people not over three or four cases out of about 6,000 that have arisen in dispute, and no doubt is still in Court not resolved yet. But I think that when you can deal with something on that ratio when the batting average is that much in favour of the Adjudication process, it shows that the Law is working, it/<sup>is</sup> worthwhile and it will be a short time before the Land Adjudication process would have been completed.

This has been a great exercise to Legislators, this has caused/<sup>us</sup> many times, Mr. President to re-think our position, this has caused us many times to question our own selves - but I go back to the thought I've always had, and that is that the decision that had been made in the last several/<sup>years</sup> and are being made today are being/<sup>made</sup> for the benefit of the people of the Cayman Islands as a whole. I think that the people of the Cayman Islands have stood to benefit by the Adjudication process. There has been as far as I am concerned, and I must be very frank, after all I am elected by the people of these Islands and as far as I am concerned I want to quite honest in all my representation, and I must say that I feel that it has been many instances in this Island under this process that people have walked away with lands that didn't really belong to them, but that is the system that is what has been done so far, that is the way it is at this stage and what else can we do about it. Still before the process Government didn't know what they had and a lot of private people didn't know either what they had; when this process is finished certainly Government will know what they've got/<sup>and</sup> so will everyone of us.

Prior to the Adjudication process and the Land new Registration system there were many instances in these Islands when people were waiting six/<sup>months</sup> to a year to be able to have the title to their land searched, and to secure and establish a title to which they maybe to go a financial institution to borrow money, and sometimes six months to a year this process was still being done, and many times even/<sup>at</sup> that stage nobody could guarantee that position. Now Mr. President, under this system when it is completed we can go - right now to the Land Registration system and in a very short time one can establish what is his, and what belongs to somebody else.

I would not advocate this amendment, neither could I support it in all sincerity, because I cannot see something that is benefited so far, no doubt probably 6 or 7 thousand people, or they have been judged by this 6 or 7 thousand people that

MR. JOHN JEFFERSON (CONTD.): now in the middle of the game we're going to change the rule, and so those first 6 thousand would not have benefited, if there is any benefit to be derived, and I Mr. President, at this stage could not support amendment in that - judging from those instances.

It is, Mr. President, no doubt a fact that Judges in the Grand Court, or any Court might disagree, or might criticise Laws being made by laymen, because you look around in this Chamber I don't see any geniuses, I see not many men in/calibre of the Second Official Member, I many times wish that I had the legal knowledge of either one of the three in their official capacity, but judging from the twelve elected Members in this Chamber, I see very few that has a lot of legal knowledge. Now, Mr. President, the reason why we have sitting/our Chamber the Second Official Member is because we see the need of having legal guidance, and I feel we have benefited by the legal guidance that has been provided by the Legislators in this country and the country as a whole. And as far as I am concerned if this Law has worked so well so far so long, I can't at this stage see the benefit in changing, or making any amendments to it at this late in the game.

Under the Common Law custom, I say again I feel that a number of cases when people that have started out with 6 or 8 acres of land and they wound up with 10 or 12 or 14 or 15 dealing with swamp land, well thats finished. But I feel bad any time that anybody in this country be it Government or anybody else gets anything that doesn't really belong to them, if land go to the Crown well I know that it benefits the people of these Islands, if it comes to me well I reserve the right to do what I like with my own land. So, Mr. President, on the position of this the "local custom" up until now the people have benefited far more than Government. Government has been placed at a disadvantage if I would term it so, and the people have given every opportunity and very provision, and the scales tilted in benefit of the private sector over Government on the Land Adjudication process. I totally disagree that - as I said also dealing with something like 6,000 parcels of land in one district alone, and something like three or four disputes, I can't/where there is any mass confusion in the Court, and as far I am concerned, Mr. President, I would not be able to agree to this amendment, I feel that is has worked and is working well, its almost over and as far I am concerned, I am completely happy with the Land Adjudication process.

Thank you very much.

HON. G. E. WADDINGTON: Mr. President and Members of this House, this motion is concerned with the proviso to Section 16 (2) (a) of the Land Adjudication Law, 1971, and the first observation that I would make is that this proviso cannot be read in isolation, but must be read in conjunction/<sup>with</sup> the first part of Section 2, and that in turn must be read in conjunction with Sub-section 1 (i) of Section 16.

Now Sub-section 1 (i) it will be seen provides that the Records Officer can record a person as the owner of a parcel of land with absolute title if he is satisfied that such person is in open and peaceful possession of the parcel, and has been in such possession by himself or his predecessors in title for an un-interrupted period of twelve years or more. Now the term possession in Law is one that has given rise to/<sup>a</sup> great deal of legal argument and judicial decisions and much controversy, and so it was for that reason in my submission that Sub-section 2 (a) was put in this Law, and that/<sup>was</sup> done in order to avoid all these arguments and controversies as to the meaning of this word "possession", and Sub-section 2 (a) provides that a person is to be deemed, that is say to be presumed to be in possession of land if certain/<sup>things</sup> exist, and that is first of all

HON. G. E. WADDINGTON (contd.): if he does not acknowledge the title of any other person to that land, and <sup>by</sup> himself, his agent, tenant or servant, actually uses or has used the land to the exclusion of the public, and I must emphasize the words "actually uses or has used the land", and then follows the proviso which is the subject of this motion. That proviso is that provided that where it is established and in parenthesis are the words (whether by local custom or otherwise) those words are in parenthesis, that any parcel of land includes an area of swamp or cliff land, occupation or use of the other areas of such parcel shall be deemed to imply possession of the swamp or cliff land also. Now I mentioned that the words (whether by local custom or otherwise) are in parenthesis that is to say it is merely - the person has to establish that a parcel <sup>of land</sup> includes an area of swamp or cliff land, and that if he has used the other areas of such lands, then that user is deemed to include, to imply possession of the swamp, or cliff land. It doesn't matter how he establishes it, he can establish it in any manner whatever, but the Law provides that he can also do it by establishing a local custom or in any other way.

Now the reason in my submission, Mr. President and Members for this proviso is this that it is recognised and accepted that a parcel of land might comprise an area which consists of swamp or cliff land, which by the very nature of such land cannot be made use of, that no actual use can be made of it, and so it could be argued that without some further provisions the owner of such swamp or cliff land would not be deemed to be in possession of such land under Sub-section 2 (a) because for the simple reason that he had made no actual use of such land, and in such cases it is very likely that the Adjudicator would find that as you have not made any use of the land it would not be deemed to be in your possession and so it should be adjudicated to the Crown, and so in my submission it was for that reason that the proviso was added so as to provide <sup>that</sup> where it was established that a parcel <sup>of land</sup> included an area of swamp or cliff land, then the occupation or the use of the usable areas, the dry areas and the other usable areas could be deemed to imply possession also of the swamp and cliff areas.

The crux of this motion concerns the method of establishing that a parcel of land includes an area of swamp or cliff land, and the proviso allows this to be done in any way that <sup>person</sup> can do it, whether by "local custom or otherwise", and the motion asks that the words "or otherwise" should also be defined in addition to the words "local custom", and so I shall deal first with the words "or otherwise" which really do not require much for me to say about "or otherwise" simply means in any other way. It can be done by local custom, it can be done in any other way. For example, an owner of a parcel of land might be able to establish the inclusion in his parcel of an area of swamp or cliff land by producing documentary evidence to that effect, he may be able to produce a conveyance or any other deed which shows that the parcel of land which he has actually includes another area, an area of swamp or cliff, and if he succeeds in so showing then he would have established that his parcel included the area of swamp or cliff. If he has no document to show he could establish it by evidence of persons who <sup>can</sup> swear positively to the fact that his parcel includes an area of swamp or cliff land, so that is all that the words "or otherwise" means - in any way that the person can establish it, he is entitled to do so.

Now this brings me to the words "local custom" and in dealing with local custom I should like first of all to refer to the provisions of this Law which appoints the Adjudication Tribunal, and perhaps I should make a general observation that the whole purpose of the Land Adjudication Law was to provide a system for the adjudication of titles to lands so as to enable a body - a tribunal, to be able to listen to disputes as regards titles, as regard boundaries etc., and to come to a decision as ownership in

HON. G. E. WADDINGTON (CONTD.): order to quiet and settle these disputes, and in order to provide for a system whereby the titles can become certain and be registered, and from that time forward there should not really be any dispute whatever as regards title, because one would then only have to go to the register that is set up to register these titles to see exactly who owns what, and how much. I go back again to the Section which appoints the Tribunal, and that is Section 4. Now under that Section the Tribunal consists of an Adjudicator and two Assessors, and the Law says that the two Assessors must have local knowledge of the particular adjudication area for which they have been appointed, and the Section provides that although the Adjudicator need not accept the advice of his Assessors he must none-the-less consult with them and record their opinions on local matters, customs and conditions; for example what maybe an accepted usage or custom in West Bay need not necessarily be so in East End or indeed in North Side, or Little Cayman or Cayman Brac. And so it is/ <sup>that</sup> these Assessors are appointed for each adjudication area in the expectation that they will have local knowledge of the particular area for which they have been appointed, they will know all the customs and all the usages that <sup>then</sup> exist in that area, and they can/give the necessary advice to the Adjudicator when any particular matter comes before him for adjudicating.

I should like also to refer to Section 15 (2) of the Law which provides that when the Adjudicator is adjudicating upon a dispute as to any boundary he must have due regard to any Law or local customs and conditions which may be applicable, and there again when he is adjudicating if he is to have regard to these local customs then he has to rely on his Assessors, the people who have been appointed from the particular area to advise him as to what local customs exist in that particular area, and I should also like to refer to Section 16 Sub-section (4) of the Law which provides that the Adjudicator and the Records Officer, in the exercise of their respective functions may in their absolute discretion, note the words "absolute discretion" admit evidence which would not be admissible in a court of law and may use evidence adduced in any other claim or contained in any official record and may call evidence even on their own motion. Now that section is a very important section, because it/<sup>is</sup> designed to give the Adjudicator an extremely wide discretion, and to enable him to arrive at his decision without having regard to the niceties of law, without having regard to the niceties of the law of evidence particularly which a clever lawyer can make use of and by properly presenting it prevent, perhaps a person who has, perhaps an equitable right to be registered as the owner from being so registered.

So the whole object of this Law Mr. President and Members, is to provide as simple and as easy a method of adjudicating on titles and clearing up the awful confusion which existed in these Islands, as regards title to lands before this Law was enacted. Now having said this I think it should be fairly clear that the only custom which the Land Adjudication Law deals with must be the local custom of the Cayman Islands. Surely it can have nothing what-ever to do with customs under the Common Law of England. Indeed the motion speaks for itself - says that it has been expressed in open Court that the customs that exist here cannot be the Common Law custom of England.

However there is one respect in which the motion is defective, and that is that the motion says that whereas it has been expressed in open court that local custom or otherwise could not refer to customs under the Common Law of England, custom in this sense was abolished in the year 1189. Now that of course is not correct, and custom still exists in England and even at this present day it is possible for a custom to be established in

HON. G. E. WADDINGTON (CONTD.): England by the necessary proof. But I think that perhaps the mover of the motion was a bit confused over the significance of the year 1189. In order to establish a custom at Common Law in England at the present time it is necessary to show that it existed from <sup>time</sup> memorial or as the lawyers would say from time whereof the memory of man runneth not to the contrary. Now the decisions of the courts over the years from the very earliest time have fixed that particular period of time as being the year 1189 which was the first year of the reign of King Richard the first. Now quite obviously it would be extremely difficult for any one at the present day to try to prove that a custom existed from the year 1189, and so the courts over the years have adopted a fiction that if it can be shown that a custom has existed for as long as living memory can go then it will be presumed that it existed from the year 1189 unless it can be shown that it could not, infact, have existed from that year. As for example, if there was direct evidence that the particular custom had come into existence at some time since the year 1189, in which case the presumption could not be made.

Now, from this I think it should be clear, as I mentioned before, that the English Common Law as to custom has no application to the Cayman Islands, for the simple reason that the Cayman Islands became a settled Colony long after the year 1189, so that it would be quite impossible to prove that any custom existed here from the year 1189, and that being so, then a custom, according to the Common Law of England could not be established in the Cayman Islands and it is my submission that it is for this very reason that the Land Adjudication Law uses the words, not common law custom or custom according to the Common Law of England, but "local customs", that is to say, a custom which is peculiar to a particular locality of the Cayman Islands and which can be established by a process somewhat analagous to the Common Law process in England, that is to say, if it can be shown that any particular custom existed as far back as living memory can go, then it would be my submission that if the Adjudicator was satisfied that that custom existed then he would be justified in making a finding that the custom did, in fact, exist. And in that respect, that is where his assessors come in and that is where his assessors would advise him in any particular case that in this particular area there is such and such a custom and the Adjudicator, if he accepted their advice, would find the existence of such custom.

Now, if what I have submitted is a correct interpretation of the term "local custom" then what follows from that, if the Adjudicator in any particular case found that a local custom had been established, then that would be a finding of fact by the Adjudicator - he finds as a fact because of the evidence before him, the evidence given by people who have sworn that as far as their memory go, old people, that such and such a custom existed, if the Adjudicator accepts that, after having taken the advice of the assessors, then he finds as a fact the existence of a custom. If he rejects it, he finds as a fact that no such custom exists, and the significance of his finding, the importance of that finding is that it is finding of fact from which no appeal lies to any Court, no appeal lies to the Grand Court, no appeal lies to the Court of Appeal in respect of such a finding. And so, I find it extremely difficult to appreciate why the Grand Court or any Judges of the Grand Court should be particularly concerned about the existence or otherwise of a local custom, because appeals

HON. G. E. WADDINGTON (CONTINUING) only lie on points of law.

Now, in my view to amend the section in the manner which it is proposed in the motion would mean that the Law would then give statutory effect throughout the entire Cayman Islands to what, in fact, may be a custom only in certain particular localities; and that, I do not think, would be correct because if a custom was found to exist in Grand Cayman, then as the law now stands, that custom would be given effect to, but if the section was amended as the motion suggests, requests, then that custom would become a general custom throughout the Cayman Islands and would apply, not only in Grand Cayman, but in Little Cayman and in Cayman Brac as well, something which might not, in fact, be a custom in those areas. And another difficulty would arise, I think I will refer a little later on to a particular decision which was made by the Adjudicator which emphasises the difficulties which could arise with such a definition as proposed in the motion in cases there were owners of several parcels of adjoining dry land and with irregularly shaped boundaries and with an irregularly shaped swamp. Considerable difficulty would arise in deciding exactly how this half of intervening land should be divided.

Now, at this stage, Mr. President and Members, I would like to quote from the decision to which I just referred. Now this was a decision of the Adjudicator and it shows that, so far as he is concerned, he experiences no difficulty whatever on this question of local custom, and the decision in that particular case which was one of several cases in which the Crown had petitioned in order to claim land which the Records officer had recorded in the name and favour of private individuals, and this was what the adjudicator had to say - in the course of his decision - I'll just read the relevant portion. He asked himself the hypothetical question - he says -

"Is half way into the swamp an accepted custom in all cases between adjacent dry land owners? My assessors whose advice I am not bound to abide by, tell me it is, but since they are appointed specifically to give me advice upon local custom, I would <sup>have</sup> to have very strong grounds for not taking their advice, and then he goes on with the decision and towards the end of the decision he says this "I accept that the custom is that swamp land, lying between the dry land is shared on a half and half basis between the dry land owners, and that there is no known or agreed limit upon the amount of swamp land which may be so shared, that this custom makes for considerable difficulty in division where the swamp is of irregular shape and where the dry land owners are butting the swamp are more than two and themselves have differing measurements of bounds abutting the swamp is obvious, but the very large majority of dry and swamp land owners who have already come to agreement upon bounds without recourse to the Land Adjudication Tribunal is indictive that the custom is honoured and effective".

Now, Mr. President and Members, apart from anything else it seems to me that it is - as I think the Member for West Bay who <sup>spoke</sup> earlier on the motion said that it is rather late in the day to seek to amend this section. The Land Adjudication process has already been completed in large areas of the Islands, and it would seem to me to be inequitable to now change the section and thus perhaps affect the rights or the liabilities of land owners, the title to whose land have not <sup>been</sup> adjudicated, whereas other land owners have had to submit to adjudication under the present section. Apart from this, there may also be cases in which appeals are now pending and I think it would be wrong to effect a change in the Law which might have an adverse effect on one or other of the litigants.

HON. G. E. WADDINGTON (CONTD.): Finally, Mr. President and Members, the motion referred to opinions expressed by two Grand Court Judges, and by learned counsel, but it is perhaps unfortunate that we haven't got before us any decision of the Court, any record of the Court in which these opinions were expressed, even although they might have been expressed obiter dicta. The opinions of these learned gentlemen are like any other opinion - their own - they may be right they may be wrong, but at least I think it would be wrong for us to seek to amend this important section of the Law merely on the ex cathedra pronouncement of persons, however imminent they may be in the judiciary or as counsel. I think that the time perhaps would come to make this amendment if we had before us a decision of perhaps the Court of Appeal in which the court adverted to the section and expressed <sup>the</sup> view that the section was vague, or impossible of interpretation and I think that it is only if we reach that stage that we should consider making any amendments to this section.

So, Mr. President and Members, for these reasons I find myself wholly unable to support this motion.

MR. G. HAIG BODDEN: Mr. President, it is quite clear from my barometer which way this motion will go. We have heard the legal opinion, we have heard one Elected Member and anybody who can add two and two will know that automatically there will be eight votes against this motion, the others may as well pack up and go home. But even if I am in a minority I will exercise my rights to have my say. I can't agree with the two previous <sup>speakers</sup> that it is too late in the day to make an amendment. It is never too late to make amends, it is never too late to right a wrong if you believe there is a wrong. I think it is time <sup>they</sup> that we give back to the people the rights and privileges which <sup>they</sup> enjoyed before the coming of this Legislative monstrosity known as the Land Adjudication Law. This Law I believe was the first one in a series of Laws which have been nibbling away at the inherit right of our people.

The Law, this Law has many defects, defects which have been brought to light by due process in the Courts and by workings outside of the Court, the Law contains anomalies and ambiguities which have been exposed, as the Lady Member said, by recent public hearings in the Court. The amendment before us seeks to correct an existing ambiguity in the Land Adjudication Law and it is a very commendable action on the part of the Lady Member who presented this motion. I am surprised that Government itself had not heretofore taken the initiative to correct the inconsistencies and the defects in this Law. But we can pardon Government because it has a right to take its time and to move slowly and to function in its tardy and ponderous manner. But if the Elected Members see and hear what they believe to be defects they must seek to correct the defects by presenting a motion for consideration. So the Lady Member has acted in her capacity as a representative of the people, and had every right to present this no matter how late in the day it may be. I am also happy that I was called upon to second this motion, the Member for North Side had to be absent in another meeting and I am hoping I can draw this out long enough that he will <sup>along</sup> still be able to throw in his contribution and to make his vote <sup>with</sup> the mover of this resolution.

Now for what I have heard the Judges in the Court and the Adjudicator at the Tribunal hearings have been nonplussed in trying to determine the meaning of Section 16 (2) (a) of the Land Adjudication Law. I have before me six or eight may be six different decisions handed down by the Tribunal some of them were quoted from by the Second Official Member, and in reading these I can clearly see that Section 16 (2) (a) of this



MR. G. HAIG BODDEN (CONTD.): Law is not an easy section to deal with, and if we can/anything to make its terms more explicit we should so.

A few years ago the thought had been expressed that the Cadastral Survey and the Land Adjudication Law would put an end to all our land worries, I am here to tell you that it is just the beginning, and even if the worries are ended when the survey is completed taxpayers will have to begin to worry about the property tax, because the purpose of the Cadastral Survey is taxation. But the situation remains that people who heretofore thought they were owners of swamp lands, cliff and button wood find that they have a new rival in the form of Government. In my possession are many decisions handed down because Government petitioned the Tribunal in an effort to procure swamp land which had been in the possession of people before the survey. In fact this one here that I am looking at now is a petition that was brought against the First Official Member of Government, but luckily Government did not succeed in its attempt, in its bold attempt to take on to itself this land which according to the decision of the Tribunal was rightfully the possession of the First Official Member. There/are many such decisions here, what I think the Lady Member had in mind is to put an end to this, because what is really happening is that poor people, the man on the street has now to fight to retain the swamp land which he once had.

The land owner should not have to fight Government, this Law could be so clear and so unequivocal that his rights would be guaranteed, his rights would be clearly defined. The proviso which is/<sup>the</sup>subject of the amendment seems to be bent on obfuscating rather than illuminating Section 16, the Lady Members' <sup>proposed</sup> amendment would seek to make this much clearer. We must do everything in our power to help preserve land values in the Cayman Islands. We are now witnessing a steady decline in our economy, in land sale, in land development and we want to put all the blame on the world recession. But such a Law as this one, together with the preposterous Development Plan must play a part in our recession. So we can't lay all the blame at the foot of the people in Wall Street, and the people in London, while we may be doing things here to prevent outside investors from purchasing land which they may not be able to use.

I do not intend to go into these decisions, some of them have been quoted before the Second Member from Bodden Town will deal with some of them, but there is food for thought in those decisions. Why were the petitions made in the first place, why has Government not succeeded in more of these petitions? Are they taking advantage of the loop hole in this Law in this section which we are seeking to amend. In dealing with this subject there is one other thought, what about rights of way, when Government get this swamp land in the heart of nowhere are they then going to ask the people to give them rights of way for property they have taken from the land owners, will that be right, can they seek access to lands that have/<sup>been</sup>taken from the land owner through whose land they will have to go to reach the newly acquired land. The resolution states that complications have arisen in trying to determine what is meant by this section there has been confusion and disadvantage to people who have appealed to the Grand Court; all the amendment before the House is doing is trying to make it a little clearer what is meant by the words of the proviso Section 16 (2) (a), and this House must examine it closely and must take the necessary steps to straighten out this section.

Finally in closing I want to make one point and this/<sup>is</sup>that the proviso states "provided that where it is established that a parcel of land includes an area of swamp or cliff land, occupation or use of other areas of such parcel shall be deemed

MR. G. HAIG BODDEN: to imply possession" yet in a certain decision it is stated that it is not automatic. Let me read the exact words "the automatic division of swamp land between adjacent dry land owners should not be encouraged, and each claim of swamp land examined on its merit pending the political legal decision which is necessary to lay down the guide lines for adjudication of swamp lands on Grand Cayman", so that while the proviso says that where you can establish that any parcel of land includes an area of swamp or cliff land, occupation or use of the other areas shall be deemed to imply, it seems very straight forward to me, the Adjudicator interprets it to <sup>mean</sup> that the division does not follow automatically but depends on the political, and what this has to do with it I don't know. Depends on the political contingency. To my mind action has been taken which is contrary to the guide lines laid down in this Adjudication Law, because the proviso specifically states that where you can prove that your parcel of land includes an area of swamp or cliff land, occupation or use of the other areas of such parcel shall be deemed <sup>to</sup> imply possession, yet the powers that be interprets that on page two of the case of Edward E. Seymour, and James Seymour versus the Cayman Islands Government to be that while the Crown is automatically allocated unclaimed land it is clear from the evidence in submission to this hearing that where private individuals are not in possession of good documentary evidence <sup>as</sup> to the title swamp land, they must prove possession <sup>in</sup> accordance with the Law, the automatic division of swamp <sup>have</sup> between adjacent dry land owners should not be encouraged.

So we do need to examine this, it no good shutting our eyes saying that the time is too late, because a housewife was unable to serve her lunch at 12 o'clock it doesn't mean that she must not serve it that 3 o'clock, so it is not too late regardless of <sup>what</sup> the legal opinion may be on it, it is never too late to make amends, and I am asking the Members of this House to support this motion which has been put forward by the Lady Member from George Town and which through a little quirk has been seconded by me. It is very worthwhile of consideration, and I think the section should be amended.

MR. CLAUDE HILL: Mr. President and Honourable Members, I rise in support of the Private Member's motion.

The resolution speaks for itself, the resolution states "BE IT RESOLVED that steps be taken to have the Section 16 (2) (a) as quoted amended in such a manner that it will be clearly defined that the meaning of "local custom" is that, one half of all swamp, cliff and button wood land be equally divided between adjoining land owners, and that the Legal Department be instructed to prepare the proper amendment in time to be presented at the next meeting of the Legislative Assembly in November, 1975 to be dealt with.

We have heard from the Second Official Member - the Law relating to the motion - he clearly outlined his points. Although <sup>as</sup> a layman, in his out lining I am not clear with what is existing. The mover of the motion also clearly out lined what the motion seeks. This motion is based on quite a number of cases that have arisen, and on account of lack of knowledge as to how they should be dealt, this why this motion is before us to day.

We hear that the Cayman Islands was settled in the year 1503 and that certain things existed, and it was local custom for swamp, cliff land and button wood land to be divided equally, but with the land crave that now exist - trouble has arisen out of this. Mr. President, this motion has given us food for thought, regardless of how some of us may look at it - they also said that we are late in seeking this, but I do not think for one minute that you can be late on something like this which existed from the year 1503.

MR. CLAUDE HILL (CONTD.): This motion seeks for a proper definition of the term or words used "local customs", and this is why I agree that some definition should be placed - where Judges in our Court can make a decision without being at a quandary. There must be something wrong why the Tribunal fails in executing his duties as far as swamp land, button wood and cliff is concerned. We know, Mr. President, enough to disbelieve, but we do not know enough to accept, and with that, Mr. President, I thank you very much, and I hope that Members here will consider this motion before just throwing it out of the door. Thank you Sir.

HON. W. W. CONNOLLY: Mr. President and Members, a lot of what probably I would have touched on has been so ably and competently taken down paragraph by paragraph by our learned Second Official Member, that I am sure that it wouldn't make sense for me as a layman to try to go over those grounds.

But as the Member whose portfolio Surveys come under I thought that I would try to give the House a little bit of the run down on the development of the Cadastral Survey. Now, it is true that the minds of some people here who have always been against the Cadastral Survey, any opportunity that will permit them to bring a motion .....

MISS ANNIE H. BODDEN: Mr. President, that is <sup>not</sup> the purpose behind this. I resent that. I do not like aspersions being cast on my integrity

HON. W. W. CONNOLLY (CONTD): any opportunity that can be seized to bring a motion will be done. Nevertheless we have here this motion which seeks to amend the Land Adjudication Law. Mr. President and Members, if we go back to the history of this exercise in the coming into being of this Law, I think we will see clearly that the whole object of this Law was to have a Legislation whereby titles to land in the Islands would be settled once and for all in a very orderly and best manner that it could. Surely lands in these Islands have been the subject of dispute over the years, and when I am talking about disputes, I am talking about the disputes as far as titles are concerned. I don't think that anyone in Government ever <sup>is</sup> said that this would be the end of land disputes, I think this <sup>is</sup> being misconstrued, I think the idea is that this will be the end of land title disputes.

In determining the type of Legislation or the type of Survey that was necessary to bring this land in the Cayman Islands under some orderly and proper registration system, a lot of thought had to be taken of, as the learned Attorney-General said "possession". It was clear to everybody that a lot of people owned land in these Islands that they could not legally, or in a Court of Law defend their title to such land, and as such the Legislation - the Land Adjudication Law was legislated to allow persons who were in possession of these lands to have the easiest and best possible means of bringing claims - or presenting their claims. A lot of land documents, I know you will agree with me could not go into a Court of Law, titles could not be defended under the rules of legislation dealing with land holdings, evidences that are inadmissible in a Court of Law could be made available to the Adjudication process. And when the resolution states that there is confusion in the Court over this particular section I fail to see how there could be confusion. Because "local custom" as was stated previously is a custom that existed in certain areas of this Island, and the Law made provisions for the appointment of people who would have knowledge of these local customs. If the learned Judge is looking in the Laws of England to find what is Cayman local custom, I am saying with the greatest

HON. W. W. CONNOLLY (CONTD.): of respect that it will not be found, because the Law here as it stands says that the local custom would come from these Assessors who will be local persons, in the area, who would have this knowledge, and no where in the Adjudication process have I seen in all of the decisions that were made - have I seen where that these local customs have<sup>not</sup> been followed.

Further, apparently the cause and concern for this motion came from matters arising in the Appeal Court, either in the Grand Court here or the Court of Appeal in Jamaica, and if we look at the section dealing with appeals under this particular Law - Section 23 Any person (including the Administrator) who is aggrieved by any act or decision of the Adjudicator and desires to question it or any part of it on the ground that it is erroneous in point of Law or on the ground of failure to comply with any procedural requirement of this Law" may do so. I don't think today that an appeal on the local custom can rightly be made - this<sup>is</sup> a matter as far I am concerned for the Adjudicator, and if the Adjudicator is satisfied from his advice from his two Assessors that local custom in the particular<sup>area</sup> says that half of the land area of cliff or swamp be divided, I have no place in<sup>the</sup> records that he has gone against that.

Again it is not surprising to me that we have differences of opinion in a Court house, because we have a saying which<sup>goes</sup> something like this that great minds think alike, but ~~surely~~ surely we don't see that displayed in Court, there is always two great minds who think and express themselves differently and then we have a Judge who again might think differently. So this is not upsetting, and I believe that this is the reason why we have these processes of Law. I take a bit of exception in one of the WHEREAS in this section where it says that this situation has led to confusion and disadvantage to land owners who have appealed to the Grand Court, and it is a reflection on Legislators and has been so expressed. I don't know whether it has been expressed by the Member who moved this or the two Members that have moved it, or whether it has been on the outside<sup>or</sup> where, but naturally if it was made any place I think this<sup>is</sup> a normal process, - there is no Legislation in the world that doesn't have probably more professional<sup>Lawyers</sup> than we have in this Legislature, and I am sure that we<sup>the</sup> have a lot of matters going up to Appeal Court from Laws<sup>is</sup> that<sup>the</sup> respective Legislators enact, so I should feel that this<sup>is</sup> no reflection on us, I think our main job here is to put in the political impact - whatever that is - in the Law.

I am a bit surprised about this resolution, speaking on it generally, because a few months ago I was approached by a delegation of members who wanted an assurance from Government that the Land Adjudication process would continue in the Eastern end of the Island as it was going in the Western end. They wanted that assurance, and here today we have some of those Members wanting to change in mid stream, surely this a derivation from the way, or the approach that they made to the Member some months ago. Because if this Law is amended as this resolution states, I can assure Members there will be changes, and big changes. Come to the point of Crown land ownership, and this has been one of the reasons, I believe why this Resolution came into being. It is a fact that long before the Adjudication process came into being Government intimated interest in certain swamps. We have - I can name the different areas - we have in Snug Harbour on the West Bay beach, I think in Prospect Park in Omega Bay estates where the proprietors of those properties paid Government a sum of money for whatever interest that Government may have had in them - as a waive of their interest - it is recorded so it is not a new thing that has just come up about Government's ownership of swamp land, and I can take Members a little bit further back. If I go back to 1961, in the days when we had the

HON. W. W. CONOLLY (CONTD.): Cayman Reclamation Company who approached Government for the purchase of that swamp land on the East side of North Sound. The company consisted of people, who were members of Board of Directors, who were then Members of the Executive Council of Government and also Members of the Legislative Assembly, and surely they thought that Government owned this land, because they made an application to Government to purchase it. Three thousand acres of swamp land in 1961 for one pound per acre, that was the request made to this Government, and the only reason why that land wasn't purchased from Government is because the company folded before the contract was finalised. If that company had bought that land from Government then it wouldn't be in the possession of certain people - or certain people wouldn't be claiming it today. So it is not an after thought for Government to claim land - the claim to swamp land as far as Government is concerned has always been here, I would say the claims to certain swamp land by individual people is a new thing - this has only come up since the Cadastral Survey.

The issue - a lot was said this morning by a member about the decision in an area in South Sound - that is true - Government had a stack of petitions, and there was good reason for this stack of petitions, because there in one of the instances we found that the person had bought - I think it was four and a half acre plot by dimension - recently purchased giving the boundary, giving the size, and when the Cadastral Survey went in the Demarcator went in that particular person wound up with some forty or fifty acres. Now evidently the person who would have been the original owner of that swamp, when he sold that to this particular person he didn't feel he had any interest in it or else he wouldn't have sold somebody four and a half acres of land for him to get forty-four in the end. When we went into this matter Government felt that it should be petitioned, and it were petitioned, but evidence from certain owners - and this is why you go to Court - you make a claim somebody has a better claim - there were people there - and if you read what the Adjudicator said it was found that it was local custom - half of the swamp was included in these lands, and he ruled against the Crown - there wasn't any sense in proceeding with it, because there were similar instances - if he ruled against one naturally he would rule against others, and in fact I believe, if I can remember correctly I told the delegation that came to me, I was going to make a test case of it, and the Adjudicator would rule accordingly. I don't think this should be any surprise to anyone.

Now there are areas of swamp in this Island that I believe that local custom, the local knowledge in these areas will admit that no one ever claimed these lands, no individual private person has ever claimed these, and if no individual person privately has claimed them, definitely they are for the Crown, because if you read under the section of the Law which says - I believe this one going on a little - the section that gives the direction - Section 17 "All unclaimed and unoccupied land shall be deemed to be Crown Land". I think that for us to change this Law or attempt to change it now would be very unfair to the people who live in the Eastern part of this Island. At the present time the Cadastral Survey has finished West Bay, George Town, Prospect, pass Savannah most of the work in Bodden Town has been done, North Side, Cayman Brac. The last area on this Island to be declared has just been recently declared and that is the Eastern end of the Island - Little Cayman has been declared, and I think work is completing on Cayman Brac and Little Cayman shortly. So far on the Registry we have over 7,000 parcels of land that have been put on the Registry. And in all these areas, West Bay,

HON. W. W. CONNOLLY (CONTD.): George Town, Prospect, Spots, Savannah and Cayman Brac we have a total of little over 100 disputes, and most of these have been settled on the spot.

I do not see where that even if its the way the Law is worded now presents a problem of determination by the Appeal Court where that it matters that much, because today surely/legislate for the majority of people in the Island, even though the interest - the voice of the minority must be heard in a democratic society, but surely there is no Legislation, there is no how we could amend this that it wouldn't effect some, and what I am saying here that even the way it is worded now, even/it has affected any they have been in the very, very small majority, one or two cases. Another thing I believe that has been said this morning that there are matters now pending appeal which it is very bad - I believe today that the Honourable Judge of the Court would say that it is a bigger reflection on Legislators while matters are in the Appeal Court we attempt to amend the Law - I believe he would have greater reason to say so.

The Cadastral Survey, as far as I am concerned is moving on quite nicely, and I believe that a lot of people had more concern and worry over it - I believe a lot of people saw a lot lions in the way - is a matter of suspense in some people, but I believe most of this/cleared up and I am a bit surprised that a Resolution at this late hour of the day, I am not stressing my point of not amending it because it is late, if it had come from the beginning I would have opposed the amendment under how the Law is written, because it is not for the Appeal Court to look for local customs, it is for the Adjudicator to look for local custom, and if someone appeals on local custom to the Court, then I feel the Court had no jurisdiction to deal with it. I have all the decisions here in the matters - I've brought along files dealing with several cases and there is no doubt in my mind that the Adjudicator is conscious what local custom is. In one of the cases here that I have before me he said "my decision therefore is that Mr. .... is the owner of the dry land he claims, and that he is entitled by local custom to include in his parcel the swamp extending half way to the sea in the North", if you take these decisions down in every instance he says according to local custom. Once the Adjudicator is clear in his mind what local custom is, and he/<sup>has</sup>adjudicated on that it is my opinion that no Appeal Court can upset it, not on that particular ground.

I know we are going to have probably some cases where the Crown is going to petition, or going to claim certain swamp land, this/<sup>is</sup>true, and the Crown will be right in claiming interest in certain swamp land. Because if you write into this that half of the swamp or cliff between two parties then you will have to go over and upset a lot of what has happened, because the Crown is owner of the high water mark on the sea, and we have instances here where the Adjudicator that he has found and given this person directly to the sea, and if you're going to write into the Law that this half and half, then I am afraid that the Government is going to claim more land than they/<sup>would</sup>claim as it /<sup>goes</sup>now, because it is left now to local custom, and whatever that is in each respective area. It might be argued that the Assessors don't know what local custom/- but I think it has been the duty of the of the powers to be to appoint people who have knowledge in each area, and I believe this happened throughout the Island, and I believe that to move this motion - its not a bad thing, but I believe for this to succeed would give the people more problems than they would ever have, and the Honourable Mover of this motion told me outside that she knew that I would be against it, and I guess she was right because great minds think alike.

Mr. President I am opposed to this motion.

MR. JAMES BODDEN:

Mr. President and Fellow Members, yesterday it was shown in this House the co-operative mood that everyone was in, and it also shows that the opposition can many times agree if it is a worthwhile thing, unfortunately it is very seldom in this House that anything seems to be worthwhile. Yesterday the mood was so good in this House that even the Fourth Elected Member to Executive Council had to sort of get up and oppose his own side just to hear his own voice.

In considering the Motion that is before the House, we definitely have to take many things into consideration, and I would like to touch on some of them, and I would like to explain my interpretation of some of them. It is true that in the past there have been many disputes on land in the Cayman Islands, and I am sure that although we have disguised<sup>it</sup> by instituting the Cadastral System, which would cure all ~~ill~~ that it has not come to an end. For us to even consider anything about land titles in the Islands, we will have to go <sup>away</sup> back into history. We must remember that this Island <sup>there</sup> were some land grants years ago, and to try to pin point any of those would be impossible today, and I am sure that in most cases none of those land grants were really lived up to, so from that point there was really nothing to substantiate the titles other than it being settled land. This is where our claims are coming from and where all of them will stem from, because there have been no legal documents passed down - less say from time immemorial in this country.

We must think about this, Mr. President, because when most of the land owners today - when their ancestors settled this country they did as they did in <sup>the</sup> old West in the United States - they just went out and claimed, and wherever their eyes could see was what most of them claimed. This happened in all areas of the Island, and that is why we have had a lot of disputes because there has really been no documentary evidence to back up many of these transactions. In doing what I said awhile ago was done by them - by going out and sort of claiming as far their eyes could see - their claims did take in a lot of swamp, button wood and cliff. Now Mr. President, all of these lands are very usable - to me the roughest part of it is the cliff, <sup>because</sup> it is hard rock and difficult to work, but we take the swamps and if we define swamps as swamps would be defined in the dictionary we do not have swamps in the Cayman Islands. We go <sup>to</sup> some other country and see what they call swamp and it is an endless bottomless pit of mud with saw grass. We do not have that here.

If we look at our swamp lands we will find that it is some of our best land in the Island. What has caused it, Mr. President, is that years ago, whether this Island was formed from a volcano or whether it is the continuing growth of coral, I am not wise enough to know - this Island does have a hard cap rock over - just about its entire area. This has caused over the years for water to settle on it <sup>for</sup> humus to build up because the Island is very flat and there is no where for this excess water to go. Once that hard cap is broken then you get the penetration and we do not have any more swamp. So my first argument would be that we really have no swamps in the Cayman Islands as swamps would normally be defined. Because it is good productive land.

We take the land that we call Button Wood the same thing applies to that - some of the best pasture land in the country is what is known as Button Wood land and it has raised many a family in this county. Now why all of a sudden should we deprive these people of the right that they have actually enjoyed for many years. Years ago it was not too easy for people to cultivate the swamps - it was not easy for them to reclaim them, and is why it is very difficult for them to prove any claim by

MR. JAMES BODDEN (CONTD.): possession, because as I pointed out a while ago there has been very little documentary evidence in this country when it comes to land title so you have to fall back on possession and on the settlement of the country. This I think was one of the big deficits in the Adjudication Law when it was put through this House, and that was that "possession" was not properly defined. I argued that point on platforms in several areas of the Island and I still do. "Possession" should have been properly defined and not left to the discretionary point that it has been left to.

Mr. President, it is not easy in this House to try to get anything passed. If it comes from this part of the House because the Constitution puts it that way - we have the collective vote and we know that from the time something is tabled in this House it is lost, the only reason that we continue to bring them, Mr. President, is so that they will bury themselves up with the number of things that we have brought. It is not because any of us have any dreams to think that any of these will go through, we know that from experience. Mr. President, I have voiced it before and I voice it again that a wrong interpretation is being placed on the collective vote .....

MR. PRESIDENT: I don't we are discussing this particular point in this debate.

MR. JAMES BODDEN (CONTD.): Mr. President, it is quite relevant to the point that I am bringing up Sir, because the Constitution gives us a collective vote and it is difficult to secure anything in this House because of that, and the point I wanted to bring out Sir, was this. We had a meeting this very Assembly with a Colonial Office representative who was supposed to have given us the legal interpretation from White Hall as to how this collective vote work, and may be if we had gotten that by this time instead of it coming by carrier pigeon motions of this nature which affect the well being of everyone in this Island would have a chance to pass this House, that my reason for straying from the point Sir, is to build up and show this House why it is impossible for a motion to pass this House regardless of the merits that are involved in it.

We were told throughout this Island that the Land Adjudication system would unit all Caymanians, we were told it would be a settlement of all family strife, now these are words that were told by the Government side in sponsoring this bill, we were told that this Island would experience a Utopia that had never been dreamed of before, and I would be very foolish to stand here today and did not say it that the Adjudication system has not helped, because it has done a lot of good in many cases, but that does not mean, Mr. President, that it is not also defective, it does not mean that there also might not be some thing wrong with it. It is a pity the way the people of this Island are sometimes deluded and anything is crammed down their throats just because two or three people think it is best for the country, it is time Mr. President, whether it is on this motion or another motion that may come to the House that the man in the street, the people out there who constitute this country, and build this country have their voice heard in this Assembly and accepted, and we will never have it Mr. President, until we get this definition of what collective vote really means. (Will let you laugh a little bit more later on).

Mr. President, the Land Adjudication system in my humble opinion is only one of the many recent Legislation that have caused the private section and the investor of this country to doubt the sincerity and the wisdom of our Government, and I am prepared to back that up Mr. President, because I can show you



MR. JAMES BODDEN (CONTD.): letters in my file from many investors, people who have invested here in the past and were glad to invest, and who today are getting very scared, who today are beginning to wonder whether there is any chance of them even getting their original investment back, they'd be glad to do that. It is time that we wake up - we can blame the recession - we can blame any thing else that we like, but, Mr. President, a lot of the blame lies in this Assembly, when people think that their inherent rights are being taken away from them, and don't tell me that is not/believe that is prevalent today because it is, and all of this is relevant, very relevant, Mr. President when we consider the motion before this House today, and the many motions that have been here before.

I came in unfortunately a bit late, and there was a speech going on dealing with the advice of the Assessors. Mr. President, most of the Assessors that have been appointed so far, I consider them very good friends of mine, but Mr. President I also have to say this that when I go there and see them sit as status, it makes me feel that they are belittling themselves, it makes me feel that we have once more down graded our worthy citizens, and I say that without/<sup>any</sup> fear of contradiction. Because I have also heard the Adjudicator say - I will not be bound by anything they say - I do not have to take their advice - why do we have them there - you know why we have them there, Mr. President - just like you have five of us on this of this House - window dressing. It is no use of anyone telling us that we must agree with the Law, and be content with it just because we have two of our local people who are appointed as Assessors on that Board. Their voice means nothing, and all of us know it. It is only an additional expense to the Government. It would be much better if we did not incur that additional expense.

I heard some reference made of there being no appeals to Grand Court on such findings - I am a little bit confused on this - I don't think I have it completely written down the way it was said - but there must be appeals to the Grand Court from this, because they are going on all the time - now I don't know exactly what legal back ground is involved in each one of them, but I do know that cases from that Tribunal go to Grand Court, and I do not think that they are barred just because we have the two Assessors sitting there.

It is quite clear when we read and research the different times that the Committees met in this House on the Land Adjudication Bill that the previous Legislators, including some of the present ones who were in the House at that time did wish to have what we consider local custom observed, but unfortunately those who held out for it in their wisdom by trying to protect the people's right were over ruled/<sup>come</sup> by the age old steam roller system, and that is why we have to/back in here today and argue, so, Mr. President, then you tell me that I had strayed and that it is irrelevant, it is not Sir, because for that very reason is the reason that we have to oppose so much in this House. Because you have to oppose 100% if you ever expect to get half of 1%.

It has been muted by the people of this Island for many years that the Adjudication system meant a land tax - now we are finding out that that is in the bottom of it - I'll pay mine - but Mr. President I am not arguing this because I am a large land holder, I would argue it if I didn't own a stick of land, but I think that/<sup>that</sup> is what the corner stone of this Island was built on, and when you take it away/<sup>buildings</sup> when you put your land tax on - just to get prestige/or so fourth - Mr. President, then we destroy every concept on which this country was built. We at that point are going down hill, we at that point have lost everything, and what we enjoy here in this country today is not just by accident it was because the people before us, although they might not have

MR. JAMES BODDEN (CONTD.): had a lot of education but yet they had the stamina to go out and face the world, bring their money back here, and build the country, and build the country on which you did not have a lot of bureaucracy to where money just went down the drain, that is why we have the type of country we have today, it is because of our ancestors building<sup>it</sup> and we should try to preserve it.

I've heard a reference made in regards to giving statutory effect to what is "local custom" at the present time <sup>that</sup> to do so would be unfair, because what is local custom in Savannah might not be local custom in Bodden Town. I submit, Mr. President, that is pure rubbish. The Island is 21 miles long, very narrow in some places and in some places about 6 miles wide - you're going to tell me that in a little place like this that such a thing as custom dealing with half of the swamp and half of the cliff, and such an important thing does not apply throughout this Island - it does, Mr. President and it has applied for years and years, and everyone of us if we will admit it knows that it has.

A point was made that if this motion was passed it would create great difficulties - in some areas due to the irregular boundaries etc. Mr. President, I cannot also accept that argument because we have experts, <sup>remember</sup> - we have experts in the survey field - like we have <sup>them in</sup> so many other departments, and I am sure that these experts would find nothing difficult in apportioning a little piece of land just because it is irregularly shaped, I am certain that those experts have more expertise than that.

Several Members before me have said that it is too late to correct <sup>is</sup> this mistake, I submit to this House that it is not too late, it <sup>is</sup> never too late to correct a mistake. Mr. President, and I know what I am going to say now for the second time in the House I will get some support from the Second Elected Member from West Bay, because I know he is going to agree with what I am going to say now - it is never too late to repent, because many sinners never repent until on their death bed - so it is no use of the House telling us today that it is too late for us to change this thing. I do not want to be like some of those that never repent until <sup>on</sup> their death bed Sir - so I am trying to repent, <sup>side</sup> and I believe that by this time we have one more vote on this <sup>of</sup> the House who is agreeing.

Mr. President, one Member said - I think that the advice of the Judicial in matters of this nature more or less should not be accepted - or something of that nature - I might be a bit wrong there - but Mr. President if we accept the advice of the Judicial in so many other points - I see no reason why we should not accept advice in this matter. I am sure that Members will say that because I speak the way I do on this particular point is because I do not want to see Government own any land - I'd like to dispel that from anyone's mind Mr. President, because I would be as happy as anyone else to see Government get their rightful claim, but I believe it must be a rightful claim, I do not believe <sup>that</sup> that they must own something that is not rightfully theirs, and <sup>we</sup> in owning that, must abide by the wishes of the people and must abide by what was local custom, but, Mr. President, what I am afraid of is that if Government own <sup>ed</sup> 90% of the land in this Island the same thing would happen with it like what has happened in the past with the little bit that they owned. It is a good thing we did not have more land that the Government owned, because there might have been several Watergates.

A point was made concerning good documentary evidence in regards to swamp land, I think most of us in this House sort of know the histroy of documentary evidence in this country, it is only for the past, maybe forty years or so that anyone has really paid much attention to becoming a lawyer, or setting up a law prctice in this Island, so for years there was

MR. JAMES BODDEN (CONT'D.): a deficit in that respect and many of the old documents were hand written and passed down from <sup>one</sup> member of the family to the other one - its only the past few years that the Record Office and the Registrar Office have been used - so, Mr. President, it is nearly impossible for anyone to really prove good documentary title to any <sup>land</sup> in this Island - there are very few and that is why we are saying today that all the local custom must be held together, because there is not the documentary evidence to back it up. I would like that <sup>at</sup> this point Mr. President to say that I attended a meeting - I think it was last year in Bodden Town - when the Chairman of the Planning Board was present along with a Mr. <sup>Wraight</sup> of the Cadastral Department, and he assured the people of Bodden Town - in my presence - that the land between two dry land areas would be split between the adjoining neighbours - he assured them that there was no reason for them to cut into their swamp land because they would just do the dry land, and then at their good leisure time they would come back and divide up the swamp as they saw fit. Mr. President, I am here to tell this House that that is not so. When they came to the swamp areas that the poor people had taken their advice on and not cut the trails it was then put on the map as unclaimed land. The portion that had been claimed - they say no its owned by Government - but yet that is what we were told, and that is what we were told throughout this country, and that is why we object.

The Fourth Elected Member to Executive Council spoke awhile ago about a delegation that had come to him. Mr. President, it would take me a long time to tell the whole story about what prompted that, but let me sort of touch on it. One of the things that prompted it was what was said in one of the Cadastral Rulings in one of these cases here, concerning a directive that had been given to the Cadastral System when they first started in this Island, and then another one that was injected into a meeting on one of these cases, Mr. President that's what prompted it - we wanted to find out what was the difference between these two directives. Mr. President, the one that was dated June the 9th of 1972 was the directive that sort of embodied the idea that was injected to this Law in regards to "local custom" - unfortunately in <sup>September</sup> September, 1974 there was another directive that surfaced and was held as evidence in one of these cases. Mr. President, you know what I am getting after - it is this - if we had not found that out and challenged it right away - the directive that would have applied to the Eastern end of the Island would have been the undated one which was put in in September, 1974, but by us finding it out and checking it out they still had to use the one of June the 9th, 1972 - that was the intention Mr. President - I was hoping he wouldn't put that in because I didn't want to tell the story behind it. I am leaving the half out because the half that I have told has more implications than the other half.

Some Member said about the settlement of the Island from 1503, as a matter of pride I would like to clear that up. I have researched quite a bit and read quite a bit of history on this Island, and I do not think that we were settled in 1503, I find the references going back to those stupid Boddens who came in 1698, and are still here. So we didn't come in 1503.

Right here, Mr. President, are records of decisions that were handed down by the Adjudicator - one was on the 27th of '74, and he deals with possession and he said that "they must prove possession in accordance with the Law, the automatic division of swamp land between adjacent dry owners should not be encouraged, and each claim to swamp land examined on its own merit pending the political legal decision which is necessary to lay down the guide lines for the future Adjudication of swamp <sup>land</sup> on Grand Cayman in this particular hearing the petition is upheld". Now what I am getting after there, Mr. President, is to show this House although we are trying to abide in this Law by local custom, it is only for the good intentions of

MR. JAMES BODDEN (CONTD.): whoever maybe the Adjudicator whether that is upheld or not, because he is plainly stating it here.

We have another case 2.10.75, and this points out a very valid point, Mr. President, where one of the Lawyers said that it would be grossly unfair to award one dry land owner adjacent swamp land merely because he was astute enough to have a local custom written into the deed, whereas the neighbour equally cognizance of the custom did/<sup>not</sup> do so. That is in regards, Mr. President, to the little slip-ups that will occur - what I was pointing out awhile ago in saying that its only in the last few years that we have/<sup>been</sup> blessed with so much legal talent, because up until that time most people sort of drew their/<sup>own</sup> documents, and they could not foresee that fifty years away from it that this Assembly would get that greedy - that it would come in and try to put in a Law that would take away a piece of land just because he didn't put "by" or "to" or something of that nature - just because he slipped-up just because he was not intelligent enough to think that far ahead and put that word in - its a few of them that did it, and those few I think are getting their land - the other ones have to fight for it, and I agree that you should sometimes fight for it too, because it is much more pleasant when you fight for something. But the Adjudicator was wise enough in this decision to state "I accept that the custom is that swamp land line between the dry land is shared on a half and half basis between the dry land owners, and that there is no known or agreed limit upon the amount of swamp land which maybe so shared" - this would help to deflate the argument of the Fourth Elected Member awhile ago when he said that a person had bought four-and-a-half acres and wound up with about forty - the Adjudicator himself is saying here - although I don't think I would completely agree with him myself - but he is saying that just because a man might own one acre it doesn't mean he can't own another twenty. The Adjudicator again in this hearing, Mr. President, did abide by local custom, because in his decision he said "agreement upon bounds without recourse the Land Adjudication Tribunal is indictive that the custom is honoured and effective" - but he did add one clause to this Sir - "having accepted that it is the local custom for neighbouring dry land owners to share the intervening swamp land. The Tribunal is not bound by this decision in future cases involving swamps, but it is in everyone's interest that the decision making should follow as consist nt a pattern as possible" - so Mr. President, it is necessary , the Adjudicator himself is telling us that it is necessary to give him more tools and better tools to do this job with.

I would submit, Mr. President, that we would save a lot of money, we would save a lot of time and needless Court hearings from both sides - Government as well as the people, if this Law was properly defined - it would alleviate a lot of difficulties that we now face. Someone said that we couldn't appeal on custom. Section 23 of the Law, Mr. President, points out that you can appeal on procedural requirements, and my point is, that procedural as outlined in Section 23 of the Law would be a point of Law, and it could be subject to appeal. A Member brought up about the quick claim which I, for one of my companies secured from Government. Let me point out here, Mr. President, I was getting a dredging claim along with that I added the other thing with it and was lucky enough to get it. My reason for doing it was I had to have a good title to my land, and I did not want any dispute, but let me further say this to you, Mr. President, and you can check with the man that was here before you, and the one before him; when this done , when they came up about the swamp land I made an appointment and I went with the Director of MRCU, Mr. Foster, the Permanent Secretary and one of/<sup>the</sup> men who

MR. JAMES BODDEN (CONTD.): preceded you, Mr. Long, and we walked right through to where the water laps on the Northside Sound shore, and we had several discussions on the way, and when I put questions to Dr. Giglioli he readily pointed out that Government would not have much claim to any of that land in that area if the type of vegetation that was growing there grew along the shore line of the North Sound, he told the Administrator at the time that, because it was not salt water vegetation. I pointed out to him that day Mr. President, that I had owned or was a shareholder in over 600 acres of land in that area, and that it had cost a lot of money - hard earned money too - and it would also make a lot of six foot plots - if that is doubted you check with Dr. Giglioli and Mr. Foster - so if anyone doubted - that I was going to stand idly by and let Government take my swamp land - they another guess coming, because I did not threaten, but I said bluntly that a lot of six foot parcels could be found in 600 and something acres and I am always ready <sup>to</sup> take one depends how many was ready to take the rest, that is why I have a quick claim, it was not because I thought that Government had any claim to my land.

One Member pointed out that this would be unfair to people in the Eastern end, I point out that is not correct, because if we change this it will assure those people by statute rather than custom by discretion of their right. I also I heard a Member say that in this House we must always remember that we legislate for a majority, my God I am glad to hear people say that in this House, because Mr. President, here in my hand are some figures, and it shows according to these figures Mr. President that at this time our Government is legislating for the people with the voice of only 12.0708% of the registered voters of this country being represented. So I am glad to hear that we are finally waking up to the fact that we do legislate for the majority.

I can readily see after listening to the speech of the Fourth Elected Member to Executive Council why he would like to have this remain as it is with <sup>OUT</sup> this change, because he is going to base the claim on the swamp on the East End of the Island on the fact that Government owns riparian rights on the water front of the North Sound, and by owning that they have an ownership to the one half of the swamp on the local custom to where the man owning - say 1,000 feet now would only be able to claim 500 - that is why they do not want this to go through, because if this goes through it stops that, and I submit to this House, Mr. President, that if this was ever argued out in <sup>COURT</sup> Court of Law that that would be a very flimsy stand for Government to take to try to claim ownership just because of the riparian rights that have been vested in the Crown around this Island, and from that that they would be able to use local custom - I think that that would be flaunting local custom in the face for something it was never intended to mean - and that is why the Members on that side of the House do not want to change this, Mr. President, because if this <sup>is</sup> changed and put in <sup>to</sup> statute rather than Common Law then Government will have very little basis for any claim on that land. I too would like to see Government own it, but I still believe that a man who has owned <sup>his</sup> that land whoever he maybe by purchase or from inheritance from <sup>his</sup> great, great, great, grandfather should not be disturbed from it. He should have that right to know that he is enjoying the freedom and protection of his property without having to fight the great might of Government to own what is rightfully his.

I am hopeful, Mr. President, that this Motion although they have already doomed it to defeat that some magic spell we maybe able to get some of this through, even if its in an amended form, but try to give back the people the rights that are vested in them over the years by the forefathers of this country. So, Mr. President, I am very hopeful that the Members on that side of the House who represent only 12.0708% of the people of this country will give us their full backing - change their minds - see the errors of their ways and support this motion. Thank you Sir.

AT 2.30 P.M. THE HOUSE RESUMED

MR. PRESIDENT: Please be seated. Proceedings are resumed. We continue the debate on the motion by the Honourable Lady Member.

MR. CRADDOCK EBANKS: Mr. President, and Honourable Members, we have a lot of house-wives that make a particular cake but to get the best side of it she has to flop it over - they call it up-sidedown, so I suppose the debate on this is going somewhat up-side down as well.

I am sorry that owing to circumstances I wasn't able to be here at the opening of the meeting this morning to second the motion, but I thank my colleague for falling in and filling the gap.

From what of the debate I have heard I don't think there is so much more that I could add to it, but if I turn it the other way I will stay here for quite a while.

Mr. President, I realise that in most cases, at most times, any motion presented to this House from the elected members, the eight elected members on this side, its everything wrong with it. When a motion is presented from Government, by the Government Bench side there is everything right and good about it, nothing wrong, no room for argument, no room for debate.

One member spoke on this, it was the wrong time to make an amendment - I don't know if any time is wrong to correct a mistake. And if my memory serves me right, Mr. President, there has been a number of times when sections of bills that were presented to this House that we have argued and spent a lot of time on, we lost the vote on it - in a few months it is brought back for amendment - yet there wasn't anything wrong with it before.

Many a motion has been brought here and lost and when I said in the beginning there is a cake up-side down then it has been used many a time and brought back in a little different form, but the same motion, for the same reason, for the same purpose - but it couldn't be accepted as a motion from a member on this side of the House.

Mr. President, when the Land Cadastral Survey was in its first stage, I didn't accept it very far and as the days went by I felt stronger and stronger that the serpent was in the bottom, and one of these days you will be eaten up.

One member made reference this morning as to the dictionary's definition of "swamp" but to my surprise the Cadastral Department does not seem to believe the definition of words in the dictionary. Neither even the Head of Government, in the infancy of trying to introduce this, because when people (and I argued that, that it could only mean one thing in the end) and that would be taxation - no such thing - yet that is the definition in the dictionary, by the Head of Government that took the platform over the whole Island, told the people it wont cost you one penny. We won't know, this Assembly, if I am still in it, I won't know the true figure what it has cost.

In every good, Mr. President, there has to be some bad and in ever bad thing there is something good, but we haven't got all the good out of this that we argued for and we felt that we should have gotten, and it is not finished.

Mention was made that not so long ago Mr. Wraight visited the Eastern districts at least to tell the people what they should do about dry land, and swamp land and he made it abundantly clear to the public, "if you have swamp land don't trail it because we are not going to survey it". This is what he told the people in North Side. I told him I said "Mr. Wraight, if you don't intend survey swamp land don't bother to survey the dry land - that goes for me and my property". They will do it some other time - not in this case. We realised on the end, the Eastern districts, more or less, would get the worst part of it and what this motion is asking for, I don't see

MR. CRADDOCK EBANKS (CONTINUING) anything so unreasonable about it. Asking that something be defined as to giving both sides, whether it is Government, whether it is two other individuals, clear title by half and half. If they don't know what custom means and there are plenty of people coming into these Islands to do a job and when you ask them something they don't know - you still have to turn round and tell them what it is and how to do it.

No one should expect a Caymanian not to kill you for a piece of land, whether he got it from his father, his grand-father, whether he traded, or however, because it was the only one half of our livelihood - the other half was from the Mosquito Banks and all the years that we suffered in our hardships nobody came to our rescue - to say we needed this or we needed that or needed help. Much of those mangroves have been covered by fathers and grand-fathers and even mothers, barking mangrove trees to help feed and clothe their children. Even if we didn't have barbed-wire fence, we felt it was ours because it was our livelihood - it was part of our bread and this motion is only asking that it be made clear to the Courts and defined certain words so that they won't be confounded, as seem to be at times.

It has very well <sup>been</sup> said by one member that having two assessors - it doesn't mean anything - they are only wasting somebody's time because the Adjudicator doesn't have to listen, he doesn't have to take their word for it. Rule on it as he sees or feels, whether it is right or whether it is wrong. Yes, well you say we have the Grand Court to go, we have the Appeal Court, but you don't get that free - all of that costs money. No one can seem to think, or at least some members of the House don't see where it can cause or create any hardship on land-owners.

We have a Development Plan that should come before this House, I suppose, by the end of 1976, when into that there are areas that are allocated for hotel site development - John Brown has a one little piece of house property, house lot into that area - its not enough to build a hotel - you don't want to sell it - he wants to build a house there, but because its in a hotel zone area - then it might be fifty years from this before a hotel is built in that site - then he can't build a dwelling house there because it is zoned for a hotel area. All of that is hardship, because why should the man be forced to sell the piece of land if he doesn't want to, then he is being forced not to use it because it is in such and such a zone. Nobody may be interested in buying it, then the man is in hardship, he is in difficulties.

Mr. President, I am just hitting these one and one spot but I do go to the Courts a lot, I do hear some of the remarks from the Judges, whether it is a Justice of the Peace, whether it is the Magistrate, whether it is the Grand Court Judge, or what Judge - this is what the Assembly passed, this is what the elected members passed. We are not all, or I am not educated, we can all make mistakes, even is we are educated and I can't see why so much crowing, so much trying to press and kill the good intention of a member bringing a motion to the House - why not try to lets face it, argue it out, face to face rather than saying that all is brought then in it is wasted time and nuisance, and nonsense and it isn't worth this and it isn't worth that and what not. The same comes back, as I said, how many bills don't come from that side of the House, by the Government Bench and have to come back a few months after to be amended. We all can't see the same thing one time - we make a mistake sometime, we know we have made the mistake and to save our necks we have to search and dig to find it. Why not be reasonable and act like twelve sensible people that fourteen thousand people have put us here to represent them and try to solve our problem rather than saying it doesn't make sense to bring this here because it isn't worth the time and

MR. CRADDOCK EBANKS (CONTINUING) it doesn't worth this and that and what not.

Mr. President, I give my support to this and I hope that members will find the spot in their conscience to say that the people ought to have the best, ought to be first and give this motion their support. I thank you, Sir.

HON. V. G. JOHNSON: Mr. President, Honourable Members, I did not intend to discuss the motion before this House because the Honourable Attorney-General, the Second Official Member has ably dealt with the matter and I can only say that I entirely agree and support his comments.

What I would like to mention is, or what I would like to speak on rather is the mention this morning by one or two speakers that they know now that there is proposal for land taxation and I wondered whether this comment is stemming from the comment from the last issue of the Northwester which played heavily on a question and answer during the time that I addressed the Chamber of Commerce. What I would like to say to this Honourable House, Mr. President, is that in 1970 the Government mounted a fiscal survey in these Islands by a Fiscal Adviser from the United Kingdom, Tyrell. Among the fiscal adviser's report was a recommendation for a property tax - not a land tax - a property tax and the proposal there was to place a tax on offices and residential homes. This proposal merited consideration but because the Government was about to introduce a Land Adjudication system it was thought that it would not be wise to introduce such legislation or tax legislation at that time and so the matter was shelved. But there was, in fact, a proposal for a property tax before the Land Adjudication system was introduced in this Legislative Assembly.

The recommendation for the property tax by Mr. Tyrell, as I said before, merited consideration because it would have, in fact, provided Government with a fairly substantial sum of revenue. It was estimated at that time to be in the vicinity of a million and a half dollars per annum and so the recommendation has always been with Government, but, as I said, there was no intention of introducing it.

Now, at the meeting of the Chamber of Commerce, a question was posed from the floor as to whether there was any intention by Government to introduce a land tax and I replied in a straight-forward manner "Not to my knowledge". I couldn't have said anything else and that was that and it was a true statement - I know nothing about it. It was played on a bit and when the question was posed again "Does that mean no or may be" I jokingly said "What would be so objectionable about a land tax?" and especially knowing that this had been recommended by the Fiscal Adviser many years ago. I was surprised to see the Northwester playing so heavily on this (MR. JOHN JEFFERSON: Hear! Hear!) I thought that there were other things that they could have played on more effectively than trying to put forward the suggestion that Government had been thinking about a land tax. And I just want to clear this point, Mr. President, to make it known to this Legislature that there is no intention by Government of introducing a property tax or a land tax. (MR. JOHN JEFFERSON: Hear! Hear!).

HON. BENSON O. EBANKS: Mr. President, Honourable Members, I too, thought that I wouldn't have had to speak on this motion because I thought that after members had heard the contribution of the Second Official Member they would have realised that this motion, contrary to what it is being touted as, that is, a motion to benefit the people, that it would, in fact, restrict and work to the detriment of the people if we accepted this motion, but



HON. BENSON O. EBANKS (CONTINUING) so much has been said in the course of the debate that I find it necessary to throw my two bits in as well.

Now it has been said that those of us on this side never agree with anything that is said or comes from the other side. Well, that is, to begin with, not exactly correct and I want to make it clear that at least I agree with some of the things that they say and I want to say that I agree with the member who said this morning that utterances from this House are probably responsible for some of the recessionary conditions which we are experiencing at the moment. I'll agree with that, but, I cannot agree that the Land Adjudication Law is anyway responsible for deflating the price of land or for contributing to the recession that we may be experiencing, in fact, the contrary is true, because of the Land Adjudication Law and the companion Bill the Land Registration Law, persons are, for the first time, able to get in this country, a water-tight title to property guaranteed by Government. In the past there have been people who came into this country, bought land, built a house on it and found out that they had paid the wrong person for the land and had to pay for it a second time. Now, was that an inducement to investors to come to your country? This Law, the Land Adjudication Law seeks or enables people, to get, as I said, water-tight title, fool-proof title and a guaranteed title.

Now it was also suggested that member on this side do not represent the best interest of the majority of the people in the Islands, and Mr. President, if that was so, and I did not have more foresight than some of those members, I would support this motion today. Just to show to the public of the Cayman Islands what would happen to them if we were to just follow, blindly, all of the suggestions that come from the other side. This is what I, as a politician would do, if I were irresponsible, because there is no way that what is suggested in this resolution could work for the benefit of the majority of the people in this Island and I will illustrate this by a very simple illustration. It is sought to define "local custom" as saying that one half of all swamp, cliff and button-wood land should be equally divided between adjoining land-owners. Now I want to know how one is going to give half of swamp or cliff to adjoining land-owners if the number happens to be more than two. There are going to be irregular bits of swamp where multitudes of people will be butting this swamp or cliff and it will have to be equally divided as custom has had it done in the past, and this is what the law says now.

Members try to use a remark or a quotation from an adjudication ruling that was handed down to prove that it wasn't being followed, but I think that they were just proving the point that to put it in the law would make it unworkable - what the adjudicator was saying that in order to preserve the concept of local custom in each area, as it exists, there should be no attempt to make a hard and fast rule regarding the division of swamp land. When this bill was being studied in Committee, members of that Committee were reliably informed that the custom of sharing swamp land and cliff, for example, did not exist in the Island of Little Cayman and this was why local custom was put in.

I don't intend, Mr. President, to use up the time of the House to go into all of the legal ramifications of this because I feel that the Second Official Member dealt with this very, very efficiently, ably and if he was unable to impress or convince members on the points of law, I doubt that it would do very much for me to continue. But I must remark again, one member was talking about the definition of "swamp" in the dictionary and what caused swamp and that if once you broke the cap the water disappears and so on, well, I had a

HON. BENSON O. EBANKS (CONTINUING) - little bit of experience with a piece of swamp in West Bay myself and I am wondering if the then agricultural officer got his advice from that Member, because that piece of swamp used to settle water in the rain and for nine months of the year it was dry. The then agricultural officer recommended to me, he said "You must plow this thing and your water won't settle". I followed his advice and in two days I had a lake standing there, 12 months out of the year. Instead of the water disappearing it came up. So don't tell me that we don't have swamp in Cayman.

To get back to the meat of this matter this resolution, Mr. President, as previous speakers have pointed out there is nothing in this law that estops a person from gaining title to swamp and cliff land once they can prove that it is a part of the parcel of land which they are claiming, and the very section that is being sought to amend makes this possible, the proviso where it says "possession can be proved or established either by local custom or otherwise" and that if the parcel of land includes an area of swamp or cliff land occupation or use of the other areas of such parcel shall be deemed to imply possession of the swamp or cliff land also.

It has also been pointed out that irrespective of what is said in the motion that appeals under this law are appeals on points of law only or where there has been some - lets put it mal-administration of the law, but appeals cannot be made on a question of fact and once the adjudicator has decided whether local custom in the area gives cliff land and swamp to the adjoining land-owners well, that is a question of fact and not of law and it is not on this ground that an appeal can be lodged. The appeal regulations further state that in lodging the appeal it has to be sent to the Court under the signature of the appellant or his attorney-at-law and it has to state, has to specify the particular points of law, if any, on which the appellant relies in support of his appeal, the particular procedural requirements of the law with which it is allege there was failure to comply and on which the appellant relies in support of his appeal, the precise form of order which the appellant seeks from the court and an address for service within the Islands. So, this makes it abundantly clear that the appeal is on point of law and above all, Mr. President, the member responsible has quoted where over seven thousand parcels of land have been put on the register as final and binding and this means where the appeals have been settled and that of those seven thousand parcels only one hundred disputes arose throughout the entire adjudication, that is, disputes that went to the Tribunal - there were probably differences, minor differences of opinion that were probably settled on the spot by the demarcator, but these could not be considered disputes. And with the adjudication, as far along as it is, you talk about never being too late to repent, that might be true when you are talking about your soul, but certainly when we are talking about rights before the law, it could never be considered right to amend a law for the benefit of a minority within your community when the vast majority of people have been dealt with under the law in another form, particularly when it cannot be proven that the amendment sought is going to put the new or the persons living in the remaining areas in any better position than they were in the other areas. Speaking for my own district, the adjudication process is complete and with very few exceptions, I think that the people are generally happy with the results of it. There have been some disputes but I don't think that those disputes are running on the reef in the Courts because we have failed to define what local custom means. I think that those disputes are based on points of law and I am satisfied that my district, in a majority, and even in George Town, most people that I have talked with are very happy with what has happened here.

HON. BENSON O. EBANKS (CONTINUING) Mention was made about Government, a new rival to ownership, entering the scene, that is, in the form of Government or the Crown. Well, we are always being kicked from the other side saying that we don't protect the people's interest and there are people in the public who are saying that Government is indeed entitled to much of the swamp land that is being given to individuals, and it is only right and proper, in my opinion, that Government as the custodian of the people's rights, which includes land, if the Crown in fact owns land, should have made a test case of this land which people were considering to be rightly the Government's. But what is important, and should be admitted and noted is that once the adjudicator ruled against Government, Government accepted that ruling - it never even appealed it to the Grand Court, that is, in the case of swamp land. I am not talking about other land that's based on legal technicalities and what is considered documentary evidence, I am talking about land claimed on local custom. And I think this is important, because it should convince persons, both members and the public, that Government is not out on a land-grabbling exercise. Government made a stand, the adjudicator ruled against it, and Government accepted it in good spirit.

Now, we heard a lot, Mr. President, about the collective vote today and all the rest of it and we also heard that the purpose of the land survey is taxation, and I would like to pick up where the last speaker dealt, what I would consider, very tamely, with what I considered a very irresponsible publication. There was definite proof in the course of that exchange, according to the article that the Financial Secretary <sup>said</sup> that Government was not proposing any land tax, according to his knowledge, and then he asked the question "What is objectionable about a land tax?" and this was branded all over the front page as a hint that Government intended to introduce land tax. It's about time that those people learned what is important news matter rather than what will probably sell a magazine. And I want to say, in regards to the collective vote, that Government would not be able to bring any law or bill to this House proposing any land tax unless it came from the Executive Council, and I can assure everyone that the Financial Secretary had no authority, collectively or otherwise, to commit Government in saying that Government was going to introduce any land tax, so let's get that one put aside. What would, in my opinion, have made interesting reading would have been the fact that he was able to say that in the last several years Government was able to undertake its expenditure without increasing taxation on its people. This is a feat that is probably unique, not only in the history of the Cayman Islands, but in any other Island. It has been done through good fiscal management - fiscal management, I said, and growth, because of the confidence that this Government has abroad and locally, regardless of what some members want to say. I thank you, Mr. President.

HON. A. B. BUSH: Mr. President, Honourable Members, I don't want to prolong the proceedings of this House, but I have been prompted by the debate which I heard on this motion to air my views on it as well. I promise Members and you, Mr. President, that I won't go into it in any length, because I realise that the Lady Member is anxious to get back at all that was said with regards to her motion.

What really is causing, it seems to me, or what really has prompted this motion is the remark that has been made in our Courts by, as was said here, by Judges and Counsel about the way the law is now regards to local custom. To my mind, I am not at all confused about it, I fully understand

HON. A. B. BUSH (CONTINUING) what it is about and have accepted that. And especially after hearing the second official Member of our Government explain it so efficiently and well. Also the Member under whose portfolio the subject falls, how he has explained it, I don't think there should be any misunderstanding with regards to local custom.

Now I don't believe that really what is causing the litigation in our courts on the land adjudication is really the local custom that has been used and decided on, I think it is the failure of the respective land-owners adjoining one another to agree on their boundaries. I think this is what has caused the litigation arising out of the land adjudication. Furthermore, I am convinced that it must be fully understood by the adjudicator in the Tribunal, because if it wasn't I would think he should have been the first one who should have brought this to the attention of Government and said "Look, we need this clarified". But nothing like that, as I know of, has ever come to Government on this matter and I feel that the adjudicator knows in his Tribunal what he is doing and they fully understand what its all about, and have decided on it as what they consider, or what has been established here as local custom.

I really can't see why any Judge of our Court has anything at all to do with this, because as I understand it, once it has been decided by the Tribunal that it is the local custom, which a decision has been placed on in giving swamp land, (and this applies, I think only to swamp land) to people who adjoin swamp, that this is a matter of fact, and there is no appeal to any court on this particular issue. So I see no reason why any Judge should dabble into this - it doesn't really concern him, and I would think it would be best for them to refrain from making such remarks in our courts especially and try to belittle the legislators and the law.

If this motion was carried, I think it would be more than just really clarifying what local custom means - you would, first of all, to my mind, establish something absolute in the law which would, I am sure, be looked upon, by not only Members here, in time to come, but by everybody outside as a dictatorial law which establishes that if there is a piece of swamp adjoining your property, that you automatically own it. Now I know several areas here in George Town, on the outskirts of George Town that have swamps on them, I know a swamp that adjoins a piece of property that I have, something like five or six acres of swamp and it adjoins my property. Now could it be said that I should own half of that swamp, or a piece of that swamp when I know, quite well, that I have no right whatever, I have conceded that to this other owner that adjoins me, but if to my mind, this was carried, this would imply that I would own a piece of that swamp land, which I must tell you that I would think most unfair - I wouldn't want it. And then you would have to abolish your Tribunal, which I am sure no one would want to see done.

Mr. President, as far as I am concerned, I don't see where, by changing this, accepting this motion that it would do any real good to the law which we have now, and would serve any good purpose. I am sorry in a sense that I have to oppose my colleague, who is the Lady Member from George Town, but I can assure her that it is because of my own interpretation of what local custom means that I am doing so. I believe that in time to come she will find that it is best to leave the law as it is and not change it. Thank you, Mr. President.

MR. PRESIDENT: Does the Honourable Lady Member wish to exercise her right of reply?

MISS ANNIE H. BODDEN: I most certainly do, Sir. Mr. President, if it was not for the grace of God, I would not be here to address

MISS ANNIE H. BODDEN (CONTINUING) this Honourable House this afternoon. Everybody in the Cayman Islands and abroad know that I opposed the Land Adjudication bill up to a point.

Now I am going to preface what I am going to say by this that I am sixty-seven years of age, I have been working from before I was fifteen years old in connection with land. I am the oldest typist in the Cayman Islands and I pride myself I am the oldest person in George Town today who knows the fact about land as I do.

Now this did not happen to me just because I am trying to oppose Government, from the time I can recall I was very interested in land. I remember on one New Year's day, many, many years ago, my sister, Mother some friends and I were sitting on the porch and I heard a quarrel over land. I left, I went to hear what it was all about. My sister said you should be ashamed of yourself on a New Year's day to go and hear people rowing over land. Well, I was so interested in it that I did go, not to hear the quarrel, but to hear the facts. Ever since that time I have been interested in land and I want to further say, Mr. President, I am very much in favour of Government.

I went to a case last year in which I risked and lost the friendship of one of the most prominent people in the Cayman Islands because I fought for Government to retain their land. I am not anti-Government, I am very much in favour of Government and I am not in this Assembly to accept or get any bribe, any gifts, any anything, I am here to serve the people and the pleasure I get out of it.

While other women my age have their daughters, their sons, in-laws, grand-children, to hustle and worry about, I have nobody - I am a lone woman and this is my pleasure and I would be ashamed of myself to come to this Honourable House and oppose Government, just to oppose. I am very ashamed of anybody who would think I am trying to oppose Government. For what? I am part of the Government, even if I were not in this House and I have been in this House fifteen years and I have fought the cause of Government all those fifteen years, if they were right, but if they wrong they are wrong, and I do not accept everything anybody tells me. I have a brain of my own which I wouldn't trade with anybody else here, because I also have a conscience and which I live by.

Now, Mr. President, I had something in the Court House about this same land law and this was the advice that was given to us. "Your Counsel is on the right track now - let him keep her in the witness box as long as possible and when she is mentally exhausted and collapses your case is won". Well, that won't happen today. I won't collapse, you can be sure about that. I didn't collapse then, because, like Saint Paul, "there stood by me the Angel of the Lord whose I am and whom I serve" and He kept me brave, and I was Christian enough to give up fifteen hundred dollars to my friend here to show the Christian I am. I don't tote a Bible under my arm - I live Christianity and I am going to tell you, Sir, that I am here to fight the cause of the people.

Now, Mr. President, I think that this whole resolution is being misconstrued. I am not saying anything against what the land adjudicators did or what is custom. I am saying that the Judges in our court do not accept that these things should not be properly defined and that is all I am asking, that the definition be put as is.

I have won more cases in the Land Adjudication Tribunal, I have made more money out of it than most anybody. I lost two cases. I have won cases, a lot of them I did for nothing but the pleasure I got out of it and so its no effect on me. The Land Adjudicator and his assessors have decided what is custom - I am saying that custom in Grand Cayman is universal - it is West Bay, George Town, Savannah, all over the place - we haven't got any custom that pertains to George Town - one to West Bay. I have in my office old documents, one in particular from East End, a man leaving his estate to his daughter saying " I own the one half of cliff, the one half of button wood, one half of swamp". So this

MISS ANNIE H. BODDEN (CONTINUING) " is not anything I am trying to manufacture. I am trying to save our so-called good name and I only wish that members of this House had been in the Court House on two occasions and heard the aspersions passed. And I would say, from Honourable people.

Now, Mr. President, there have been in the Land Adjudication Appeal, to my knowledge, up to date, twenty-two. Appeal No. I - Powery - Aaron, versus Wanderlust has not been settled yet. My colleague from West Bay, if he would tell the truth, knows that we were in Court - we had certain functions, and we were quite convinced what was what, but before that, the very Adjudicator was brought in and he said, and I don't know if my colleague from West Bay was there at that stage, "You might have to amend this law before I give a decision". So, I am not trying to build up any case - I have no land to get, no swamp land business - I have my land with five absolute titles and the other three I'll get, the Lord willing, if I live. I'm only trying to have this thing made perfectly clear, not for the Adjudicator, but for the Judges of the Grand Court who claim that it is too vague for them to understand.

I presently have a case before the Court and my good friend Mr. Truman Bodden is on the other side, he said "We are both lost". Well, he tried to point out that local custom means nothing. The Judge said "It means something. It's up to me to find out what it means". And I feel, Sir, that when I brought this resolution I brought it for that specific purpose, and nothing else.

Of course, I might lose it - lose it - it wouldn't disturb me because I know I have done my duty. What surprises me, Mr. President, is this that these men on the other side who so strenuously fought to get local custom written in can shell down now. I am surprised! I am surprised! They were the ones, along with myself, who fought it - well, we lost and I am quite sure I will lose this and I am very sure that when certain facts come back from the Jamaican Court of Appeal we might hear the same words "Your law is so vague we can give no decision". It is costing litigants fabulous amounts of money because when it comes on these land appeals they get the ablest counsels they can from Jamaica, and let me tell you, Mr. President, they don't work for any song, and I have said it and I will repeat it again today, Sir, with all due respect to all and sundry, there's only one person in the Cayman Islands I would put my head on the chopping block won't steal land and that is the Reverend George Hicks - he never wanted any - he doesn't want it now, but people who are absolutely honest in everything else will go ahead, take people's land and think they have done prize.

So, I am saying, Mr. President, my only thought in bringing this was to help ease the pressure in the Court, not any gain for Annie Huldah Bodden. I have never got anything in being <sup>in</sup> this Assembly, save three free law books, but I've got fifteen years of pleasure and happiness and I shall continue, if God spares my life another fifteen, to stand here and fight the cause of the people. (HON. A. B. BUSH: Hear! Hear!)

Now, Mr. President, I am alarmed to think that these few words "AND WHEREAS it has been expressed in open Court that local custom or otherwise could not refer to custom under the Common Law of England, custom in that sense was abolished in 1189". Now there has been an aspersion cast that I don't understand. Now, I don't know law like these magnets, I would call them of these days, I never had that privilege, I was too poor, but I learned the hard school of experience and I wouldn't trade what I know today for any person I meet when it comes on land. I am only trying, Mr. President, to try to have it put in law that there will be no confusion. If I gain or lose cases, if I want money out of it I can get it, because I can pressure to get it, but I go to

MISS ANNIE H. BODDEN (CONTINUING): the Court House in many instances protecting poor people, who haven't got a penny to pay me, and I am just as happy or happier than if I got my two hundred and fifty dollars a day, and I feel, Mr. President, that we, as legislators, should not put any stumbling block in the way of having justice administered.

Now I am not complaining about the adjudicator one second. I am complaining that when it goes to the Grand Court of the Cayman Islands, if you cannot get a decision because the law is too vague and from there if they don't give any decision, I don't know what the next step will be, except to take it to the Jamaica Court of Appeal, and the majority of these people haven't got that kind of money, so I was trying only to ease a situation which I think should be corrected.

I will repeat, Sir, that I consider myself just as much a part of this Government as these four that we have put there and what really gets me is when they talk about I am bringing this because I have a quibble - I have no quibble - I lost fifteen hundred and seventy-five dollars on the land adjudication, and God provided money for me. Like that, only one thing hurt me in that case was this advice to Brandon. That sunk into me and I don't think I'll get over, but I love my enemies so I hold nothing against anybody.

Now, Mr. President, I know I have lost this issue but I know one of these days it will come back and I might oppose it then myself because I will prove that spite will make you do a lot of things.

Now, I know I have lost it but I can sleep tonight, having got a clear conscience. I haven't taken any land from anybody, I don't want any. I have nine pieces which I wonder what I will do with them myself, so it's no personal axe in for me, but I feel that I would be doing less than my duty if I did not call the attention of Government to this defect in the law, according to the Judges of the Grand Court. Thank you, Sir.

MR. PRESIDENT:

The question is -

"Whereas section 16 (2) (a) of the Land Adjudication Law 20 of 1971 reads

"Provided that where it is established whether by local custom or otherwise that any parcel of land includes an area of swamp or cliff land occupation or use of other areas of such parcel shall be deemed to imply possession of the swamp or cliff land also"

AND WHEREAS on several occasions the view has been expressed by two different Grand Court Judges and Counsel for the persons who have appealed from the Land Adjudication Tribunal that the term "local custom or otherwise" is too vague and the Court has been put to grave disadvantage in determining what is actually meant and what interpretation should be put to these words

AND WHEREAS it has been expressed in open Court that "local custom or otherwise" could not refer to Custom under the Common Law of England, Custom in this sense was abolished in the year 1189 and that the Cayman Islands were settled Colonies in the year 1503 or thereabouts

AND WHEREAS this situation has led to confusion and disadvantage to land-owners who have appealed to the Grand Court and is a reflection on legislators and has been so expressed

AND WHEREAS at meetings of select committees held to deal with this Draft Bill before its enactment some of the legislators proposed that local custom should be defined as follows -

MR. PRESIDENT (CONTINUING) "The one half of all the swamp, cliff and button wood land should be equally divided between adjoining dry land owners as was the local custom previously"

but this was not acceptable and not adopted by the majority AND WHEREAS as complications have now arisen from these words "local custom" not being properly defined BE IT RESOLVED that steps be taken to have the section 16 (2) (a) as quoted amended in such a manner that it will be clearly defined the meaning of "local custom" is that one half of all swamp, cliff and button wood land be equally divided between adjoining land owners and that the Legal Department be instructed to prepare the proper amendment in time to be presented at the next meeting of the Legislative Assembly in November, 1975 to be dealt with AND BE IT FURTHER RESOLVED that the word "otherwise" be also defined in the amendment so as to avoid any future conflict".

QUESTION PUT: AYES AND NOES.

MR. PRESIDENT: I think the Noes have it.

MR. JAMES M. BODDEN: Could we have a division, Mr. President?

D I V I S I O N

AYES

NOES

Miss Annie H. Bodden  
Mr. Claude Hill  
Mr. James M. Bodden  
Mr. G. Haig Bodden

Hon. D.V. Watler  
Hon. G.E. Waddington  
Hon. V.G. Johnson  
Hon. A.B. Bush  
Hon. T. Foster  
Hon. Benson O. Ebanks  
Hon. W.W. Conolly.  
Mr. T.W. Farrington  
Mr. John Jefferson

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MR. PRESIDENT: The results of the division are as follows - Ayes 4 voices, Noes 9 voices. Accordingly the motion is defeated.

THE MOTION WAS DEFEATED.

HON. A. B. BUSH: We had a good debate on it, though.

THE LAW REVISION BILL

THIRD READING

CLERK: THE LAW REVISION BILL

HON. G. E. WADDINGTON: Mr. President, I beg to move, Sir, that a bill entitled the Law Revision Law be read a Third time and passed.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.



MR. JOHN JEFFERSON: Mr. President, if I am not out of order, I would like to ask that the Members of this Legislature authorise the Clerk to convey to our colleague, not present at the moment, because of illness, the best wishes of this entire Assembly.

HON. W. W. CONOLLY: Mr. President. I beg to second that,

MR. PRESIDENT: Well, I think the proposal is that the best wishes of the House be conveyed by the Clerk to the Member who is absent and has permission to be absent, and this should also be recorded in the proceedings.

Can I take it that all Members are in favour of this proposal. No dissenting voice then I shall ask the Clerk to convey the best wishes of the House to the Member concerned.

ADJOURNMENT

HON. D. V. WATLER: Mr. President and Honourable Members, we have come to the end of the Business and I move that the House adjourn sine die.

HON. G. E. WADDINGTON: I beg to second that motion.

MR. PRESIDENT: The proposal is that this House do now adjourn - if this is carried, then the House, under Standing Order is adjourned sine die, but for the notice of Members, it has been set down in the programme that we hope that the Budget Meeting of the House will start on Monday the 17th of November and this date will be confirmed later by the Clerk. However, if the motion is carried, we adjourn sine die.

QUESTION PUT: AGREED: AT 3.48 P.M. THE HOUSE ADJOURNED SINE DIE.

M I N U T E S

MONDAY, 17th NOVEMBER, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE, JP	FIRST OFFICIAL MEMBERS
HON. G. E. WADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, CBE.	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONNOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

HON. TREVOR FOSTER	ATTENDING CPA CONFERENCE, INDIA
CAPT. A. A. REID	ILL.

ORDERS OF THE DAY

BUDGET AND FOURTH MEETING OF THE LEGISLATIVE ASSEMBLY

MONDAY, 17th November, 1975

COMMENCING AT 10 a.m.

1. PRAYERS.

2. TO BE LAID ON THE TABLE: DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1976 - BY THE HONOURABLE V. G. JOHNSON, OBE., FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER

3. APPROPRIATION BILL, 1976 -

FIRST AND SECOND READINGS

FINANCIAL STATEMENT - BY THE HONOURABLE V.G. JOHNSON, OBE., FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER

MOTION OF ADJOURNMENT OF DEBATE ON FINANCIAL STATEMENT UNTIL TUESDAY, 18TH NOVEMBER, 1975 - TO BE MOVED BY THE HONOURABLE V.G. JOHNSON, OBE., FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER

TO BE SECONDED BY THE HONOURABLE D. V. WATLER, CBE., J.P., CHIEF SECRETARY, FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

4. GOVERNMENT BILLS:-

(i) THE CUSTOMS (AMENDMENT) BILL, 1975 (1st, 2nd and third readings)  
MOTION FOR SUSPENSION OF STANDING ORDER 54 TO BE MOVED BY THE HONOURABLE V.G. JOHNSON, OBE., FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER, FOR THIRD READING AT THE SITTING.  
TO BE SECONDED BY HONOURABLE D. V. WATLER, OBE., J.P., CHIEF SECRETARY, FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

(ii) THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1975 (1st, 2nd and third readings).  
MOTION FOR SUSPENSION OF STANDING ORDER 54 TO BE MOVED BY THE HONOURABLE V.G. JOHNSON, OBE., FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER, FOR THIRD READING AT THE SITTING.  
TO BE SECONDED BY HONOURABLE D.V. WATLER, OBE., J.P., CHIEF SECRETARY, FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

(iii) THE TRAVEL TAX (AMENDMENT) BILL, 1975 (1st, 2nd and third readings)  
MOTION FOR SUSPENSION OF STANDING ORDER 54 TO BE MOVED BY THE HONOURABLE V.G. JOHNSON, OBE., FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER, FOR THIRD READING AT THE SITTING.  
TO BE SECONDED BY HONOURABLE D. V. WATLER, OBE., J.P., CHIEF SECRETARY, FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

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BUDGET AND FOURTH MEETING OF THE LEGISLATIVE ASSEMBLY  
MONDAY 17th NOVEMBER, 1975  
10 a.m.

MR. PRESIDENT: The Assembly is in Session, I invite  
Rev. Crawford to say Prayers.

PRAYERS: REV. JOSEPH CRAWFORD: Let us pray.

Oh Lord our God if ever we needed thy wisdom and thy guidance it is now. As this Assembly begins a new Session, we pray for the Members of this body in their several responsibilities, help them in their offices, in committees, and above all as they meet here in this Legislative Session. May they never forget that what is said and done here is not done in a corner, but always under thy scrutiny. May they feel the weight of their responsibility before thee and remember the influence of the good example, that all who come to this place may have a strong faith in government, of the people, by the people, for the people. May these men and women so speak and act that all who wait upon them may be inspired rather than disillusioned by what they see and hear, and are asked to do. Gracious God make thy self real to these men, that each may feel thee sitting beside him, and hear thy voice, and win thine approval in all things. We would pause at this time to remember those Members of this Assembly who are ill, place thy hand of healing upon them, and so help them God, for we ask these mercies in Jesus' name and for his sake. Amen.

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE TO BE LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President and Members I beg to lay on the Table of this Honourable House the Draft Estimates of Revenue and Expenditure for the year 1976.

MR. PRESIDENT: So ordered.  
The Appropriation Bill 1975.

THE APPROPRIATION LAW, 1976

CLERK: The Appropriation Bill, 1975 First Reading

Moved by Hon. V.G. Johnson  
Seconded by Hon. D.V. Watler.

QUESTION PUT: AGREED.

CLERK: The Appropriation Bill, 1976 Second Reading.

HON. V.G. JOHNSON: I should mention Mr. President that this Bill covered expenditure for the year 1976, that is the Appropriation Bill, 1975.

MR. PRESIDENT: I stand corrected.

SECOND READING

HON. V.G. JOHNSON: This is the usual Budget Address following the Second Reading of the Appropriation Bill.

Mr. President and Honourable Members  
I have much pleasure at this time in presenting the 1976 Budget. This financial statement will first give a review of the current financial year 1975 with brief comments on the economy.

HON. V.G. JOHNSON (CONT'D): In January 1975 this country was confronted with an economic recession, and ten months later we were still struggling against its continuing effects. A small territory like the Cayman Islands, being totally dependent on an unstable economy comprising tourism and the off-shore financial industry, and at the same time being exposed to external economic crises, could in no way escape the effects of a world recession over which even the largest countries have no control. It has been said that this world economic recession has had no precedent in scale or duration since the depression of the 1930s.

When the last Budget was presented in November, 1974 although we knew that something was happening on the world economic scene which would eventually affect financial institutions everywhere including those in the Cayman Islands, we remained somewhat optimistic as far as these Islands were concerned although it was difficult to assess the extent to which the local economy would be affected. However three months later the full force of that raging world economic recession reached the Cayman Islands, pushing to the surface flimsily structured financial operations, and largely affecting those businesses with weak management. The 1975 Budget was however constructed to pay particular attention to the social side of the local community by providing reasonable employment within its ordinary services and increasing its efforts through capital projects. This strategy appeared to have been prudent since the economy was affected by the slowing down of private sector activities with the threat of creating an unemployment problem. To give effect to this policy and in the event to support some shortfall in revenue necessitated a planned withdrawal from reserves. It is fortunate that there were resources available for this purpose; reserves are created for situations like this.

There is as yet some uncertainty over the situation in the next few months, although many optimistic views concerning the end of the recession have been voiced both here and abroad. It is the North American recession which has had the greatest effect on the Cayman Islands because the local economy is dependent on a large portion of its business coming from that area. The forces which developed the recession are external and must be regulated by the countries of origin. The effects of the recession which are felt here will remain until such time as conditions improve abroad. And this is why one cannot be quite sure of the position in the immediate future: this is why <sup>Mr. President</sup> the Budget was prepared with some uncertainty.

THE YEAR 1975  
THE ECONOMY

We are all in agreement I think that the prosperity of these Islands at present depends on tourism and the financial industry. An economic survey for 1972 recently conducted under the direction of a United Nations National Accounts Advisor reveals that the Account Item "Wholesale and Retail Trade and Restaurants and Hotels" took 45.18 percent of the labour force and contributed 31.67 percent to the Gross Domestic Product. The "Finance" sector, on the other hand, employed 11.71 percent and contributed to GDP to be still in the lead. Estimated GDP for that year was \$23.56 million. The per capita GDP was \$1853 with slight variation in the per capita national income (\$1835). The population was estimated at 12,712, of which an estimated 4,604 were gainfully employed. It is regretted that later statistics are not available.

Up to August Tourism was experiencing a fall in traffic of 4.3% less than the figure for the same period in 1974. However a large part of this took place during the first four months of this year; thereafter the position returned to normal with slight increases during June to August. It is anticipated that by the end of the year there will be an overall improvement of traffic over 1974. Unfortunately hotel occupancies have not recovered as quickly as did arrivals. This is due largely to the shortened average length of stay, although there has been some improvement since July.

HON. V.G. JOHNSON (CONT'D): During 1975 cruise ship passengers became a new trend in tourism. There were only a few arrivals in 1974; 2513 passengers was the total, whereas the estimated number for 1975 is 24,500. Another improvement in tourism is a reservations service instituted in October 1974 which has proven very successful - to date it has processed about a half million dollars worth of business for the Cayman Islands. The absence of such a service in this period of the recession could have increased the problems in Tourism.

The Financial Industry, which is the other important sector of the economy, has been holding its own quite well in spite of the recession. There were a few failures beginning in the latter part of 1974 which caused some restlessness in early 1975. However, confidence in the Cayman Islands remained strong in spite of adverse comments in overseas publications. Every attempt must therefore be made to uphold the confidence reposed in the political and economic stability and good government of these Islands.

The Bank Inspection service of Government was strengthened in mid- 1975 by the appointment of an experienced and efficient officer to the position of Bank Inspector. The cooperation of the majority of banks and trust companies has been excellent and this has assisted the Inspector in the performance of his duties. There are now over 200 banks and trust companies licenced here; approximately 40 with Category "A" licences, and the others with Category "B" off-shore licences. The number of companies and other institutions also continued to grow. At the end of September there were 6516 companies on the register - 4056 ordinary, 2291 exempt, and 169 foreign. Although this is an increase of 612 over the number reported a year ago, the actual number of new companies added to the register this year so far is approximately 1,000. The difference exists since a large number of companies has been struck off the register because of failure to comply with the provisions of the Companies Law. The office of Registrar of Companies, which is a section of Finance and Development, and which provides a very important service in the promotion of the financial industry, is now adequately staffed and administered by a young and energetic Registrar of Companies who has improved the office and its records considerably.

The financial industry is not built altogether on the premise of tax dodging. Many of the world's leading financial institutions have established branch offices here, and they are here with the knowledge and consent of their home governments. Many of their international clients like Cayman because of the tax advantages, but this is not the only reason. Privacy in banking and trust business, the country's stability and the reliable service offered, are other reasons why many financiers prefer Cayman to other financial centres. Investors are attracted by the facilities of the Cayman Islands, and the country has become a highly regarded financial centre. Financial operations here are growing rapidly. All banks have now agreed to conduct interbank transactions between themselves and within the Cayman Islands. This will encourage the growth of the local financial inter-bank market, with resulting benefits to the economy.

#### AGRICULTURE

Government's interest in agricultural development continues. During the year 28 acres of land was purchased by Government in the Savannah area to expand on demonstration work and advisory service. The main agricultural policy as seen by Government is the production of local product of an acceptable standard and price so as to reduce imports so that Cayman can become more self-sufficient; diversify the economy by allowing agriculture to be a prominent part of it; utilise products presently available in good supply and now being wasted, and provide articles for export as the market is available.

HON. V.G. JOHNSON (CONT'D): Perhaps 1976 should be declared "Agricultural Year" and importers requested through the Chamber of Commerce to support local products and reduce their imports where possible. This would certainly give agriculture the sort of boost it needs. The entire programme would need the support of everyone if it is to succeed.

#### INFLATION AND COST OF LIVING

It is said that it takes among other things a certain rate of inflation to generate rapid economic development within an economy. The Cayman Islands have had this experience since 1971, when the annual rate was estimated at 20 percent and over. While there are developers and even Governments who advocate rapid economic development because of the business it stimulates and the quick benefits generated to both the private sector and government, this poses a definite threat to continued future development because of the ill effects of inflationary trends. The middle of 1974 however saw the easing of this rapid growth which clashed with the oncoming world economic recession. By early 1975 there was a levelling off where the local rate of inflation was slightly above the rate of imported inflation which is estimated at five percent. It is reported that inflation is becoming rampant again in some areas still suffering the effects of the recession. Usually inflation only returns at the end of recession. I hope the Cayman Islands will not be plagued with both evils at the same time.

Cost of living behaved much like inflation. In 1973 the index revealed a rise of  $33\frac{1}{3}$  percent, then in 1974 the figure fell to 17.5 percent. The first six months of 1975 indicated a downward trend instead of a growth; records show a fall of 1.5 percent. There is doubt that the end of the year will see significant changes. On the basis of the foregoing it would appear there is no case for wage and salary adjustments now or in the coming year.

#### PLANNING

Planning became a subject of much interest during the year when the Draft Development Plan went to public viewing for comments and objections. The Plan is a statutory requirement under the Development and Planning Law 1971. In late 1973 the Legislative Assembly requested that it be produced and presented to the Assembly not later than mid - 1975. Because of extending the period for public viewing of the Plan by an amendment to the Law, coupled with the difficulty in securing a Chairman of the Appeals Tribunal which will examine public objections before submission to the Legislative Assembly, it will not now be possible to present the Plan to this Honourable House before March or April 1976.

At the present time an interim Development Plan, authorised under the Development and Planning Law, is used by the Planning Authorities as a guide in dealing with land and land use in physical planning matters. Even though it is an interim development plan, it does provide basic control in planning and while it could continue in use if the proposed plan is delayed or suspended or rejected by the Legislative Assembly, it would be in the best interest of the Islands to have a final plan in the form agreed as it would be structured on present day policies of Government, the most important being population growth. There have been various views expressed on the Plan, from complete acceptance to total rejection. While the feelings of people who may own large tracts of land which would be subject to zoning are appreciated, as are the feelings of those people who believe that the Plan would retard progress and development, it must be appreciated that Government is only endeavouring to ensure, as the Development and Planning Law provides, orderly development in the best interest of the country. The Law has made provisions for the Plan to be reviewed for alterations and additions as appear to be expedient. There was



HON. V.G. JOHNSON (CONT'D): much the same reaction to the introduction of the Land Adjudication system: today its advantages are recognised Island wide. It is the view that no appreciable foreign investment and development will take place in these Islands until there is a reasonable and acceptable Development Plan.

The Legislative Assembly has the final word in accepting or rejecting the plan. Whether 1975 was the ideal time to introduce the plan or not, the public must understand that no individual in this Government advocated the Plan. It is a requirement of a Law which came into effect in 1971 and a request by the Legislative Assembly at the end of 1973 to present the Plan to this House by mid - 1975. We should therefore be reasonable in our thinking. If what is put forward is not to the liking of some individuals, then there was the opportunity for alternative suggestions. I can assure everyone that there is no one in Government who wants to trade the Cayman Islands on the black market or to destroy its economic growth and development; precautions against this are under careful scrutiny every day. The planners have worked hard with a great number of extra hours spent on a job assigned to them. It is being done in good faith even if without encouragement and acknowledgement.

#### REVENUE AND EXPENDITURE

The year started in a much stronger financial position than was originally estimated, as 1974 ended with a surplus revenue balance of \$2.016 million or 15.3% more than the revised estimates. Even though the increase represented only \$268,000 it was to prove most valuable because of what followed in the months ahead. As I mentioned before the world economic recession had its full impact on the Cayman Islands from early 1975. It immediately affected tourism and the construction industry with consequential drop-off in imports. Over the past ten months of this year customs import duty fell below the estimates. The revised revenue for the year is \$9.039 million (original estimate \$11.33 million). The overall position reveals a shortfall in revenue of nearly half a million dollars. A saving of \$160,000 in estimated expenditure is anticipated, thus improving the position somewhat. The budgetary deficit of approximately \$48,000 shown in the 1975 estimates of Revenue and Expenditure will increase slightly to about \$115,000: this is arrived at from shortfall in revenue estimates \$495,000 plus the 1975 estimated deficit of \$48,000 as against increase in revenue balance \$268,000 and savings in expenditure \$160,000. Perhaps the position may improve by the end of the year if activities increase and greater effort is put into revenue collection.

The two new tax measures introduced in January 1975 to increase companies fees and banks and trust companies licence fees have produced a reasonable amount of revenue so far: if the estimates are not made then the shortfall could be attributed to temporary economic pressures on the financial industry.

#### HEALTH, EDUCATION AND SOCIAL SERVICES

Last year I mentioned the proposed Hospital reconstruction programme. Phase I of that programme has just been completed. The Hospital complex has been greatly improved in accommodation and facilities and in health care services. Other improvements include a new laboratory in the Public Health Section fully equipped for water testing, and also a Bacteriological testing lab. All these added amenities should now guarantee the public a better and more efficient service. It is planned that Phase II of the Development Programme will be undertaken as soon as finances can be arranged.

The Education Department continues to be the second biggest spender of public funds under inescapables. Although growth in primary and secondary school staff appears to be reaching its peak

HON. V.G. JOHNSON (CONT'D): under the current education programme, improvement in the quality of education requires that expenditure continues on an increase to meet provisions for equipment and consumable materials for all schools.

At the last Budget Session in November 1974, I spoke briefly on the future of the Cayman Islands High School which under a new Principal seemed even in those early days to have been improving steadily. After the end of an academic year this was confirmed by the results of examinations which revealed a significant upward trend in passes. The institution is now perhaps one of the finest secondary schools in the Region. As the school will play an important role in the future educational requirements of this country as well as in support of the economy, much will depend on its achievement in both the academic and technical streams. We hope its progress and standard will continue

A student loan scheme between Caribbean Development Bank and this Government was introduced during the year with supporting legislation whereby the Bank will make available to Caymanian students loans for the purpose of pursuing approved courses of higher or technical education in learning institutions of countries associated with the Bank. The sum total of the loan will be CI\$50,000 to be administered by this Government and distributed in the first instance through the Education Council. Government will pay interest at 4 percent per annum and the student 6 percent per annum. Both will repay in ten years. Government is given 5 years moratorium and the students are to commence repayments 13 months after successful completion of the course for which the loan was made. The arrangements were concluded too late for the commencement of the present school year, but it is hoped that the scheme will prove useful to students who wish to avail themselves of the facility and who can qualify for the assistance.

The Education Programme is apparently going well. In the primary section, schools are now fully staffed with qualified teachers. The newly established Community College announced recently which is designed to offer adult education is off to a good start; it is self-supporting. The building programme continued with the construction of a modern infant block as an addition to the West Bay Primary School, and the Cayman Islands High School a Learning Resources Centre and Changing Rooms complete with showers for pupils engaged in a modern physical education programme. In Cayman Brac a new classroom was added to the Secondary School to cater to the growing school population. The British Government's aid funds are still assisting the programme.

The National Council of Social Service, since its inauguration in January this year, has carried out surveys in all the districts to assess major needs. Many committees have been established to assist the programme. Revenue from fees, donations and fund raising activities have assisted community needs including the renovation of buildings. The programme has been expanded considerably and much effort is being put into fund raising. All these efforts should produce good results and encourage the Council to continue doing an excellent job.

#### MOSQUITO RESEARCH AND CONTROL

It was mentioned in the last Budget Address that in 1974 the Mosquito Research and Control Unit was faced with the problem of mosquito resistance to the insecticide malathion and that the 1975 programme would concentrate largely on physical control. A new technique was developed during this year which can replace the very expensive drainage proposal of 1974. This cheaper technique is a water regime manipulation by a reticulum of multiple canals in the major breeding habitats (black mangrove). Already about six miles of dykes and canals have been constructed and tests conducted with encouraging results. Early indications suggest that this method could lead to a major breakthrough for physical control in these Islands. Like all physical control methods, its implementation is slow and expensive and progress will depend on availability of equipment. In conjunction with this programme mangrove studies and research

HON. V.G. JOHNSON (CONT'D): work have been undertaken again with external assistance.

Airspray with the insecticide Ddrom continues to be effective without any obvious decrease in the susceptibility of local mosquitoes. It has now been in extensive use for 30 months. In order to avoid dibrom resistance as in the case of malathion, a policy has been rigidly enforced that no airspray over mangrove areas should be undertaken. However, this resulted in a lower level of control than that of 1972 while insecticide consumption increased because of extra efforts in airsprays over the inhabited uplands of the Island.

The Unit's efforts to control mosquitoes here is not an easy or simple task. Mosquito Control is an important aspect of development: without that control over the past few years tourism for instance would not have developed so rapidly. The absence of mosquitoes also makes it very pleasant for those who reside here permanently. Let us therefore wish the Department continued success in its programmes.

#### SAVINGS BANK AND CURRENCY BOARD

For the past few years consideration has been given to the future of Government Savings Bank and at one stage there was a bid by the commercial banks to take over the operation. The offer was not attractive enough and Government decided to promote the bank by improving deposits and the investment portfolio. The latter was not difficult but the programme to promote deposits did not get very far because there was the need first to resite the Office and arrange for staff who could effectively do the promotion. At the same time the Currency Board, established in the latter part of 1971 to administer the local currency put in circulation in May 1972, was also given careful thought, especially in the area of increasing its activities beyond merely being a vehicle to issue and redeem currency. Again it was a matter of first finding a suitable office and the staff to undertake the duties.

During this year it was decided to operate both the Savings Bank and the Currency Board from one Office and under one management, and to establish this office on the ground floor of the new Administration Building. An appointment was made to the post of Manager of Government Savings Bank and the same Officer was also appointed Manager of Currency. The cost of management will be divided equally between the Savings Bank and the Currency Board.

It is hoped that this new arrangement will benefit both the Savings Bank and the Currency Board, in order to justify the action to re-organise the systems. This could lead to the expansion of the Currency Board into a Currency Authority and perhaps even beyond that in years to come. The development of the Cayman Islands as a financial centre is moving so rapidly that one can never be sure what the future may demand in this respect.

#### POLICE

There were two general organisational changes in the Police Department during this year. The first was the separation of the Immigration Section which now comes immediately under the Chief Secretary. Immigration however, is still housed at Police Headquarters Building and will remain there until other accommodation is available. Arrangements are being made for the Department to be housed in the present Establishments Office when the Establishments staff moves to the new Administration Building. The move of Immigration will release some very needed office space for the rapidly expanding Traffic Branch and Licencing Section.

The second change was the establishment of a Transport and Licencing Office under the Traffic Section. Prior to this

HON. V.G. JOHNSON (CONT'D): year the Treasury was responsible for licencing of vehicles and issue of drivers' licence, but since the beginning of this year the Commissioner of Police was appointed Licencing Authority under the new Traffic Law and thus became responsible for licencing and collection of fees. A completely new system of licencing and documentation was introduced, based on the system commonly used in the United Kingdom, and although it creates more work for the staff who have coped well under the circumstances, it ensures a complete record of all who register or licence under the Traffic Law. There have been delays in its implementation in this first year but now that the initial documentation has been largely completed it should be possible to conduct the biannual relicencing of vehicles in a manner much more convenient to the public. It is possible that in normal circumstances where no changes in particulars need to be made, the licencing of vehicles can be effected by post. The Licencing Office will be improved as soon as the space now occupied by Immigration becomes available.

It is reported that during this year there has been an appreciable increase in the cost of all services in the Police Department. A large part of this is perhaps the continuing effects of previous years high rate of inflation still battling with the police budget since rising prices should have levelled off locally from the beginning of the year. The recession this year made the position worse since there were no funds for supplementary expenditure. The Police services are in a process of development and expansion in order to serve the community adequately. But this is made difficult with the steady and apparently inescapable trend towards crime caused by a defiance of authority and the established rule of law. This means that month by month the task facing the Force as a whole increases. This is why it is necessary to place sufficient funds at the disposal of the Department especially in the areas demanded by law enforcement.

#### CAPITAL PROJECTS

The four big projects, Administration Building, Roads, Port and Airport Terminal Building, made reasonable progress except the Airport project which has not gone beyond the first phase.

The Administration Building was completed and occupied on the 20th October and will<sup>be</sup> officially opened this evening. I am sure all Members have seen something of it and no doubt made comments. It is in structure unique in these Islands and in many other countries in the Caribbean. It has improved features as a glass building. It is functional and spacious and with its 36,300 square feet of office space it should fill the requirements for the next ten years. The final cost is not yet known but there should be no increase over the revised cost reported to the Finance Committee recently.

After a long mobilisation period a start was eventually made on the road paving programme in the earlier part of the year. Public Works hope to complete approximately 20 miles of paving by the end of the year or whenever the present funds from the consortium loan are exhausted. The new road asphalt mixing machine has its teething pains causing many days hold-up in the programme from breakdowns and other minor problems. Funds will be required over the sum allocated from loans to complete the project. There are 28 miles of roads in this programme, therefore additional funds will be required for labour and some material to complete 8 miles.

Financing for the Port Project was finally arranged. Caribbean Development Bank provided \$2.2 million made up of \$660,000 at 8 percent and \$4,540,000 at 4 percent repayable in twenty years from the first drawdown. The cost of the main project is \$3,056,700 which does not include a Customs Administration Building, equipment, cistern, consultants fees, dredging to a depth of 15 feet against the marginal pier, a

HON. V.G. JOHNSON (CONT'D): northern extension recommended in the final redesigning of the port, lands and other smaller jobs. Total cost could amount to approximately \$4 million. However, the northern extension and the Customs Administration Building will not be undertaken unless funds are available. The cost beyond the Banks' \$2.2 million will be borne by the Government from reserves and revenue funds. The Contract was awarded in April 1975 and should be completed by the end of 1976. There have been slight delays from dredging arrangements but these have now been cleared.

The first phase of the Airport project which provides for a freight shed and a water tank has now been completed and in operation. Implementation of the second phase which will consist of the terminal building and parking areas is undecided. Request was made to Caribbean Development Bank for the financing but recent indications are that the Bank is unable just now to locate funds for such a project. In any case it would be difficult at this time for this Government to embark on another project that size because of the escalated high cost of those projects now under construction, or nearing completion and because of the economic recession which has affected revenue intake. The present terminal will need to be renovated to serve until funds become available to purchase lands, construct the new building and provide new and additional parking areas.

The Broadcasting Station is nearing completion and should be on the air in January. Delay is due to the usual cause, late arrival of material and equipment, a disease of the construction industry. The British Government financed the element of capital cost in the sum of \$364,675 divided into grant \$206,198 and interest free loan of \$158,477 repayable over 25 years. According to the latest figures this Government may have to contribute a substantial sum to the project because of escalation in cost.

Rehabilitation of the Cayman Brac airfield financed under a British development grant has been delayed considerably since approval of the project because of difficulty in obtaining aggregate material in Cayman Brac for resurfacing of the field. Material is now available and work should start early. However, the present financial arrangement will need to be reviewed and perhaps supplementary British aid in the form of a loan requested to complete the project.

A number of capital projects including Police Development Programme for construction of sub-stations in the Eastern Districts have had to be postponed or only partly implemented because of the revenue position. All allocations for Cayman Brac and Little Cayman were released.

#### CAYMAN BRAC AND LITTLE CAYMAN

The smaller Islands of Cayman Brac and Little Cayman are still struggling to induce activities to stimulate the economy. Public access to the Brac Bluff together with Government and private sector assistance in providing jobs has kept the economy alive. In 1974 there was some prospect of the development of a crude oil storage terminal and again this year when similar application was received. The second application, although genuine, was not supported because of the promoters' commitment to deliver a certain portion of the oil which would be stored on Little Cayman to Cuba. The first application by a New York firm is still being packaged. Similar interests are now being shown by other oil companies and one has recently approached Government on the subject.

As Government is now prepared to examine proposals for oil industries on Little Cayman with the understanding that no commitment will be made prior to Consultants recommendation, there is the possibility of a variable economy for those Islands in the future. No doubt just as soon as the world economic difficulties are over developers will come forward with genuine proposals.

#### DEVINIV TEAM VISIT

In April this year a Team from British Development Division in the Caribbean led by the Head of the Division, Sir

HON. V.G. JOHNSON (CONT'D): Bruce Greatbatch KCVO., CMG., MBE., visited the Cayman Islands to carry out a survey to identify any problem areas emerging as the Territory developed. They will attempt to outline the path ahead to reasonably attainable objectives so that any aid is used as economically and efficiently as possible and all policies are orientated in the same direction. Similar visits were made to other British dependent territories in the Caribbean.

The final report has not yet been received. The visit, however, was considered very successful and beneficial. We wish to thank Sir Bruce and his team for their valuable time and assistance.

#### THE NEW YEAR 1976

I think it is fair to say that never in my eleven years in this office has a Budget been more difficult to prepare nor has a Budget been prepared against a background of more international uncertainty.

The year will begin with a small deficit of \$114,302 according to the Revised Estimates for 1975. If activities in the last two months of 1975 increase as expected the deficit might disappear. However, in a time of recession one cannot be very optimistic in estimating the financial position even a few months in advance, and so we must tread slowly and cautiously.

The estimated revenue for 1976 is \$10,611,395 which includes a sum of \$750,000 to be brought from Capital Projects Fund Reserve as part of the local revenue contribution to the Port Project. Estimated expenditure is: recurrent \$10,435,549, New Services \$84,492 and Capital (local) \$1,095,122, a total of \$11,615,163. The 1975 shortfall of \$114,302 added to this will create a budget deficit of \$1,118,070. The position was very much worse than this at the early stage of preparing the budget but great effort was put into the re-examination of revenue and pruning of expenditure in all areas. New Services proposals, except for a very few items, were not put forward and capital expenditure only comprises provisions for current projects for which Government is committed. In previous years there was a surplus revenue balance coming forward into the new year to assist new services and capital expenditure: 1976 will not be as fortunate. We will continue to request assistance from the British Government in areas of capital expenditure which qualify for aid. Capital expenditure by British grant aid is C\$33,951 and by loans from all sources \$2,436,220.

#### NEW REVENUE MEASURES

This large deficit of over one million dollars is a matter of some concern. The question I am sure in everybody's mind is how do we treat such a deficit; do we carry it forward or do we provide ways and means of balancing the budget. The latter is desirable because special authority would be required to operate a large Budget deficit. In order to balance the Budget new or additional revenue must be provided. The following are therefore the proposals:-

##### 1. Hospital Fees: \$122,000

Hospital fees have not been revised in six years although this was contemplated from three years ago. Now that the facilities of the Hospital have been greatly improved it has been decided to increase fees early after the opening of the new inpatient block. The estimated fees for 1975 were \$128,000 which have been revised to \$45,000. The new rates are estimated to produce in 1976 \$250,000 or \$122,000 over the 1975 estimates. I should mention that the recurrent medical expenditure for 1976 is nearly one million dollars.

The increase in Hospital fees has already been included in the recurrent estimated revenue for 1976. Other proposed

HON. V.G. JOHNSON (CONT'D): measures which will produce approximately \$1 Million and which if approved will reduce the shortfall to \$118,070 are set out below.

2. The Traffic Law 1973: Additional Revenue: \$213,000

Fees are being increased on all vehicles and other items set out in the schedule of the Traffic Regulations. This was considered to be reasonable because of the large sums of money being allocated to provide good roads and to maintain them. Better roads have their advantages; longer life for vehicles, reduction of maintenance cost and provision of comfort in travelling over long distances. And increase in road tax is therefore justifiable.

3. Caymanian Protection Law 1971: Additional Fees  
\$80,000

Fees are being increased on work permits and on application for the granting of Caymanian status. These have not been revised since the Law came into effect in 1971. The current fees are considered small especially when comparing the cost of administration today against the cost in 1971.

4. The Development and Planning Law: 1971:  
New Fees \$10,000

All fees on the schedule of the Development and Planning Regulation have been examined and an increase is recommended for the majority. This is a similar case of (3) above dealing with Work Permits etc.

5. The Post Office Law (Cap.129)  
Additional Revenue: \$66,000

Letter box rentals are being increased and also rates of postage, registration fees and special delivery charges to destinations outside the Cayman Islands. These postage rates have not been revised recently while terminal charges from other administrations have risen steadily. Other countries have been revising rates even within the year. It was found necessary therefore to revise local rates to cope with the expenditure involved.

6. Lighthouse Law (Cap.85)  
Additional Revenue: \$2,500

The rate of lighthouse dues is being amended to introduce a new form of charge on a per vessel per trip basis instead of the present per vessel per annum basis.

7. The Customs Law, 1971:  
Additional Revenue: \$300,000

There are two amendments. The first to increase the rate of import duty chargeable on the importation of motor vehicles from the present 20 percent to 33<sup>1</sup>/<sub>3</sub> percent. It should be noted that the local rate of import duty is the smallest importation tax on vehicles in any country. The grounds for this increase are similar to those for the road tax increase. Traffic congestion and parking problems in George Town should also be borne in mind.

HON. V.G. JOHNSON (CONT'D): The second amendment is to remove all preferential rate of duty from the schedules of the Law to comply with the rules governing the Cayman Islands' association with the European Economic Community. Close examination of this exercise indicates very little changes in revenue collection since most items under this category are now imported from areas outside of Britain and the Commonwealth countries.

The Companies Law (Cap.22)  
New Revenue: \$250,00

This measure seeks to impose special incorporation and annual fees on ordinary companies designated non-resident for Exchange Control purposes. These are companies given complete freedom to operate off-shore and many are now using this facility rather than that provided under exempt companies. It is reasonable therefore to impose a fee equivalent to an average of the ordinary company and exempt company fees. I am confident there will be no objection to this new category of fees. Other fees are for filing of documents, issue of certificates and copy of documents.

Presently when a company is struck off the record and reinstated by the Court within the six month period provided for this, no fee is paid for such service. This amendment recommends a reinstatement fee equivalent to the original incorporation or registration fee.

9. The Trades and Business Licencing Law, 1971:  
New Fees \$25,000

It is recommended that trades and business be reclassified with appropriate fees. One area which caused some concern was the general heading "retail business" which would include from a tiny store to the largest supermarket. It was decided to put this item into three categories on the basis of selling areas: up to 600 sq. ft., up to 2000 sq. ft., and over 200 sq.ft. and apply equitable fees to each class.

At present Cayman Brac and Little Cayman pay 25 percent of the fees chargeable under the Trades and Business Licencing Law but because of the category system recommended for retail business the rate for the smaller Islands will be 50 percent instead.

10. The Firearms Law 1964:  
Additional Revenue \$7,5000

Licence fees were increased to double the present rates. This was considered reasonable as rates had not been revised for quite a number of years.

11. The Travel Tax Law 1965: \$40,000

There are two recommendations. The first is to increase travel tax from the present \$2 to \$2.40. Although the main reason for the increase is to improve revenue there is a valid point for selecting the figure of \$2.40. At a conversion rate of C.I.\$ .80 to U.S.\$1 the \$2.40 is equivalent to U.S.\$3.00 and it was thought that the U.S.\$3 would be less confusing to visitors: the present C.I.\$2 does cause difficulties at times.

The other recommendation is to impose a fee of \$1.60 or U.S.\$2 on cruiseship passengers arriving in the Islands. It is proposed to bring this new measure into effect on the 1st August, 1976. The reason for the delay in the effective date of operation is because cruiseship operators need sufficient advance notice to amend tour rates to include



HON. V.G. JOHNSON (CONT'D): any additional change. Their tour rates are fixed on a yearly basis and to introduce the tax in January 1976 would be wedging a charge in the mid year operation which the passengers may not pay.

Simultaneously with the coming into effect of the cruiseship passenger tax will be an adjustment of tourist accommodation tax to remove the tax from the element of food. At present the tax is paid on room and food but there are hotels which have deliberately separated the management of the restaurant from the hotel in an attempt to avoid the tax on food while others act in accordance with the provisions of the law to pay the tax on both food and room.

Before amendment of the law commences, hoteliers will need to give the Department of Tourism an assurance that the proposed release of tax on food under the Tourist Accommodation Taxation Law will not afford them the opportunity of immediately adjusting their rates upwards to replace the removal of the Government tax.

As this is the end of the new tax proposals I would like to say that much was made of a land or property tax within the last few months which was uncalled for. I have been a Member of this Honourable House for eleven years and during this period I have never recommended to the Governor or to this Assembly any tax measures which would by name or application offend or become objectionable to the people of these Islands, whether Caymanians or visitors to the Islands. On one occasion a graded personal tax came forward and was refused but it was the recommendation of a Committee of the Legislative Assembly. Taxation is often never accepted in the best spirit by the public. The reason is appreciated, yet taxation is inevitable as it is the only means by which Government can finance the improvement of its services and expand them where necessary. The large portion of new tax measures over the last decade has been directed to areas like banks and trust companies licence fees, companies fees, stamp duty on land transactions and increased import duty on liquor. Statistics will indicate that non-residents contribute largely to these. It is my view that the Territory has progressed well during the period of boom: we have achieved much and there is much more to be had if we go about it in the right manner and not like the dog with the bone in his mouth looking at his shadow in the water below.

The Government stated publicly already that it had no intention of introducing a land or property tax as is being suggested. I am sure that there is no section of Government that would want to introduce a land or property tax which is known to be against the wishes of the people.

#### RECURRENT EXPENDITURE

The estimates for this year exceed the provisions of last year by nearly one million dollars. The increase is distributed over all the departments except Public Works. This Department should be given support for supplementary in the areas of roads, public property and vehicle maintenance which were reduced, should funds become available during the year. On the other hand, Education had a 26.11 percent increase due mainly to the continued growth of the Comprehensive School. Fair increases were also allowed in a number of other departments because of the nature of the service and impending commitments. Many requests under this section could not be supported because funds were not available.

#### NEW SERVICES

It follows that if funds were not available to support all the requests under inescapables then applications under this section would not stand much chance of going forward. Very little in fact has been recommended in comparison to the number of requests made.

HON. V.G. JOHNSON (CONT'D): Education takes two thirds of this - \$59,316: the total is \$84,492. The 26.11 percent increase in education expenditure mentioned in the last paragraph under Recurrent Expenditure includes the provision under this section.

#### CAPITAL EXPENDITURE

##### a) Local Revenue Contribution

Shortage in revenue resources has caused expenditure under this section to be limited to \$1,095,122 or \$727,668 below the 1975 provisions. Included is \$750,000 for the Port Project and \$225,000 for the Roads Programme. Both these projects will require additional funds for their completion. It is not known when the Port will be completed therefore no further funds may be required during the year. The Roads Programme will certainly need more funds by mid 1976 and work will only continue if money is available. The balance of \$120,000 has been distributed to smaller projects.

##### b) British Grant:

Projects under this section have now been completed except the Cayman Brac Airport Reconstruction Programme which should be completed by the end of 1976. This project will need additional financing and the request will be made for further British aid under the present loan arrangements. British grant aid to the Cayman Islands for capital expenditure ceased at the end of March 1974 and was temporarily replaced by interest free loans repayable over 25 years with six years moratorium. Loan aid continued at the same level as grant aid.

##### c) Loans

Projects under this section are financed by three different loans. A local consortium loan for the Administration Building and the Road Programme, Caribbean Development Bank Loan for the Port and British aid loans for Education and other small projects. Comments were made on most of these already.

#### Five Year Capital Programme

Government is now nearing the end of the five year capital development programme planned in 1969 to cover the period 1970 to 1975. It is gratifying to state that the programme went very well. Legislative Assembly and Court Buildings, Police Headquarters and Jail, Administration Building and Broadcasting Station were all completed. The School programme went as planned, and Medical and Health are completed to a great extent, as are the Port and Roads. In fact all the items on the programme have been either completed or under implementation except water and sewerage. The study on water and sewerage has just been completed and Government is examining the recommendations. In any case the area that was of concern was water for the Seven Mile Beach and this is now being provided by a private company. Although the airport programme may not have been completed, at least we have finished phase one which provided a freight shed and water tank, and concluded all the studies for phase two which will provide for a new terminal building and parking areas.

We must now seek to prepare another five year programme and we hope it will be as successful as this one. The United Nations Economist has been requested to formulate an economic plan in conjunction with the Development Plan. The exercise should produce a list of possible policies and projects together with the cost of each measure

HON. V.G. JOHNSON (CONT'D) and their overall effect on the economy. Government will then be in a position to balance its requirements in terms of priority and to phase these requirements so as not to place undue strain on its limited resources such as finance, manpower, raw materials and land. The economic plan for the next five years will be presented to Honourable Members when it is completed.

#### The Civil Service

The cost of living index indicated no rise in living cost over the first six months of 1975, and in fact it took a downward trend instead, so no salary adjustments are recommended in 1976. At the present time salaries average 51 percent of total recurrent expenditure excluding pension and gratuity. While there may be no real objection to this since labour at the present day price is the biggest portion of cost of any job or project, it is nevertheless time that the civil service be examined. I feel that the number of staff has exceeded the level required to operate a service of this size. It is possible that early in the new year the British Government will assist in conducting such a survey.

#### Conclusion

Although 1975 has been the worst year economically since the depression of the late 1920s and early 1930s, we in the Cayman Islands did not suffer as much as we feared and so we have much for which to be thankful. The exchange of one set of evils for another - inflation and recession - has taught us a few valuable points. I would think that the most effective method of control for inflation in the Cayman Islands is cooperation between traders and consumers. Any attempt by Government to impose limitation on prices or to institute control measures such as those adopted in many developed countries would only aggravate the situation and stagnate development. The recession on the other hand reminded us that all boom periods must come to an end and therefore we must not be extravagant and wasteful in time of plenty but store for the rainy days ahead. Another point realised is that the efficiency of top management in business must at all times be an important aspect of its operation.

Mr. President and Honourable Members, growing confidence in the future of the Cayman Islands continues in spite of the difficult period through which we are now passing. The coming year will be interesting. It will again be a time for plotting the course, over the next four years. The task of ensuring continued stability and a reliable Government lies with this Legislative Assembly. Although I am in no way perturbed over the question of future prosperity of these Islands, or even over the attitude of any new members who will sit in the Chamber of this Honourable House, I, nevertheless hope that there will be no significant change in the economic development policy of this Government which will adversely affect the economy of the Territory. Growth and development came to these Islands years ago and the Government accepted with courage and confidence the responsibilities and challenge they brought. The progress which has been made in the last few years is therefore no accident.

I would like Mr. President, to thank Honourable Members for their support and assistance in dealing with matters in Finance Committee and this Legislative Assembly. The attitude of cooperation and genuine interest in the welfare of Government and the Islands was impressive and it encouraged me a great deal.

Mr. President, I recommend the Appropriation Bill 1975 seeking authority to provide an expenditure of \$14,085,334 for the financial year 1976.

Seconded by Hon. D.V. Watler

MR. PRESIDENT: I think we might take a motion for the adjournment of the debate to allow members time to consider this important address.

MOVED BY HON. V.G. JOHNSON:

SECONDED BY HON. D.V. WATLER

DEBATE ON

QUESTION PUT: AGREED. ADJOURNMENT OF/FINANCIAL STATEMENT UNTIL TUESDAY, 18th NOVEMBER, 1975.

MR. PRESIDENT:

Proceed now with Government Bills.

THE CUSTOMS (AMENDMENT) BILL, 1975

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1975 FIRST READING

MOVED BY HON. V.G. JOHNSON

SECONDED BY HON. D.V. WATLER

QUESTION PUT:

MR. G. HAIG BODDEN:

Mr. President, I oppose the introduction of this Bill. The reason for opposing the introduction of this Bill is that the Bill cannot do what it is intended to do. The revenue collected under this Bill falls into two parts, however, both parts happen to be the worse hit part of our economy. and therefore if we increase the import duties as set out in this Bill we would further deflate these businesses, and the result would be that in 1976 we would have a far greater shortfall in revenue than we had this year.

I will deal with the increasing of import duties on mechanically propelled vehicles first.

MR. PRESIDENT:

I must draw the attention of the Honourable Member, to fact that he<sup>is</sup> only entitled to make a brief explanatory statement on the reasons for objecting to First Reading.

MR. G. HAIG BODDEN:

Okay Mr. President, I'll just make it into two sentences then. First of all your motor vehicle trade cannot stand an increase in duties as there'll be a further fall in importation, because of the increased prices. Secondly, the other items that would be hit by the removal of the preferential duty now enjoyed are items which are used primarily in the construction business and the tourist business; and we cannot bear increase prices in these areas. I thank you Mr. President for letting me put in my opposition, and if this Bill comes before the House I will deal with it in details.

QUESTION PUT: TO PROCEED WITH FIRST AND SECOND READINGS. AYES & NOES - AYES

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1975 SECOND READING.

HON. V.G. JOHNSON:

Mr. President and Honourable Members, the Memorandum of Objects and Reasons. There are two significant amendments to the Bill, one is dealing with the removal of preferential tariff from the Customs Law, and as was explained in the Budget Address this was to conform with the Cayman Islands becoming an associate member of the European Economic Community.

Mr. President and Honourable Members this Government a short while ago was given the choice of becoming an associate member of the EEC to which there appeared to be little or no alternative according to communications from the British Government. Nevertheless, if there were any strong objections/By the part of this Government to become such an associate member then we could certainly have put forward the case. At that particular time there was no indication of any adverse pressures that would be influenced by such an association, and therefore this Government opted to go that way, to become an associate member of the EEC.

HON. V.G. JOHNSON (CONT'D): We have just been approached by them to say that in accordance with their Tariff Regulations there should be no preferential treatment within the member territories, and if there was a preferential arrangement where the United Kingdom was concerned then this Government would need to make an amendment of those preferential tariffs within the Customs Law.

An exercise was carried out to determine what the eventual effect would have been especially on consumer goods and building material. And the result indicated that there would be little or no effect at all. There were a few items that could have been effected such as butter and corrugated roofing. And when a detailed investigation was made on these, it was discovered that the bulk of these items came from areas outside of Commonwealth countries where preferential tariff applied, and therefore the effect then would almost be nil. There are a few small imports coming from United Kingdom, quite true, but in all these tariff adjustments there has got to be adjustments one way or the other, the result cannot always be a nil result, there will be increases - decreases. But Mr. President and Honourable Members I think we can be assured that the results of it is not all that damaging to the public.

The other amendment of course is to increase the rate of duty on motor vehicles from the present 20% to 33 $\frac{1}{3}$ %. Again, it was a matter of examining the various avenues of taxation and to decide which would be the most acceptable as far as the general public was concerned, and as I've said before no member of the public likes taxation, something that everybody would prefer not hearing about. But from time to time there has got to be taxation in order for the Government to continue to function properly, and so in this exercise a number of measures were selected which were considered to have the least effect on the general public. I know that we all use motor cars, and we haven't long distances to travel in the Cayman Islands, we have a flat country to travel on, we're now being provided with good roads, we travel to our homes in a shorter period of time. If one travelled in other countries it would be seen that import duty and motor car rises in sums to fifty, seventy eighty percent. Here in the Cayman Islands the duty has never increased beyond twenty percent. And it was thought that at this particular time when the Government was in dire need of raising a bit of additional revenue that this was perhaps one of the areas which could be tapped, and a bit of revenue could be had from an increase on the importation of motor cars.

Now the increase of import duty from 20% to 33 $\frac{1}{3}$ % is certainly not going to effect the importation of motor cars, I am quite certain of that, because anyone who wants a motor car will buy it, even if it costs a little more. The motor car dealers intimated to me from six months ago and beyond that they would be cutting the importation over the next year or two. But this is purely on the basis of volume of business, this had nothing to do with cost or anything else. And so over the next year or two one would normally expect to see a reduction in the number of cars and other vehicles being imported in the island. So an increase in the import duty is certainly not going to effect it in this manner - it's already effected.

Those are the two amendments Mr. President and Honourable Members, otherwise its a short law, and I would ask members to really give it their due consideration. The Budget depends a great deal on whether Members will accept these recommendations, if they're not accepted, the Budget will have to be re-vamp and expenditures will have to be trimmed, we don't know from where. It will place the Government in a fairly embarrassing position to do so, although it's not an impossibility. But I would ask Members to give it every consideration, not to adopt the attitude of objecting to these proposals. New measures are inevitable, every year they come forward it is something that the Government must exist on, it's something that must come forward, and I would ask Members to accept it in that manner, and to support the Customs (Amendment) Law which is now in its second reading. Thank you.

Seconded by Hon. D.V. Watler

QUESTION : . . . PROPOSED: MOTION OPEN FOR DEBATE. . .

MR. G. HAIG BODDEN: Mr. President, members I am against increased taxation in a recession year, because it is bad economics. It is normal in recession years to give people a tax break if possible, but I assume the fiscal advisers and the experts have thought that in our particular case we would be the exception to make the rule valid. If there is to be any increase in taxation it should come in areas that would not effect the little man on the street. It should not come on essential items. In the Cayman Islands the car is a necessity, I could better skip one meal per day than I could do without my car. If a carpenter lived in North Side and got a weeks' work in East End, it would be impossible for him to turn out every morning on time, without his car. Now it is all right for us to talk about our duties are the lowest in the Commonwealth Countries, and it is all right for us to talk about what is happening in England and Jamaica or Cuba, but we have to remember that this island is devoid of public transport. Sure the price of gas is high in England, but a person living in England can well do without a motor car. As far as I know England has one of the best public transport systems in the world, subways and buses and trains. In the Cayman Islands we have no such thing, a person is dependent on his car in order to go to his work or do the other things which are necessary for living. So a motor car is an essential commodity as necessary as food, clothing, shelter.

If it became necessary to increase the import duties on motor vehicles, it should be done in a manner that wouldn't hurt so much, we could have gone from 20% to 25% and that would have been sufficient. But no, we must slap <sup>wild</sup> it, an increase that is more than half of what the duties were originally. We must go in one bang from 20% to 33<sup>1</sup>/<sub>3</sub>%. By increasing the duties on automobiles I feel that the Government is defeating the purpose. We will not get increased revenues next year from motor vehicles if we increase the duties now. We will take in far less revenue. I have in my possession now certain figures covering the sale of motor vehicles in this island, and I am sure when Government becomes cognisant of these figures they will immediately ask for a withdrawal of this Bill.

Number one: Government's importation of motor vehicles during the first two months of 1975 are below their importation for the first two months of 1974. And if this is not sufficient I will say that the downward trend continued up to the present time in 1975. So that not only were the first two months below last year's figures, <sup>but</sup> the next succeeding <sup>eight</sup> months are also below. We must look at an overall picture of the motor car, and when I say motor <sup>car</sup> I'm speaking of motor vehicles industry in this island. - these are very startling figures. One big importer who in 1973 imported one hundred and thirty nine vehicles only imported one hundred and three in 1974, this represents seventy four percent of '73's business. And this year 1975 they only imported sixty one units, making it fifty three percent of the previous year's business. So we have a decline of one half, in other words where this dealer sold eleven cars per month in 1973 they're now selling only six. This same dealer who paid a quarter of a million dollars in import duties on motor vehicles in 1974 has paid one hundred thousand dollars less this year. Can you see if the prices of these cars have to go up how much less duties this dealer will pay in 1976. This particular dealer's sales down by fifty percent.

Now I'm not going to use all the figures I have, but I want to give you the figures on three more because this is very significant, and it is my belief that Government was not aware of the true situation in the motor vehicle industry when they proposed this tax. Here is another dealer in 1973 imported one hundred and five vehicles, 1974 down to a hundred, not so bad, but in 1975 its down to seventy two. So about eighty two percent down over last year. Now it is truly amazing how the third person can keep in business. In 1973 this outfit imported one hundred and twenty five cars and other vehicles an average of 10.42 per month. In 1974 the figures had dropped to total importation of eight one, a decline of 65%, an average of 6.75 vehicles per month. And up to the 31st

MR. G. HAIG BODDEN (CONT'D): of October, 1975 they had only imported fifty seven units or an average of 4.75 per month, down to 46%. The gross profit on the average car is probably in the vicinity of eight hundred to one thousand dollars. Can you see when a person sells four cars per month what total profit they would make. This is gross profit out of which would have to come those heavy loans for financing the cars, the showplaces and what not. Its remarkable how these people are able to keep in business.

And finally the last dealer imported twenty units this year and didn't sell a single one with the exception of ten cars that have gone into the car rental business. So the business is bad. If we increase the prices it must get worse. Now if we want more revenue on motor vehicles we have what is virtually an untaxed area, and that is the area of court fines, and here again I would like to refer you to some Government statistics. In 1973 we collected twenty thousand two hundred and sixty one dollars in court fines, from nine hundred and eighty two traffic offences, an average of twenty dollars and sixty one cents per offence. In 1974 they collected twenty thousand eight hundred and forty one dollars, from two thousand four hundred and forty four offences, an average of only eight dollars and fifty three cents per offence. This means that we have collected in proportion to offences not even a half of the revenue we had in the previous year. And here I contend is some scope for Government to increase its total revenue from cars and motor vehicles. And if this were not enough Executive Council has come forward with increases on all the licences collected from motor vehicles. This is an injustice. Executive Council does not have to come to the Legislative Assembly in order to increase taxes on motor vehicles, this is because the motor vehicle law says that the Governor in Council can make regulations concerning fees. So Elected Members in the House have nothing at all to do with this exhorbitant increase which is being put forward. In many cases this increase is a hundred percent, in some cases it is far more than a hundred percent.

In the case of private cars the increased fees which have already been made on the 14th of October and which will come into effect on the 1st day of January, up by one hundred percent, from twenty four dollars to forty eight. And if we go down the list we will see that in some cases the increase is even more, for example drivers licence up from one dollar to five dollars, that's increased five hundred percent. Driving test up from two dollars to five dollars, taxis up from thirty two dollars to sixty dollars, an exhorbitant increase all the way round. Now this is done to the most essential commodity on this island. One can do without a certain food item, because you can make a substitute, but tell me what substitute is there for the automobile in the Cayman Islands if every automobile was suddenly taken out of circulation, we might be far better off on an environmental basis but all economic growth would come to a halt because tomorrow morning there would be nobody at work in their glass cage, there would be nobody to serve you in the supermarkets, there would be no trucks to bring your flour from the dock, and I could go on and on forever. Life on this planet as we know would cease to exist for the people of the Cayman Islands. We know that in some of the Caribbean Islands they charge and they get exhorbitant duties, we know they do it in England, excise taxes and taxes on gasoline. But they're not dependent on the private motor car, we are, and this will have to be examined again, not only the matter of the importation over which I will have a chance to vote, but the matter of the fees which have been increased by Executive Council, and over which I have no vote, but this will certainly have to be examined again, and the regulations amended, and revoked if possible, and the Bill before us also amended or withdrawn. Here we have a failing industry and Government has stepped forward boldly to give it a push into the decline helping to escalate the very recession which they purport to stop.

MR. G. HAIG BODDEN (CONT'D): On the second portion of this Bill, they are complying with the European Economic Commonmarket of which we are a member, in doing away with preferential tariff. There were two ways we could have done this, one was to set a special duty on these items. Remember that in the Economic Commonmarket they are not concerned with the duty on a particular item, they are concerned with the tariff against a particular place. So in order to do away with the preferential tariffs which existed in our Customs Law we need not let essential items again suffer by increasing the tariff.

The items which will be affected in the Customs Law fall into what I would like to call three groups of commodities. In one group I would put foods, butter, tea, tea concentrate, aerated waters and as an appendix to it I would add perfumery rather than put it in a separate class. Now it is a fact that all the butter ninety percent or more coming into this island is coming from Commonwealth countries, Canada, Australia, New Zealand. Butter in the old Customs Law paid the tariff 15% when it came from those sources. If it came from some exotic place like Bandarmashur you paid 25%. The plain fact was that nearly all of the butter coming into this island was paid for at the rate of 15%. This will be increased to 20% because we're taking out the Commonwealth preferential tariffs. Tea and tea concentrate were 20% from Commonwealth countries and 25% from foreign countries. Now all of this will change and the price of tea and tea concentrate with the butter will go up because we put up the duties. Another big item aerated waters, from Commonwealth countries was charged for at the rate of 20%. These waters will go up to 25% tariff because we have removed the preferential status that existed. Like the butter the tea and the tea concentrate come here from Commonwealth countries. Tea - most of it is imported from England, tea that has been processed in England which grew in other Commonwealth countries, we get a certain amount of tea, or I would say the world's greatest producers of tea are Commonwealth countries with the possible exception of Red China.

The third food affected is aerated waters. Here again we get a large amount of the aerated waters from Jamaica, and from <sup>the</sup> U.K., in fact the two most popular drinks are the Schweppes and Desnoes and Geddes drink which come from Commonwealth countries. Now I'm well aware that some aerated waters come from the United States, and I'm aware that a little tea comes from some foreign countries, and I'm aware that a pound or two of butter comes from foreign countries, but the bulk of these three food items come from Commonwealth countries. We here by the stroke of a pen today automatically increasing the cost of these items.

Now I mentioned I would put perfumery along with the first group, and the reason for it will soon be clear to you. The word 'perfumery' probably has no definition in the dictionary. I don't know what meaning is given to it in our Customs Law, but I understand the word 'perfumery' to cover everything that smells sweet with the exception of the oils of perfume. In other words every toilet lotion, and cologne, probably after shave lotion or whatever it is would come under perfumery. In other words only the real expensive perfume like the Lady Member's favourite, Rock Gardens and Chanel No.5 they would be perfumes, and they would today receive the free status that was given to them to help the tourist trade. But a large amount of perfumery is bought by the tourist trade, in fact not everyone is interested in the expensive perfume. In fact it's not always advantageous to buy in these islands which the people may be able to buy far cheaper in the lands of their habitation. The reason for putting perfumery under butter, tea and aerated water is that all four of these items are stable items in the tourist trade.



MR. G. HAIG BODDEN (CONT'D): I never eat butter because of the high cholesterol contents, I never drink tea because coffee is better. I never use aerated water because it kills the taste of the whisky. But every tourist that comes to these islands use these four items in abundance, they consume most of the aerated waters imported. They drink plenty of the tea, they eat plenty of the butter and they carry away most of the perfumery. What I'm trying to do, Mr. President, is to say that today we are striking a blow at the tourist trade, by the manner in which we are removing the preferential tariff from the Customs Law.

The second category of commodities affected by the amendment which we are making to this Law today would cover items such as ale, beer other malt liquors, cider, perky, spirits including ethylalcohol, brandy, gin, bay rum, cigars, cigarettes and pipe tobacco. Instead of enumerating these items one by one I could have said tourist, tourist, tourist, tourist, tourist, tourist, all the way along, because these are tourist items, and there's no mistaking the fact that if we today again increase the import duties on these items you will see another raise in the price at the hotels. Do you want to know how much of these items will be effected by the removal of the preferential tariff, one rough estimate would be 90% on all the hard liquors including rum - 90% on all the hard liquors, the most popular brands sold in this island, whisky, rum, gin, are all Commonwealth products. As far as smoking goes I can only say that in recent years there has been an increase in the acceptance of Commonwealth products. So when we come here and by the stroke of our mighty pen increased the import duties on these commodities we are killing the very tourist business that we are trying to stimulate.

The third group of commodities affected under this atrocious bill is that group which comprises building material, this is the group that hurts me most, because if ever any section of our business in these islands needed stimulation, needed incentive for growth it would be the construction business. Two items are especially mentioned in the Customs Law, cement, galvanised corrugated iron sheets, and I know I'm going to be told that today the bulk of our cement and the bulk of our corrugated roofing is coming from foreign countries, and so are not subject to preferential tariff. Please do not tell me that, I know it, I know how much corrugated roofing comes from Belgium, I know how much cement comes from Columbia, but these items do come and have come and will come from Commonwealth countries. The United Kingdom, Canada other countries produce roofing which is used in these islands, if we take away the preferential status from these items, it can only mean an increase in the cost of construction.

I am sympathetic with the cause of Government having to increase the revenue, but I feel it should not be done on essential items, It should not be done on motor cars and all the other items I just mentioned, it should not be done to industries which are failing. Every time we spend a couple of thousand dollars to send people on a promotional trip for the tourist industry we give them a slap that sends the tourist away, and they're getting many slaps in this Budget, this is only the first one I'm dealing with. Every time the construction business starts to pick up there is some increased cost, and there're dozen of increased costs in this Budget, not only in this particular Law, we'll be coming to them later on.

Government has made a mistake in putting forward this Bill, a mistake which I believe is because they didn't have available to them some of the information from the private sector. But after all what is Government, is it just something you keep in a glass cage, or is it something that lives in the world of people. Isn't it something that knows what is going on around it. And, Mr. President, I feel that we will be debating the Budget tomorrow morning; there're two other bills on today's agenda, and doubtless some members will want to speak on this Bill, so I will not continue any longer. But I would like to say that increasing the cost of anything doesn't guarantee total increased revenue, you may find that by increasing all these taxes on the motor car, and by increasing the import duties that in 1976 the Government will collect far less revenue

MR. G. HAIG BODDEN (CONT'D): from this source than it did during this year.

MR. PRESIDENT:  
until 2.30 this afternoon.

I shall suspend proceedings for lunch

AT 1:05 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Before I call on any other speakers I'd like to mention that this afternoon at 5 o'clock the new Administrative Building is being opened, and I think it is the intention of the Honourable Chief Secretary to move the adjournment at about half past four tonight. If - it seems likely we don't get through all the business on today's Order Paper, the remaining Bills will be put down for tomorrow before we go into the debate on the Second Reading of the Appropriation Bill.

Well, we will continue the proceedings, and the motion on the Second Reading of the Customs Amendment Bill is open for debate.

Mr. President, Honourable Members,

MR. CLAUDE HILL: While hearing prayers this morning we were reminded to have a mind of our own, and also deliberations - the guidance of a supreme being. While listening to the Third Official Member who gave a good reason in the introduction of this Bill - Customs (Amendment) Law, it is quite true that no Member craves taxation, no one in the public craves taxation. The only thing that bothers me is we do not assemble cars or any propelled vehicles in these Islands, as mention was made in the Memorandum of Objects and Reasons that the Cayman Islands has become an Associate Member of the European Economic Community. It becomes also necessary to amend the Customs Tariff Rate in order to do away with the Preferential Rate of duty, and to comply with the Islands obligations under the treaty. It is a fact that we want roads and good roads, and this is one of the things that funds could be raised by so doing - making an amendment to the Customs Law to obtain the money that is required. The statistics given in regards to the importation of motor vehicles by the Member who spoke first was only dealing on one side of the story I would say - we are confronted with world wide recession, but on the other hand he did not mention how many were sold and what profit were they sold.

If we here seek for an amendment of the Customs Law, and by raising the fees to a certain extent I cannot see where any one importing motor cars can be bothered very much with this amendment. I do not care to elaborate <sup>on</sup> what is being made, in fact elaborate on the amendment, as I personally feel that instead of getting thirty-three and a third, at least twenty-five per cent could be asked for and everybody would be quite happy. But seeing that the Cayman Islands has become an associate member of the European Economic Community, it becomes necessary for this amendment on the Tariff Rates I cannot but stand with the Bill, and with that, Mr. President, I will just express my views with the hope that someone else will pick up from where I left off, but I stand to support this Bill not in its entirety, but if twenty-five per cent was asked for I could fully agree with twenty-five per cent on the customs amendment. Thank you, Sir.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, I would have been much happier this morning after the Financial Secretary had completed the reading of his speech, if the House had then been adjourned to resume tomorrow starting out with the reply to his speech, because the little that I may say on this motion I will undoubtedly refer to it in detail some time in the week when I will make my small contribution in replying to the Financial Speech. To those of us that are familiar with the scriptures we know where we had an outstanding figure once asked the Lord to let the sun stand still for a little while, if he was to have granted me that privilege on this occasion it probably would be standing still for a few days.

MR. CRADDOCK EBANKS (CONTD.): It appears like Government could have found some other measure of attempting to stop the importation of cars rather than this one, and I guess that is the next step since practically the whole of George Town area, is painted with a yellow streak or streaks all around it - "no parking" - since there is almost no parking space - then it is getting to where we won't need cars any more. It has well been said that man / does not get accustomed to taxes - I think I have said in this house more than once that I am happy and agreeable to go along with reasonable taxation when it becomes necessary, but I cannot see at this stage why the one major fling has to be in the traffic sector. As one speaker said we have no public transport, and the livelihood of many people in this country depends on their cars to get them back and forth. The few individuals that may be using it for a luxury - well if they are using it for a luxury - well tax them.

If only the thirty-three and a third per cent was being proposed on duties - or as duties was to remain there it may not be so bad, but as has been the custom over many years when Government imposed duties on freight plus the cost, and we do know that when taxes go into effect very seldom ever removed or eased up - it always get harder. Then we can be assured that in the very near future the ship owners will be adding an increase to their freight rates so that will make the volume of the duties higher still - then they are proposing an increase in taxes, inspection, licensing and what not. Everything surrounds the motor vehicle owner, and there is always, Mr. President - what ever taxation is brought and goes into effect the Eastern Districts particularly seem to suffer more from the effects of this than any other parts of the Island. I could draw you attention - garbage taxes were recently increased - for two consecutive weeks garbage has been lying in the front of my house and no collection made.

People that are working in town - whether it be for Government or the private sector - that have to travel from East End and North Side their cost of gas and oil and tires, and wear and tear on vehicles is three times that of the surrounding neighbourhood - yet we are called upon to pay the same proportion - the same amount - I am not trying to break it down that we should pay less, but we should get services for what we pay for. Who would expect these proposed rates to go into effect, and the vehicle owners not increase their fares, particularly the taxis, the truckers - then you will hear another squawking from - certain sectors - the public - business people - we got to pay this, we got to pay that - you've increased your rates - then it all comes back - the poor pays for it again.

The Financial Secretary gave some good reasons for asking for this increase, and I would like to go along with them, but Mr. President, I am making these remarks in brief, because I intend to go all the way in another few days, but I will leave this as food for thought - that when Government with all the hundreds of thousands that they have already spent on the roads between George Town and North Side - when they have completed a good motorable road to reduce maintenance cost - and take some control of Motor Insurance then I will support some Bill brought to this House, but not before. If it was for one one cent, or one one penny - I read in the Miami Herald a few days ago where Colombia, Bogata still got gas at thirteen cents a gallon, and because Government imposed one cent - the whole country went on a strike against a one cent, and it is getting time for somebody to do something about such drastic proportions proposed like this. Mr. President, I would'nt have any more to say at this time, because I've said I intend to go all the way in another few days, and I've left off here I will take up again, but I've said until we get proper roads with all the money that have already been wasted I don't intend to give any support, or approval to any motion asking for taxation - to talk about building better roads - we should have had them long ago. I

MR. CRADDOCK EBANKS (CONTD.): Thank you, Mr. President, for this opportunity of saying this until the next time.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I knew November, 1974 that we had to have taxation, because you cannot spend what you have not got unless you go in debt, or find other means of raising more money.

I am on the Fiscal Committee, and I suppose that knowing the situation I agreed to some taxation, but taxation is to keep us from being a defunct Government. I would say Mr. President, that were the Heads of Departments more diligent in their spending, we wouldn't have this tremendous deficit. Now Mr. President, as I understand it from street talk there are thousands of dollars out and owing by business concerns, hoteliers etcetera for customs duty, and if that amount was collected I am informed we would not have any deficit in our budget. Now that has to be due to lack of proper supervision, proper control and had I known that when I was in the Fiscal Committee and agreed to some taxation, I certainly would have said collect outstanding amounts which are due and then there will be no need for taxation.

Now, Mr. President, unfortunately it is this way - that the poor people we will have always and the poor are the sufferers. If I import one dollar's worth of merchandise or a thousand I must find the money to pay that customs duty, or my stuff remains where it is. Now I do not think any concession should be granted to any body, Civil Servants, Members of Legislative Assembly, Merchants, Hoteliers or name them, I feel that all should share the same fate, and unfortunately that is not the case. I feel today, Mr. President, that we as Legislators, Civil Servants or those of us who feel that we are on the higher bracket of living should not use our positions to get what we want, and that is what is being done unfortunately. Now I've had three motor cars in my life, I can't learn to drive, but I pride myself - it takes a smart woman to save enough money to buy three spanking new motor cars - the last one cost me six thousand dollars, and I never had to go to Barclays Bank to borrow a penny - I had worked and saved that money, but I promise myself I've got my three motor cars, and if I live another sixty-seven years I don't intend to buy another one. But I feel that a motor car now is a must - it is a necessity - plenty people might not even have shoes on their feet, but it is very imperative that they get a motor car to drive to and from their work, and while I agree I said I am partly responsible for this taxation, because I know Government must function, but had I known as I said that this vast amount of money is due and owing to our Government I would never have agreed to it, but I am going to compromise, I am going to say that I will agree for twenty-five per cent on motor cars.

Now these other regulations here I had nothing to do with them that I am aware of - I agree that we need money - we need it badly - and unfortunately Sir, services will have to be curtailed - we have too many people in too many offices doing nothing, and I repeat that - we have too many people in too many offices doing nothing and it is time now that we as the representatives of the people wake up to the fact that Government, like every one must cut his garment according to the cloth they have in their possession. Every new day almost we hear of certain offices being created, and of course not a soul is working for love these days, except may be Annie Bodden, and I can't afford it too much longer myself, and I feel that we have too many people in certain offices, commencing Sir, with your office - we have too many people who could be scattered abroad and earning money else where, and who have too much time to do the little work they are called upon to do. Now I believe that when necessity arises we must

MISS ANNIE H. BODDEN (CONTD.): get people to do a job, but on the other hand why kill tax payers money just for prestige too many trips from officers of this Government and employees - too many trips we have to pay for, and I don't see any return - I don't see when any officer goes on a training course or to any conference or anything - they come back with any report to this Assembly - I have never seen but from a limited few, and I feel that while I am saying that I agree to some taxation on these motor cars, because we have to get money some where, I am saying I am not, in the face of what I have heard and learnt since I was on that Fiscal Committee, I will not agree to thirty-three and a third per cent. Mr. President, I feel that it is time that we on this other side as we are termed have some say in what is going on. We cannot and will not allow the finances of this Government to be run to that thing you call a H E and TWO STICKS, that is what is going to happen if we leave people alone who have no value for money and who just spend because they think they can spend it.

Now certain offices in this Government Sir, that need more staff they have been curtailed, and offices which I think in my opinion I could be wrong do not need so many staff, they are multiplied daily. Now I repeat Sir, I suppose I might be losing my seat in this Assembly when I say that <sup>taxation</sup> we need to cope with this present situation, but I speak my conscience - I have been told I won't come back in the Assembly because I have on occasions spoken against some people who were doing wrong, and trying to deprive the Government of land which they rightly owned - you can't get a vote from us - well I said I would not steal land for my mother and sister much less anybody else, and I will not do anything wrong that I know of - I repeat I want this good stable Government to go on - I know it needs money to operate, and not one soul in this Island today would be in favour of taxation, but if we need money we have to get it - we don't want to say that this Government has gone to pieces, because the Legislators were so ignorant that they didn't see the need <sup>raising</sup> extra money, I see the need to have extra money but more than all I see the need to cut down expenditure. So Mr. President, I am going to support this Bill up to say twenty-five per cent import duty on motor cars. I will not agree to, thirty-three and a third per cent, because as I said if the Government was diligent - brought people before Grand Court or Petty Court whatever it would be to collect all this outstanding money which is due and owing, and which is street talk - we wouldn't have any need to have this extra taxation added to us. I will agree to twenty-five per cent increase on motor vehicles.

I can't say that the roads are the worse in history - I am opposing this canal that I see up at Red Bay that is a waste of public funds, but I am saying we have to get money to finish this Barber Green road in George Town because it was a grave mistake to put the back road there at School House Road - have that like a - you can fly on it if you need to in a motor car - as the main city of George Town we have the most awful roads we have had in a long time. So I want to see roads finished - I want to see other improvements kept going, and while as I said I might be giving up the pleasure of my life today, because being in the Assembly to me is a pleasure, and a service which I dearly love, when I say I will agree to twenty-five per cent increase <sup>duty</sup> on motors cars. Thank you.

MR. JOH JEFFERSON: Mr. President, I rise to speak to the motion before me - the amendment to the Customs Law - a lot has been said already and I am sure a great deal more will be said. But let me first make this statement, Mr. President, I feel that Caymanians the Member said deserve what they have. I remember <sup>a</sup> few years ago when Government was in a huddle to try to set out their priorities - there were so many things that needed to be done that it was hard to determine which was more important.

MR. JOHN JEFFERSON (CONTD.): Mr. President, these past five years we have seen tremendous amount of services provided for the people of these Islands. Mr. President, we had a tremendous influx of money in this country - our standards of living have risen - our medical standard - our educational standard - our every other standard that I know of has been tremendously improved. It goes without saying that we cannot have every thing without paying for it, and certainly we remember years ago when we (and I am not speaking on the budget) came here and sat in the Finance Committee, and sat here in the Legislative Assembly and debated the Financial Statement/<sup>we</sup>were all frustrated because there were so many things that we wanted done, there were so many things that we knew that the people wanted, and there was so few funds to do them.

Mr. President, I remember in so many instances regardless of what was the subject in public meetings the cry for roads, roads, roads were the cry of the people, and Mr. President, we have no other alternative but to be able to stay in touch with our people, and/<sup>try</sup>to provide for them the amenities that we believe that they need. It is fine to stand here and say a lot of things, but we have to deal with reality. When I started to work I started to work for ten dollars a month - I wouldn't work for that per day today. Some people say well ten dollars went further in those days may be that is true, but my standard of living wasn't then what it is today. Mr. President/<sup>we</sup>have built and we are building roads, and it would be unfair to say that the roads in this Island are not the best that they have ever been. We have had some rain here in George Town and other Districts and certainly there are areas where roads are dug out - I think if my colleagues behind were to complain about roads in some of their areas - away from Bodden Town - I would have to say yes it is true, and may be towards North Side there might be areas where roads are not the best in certain areas. Mr. President, when we deal with the roads and I am speaking from the general stand point, I believe roads here in George Town are worse than other District. What I am saying is we must/<sup>have</sup>roads, and how are we going to have roads unless we have dollars to pay for them.

I haven't heard any body here today debate the advantages of being a part or associated with the economic community or the European community - I haven't hear/<sup>any</sup> body here yet touch on the advantages of that. I think personally that the advantages out-weigh the price that we are talking about here today. Mr. President, I must be quite frank, the Lady Member speaks of street talk - believe you me two months ago I was canvassed by a number of people - they said we understand that the duty on the automobile is going to increase to forty per cent coming the next year - I said well I being a Legislator you happen to know more about it than I do; I haven't seen any figures like that before me, but I'll tell what is hapenning in too many instances its too many Civil Servants opening their mouths a little bit too loud, and divulging the things that ought to be kept secret, and too many people other than those being are told that they happen to know ~~more~~ about what is going on a lot of the time than we as Legislators do. And I go back again to remember when the change of Currency - when we had the change the other day in U.S. and Caymanian dollars. Friday afternoon I could know by certain people that there was going to be a change, but ~~me~~ being a Legislator I wouldn't have a chance to know. Mr. President, if you expect that I am going to swallow those/<sup>things</sup>down with the best of taste - that is not possible Sir. I don't deal with rumours - I try to enlighten my people, I try to be frank with them, I try to lead them but certainly there is no reason in the world why the people on the street should know that the duty on automobiles was going to be put up to forty per cent, and I being a Legislator had not even any inkling of any such thing. Mr. President, I have no other alternative in my opinion as a representative and in my honest straight forward

MR. JOHN JEFFERSON (CONTD.): representation I have no other alternative but to support an increase - I haven't seen any increases <sup>here</sup> that are out of proportion when we think of what we get in return. I will make this one point - I agree with my Member behind <sup>me</sup> who said that the amendment will not do what it seeks to do - the amendment seeks to increase the duty or the amount of money from duty from automobiles - I don't believe that it will - I believe that we are dealing with a very frivolous amount - but I believe that being a part <sup>of</sup> the economic community there are also certain responsibilities and obligations that we will have to shoulder, which I believe the returns out-weigh - the sacrifices that we might be called upon to make.

When I look through the fees Mr. President, that are charged there is no question in my mind that if we increase any tax, anything in this country by a dollar that people will not resent it - it's human nature, but our job is to help them to realise that what we are offering - this Government is providing for them money has to come <sup>from</sup> some-where to pay that bill. So as far as I am concerned its just that straight forward. I support the amendment in principle, and when it comes to the final then we will deal with it in more detail.

MR. JAMES BODDEN: Mr. President, fellow Members, I will not be delivering my speech on the basis of going down through the centre of the road, when I am through I am sure everyone will know which side I stand on.

Once more we are being forced to adjust to something else that someone tells us to do. It seems like we continue to follow the old song that tells us fools rush in where angels fear to tread. We're not against, Mr. President, the orderly functioning of Government - we would be stupid, but there is a lot of avenues open to us that we have not yet explored. Every action that we take in this Chamber in regards to taxation seems to affect more and more the small wage earner. What we are attempting to do reminds me of a very popular song, I think is going around today, I think it was composed in the United States where the Minister was trying to get money out of his congregation, and he is trying to work them up to a fever pitch to get them to run - finally the congregation had had enough and they said "Reverend let it crawl". I am not saying that we should let it crawl, but I am saying that we should let it walk that would a compromise measure that could be made.

Mr. President, I know we will get a lot of argument if I touch on the duty free system under which we operate for so many articles in this country. I know we will hear that it is a main-stay of the economy - I know we will hear it does a lot for the tourist business, and may be it does, but, Mr. President, I submit to this House that the savings that are passed on to the actual buyer in the retail establishments who function in the duty free trade is very little, and in any country of the world to-day, except a few of the free port areas as they call themselves, you pay an expensive tax when it comes <sup>to</sup> enjoying luxury items, and I agree with that because if you want to wear an expensive watch you should have to pay for it, if you want to wear a diamond ring you should have to pay for it. In my mind this <sup>is</sup> one avenue that we could touch on that would affect just a few people, instead of something like this that is going to have such mounting effect on the over-all economy. One Member while ago in his speech said that we were dealing with a frivolous amount, I submit to this House that that is incorrect because if we follow the speech which were so ably delivered this morning by the Third Official Member we will find that we are really talking about five hundred and thirteen <sup>thousand</sup> dollars of additional revenue, and that is not a small amount of money, so in my estimation I could not term it a frivolous item.

One objection I would make Mr. President, is in a recession year such as we are going through today



MR. JAMES BODDEN: that we should not be contemplating in this particular Bill of increasing taxes up to sixty per cent. Later on in some of the other Bills that are being submitted to the House we will find that we will have increases as much as twelve hundred per cent. I think that these rates are too much, I think I would not be diligent in my service to the people if I stood here and agreed with it. We must understand one thing that when we increase taxes we also increase inflation, and every country in the world today is battling with inflation and every country in the world today is battling with recession and is battling with inflation, and they are not adopting these methods in order to keep going. We have heard it said by a previous speaker this morning in the House that the importers had to decrease their stock - that has had to be decreased because money was not available Mr. President, for the people to buy the additional motor cars, and whether we like it or not cars are a necessity in the Cayman Islands. I will agree that in many cases they are used also as luxury items, but we have to think of the majority of the use because let us take for instance a man employed in the construction trade he needs his car very much in order to get to work. I could agree Mr. President, on us doing something about this if it was done on a sliding scale based on the C.C. capacity of the car. In my estimation this would be an equitable way of solving the solution because the lower income bracket person could still import his car and pay twenty per cent tax on it because that is all he could afford to pay. The more affluent person who wished to have a bigger car or a little bit more sporty car could pay twenty-seven per cent. The most affluent of the group who wished to drive in a big car and has the money to do so would then have to pay thirty-three and a third per cent, and to be frank with you in that case I would also be willing to even see it increased to forty percent, but Mr. President, I cannot sit idly by and agree that we should raise this on a blanket deal overall to where the man who can afford to bring in a 1975 Rolls Royce would pay the thirty-three and third duty that a man bringing a Volkswagon would have to pay, I do not think that is quite fair and I think that we are put here in order to promote fairness to the people. Should we also adopt this system Mr. President, we may find that the roads would be more safe because the speed could be cut down. Another thing we would find that it would probably be a curtailment in the police work, and it would also mean less road repairs because the big automobiles naturally will tear-up the roads much faster than a small car will.

One Member this morning dealt with the car imports and we find that in 1975 statistics show that over 1973 one particular company had decreased its import by thirty-two per cent, another by fifty-three per cent, another by fifty-four per cent. Should this continue the return to the business man is so small, Mr. President, that I cannot understand how he can long remain in business, and when this happens we must think of the dire effects it would have on the economy as a whole. The business man has to close his place of business in most cases the businesses are heavily mortgaged he will then have to continue from some or the other to continue to pay that mortgage. The people that are employed by him who put money back into the economy will no longer be employed, and right now I would suggest that every person who has a job in this country can consider himself a lucky man, or woman because the jobs are not here going begging like they were years ago. Another statistic that I think should be considered by this House before we consider raising the import duty to thirty-three and a third per cent would be this - that in 1973 there were four thousand five hundred and forty eight cars, or automobiles let us say registered in the Cayman Islands, we come on down to 1975 and we four thousand one hundred and eighteen, or a decrease, Mr. President, of about twelve per cent, so I cannot agree that by raising the import duty thirty-three and a third per cent is going to mean in an overall effect all that much money to the

MR. JAMES BODDEN (CONTD.): Government. The other items which we are covering, and which apparently <sup>come</sup> under the Preferential Tariff under the E.E.C. I will only touch on a few of them - the few that affect the average man on the street - that would be butter, tea and tea concentrates and the aerated waters. We are increasing the duty on those three items, and I believe that most of those items today do come from Commonwealth countries where you can enjoy the Preferential Tariff and its a bit lower that it would be should we increase it. This means again that we are going forward more and more into an inflationary spiral. We take two other items cement and the galvaniz@d iron sheets. Construction is the main stay of our economy. One home constructed in this Island and a person living in it is worth one hundred and fifty tourists at the hotels, and Mr. President, I know that we will easily hear an argument that most of the cement and that most of the zinc that comes into this Island today comes from countries outside of the Commonwealth. I will not argue that fact it may be so, but if its even only five per cent of it that is coming in then it would mean that that five per cent should be a savings going down to some small wage earner who wishes to build a home. We cannot longer continue to increase taxes and increase them until the little man on the street is unable to breathe, and we must continue to think of the little man on the street when we're thinking of him in his automobile because as I explained a while ago it is an important part of his day-to-day existence.

Maybe a different thought would have been given to this, Mr. President, if there had not been and does continue to be such a widening breach between the private sector and Government. I think it is about time that the two pull together - it is about time that the private sector knows something about the activities of Government, and Government knows something about the activities of the private sector, because I believe that if all of the statistics had been available / <sup>consideration</sup> <sup>been</sup> <sup>to</sup> would have given this to find some other means in which to increase taxation to bring in the needed money to balance this Budget. We spoke a while ago on the inflationary spiral. Mr. President, this will have widening effects. When you increase these fees on the automobiles and the import duty it means that taxis fares are going to be increased tremendously, and those of you who meet the tourist will tell you that the tourist say there is no place in the world that has a higher taxi fare rate than Grand Cayman. Its going to effect the car rental companies - they are going to have to increase their per day hire. Mr. President, if it only stopped there it would be good, but this <sup>is</sup> going to have an over all effect on the entire country, and I would submit to this House that a more / <sup>equitable</sup> way to handle this would be to send this to a Select Committee of the Whole House to consider changing this Bill to where certain cars / <sup>stayed</sup> at twenty per cent and certain cars were increased up to thirty-three and a third per cent that we are asking for, and I hope that some move towards that will be made before this actually steamed rolled in existence. Thank you, Sir.

HON. A. B. BUSH: Mr. President and Honourable Members, we know that there is always some opposition when ever there is an increase in any <sup>a</sup> fees what ever. I don't call it taxation because we really in <sup>a</sup> sense are not people that are taxed. The controversy here today is about the increase in the imporotation duty of motor cars to thirty-three and a third per cent. Now it is an increase of thirteen and third per cent over what it was, but don't we consider that we <sup>have</sup> had the minimum duty on motor cars for long enough. I don't believe that in any other country in the world that the duty on motor cars is as low as what it is in the Cayman Islands. It can be said that this should have been increased long ago. Not to such an extent as probably what you have here now, but I think all Members advocate that there should have been some increase although not so.

HON. A. B. BUSH (CONTD.): heavy from year to year. Well, the suggestion has been made for five per cent increase. I wonder if Members would just stop and realise that it would be better to leave it where it is than to just have a five per cent increase. It wouldn't be worth going to all the trouble to change the Law for a five per cent increase on motor cars. Much has been said about the necessity for a motor car. We all know that every one in this day and age likes his own motor car - likes to have his own motor car. Some like to have two and three, as we heard the Lady Member of our Legislature said - she had three motor cars - what a standard of living - may be if we had the thirty-three and a third per cent before she would only have had one, and probably would have taken much better care of it because it would have been worth more to her. However, because of the ease and being able to have one's <sup>own</sup> motor car there is an absence of public transport. Public transport, I have often said, will pay never pay in the Island as long as private transport is so easily come by - this is true because when one can buy his own motor car so easily he doesn't want to worry with public transport, and to my mind this is one of the reasons why public transport isn't to where we would like to see it today, because everyone <sup>is</sup> independent of it - he is able - financially able to buy his own motor car, and therefore has no necessity for the public transport.

We talk about the little man and how it will affect the little man. I take it when they talk about the little man they mean the very poor man, but today we see here in our midst the little man as we call him in just as high position as far as motor cars are concerned as the very wealthy man. We know that it is much better to ride in a motor car two or three hundred feet than to walk, but may be if we <sup>walked</sup> some more we will see more and feel a whole lot better. Needless to say, Mr. President and Members, I support this I think it is reasonable, and as I said it should have been to this figure long ago. We hear of the discouragement it will be to importers of motor cars, we heard of the poor sales from the motor car companies - the distributors of motor cars, but I don't believe that it is because of the duty that people haven't bought motor cars from the dealers here, I believe it is because they get better prices elsewhere from abroad, and I believe this is the reason why the dealers haven't sold as many motor cars as they have in the years gone by because people now have more money that they can go and purchase a car outright and get a far better price on it. So I don't believe that there has been any less cars imported but I don't know how you would hold any more cars in the Island. I see the ships come in here loaded with motor cars, and I wonder sometimes where are they going to put them - anyway they find themselves around somehow or the other and are probably lost somewhere in the Island. It may be too that one of the reasons why there has not been any greater sales of motor cars, may be we have reached a saturation point, everybody that wanted a car has one. As I said some people have two or three, and when we look at it we got just over twelve thousand people and we got over four thousand motor cars so every family can ride in a motor car. What a great standard of living we have - this one of the things that a country is judged by as I understand it - by everyone having his own motor car.

We say that it is a bad time because it is a recession year, well we are hoping that the recession is breaking up and there will be better times next year and it seems to me like it is all the more reason why people should be prepared to pay a little bit more on what they are getting so that Government can keep on providing the services which are required for the operation of such things. The roads - one Member said that he wouldn't be prepared to support any increase in anything of this sort until we have better roads, but at least Members should realise that we are on the road preparing the way for better roads. I don't think it is

HON. A. B. BUSH (CONTD.): right to say, as I have heard some say that the roads are worse than they have ever been - this really isn't so - there are still some bad roads, but one thing should be taken into account that we have our own equipment with which to build the proper roads we need. Roads we built, let us say even five years ago were considered good roads, today they just cannot take traffic. I know that the surface we have been putting on roads is alright as long as the weather is dry, but when we get abundance of rain which we had recently, and this what I was fearing as the Member responsible for roads, as you know Honourable Members - I was fearing that the roads were going to break up if/<sup>we had</sup> any great abundance of rain and this is just what has happened. Reference has been made to certain roads being done that shouldn't have been done at this time, and others that should have been done. Well may be if/<sup>was</sup> so I didn't know what I was talking about I would probably have said the same thing. We hear about the School House Road this was made really to give an incentive to motorists to take the traffic off of central George Town - the hotel traffic from the Airport. If you may call it this was a little piece of strategy which we tried to work and hoped that people would accept. If you haven't accepted it it wasn't done in any bad faith - this is the strategy we tried to pull, but I want to assure Members and especially the Lady Member of George Town who I know has complained/<sup>to</sup> me repeatedly - why didn't we fix our roads before going here and there and fixing roads somewhere else. At the time the road programme was started, George Town Roads were the best, and so they could stand a little longer from being fixed, but if the weather permits tomorrow you will see a continuation of the roads in George Town. I regret very much that I have to break off in Bodden Town, but this cannot be avoided. We had several weeks of break down with the plant - I think we have it working again, and it shouldn't be too long in the New Year before - all our roads - all the main roads are covered with hot mixed asphalt. The pot holes that you see around the town, I believe that you had better have a good look at them, because you are not going to see them again. I think that you will get tired of riding on that very smooth and lovely road that we are going to build for you, and will be glad once in awhile to drop down in a little hole to let you know that you are on the road instead of believing that you are in the sky.

Mr. President and Honourable Members, sorry that I have to go on the roads really. We talk about the increase in the duty on motor cars. One Member has suggested that it should be what he considers on a sliding scale, instead of an overall charge on all motor cars. I disagree with this. What is the purpose of this Bill. The purpose is to increase revenue, and every motor car whether he is a small one or big one an expensive one or what to my mind he should pay the same, because it is for the purpose of increasing the revenue. When we talk about the little motor car - let me say this - if I had my way with that little motor car he wouldn't come into the Island at all, because that is the most disgusting car that I have ever come across on the road. It never stays behind anything. If you are going fifty miles per hour he is going seventy-five. I don't know whether it is the car or whether it is people driving it, but I do know this that I have never had one to stay behind me and I drive a big american car, and I drive a pick-up truck and I have never had one to stay behind. I came out of a corner the other day right around the area - on the corner of Shedden Road, and you know he couldn't even stay behind me to come out around that corner he came out double. I have never seen such a disgraceful thing as those little cars are on the road - to my mind they should have a special tax for those alone and it should be higher than the bigger ones. I think we should be grateful you know that/<sup>you've</sup> left all the accessories for motor cars untouched. There is no rise in duty on that - they have been left alone.

Let us go back again to the inexpensive motor car - the man who is driving it - he has bought that car for economy reasons and therefore he is not prepared to contribute very

HON. A. B. BUSH (CONTD.) much to the revenue of the Island. The man who buys the big expensive Cadillac that we've heard about - he is the man who is contributing the money to the Island. The car apart from the first cost of the car, the accessories cost much more, tires and what not, and who really benefits if the small car pays less - it is the man who owns that car and Government provides the road for them to run on just the same, and they receive less from it. I don't think these are good arguments at all. I think one must realise that - as has been outlined by the Financial Secretary in his speech - money is needed for the various services. Government doesn't keep a shop that they can raise prices every day - they have to get money from some where, and this is considered the source from which money can be raised. I certainly agree with Members that it will not give us all the money we want, but it will contribute to it and help in the increase of the revenue.

And so Mr. President and Honourable Members, I hope when it comes to <sup>the</sup> vote on this Bill, that those who have said that it is unjust - atrocious law and such remarks - will reconsider and give their support because it is not as we say a tax that is going to kill someone - it is something that is going to improve you road conditions and after all the average man spends much more on a weekend at probably one of the clubs than twenty-four extra dollars which you could give the Government to provide better roads, better accommodation for his motor car. So I do hope that those who are against us, or were against us at the beginning will change their attitude and realise that Government hasn't done this just because they want to put on a tax on motor cars but because this is one of the avenues which they can provide better services for the people who own them. Thank you.

HON. W. W. CONNOLLY:

Mr. President and Honourable Members, I rise to speak on the merits and de-merits of the Bill before us, that is the amendment to the Customs Law, and as I see it this amendment takes three different parts. First of all the first amendment takes the consequential amendment which has become necessary due to our acceptance of joining with the United Kingdom the E.E.C. As some Members said we should truly measure and weigh the benefits to the disadvantages as we may receive. It is true to say that certain of our items that are used in this Island and particularly I will speak about Whisky and Beer that are affected by this amendment - we know that a lot of our Whisky comes from United Kingdom and other Commonwealth countries, and definitely when the Preferential Tariff is removed it will increase the cost, this is a fact. On the other hand what else could we do - could we stay out of our association with the E.E.C? I am sure my memory serves me correctly a question was raised by Members when this came up not too long ago whether we would create an association with the E.E.C. or whether we would opt out and the decision was that we would go along. Because there is the possibility of us getting certain financial aids through this course of action, and as I said the Members stressed a lot about the tourist - this is so that probably the drink of Whisky might cost the tourist a little more than it did, but I am sure that even this little more does not in any way compare with the high cost of Scotch Whisky in other Territories. I believe I am right in saying that one can drink Scotch Whisky in Cayman more cheaply than in any place that I have been, and the increase of how much - by removing the preferential duty on this it means an increase of one dollar on a gallon on Whisky, which is minimal - on Beer twenty cents on a gallon increase. Now the truth is that Beer should not increase to the consumer one cent not at twenty cents on a gallon as duty. I don't see today where the seller can argue the point that on account of Government removing this preferential consideration has increased his cost to where that he has to put an increase on the consumer, but be that as it may, as I said I believe

HON. W. W. CONNOLLY (CONTD.): this is a case where we will have to choose the lesser of the two evils - we will have to weigh our advantages against our disadvantages, and I believe for the sake of twenty cents on a gallon of Beer or one dollar on a gallon of Whisky it was better in my opinion, and I think it would be better in the opinion of most people that we should follow this line, and reserve our right to any aid that may be forthcoming through our association with the E.E.C.

The second part of this Bill is this amendment - merely corrects a typographical error and naturally that is noncontroversial. Then we come to the latter part of the amendment which deals with the increase of duty on Motor Cycles, Motor Cars and Pedal Cycles. Now if one would ask people what they would like taxes or duties increased on surely the answer would be nothing. If someone has asked me I would say nothing - I wouldn't want it increased if that were possible, and I am sure I am speaking for the majority of people. No one wants an increase of rates, an increase of tax an increase of duty whatever you may call it. But let us first of all consider our position in the Cayman Islands. In this Island which is an exceptional place compared to to most other places in the world where we have no income tax, no property tax, no capital gains taxes, no direct taxes whatever, and surely the Government has to function, surely the money has to come from place. Then the question comes up from where. We have years after years been increasing on cigarettes, on liquors and small bits and pieces of this and that - and this is a continuing process down through the years, and naturally the time has come when one has to think of other avenues of revenue.

It may<sup>be</sup> argued that the motor car is an essential vehicle and no one can deny that. Motor cars today form a great part of the transportation of most people in these Islands. But it can also be successfully argued that in the last few years there has been quite a waste - quite a drain on the economy of this Island - quite a drain on the dollar and foreign exchange - in the motor car possession. We have as someone mentioned over four thousand automobiles in an Island with twelve thousand people - that means that every person in Grand Cayman can be mobile at the same time, and this is speaking and putting this country equivalent to developed countries. That is not the point that we should take into consideration - we should also consider that the possession of motor cars in this Island has been investments by the public - certain members of the public - that has created a lot of problems - I am not saying that a person who can afford to buy a car - like the Honourable from George Town - that they shouldn't buy a car, but we know ourselves that a lot of cars that have been purchased in this Island have been purchased at great disadvantage or sacrifice to other benefits. The same people in this Island who expect the Government to provide free transportation for the children to go to Secondary Schools - expecting the Government to provide that transportation free is often seen with four vehicles in their yard. This is a situation we have in Grand Cayman, and I am saying that if we expect a Government to provide certain amenities for us - all like free Secondary Education including transportation - something that is not found in many other countries. If we expect the Government to find good roads, docking facilities, airport facilities, office buildings, then surely we have to be prepared to foot the bill. I think its a simple exercise- I believe this<sup>is</sup> something that no one can deny. The only thing I see out of this that I would disagree with is that I do not believe that it is going to bring in the amount of money for our revenue as probably would be expected. Nevertheless I believe that this Bill will probably have a sobering effect on the purchasing of automobiles, the investment of automobiles in this Island, and I believe that it is going to do a great good, because I believe that people<sup>who</sup> have automobiles are not going to be too anxious of going down the road and running them in a tree and laughing and saying that

HON. W. W. CONNOLLY (CONTD.): it happened to Tom Jones and it happened to me and this and that and the other, I believe that they are going to take care of their cars, and I believe that this in itself it may not bring revenue to the Government it will provide a sobering effect and it will save a lot of dollars going out of this country for the importation of cars.

One Member said that probably this is the reason why we do not have public transport - I believe that is so - I believe today that a lot of people who are driving their own cars they would be better off, and I believe they would willingly resort to public transportation if the transportation was here; I believe that, and they would be further ahead and this may be one of the means of establishing that public transportation. I know that whatever item that the suggested increase would be made there is always an objection to - I can see this, but I believe that the Fiscal Committee was wise, I believe today that the Fiscal Committee looked into all the avenues - I believe today that the Honourable Financial Secretary is not a person who goes hay-wire and takes every suggestion that every wind blows - I believe that he has looked into this very carefully, and I believe that this Bill even though there is some objection to it at the first I believe that in a short time things will go on as normal. I could not agree with the suggestion that was made that it should be on a sliding scale of the C.C. capacity - if my memory serves me correctly this was suggested in the Legislature some years ago and turned down - the argument against it then was that the Englishman was trying to sell his car, and I am sure that if the Honourable Financial Secretary had suggested it now the same argument would have come forth. I believe today that the Caymanians have access to trade and buying in the United States and they can buy a used car in the United States much cheaper - a car in good condition, and I think that this trend will continue to go on. There is as the statistics shows here quite a decrease in the sale of units between 1973 and 1975 as stated by some Member. This I don't think is relevant to this debate today because surely no increase was made between 1973 and 1975, but what happened is this that a lot of people find that they can go on their own and buy a car in the United States and bring that car to Cayman pay the duties and save a thousand or so dollars on it. This is the reason why units here are not selling. Cars are still coming in on the boats and I am sure that this will continue. Surely the Government does not in any way wish to interfere with the free trading of people in the industry, but of course one has to contend with competition - its a free enterprise situation here - once a person has Caymanian status they are allowed to go into these businesses at their choice once they pay the relevant licence fee, and what one finds today there are more people into the car business than there were four years ago and there are more cars coming in totally even though the individual one that sold few hundreds in '74 is not selling them in '75.

I take today the point and this has been battered around quite a bit about the small man. I would like any one to tell me what form of taxation and in what country that it doesn't siphon off/that small man or poor man - any time you put any form of taxes it goes to the consumer who ever he is, and I am sure we are not going to be any more fortunate here. The two hundred and fifty thousand dollars in duty that some motor car importer pays - yes he paid it in the first instance, but he made a profit on that by the time it came down to the man who purchased a car from him. I support this amendment Sir, we hope that this amendment will in itself produce sufficient revenue to justify it, and also I hope that this could have a sobering effect on the manner in which automobiles are used in this Island. As far as the tourist is concerned nothing is done here to deliberately affect the tourist, but on the other hand I think the tourist as well as each one of us has to remember that the Government has to be financed from some source, and whether we like it

HON. W. W. CONNOLLY (CONTD.): or not if this suggestion appears to be feasible it appears to be done to the benefit of all concerned I feel that the Government cannot be criticised for doing this. Money has to come in to pay for the different services, and each year they are costing more. Forget about recession, forget about depression; year after year expenditure becomes more and more and one has to meet this, and naturally if we want the services we have to pay the Bill. I support this with the hope that Members will feel like it is put forth in the best interest of the public and my wish is that it will go in a great way to do what it intended to do.

HON. D. V. WATLER: Mr. President and Honourable Members, its just about four-thirty, and before moving the adjournment, or in doing so I trust that I will see you all there at the opening of the new Government Offices.

that Mr. President and Honourable Members,  
I beg to move/the House stands adjourned until 10 o'clock tomorrow morning.

HON. G. E. WADDINGTON: I beg to second that.

QUESTION PUT: Agreed.

AT 4:25 P.M. THE HOUSE ADJOURNED UNTIL 10 A.M.  
TUESDAY, 25th November, 1975



MINUTES

TUESDAY, 18th November, 1975 at 10 a.m.

PRESENT WERE; -

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE., JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE., QC.	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, J.P	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. B. O. EDANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE., JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE., JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

HON. TREVOR FOSTER	ATTENDING CPA CONFERENCE, INDIA
CAPT. A. A. REID	ILL.

ORDERS OF THE DAY

TUESDAY,

18th November, 1975 at 10 a.m.

1. The Customs (Amendment) Bill, 1975 ( Continuation of Debate)  
(Committee thereon)
2. The Trade and Business Licensing (Amendment) Bill, 1975  
(1st, 2nd and 3rd readings)
3. The Travel Tax (Amendment) Bill, 1975 ( 1st, 2nd and  
3rd Readings)
4. DEBATE ON FINANCIAL STATEMENT.

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TUESDAY 18TH NOVEMBER, 1975

10 A.M.

MR. PRESIDENT: Please be seated.  
Proceedings are resumed. We continue the debate on the second reading of the Customs (Amendment) Bill, 1975.

HON. BENSON O. EBANKS: Mr. President and Honourable Members, it's not very much that I care to say on this bill. I'm sure that the Honourable Financial Secretary is glad or anxious to get back at - and answer most of the criticisms that have been made against the bill, but there are one or two points I would like to make. As has been said the bill really is in three parts, two parts dealing with revenue and the other with a typographical error.

The first section dealing with the revenue is the consequential amendment as a result of becoming an associate member of the European Economic Community through our association with the United Kingdom, and a lot of criticism was levelled at the way the bill - because of the way in which it is proposed to meet the requirements of the E.E.C. by removing preferential tariffs. It was suggested or implied that a better way would have been to have reduced the rate on the various items that are affected by the removal of the preference especially in the food, buildings and alcoholic drinks and cigarettes areas. Now, and I think it was suggested that Government was unaware of the implications of this amendment. I would like to assure members that these areas were looked at and based on the statistics produced by customs. We were of the impression that certainly no unusual or unreasonable burden would be put on the public as a result of removing the preferential tariff on the few items that will be effected.

Now, contrary to what was said yesterday our information is that the majority of tea, tea concentrates and butter is imported from non-Commonwealth Countries. Aerated waters I'm sure stands - is obvious to anyone who visits the supermarkets that the majority of these are now imported from the United States. I am not even going to deal with the alcoholic drinks and cigarettes because that<sup>is</sup> a non-starter as far as I'm concerned with being an essential item, and I don't see the reasoning where Members could honestly or intelligently expect Government in this day and age to have taken a step that would have decreased its revenue instead of increasing it in order to meet the non-preferential rate required under the treaty.

Building materials. Now, the argument that I heard yesterday regarding the two items of building material that are affected cement and corrugated iron sheets would have indicated was an argument to me that was really not very convincing because if these items are now purchased from non-commonwealth countries it is obvious that the commonwealth countries prices are more expensive even with the preferential rates. And, after all what we are concerned about in these items is getting the goods at the cheapest price to the consumer; there could only be two reasons why these items are now imported from non-commonwealth countries; one would be that the price is not competitive from the commonwealth countries or that the products are not available, and I am suggesting that the first is the real reason, even in the case of cement for example even when this was available and on the markets of the commonwealth countries it was a better price being offered by cement imported from non-commonwealth countries, and I am positive that this will continue to be so.

To deal with the increase proposed on automobiles, Mr. President and Members, the increase of thirteen and one third percent proposed if one had listened to most of the speeches yesterday you would have got the impression that this was already a heavily taxed item or a heavily taxed area, and that the thirteen and a third percent was being put on the total tax bill of the public. I am not convinced that the

HON. BENSON O. EBANKS:(CONT'D): increase in duty on automobiles is an undesirable thing. As has been pointed out the import duty on automobiles in this Island is undoubtedly the lowest in any area that comes to mind. The statistics that were quoted showing the decline in imports of automobiles from 1973 through 1975 to me was of no significance to this debate at all, because it could not be argued that the increase that is now being imposed is responsible for the decline in the import of automobiles since 1973 to 1975. I think other Members have pointed out that not all of the automobiles - the new automobiles that are sold in this country or sold through the few automobile dealers that have established themselves here. I know of many people who have paid their passage to Miami, had a week holiday, bought a car, brought it back and considered that they've saved themselves in the region of one thousand Cayman dollars, and frankly this is partly what is responsible for the decline in the sale by motor car dealers in the community. The other reason possibly is that 1973 or there about 72, 73 was when money became available for the purchase of automobiles on a higher purchase basis and this type of financing has dried up a bit since, and certainly because of the fall off in the economy banks are less reluctant to advance money for the purchase of automobiles.

The other reason I would advocate is that the new cars that arrived in 1972, 73, 74 are now really second hand cars on the lots of these same dealers; they are being offered to the public at attracted prices and a lot of these are being bought up; these cars were taken as trades on new cars that were sold. Now, the arguments that we heard yesterday were exactly contrary to the arguments that were deduced last year and I was bold enough to make a prediction in the budget debate last year, and I'll make one again this year. I realize that economics is an inexact science, and that those who stick their necks out in this subject are subject to having their necks often cut off. But, I recall that last year we were told that Government should not be budgeting to spend money on capital projects because we were in a time of inflation, now we are hearing the arguments that we should not be imposing the increased duty on automobiles because it's going to take money out of circulation. Last year I said that by June of this year the Members who were opposing the budget and the public would be happy that Government was bold and in my view prudent enough to be making provisions for these capital expenditures because if we could believe what we've read and heard there would not be much help to the economy from the local or from the private sector. I believe that no one at this point will argue with that, and I am going to stick my neck out again and say that I believe that next year we are going to see some expenditure by the private sector. I believe that by April, May of next year the economy will be noticeably improved, and that again we will be finding money being pumped into the economy from the private sector.

But, to deal specifically with the questions of the thirteen and a third percent increase on automobiles, that is on import duty, I think the crux of the matter and the questions to be answered is whether this money is being put to good use, and I have not heard anyone who has been able to say that more and better services are not being provided by Government. And, as another Member has said if this is so, we must expect to pay for it; and there has to be areas that have to be prepared to bear the cost of these services.

The arguments yesterday were really dealing with percentages rather than dollars, and we heard that commensurate with this increase in duty there was a hundred percent, some cases more, increase in the operations or in the taxes on an automobile. Well, one increased by one is a hundred percent increase; twenty-four increase to forty-eight is a hundred percent increase, but, is that really a lot of money to be paying to the services which are enjoyed.

Now, together with the other expenses which Government or other charges which Government levies on an automobile, as I see it if it is a new automobile the amount to sixty-three dollars per year or five dollars and twenty-five cents per month or seventeen

HON. BENSON O. EBANKS: (CONT'D): point three cents per day; now, I don't think that anyone can argue that those are exorbitant amounts to pay for improved roads and other improved services which we enjoy. I am positive that these increases, not only the increases but I would think that what you are paying altogether will be saved in wear and tear on an automobile. I am positive that no automobile can be put in a repair shop for five dollars and twenty-five cents a day unless somebody has been able to find a cheaper one than those that I am using.

As the Member responsible for roads said, the pot holes will soon be gone so you won't get your car wheels out of alignment, nor will you be breaking your shocks and springs or busting tyres; so that what is really proposed here by way of increase is more than off set by the services that are being provided. It was suggested that a more equitable way would be to impose this increase in duty would be based on the cubic capacity of the engine of the automobile, and that by so doing the poor man would benefit. Now, Mr. President this question has been debated in Government circles for years and it has been always excepted that contrary to working to the benefit of the poorer class it would work to their detriment, because the poorer person usually sends or goes to the United States and buys himself a second hand car, and on the lots the bigger the car the cheaper the price, so that you usually find the second hand cars that are brought in with the larger C.C. so this would mean that the poor person would be paying the higher duty. Now, even if it was argued that this be applied to new cars or would the preferential be on new cars and used cars - this has many loop-holes that would be difficult for Government to plug, because if a person wanted to overcome the increase on the new cars as opposed to the used cars all they would need to do is to go up and buy the car and drive it for a couple of hundred miles and it would become a used car; and I don't think that this is what we are looking for, we are not looking for problems in implementing this increase at all.

The last point I would make, Mr. President is that Government is aware of the present situation with the economy and there has been a figure put on what this increase is anticipated to increase the revenue by and this was not done in a vacuum, this was based on average of the imports over the last few years. And, as I've said I am not one who can accept that '76 will be as bleak a year for the Cayman Islands as was '75; I think that '76 is going to be a better year, and, based on that I am not at all afraid of supporting this increase. As I've said, if this was something that I felt could really harm the individual to any great extent I certainly would not be supporting it, but we are talking about a couple of hundred dollars on the average car and this cannot be considered an undue burden, and I support the bill therefore, Mr. President.

MR. PRESIDENT:  
wish to reply?

Does the Honourable Financial Secretary

HON. V.G. JOHNSON:

Mr. President and Honourable Members, first I would like to thank all Members for their contribution to the debate on this bill, The Customs (Amendment) Law, 1975.

Listening to all the debates it reminded me of what I said about the Development Plan, it had from complete acceptance to total rejection.

Mr. President, I was also glad that Members of Executive Council who were already associated with this and other bills, were able to explain in detail some of the points which were raised by Members on the other side. As I've said in presenting the bill that the machinery of Government preparing these recommendations is not made up purely of one or two persons, it embraces a large number of people, technical, administrative and otherwise, and all aspects of

HON. V.G. JOHNSON: (CONT'D): considerations are given to the various recommendations. I know that proposals were suggested of ways in which revenue could be earned outside of the measures recommended by Government; all these were considered by Government and in much detail, but there are many things to be taken into consideration in putting forward these proposals. Again, I know that Members must express the views of their constituencies even if they have to disagree with Government's proposals at times, as much as they would like to support it, and this is appreciated. Nevertheless on the whole I am sure that every Member in this Chamber with a clear conscience could say nothing other than the recommendations being put forward here by Government are not really in anyway unreasonable. After all, under customs import duty the only item specifically selected for an increase in duty is motor vehicles; there maybe other items under the other amendment to remove preferential tariff from the schedule of the Customs Law, but the loss of revenue there again as I explained was carefully examined and it is whether we accept the statistics provided by the Customs department or not, but according to those statistics Government would not stand to gain very much from that particular amendment because the items which have been named are mostly imported from countries outside of the Commonwealth.

Now, I recall one recommendation which was suggested to raise additional revenue, and that was an increase on fines in the Court. I am sure that all Members here know that they are the law makers of this country and that the fines are imposed by a Judge sitting on a case, and that no one can interfere with the Judge in dealing with a case in the Court; therefore it is the Judge's prerogative to impose a fine of whatever size whether a small fine, a medium fine or a large fine. Now, the Governor nor anyone in this Chamber can go to the Judge and dictate to the Judge the type of fine he must impose in his court, therefore the questions of an increased fine is simply not a reasonable suggestion. There was some mention made as to the advantages to be gained from the Cayman Islands' association with the European Economic Community. I think that particular matter was discussed to some extent with Members already and one of the advantages then was that the Cayman Islands would be subject to aid from the European Economic Community; in other words we would be a part of the countries eligible for assistance from that body. As this is being worked out now, it is difficult to tell at this stage what the extent of aid will be, but I am sure that if aid is extended to any member country the Cayman Islands will receive its share of whatever it is, and therefore there are advantages. The other advantages are those things which will be told to us from time to time.

Mr. President, quite a lot has already been said about the Customs (Amendment) Law, 1975 and the debate is only to go into the merits or demerits of the bill. We will shortly be recommending the House to resolve itself into a committee of the whole House to study the bill clause by clause and at that stage we will deal further with the recommendations. But, I would like to just ask Members at this stage to look at the recommendations again, to give it every consideration. I know that some suggestions were made for the increase to be only twenty-five percent; increase from twenty to twenty-five percent, but a five percent increase would yield practically nothing. We thought that an increase from twenty to thirty-three and a third percent would be a reasonable recommendation, and I still think that this is so. I cannot see where it will impose all that amount of difficulties on the public or on any particular individual, it's not a lot of money we are talking about and so I would ask Members to support the Bill as we move into a committee of the whole House.

Mr. President, I now move, Sir, that this House resolve itself into a committee of the whole House to consider the bill clause by clause.

HON. D.V. WATLER: Mr. President just on a point of order, I think we have to take the vote on the second reading first.

QUESTION PUT: AGREED. BILL READ A SECOND TIME.

COMMITTEE THEREON

MOVED BY HON V.G. JOHNSON, SECONDED BY HON D.V. WATLER

QUESTION PUT: AGREED. HOUSE IN COMMITTEE

CLERK: CLAUSE 1. SHORT TITLE

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. SECTION 2 AMENDED.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: CLAUSE 4. FIRST SCHEDULE AMENDED.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. SECTION 38 AMENDED.

QUESTION PUT: AGREED. CLAUSE 5 PASSED

CLERK: CLAUSE 6. SECTION 45 AMENDED.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. CAP 20 OF THE FIRST SCHEDULE AMENDED.

QUESTION PUT: PROPOSED

MR. G. HAIG BODDEN: Mr. Chairman, there is an amendment which I have tabled to this section and I think we should consider it a little. The amendment which is in the hands of the Clerk would have the effect of making the increased duty on the other mechanically propelled vehicle twenty-five percent instead of the thirty-three and a third proposed.

I would like to point out, Mr. Chairman, that by increasing the duties from twenty to twenty-five percent, we would be collecting a substantial amount of revenue according to the Budget Speech. The amount of additional revenue collected, if we put it to thirty-three and a third percent it would be something in the vicinity of three hundred thousand dollars, since there is very little to come from the removal of the preferential tariff on the other items. So, it follows that if we put it to thirty-three and a third percent an increase of thirteen and a third percent we would be collecting an additional revenue of nearly three hundred thousand dollars; so it follows that if we put it to twenty-five percent an increase of five percent, we would be collecting over one third of that; in other words a sum in excess of a hundred thousand dollars which is not a small sum as stated by the Financial Secretary. He said in closing a while ago, that if we put it to twenty-five percent we wouldn't collect very much more revenue; I can't agree, because on a single item or <sup>from</sup> a single source if we are collecting an additional revenue of over a hundred thousand dollars to my mind that is a substantial sum. And, I would say that considering the other increases



MR. G. HAIG BODDEN: (CONT'D): that have been put on motor vehicles by the overall increases of all licenses and all other fees paid under the motor vehicle law, I think it is unfair to put such a large increase at the same time when we consider, as I've already stated, that motor vehicle is a necessity here.

And so Mr. Chairman I would ask the Members to come out of the glass cage for a while and reconsider this amendment in the light of all the tax <sup>they've</sup> put forward and make the increase twenty-five percent instead of thirty-three and a third percent.

MISS ANNIE H. BODDEN: Mr. Chairman, while as I've said yesterday I was a member of the Fiscal Committee and I realized and know that our Government must have money to function, (it's impossible to carry on without money) in the light of all these new adventures I would call them, that Government is undertaking we have to have money. And, I feel, Sir, that a law when made in this Legislative Assembly be Customs, Agriculture, Planning or whatever it maybe must apply all and sundry. Not because Annie Bodden who happens to be a Member of the Legislative Assembly can I scratch somebody's back who will scratch somebody's back who will scratch somebody's back and get what I want; that is not good enough, it is not good enough. And I am saying, Sir, I was a Member of this Committee, I agreed to thirty-three and a third percent but I did not know and I repeat this that there was this fabulous amount of outstanding duty, which if our Government collected we might not have need for this. So I go along with the twenty-five percent, Sir.

Thank you.

HON. V.G. JOHNSON: Mr. Chairman, I heard a great deal yesterday about this outstanding Government revenue, and it slipped me that I didn't reply to it in the winding up. I personally took some interest in this, I set up committees within Government, I went into the Customs Department myself to examine the position there and there is only one case that's worth mentioning in the Customs Department with any outstanding import duty, and I think I mentioned this to you already, Sir. It is the case of a Hotel that built condominium homes on the seven mile beach applied for concession under the Hotels Aid Law. The matter has been resting without a decision for some while and instructions have now been given to the Customs Department that the duty must be paid; outside of that we have examined the accounts of all importers and there is a small bit of duty outstanding, and it is because the companies themselves have been in the process of preparing their warrants and haven't been able to put these forward. But, in sum total we're not talking about very much money, I thought it was an appreciable sum of money but it's certainly not, and if anyone can provide me with any information other than what I have found in the Customs or any other department I would be happy to have it. But, so far there is only one case which is worth mentioning; that I should say, Mr. Chairman, is not really worth using as a weapon against the introduction of any measure to raise revenue under these bills.

MR. JOHN D. JEFFERSON: You see Mr. Chairman, I come back to the statement that I made yesterday. If we were to go around chasing all the rumours that are being made in this country - (and I spend time trying to set some people straight) I think after all I have a commitment and a responsibility to my people that I am supposed to lead them, and certainly there are a number of questions to answer that I am supposed to provide for them. But, you'll find in instances like this just like I've mentioned yesterday the fact that two months ago I could be told by the public that they were going to introduce a duty of forty percent on cars.

Now, I am an elected Member of the Legislature representing the people and this is not known to me, but these things can only come from people that would know and I didn't happen to be one that did. I am saying there are too <sup>many</sup> people that are opening their big mouths when they ought to keep them shut. And, I am saying Mr. Chairman

MR. JOHN D. JEFFERSON: (CONT'D): that there is also too much scuttling going on inside of various departments, one trying to scuttle the other and it's about time that these things be set straight. It is embarrassing to Legislators and it's deplorable to Government; I think that things need to be done to straighten out ~~some~~ of these things because, certainly we are suffering and the country is going to suffer if we are not able to do something about some of these things.

The arguments introduced here to kill the bill, that's normal, some of these same people are doing that. And, I am saying that as far as I'm concerned I have no other alternative, but in thinking that we have provided things for the people of these Islands - and I don't know any other responsible Government in the Caribbean or anywhere else that has been trying harder to provide the necessities or the essential things of life for the people like this Government has been trying to do; sure they make blunders, sure they make mistakes but who doesn't? but by large I say that no Government has tried harder, and today we find <sup>that</sup> we have had a lot of good deeds. This year has been a very tough year, expenditures are down, where are we going to get the money from except the people; we are going to be the ones that's going to pay for that - I don't have a new automobile; it means that when I go to buy a new automobile I'm going to be doing the same as anybody's else. And, I say Mr. Chairman that the arguments put forward are not convincing enough to me. If we induced one dollar more on every item that was brought in here as far as duty is concerned nobody would be happy about it, it's only of a nature. But, we have to realize that if we are going to get more things, provide more services for our people, and all of a sudden there is a slump in it, this is not a slump only in the Cayman Islands; we have done well. The financial centre of the world - New York city is on the verge of bankruptcy. So we sit here - I think sometimes we try to build these things out of proportion; I think it's our responsibility to make our people realize we have something, we're providing something for their benefit and we are going to pay for it. I think it's just straight forward, Mr. Chairman.

Thank you very much.

MISS ANNIE H. BODDEN: Mr. Chairman, I would like to say this emphatically, I do not chase rumours; rumours chase me and I feel as a representative of the people when I know things are wrong with this Government that it is my duty as a legislator not to talk it. I could refer which I shall refer later on to certain concessions that certain people have got because they are legislators, and I am saying, Sir, respectfully, it does not apply to me because I have the last new automobile I intend to buy; I have it, paid duty on it, got it in my possession, but I cannot drive it. But, I feel, Sir, that when I bring anything to the notice of this Assembly it's not any hear-say; I could go into details but I refrain from so doing. And I am saying that I do not chase rumours I have no need to; I am a respectable Lady of this community and people trust me, and when I know things are wrong I would be doing less than my duty when I did not bring it to the attention of those concerned. And, there is outstanding duty without a shadow of a doubt.

Thank you.

MR. T.W. FARRINGTON: Mr. Chairman, I have no hesitation in saying that I support this measure of twenty-five percent with its proposed amendment. I really think that from twenty percent to thirty-three and a third percent could be called unreasonable. I realize that we need money to run our Government, but at the same time I feel that we need to be guided by what's happening in the Eastern Caribbean and all these places; they are in trouble, so I think we should consider this item in the light of not going so fast with the increase, but instead of the thirty-three and a third percent I support the measure for twenty-five percent without hesitation.

MR. G. HAIG BODDEN: Mr. Chairman, I would like to add that this increase from twenty to thirty-three and a third percent is an exorbitant and a ridiculously high increase; one only has to look at it, the duty

MR. G. HAIG BODDEN: (CONT'D): from time immemorial in these Islands on automobiles has been twenty percent, today if by the stroke of a pen we put it to thirty-three and a third; what we have actually done is to increase the duties by a margin of sixty-seven point five percent and that is a walloping increase in anybody's money. And, on an item as costly as an automobile we shouldn't do this. Today in the Cayman Islands an automobile is a second highest purchase the ordinary man will make, the only thing more expensive would be to buy a new home, and it is unfair to put an increase on the old duty of twenty percent. It is unfair to increase the old duty by sixty-seven point five percent of its former amount, and putting it from twenty to thirty-three and a third percent would be increasing the duties by sixty-seven point five percent of the former amount collected.

And, this is done concurrently with increasing licenses on every item under the traffic law, and those increases are not done by sixty-seven point five percent; in some case it is as much as a hundred. In one case it is as much as five hundred and I think this is asking too much of the owner of a motor car in a place where we are devoid of public transportation. Tomorrow morning nobody would be able to get to work, there is no bus service, there is no sub-way, there is no train and we're just asking the common working man to pay too much at one time. I could go along with an increase, but not one of this nature.

We see here - and I'm not really going into the budget, but there are two ways to balance a budget and we are only using one; one is to cut expenses that is unknown, and it is wrong to single out a specific item that is an essential item, it is a way of life here, it comes next to food, clothing and shelter, and it is wrong to do this and it is wrong to put so much one time on one item. Why should one item be called <sup>to</sup> pay for the sins we committed during 1975 in putting forward a budget which was recognized from November 1974 as being far too big, and we shouldn't be called upon or one item shouldn't be called upon to pay for the sins committed because in a membership Government we must have plans, we must have developments if these Members are to be re-elected; and this is wrong, and I can't go along with it.

MR. JAMES M. BODDEN: Mr. Chairman, I too cannot go along with the thirty-three and a third percent; I favour a reduction, I would like to see it personally done more on a graded scale but I do support the twenty-five percent, because I think it is more equitable.

Now, Mr. Chairman, you know maybe the members of this House could go along with this increase if we did not have all the other fees that have been increased without the consent of this House. My colleague and myself have argued in this Assembly for the past three years against skeleton legislation, and a good example of that, Mr. Chairman, is in this special session. We have nothing to do with the regulations, fees or anything else once they go to Executive Council, and the bad <sup>part</sup> about it is this, that when that is done they are free to do as they see fit, and this House has no more control over it, and we are not true representatives of our people after that point. I refer to this Mr. Chairman because under the Traffic (amendment) Regulations,

again, dealing with the motor vehicles; (I'm not straying from the subject), the smallest increase that I find in this is roughly forty percent; they vary from forty percent, fifty percent, a hundred percent, a hundred and fifty percent, three hundred percent, five hundred percent. Now, I think this is expecting too much, either we do away and scrap these new regulations that you have put forward, and then we'll accept the bill as thirty-three percent or reduce it to twenty-five percent and keep the regulations. But, I do not think it is fair for something like this to happen, I have always been against it and will continue to be against it. Anything that effects taxation be it in regulations or otherwise should definitely come back to this House and be argued with each one having his <sup>own</sup> opinion to put forward.

MR. JAMES M. BODDEN: (CONT'D): I would like to point out another thing which I consider an anomaly in this law, Mr. Chairman, and that is under special vehicles. I have had some correspondence with the Member in charge under which I think this falls under his portfolio; and I cannot get any answers. We have people today who have a little cement mixer that they may rent for say six or eight dollars a day or whatever the rent was in it I really don't know, but it is termed a 'special vehicle'. Under the old law (I stand subject to correction) but I think it was somewhere around ten dollars or twelve dollars a year for that we increased it last year to eight dollars, this year we're increasing it now to a hundred dollars. Now, I have made on behalf of some members of my constituency appeals to try to get this altered and nothing was done, now in that case Mr. Chairman, it seems to me like being a stroke with a pen can do such things as this then a stroke with a pen should've been able to alter this special vehicle clause a little bit in favour of the Members of not just my constituency but the <sup>entire island</sup>. I think it is time, Mr. Chairman, that we do give serious <sup>thought</sup> to these increases, and not just come into this House and vote them just because it might be popular to agree with somebody else.

But, again with all of this, Sir we have the Caymanian Protection Law and regulations, again we have three hundred percent increases in them. The Post Office bill, we have a hundred to a hundred and fifty percent increases in those, everything is being increased. And, I'm sure that the Members of this House could go along with certain things if it was a fair increase, but not when we come to an increase that is running, as my colleague said, about sixty-seven point five percent in one single item plus the other smaller items <sup>summing</sup> gas high as five hundred; in fact it is one of those that I have somewhere here made a note on it, it goes as high as twelve hundred percent. So, Mr. Chairman, I hope that we can get this amendment to this bill.

Thank you Sir.

MR. CLAUDE M. HILL: Mr. Chairman, I for one was asking for twenty-five percent instead of the thirty-three and a third. And, while reading the memorandum of objects and reasons I see where it says, as the Cayman Islands becomes an associate member of the European Economic Community it becomes necessary to amend the Customs Tariff rates in order to do away with the preferential rate of duty and so comply with the Islands obligations under the treaty.

Mr. Chairman, I have no axe to grind, but I feel that this is a bit high and we are confronted with recession and we need money to do the business of these Islands, and it is no use of us trying to impose taxation on one particular individual when we have confronting us quite a number outlined in various categories, and this for one would be very affected on the average poor man; which we are aware of the fact that any taxation in any Island, the poor man is the man who becomes affected by it.

Thank you Sir.

MR. G. HAIG BODDEN: Mr. Chairman, there is one point that I think has been overlooked in this whole exercise, and it is such a startling revelation that I think we will get this amendment.

In 1974 there were only three thousand three hundred and ninety-four vehicles registered; we can assume there was a similar amount in 1975 and perhaps the same amount in 1976, we're not apt to see any large increases because cars come in that is true, but cars are also being smashed up. The point is, we're now averaging (and if we took it back to 1966, I have the figures for that too), but if we were to take an average from then it would be way below three thousand; but let us take the last three years counting a projected figure for 1976 and we will see that we'll average something like three thousand three

MR. G. HAIG BODDEN: (CONT'D): hundred and ninety-four registered vehicles. Now, under the proposed legislation the Financial Secretary hopes to raise increased revenue of five hundred and thirteen thousand dollars from these three thousand vehicles. He expects to get three hundred thousand dollars on import duties and two hundred and thirteen dollars additional revenue from the increase in licenses. So Government is expecting to raise an average of one hundred and eighty dollars per vehicle next year. Now, .....

HON. BENSON O. EBANKS: .....that's misleading.

MR. G. HAIG BODDEN: (CONT'D): Well, I get the figures from the Government's statistics and I will give them to you right now. In 1974 (if this is true, I don't believe Government publications), but if this is true in 1974 we had three thousand three hundred and ninety-four motor vehicles examined and registered. And, if you want all the figures from 1966 I can give them to you; you don't want them? Ok.

HON. BENSON O. EBANKS: Mr. Chairman, the Member .....

MR. G. HAIG BODDEN: (CONT'D): Mr. Chairman, I shouldn't be interrupted by these Members when I'm speaking. The point I'm making, Mr. Chairman is that we will have on the road next year approximately three thousand four hundred vehicles, they will contribute to this Government additional revenue of a hundred and eighty dollars per a vehicle. This additional revenue will come because of the increases we are making here today along with the increases that Executive Council have already made and have circulated to us; remember that this one hundred and eighty dollars per a vehicle is not the only revenue that they will pay, they will pay what they were paying before under the old rates of licenses and under the old duty of twenty percent. In addition to this those who comprehensively insure their motor vehicles will have to pay additional insurance rates because of the inflated value of the insurance, because of the inflated cost of the vehicle. So, we're looking really not at a hundred and eighty dollars, but two hundred dollars; and I know that this fact escaped the Members, had they recognized the burden they were putting on the individual owner they would never dare to put forward such a high increase. And, I'm asking them to be good fellows and reconsider this; I know it's hard for Government when it puts forward its policy especially when it has the force of collective responsibility given to it under our constitution, it is hard for them to make changes but in the face of the mitigating circumstances that I have pointed out they must, if they're fair minded at all consider this amendment.

HON. W.W. CONOLLY: Mr. Chairman, I think the Member is confusing the issue, because if his figures are right, and he says he gets the statistics .....

MR. G. HAIG BODDEN: Mr. Chairman, I beg to be corrected. These are not my figures.

HON. W.W. CONOLLY: No, I'm saying .....

MR. G. HAIG BODDEN: (CONT'D): These are Government figures .....

HON. W.W. CONOLLY: Please don't interrupt me.

MR. G. HAIG BODDEN: (CONT'D): and apart from that I have another statistical report of Government that he can have.

MR. CHAIRMAN: But the Honourable Members has drawn on certain conclusions from the basic figures; and I think it's right that on the other side they should have the right to rebut these conclusions if they see fit.

HON. W.W. CONOLLY: The Honourable Member is assuming, and he has projected a cost of a hundred and eighty dollars per car; this is what he said is going to cost a car owner next year, and he figures these three thousand cars that are in the Island now. Does he envisage people paying duty on those again? Well how did you get that? Don't answer me yet, don't answer me yet. (Members laughter) What I'm saying is that I would've hoped that the cars that are in these Islands now, the three or four thousand cars that are in this Island they have been duty paid. So, surely this thirty-three and a third percent increase would not have effected those cars of which the Member has all these records stacked up. And, I cannot see how in the world that he can bring out any ratio in any maps to figure where it costs one hundred and eighty dollars per car.

And, I'm sure that this is a bit misleading. What we are dealing with here is the number of cars that will come in after this law has been passed. If the member wants to argue that there will only be one hundred cars coming in next year or two hundred cars or three hundred cars that's a different thing. But surely no one can take the number of cars that's on the road now and have any relationship with the amount of duty that would be involved. It is true to say that the Financial Secretary figured an increase, an additional revenue from increased licenses on the present cars, this is true to say; but no way in the world can it be one hundred and eighty dollars per car, this is not so,

Now Mr. Chairman, I think one Member this morning made this pretty clear, it should've been very clear that the ordinary life of an automobile is considered four or five years; this I think is the right-off time on a car with proper maintenance. And, if it costs a person five hundred dollars extra in duty in bringing in a car in 1976 and the car lasts five years, then we figure this cost as being one hundred dollars a year, so even though going by strict percentages, even though it is sixty-seven percent (I didn't check it out, the Member said it is sixty-seven percent increase), it doesn't go to say that this is a recurrent annual increase, it is not a monthly increase, it's not a daily increase, and I would feel today that it is reasonable.

Another point that has been brought out in this whole exercise is the fact, and I think the Member himself brought it out that it has been from years immemorial that this particular duty has been fixed by Government. If this is the case, and I think he's right, surely I believe this is a good reason for the Fiscal Committee to have considered that it is time to look after this particular item. There is no other item in Cayman that I can remember of that has not gone up hundreds of percentage, and I think this was a good reason why the Fiscal Committee when they recommended to Government an increase. And again, is it right every year to come and put on one percent, one percent, one percent, or two percent or two percent; it is better to put on a percentage that would produce the desired effect, and if the desired effect here is to increase revenue then I see the reason for it. One has just jumped to the matter of five percent increase without going into any detail study, surely I suppose this House could put on any percentage that it desires, but why put on a percentage that does not produce the effects for which it is put on. And, I consider today that despite what has been said by the Member <sup>about</sup> the Budget being too big or too small, there is no denying the fact that whether there was a recession or not normal increases in any operation, in any company, in any Government, in any family year after <sup>year</sup> is expected, and I consider it is only wise for the Government to make provisions to secure the revenues to pay for the expenditures. I consider that the thirteen percent increase is not ridiculous as the Member has said, and I'm sure that he is exaggerating this and blowing it out of proportion but I believe that he himself feels like this is the proper increase.

HON. BENSON Q. EBANKS:

But he won't admit it.

MR. G. HAIG BODDEN:

Mr. Chairman, I just want to clear up a few little points. All I'm saying is that whatever cars are on the road next year will give Government the revenue from cars; in otherwise if as I anticipate there will be three thousand three hundred and ninety-four vehicles on the road next year, and the Financial Secretary expects to get increased revenue of over half a million dollars that revenue will come from whatever cars are there, so that the increased revenue if you divide the five hundred and thirteen thousand dollars by three thousand three hundred and ninety-four cars you'll get a hundred and eighty dollars and sixty-one cents.

Now, when I use the word "revenue" here I'm not thinking of only import duties, I have enough sense to know that Government's revenue does not come from import duties alone. In the case of motor vehicles, it also comes from the licenses which are being increased here and we could also put in court fines, but just to confine it to the licenses which are increased and the import duties the plain fact remains that this Government next year expects to collect an additional revenue of over half a million dollars from whatever cars are on the road, and that works out <sup>on</sup> an average of a hundred and eighty dollars; there is no sweeping that under the carpet. It is true that the cars that are already in the Island will not pay a hundred and eighty dollars, I'm saying that the total cars will pay an average revenue of a hundred and eighty dollars.

HON. W.W. CONOLLY:

Have you taken the cost of how many cars are coming in, how can you strike an average when you don't know how many cars are going to be imported? You've taken an average of what cars that are here now, and what I'm saying is this that Mr. Johnson, the Financial Secretary is expecting to raise a lot of money .....

MR. G. HAIG BODDEN:

Mr. Chairman, I beg not to be interrupted.

HON. W.W. CONOLLY:

I thought you could .....

MR. G. HAIG BODDEN:

This is very disgusting, especially coming from a Member of Executive Council.

HON. W.W. CONOLLY:

It is pretty true, but I thought you was finished. Are you finished yet? You're finished, you're finished? You said yes.

MR. G. HAIG BODDEN:

No, I didn't say that.

Mr. Chairman, we can only look at the statistics from 1966 to 1974, 75' figures are not available, we can project for 76'. If he wants an average from 1966 his case would look worse because it would mean that it would work out more than a hundred and eighty dollars per car. But, I don't need to labour the point, what I'm saying is that the total number of cars in the Island next year, whatever there are, will produce the total revenue that Government collects, and that works out so much per car. And, I have enough sense to know that the cars that are already here will not pay import duties, but they will pay their licenses. So, it means that for some cars they're going to pay far more than a hundred and eighty dollars; some of them are going to pay over a thousand dollars but I didn't want to embarrass him by pointing out the exorbitant price that is being asked of the individual, I was using averages.

Now, to come back to the duty being fixed for a long time at twenty percent; the price has been fixed at twenty percent for a long time, that is the reason why we can't put it thirty-three and a third percent because when a price is fixed people, the public comes to look on it as the price for the thing. If the duty was twenty

MR. G. HAIG BODDEN: (CONT'D): percent they expect to pay twenty percent and they don't mind paying a little increase to twenty-five percent, but they don't want to pay two hundred because this is the price which they have known and we don't want to upset the equilibrium of these people by asking them to pay an exorbitant price. What we have to remember is that people budget to buy cars, in fact there are some people who will be caught as the saying is with their pants down now; they have cars ordered which they have budgeted to pay for and this is going to catch them out. And while we must not really consider one or two people, we have to remember that any upset in the price - and to put this from twenty percent to thirty-three and a third percent would really be an upset. The people will tolerate a justified increase, but they don't like to feel that they are being crucified, so it is only reasonable and fair that you should have an increase but you shouldn't have an exorbitant increase, and that is all my amendment is asking for that the increase in the light of all the other charges that are being put on, that the increase be only to twenty-five percent, that's all I'm asking for, Mr. Chairman.

MR. JAMES M. BODDEN: Mr. Chairman, my colleague bought me some time that I could do some quick figures here. And this again is going by Government report.

The Financial Secretary in his speech said that the new revenue from the Customs and the motor cars and so forth was going to amount to five hundred and thirteen thousand dollars; one Member said yesterday that this was a very small amount. Sir, we didn't have to worry about it, we just said yes plug in the extension cord and say yes, so that's what we would do. But, Mr. Chairman I'm going to submit to this House that this is a large amount and I'm going to try to prove to this House some of the figures that my colleague was just speaking about.

Going back to Government statistics we find that in 75 we had three thousand one hundred and twelve cars registered on the Island, this is ordinary cars, private cars. Now, if we take that by the increase of twenty-four dollars each that's going to yield us seventy-four thousand six hundred and eighty dollars. We have five hundred and sixty-three trucks, it's a bit difficult to figure this because you've got about three different grades of these trucks so we figure twenty-five dollars a piece average on them, we'll come out to fourteen thousand and seventy-five dollars increase. If we take the taxis we have a hundred and twelve of them registered in 75 and we take their average increase at twenty-eight dollars, we'll come to three thousand one hundred and thirty-six dollars. If we take the rent-a-cars two hundred and thirty-one of them at an increase of thirty-two dollars we'll have seven thousand three hundred and ninety-two dollars. Special vehicles, we had a hundred, if we take the increase at twenty we've got two thousand dollars; we add that together it totals a hundred and one thousand two hundred and ninety-one dollars.

Now, figures we reported to this House yesterday show that from four car dealers imported into the Island last year was two hundred and ten <sup>new</sup> cars, to my knowledge there's about four other dealers and we did not get reports from them. There is also a lot of used cars brought into the island by the used car dealers as well as people who buy them on the side in the United States. So, let's say that altogether coming into the island conservative estimate is four hundred cars a year; the average price of those cars basing it on dealer price and used car prices would come out to about twenty-five hundred dollars a piece; that is giving us one million dollars of money spent. If we take a thirteen and a third percent increase on that it comes to a hundred and thirty-three thousand three hundred and thirty-three dollars. We take four thousand licence plates at three dollars



MR. JAMES M. BODDEN (CONT'D): increase a year that's twelve thousand dollars. We take the driver's licence at ten dollars increase four thousand of those, that's forty thousand, we add the entire thing together, Sir, and we come out to two hundred and eighty-six thousand six hundred and twenty-four dollars. And, I submit from just one item that is a large amount of money, Sir.

HON. BENSON O. EBANKS: Mr. Chairman, when we adjourned we were getting a lot of statistics, and while I know it is possible to take any set of figures and produce almost any desired result if you are not going to stick to certain principles, I think that we should make it quite clear what we are talking about.

The three hundred thousand dollars which the Financial Secretary said in his debate will be yielded from increased duty can only be applied or derived from new cars coming into the island. The two hundred and thirteen thousand dollars from the traffic law amendments which were made in Executive Council will come from all vehicles on the road now; those that are imported and for all the other charges that have been increased. I have done a quick calculation myself; and I'm not talking about the increases now, I'm talking about the total dollar cost to keep, that is payable to Government in fees to have a car on the road is fifty-eight dollars per annum that's the registration inspection and your drivers licence. So, lets not get the public excited that they're all going to have to pay one hundred and eighty dollars next year to they have a car on the road, it actually will cost fifty-eight dollars in Government fee.

It was also said that this increase is necessary, or the increase in revenue is necessary because of last year's budget. This again is a misunderstanding of the facts; the increase in budget is to balance or the increase in revenue required is to balance 1976 budget, not to balance 1975. And I will reiterate that if Government had not been spending money in 1975 many people would have been in very, very serious circumstances long before now.

The other point that has not been mentioned in this debate which I think is significant, is that probably the largest single cost in operating an automobile is the purchase of gasoline, and why gasoline has increased in price tremendously over the last several years Government has not seen fit to increase the duty on gasoline. Now, it must be remembered that this is unlike most other commodities on which the duty is paid on an ad valorem basis so that an automatic increase in price results in an automatic benefit to Government, and a cost to the consumer in duty. But, gasoline is paid for by the gallon so that the increase in price does not automatically reflect an increase in price. We are paying seventy-five cents a gallon for gasoline in Cayman and in the neighbouring country of Jamaica you pay a dollar and twenty-five cents at the moment. Now, it would've been possible to put something on to gasoline, as well but everyone knows that this would've been another bone of contention I dare say; there are arguments pro and con increasing it on gasoline because quite a bit of gasoline is used in pleasure, but on the other hand there are people who use it much more directly for a livelihood, say in the fishing trade than does the operator of an automobile because if the taxi driver doesn't have any business he doesn't use his car, but very often a fisherman burns up a lot of gas and catches no fish.

But, the crux of this whole matter is that if we want roads and other services we have to pay for them, and certainly it has been pointed out that even the amount that is provided in the budget for the continuation of the roads will not see the completion, and that it is understood that if <sup>finances</sup> improve roads will have call on the improved financial position. I cannot believe

HON BENSON O. EBANKS: (CONT'D): that the average person in this community once they've had the opportunity to really absorb what this exercise is doing rather than being scared by what they are being told it is doing, that the average person will object because if you want an item from the store and you want a good item you have to pay more money for it. And, to undertake barber green roads in this Island is a big undertaking for a community of this size.

And when we sit down and think that we are getting gasoline for seventy-five cents a gallon, motor cars up to this point have been imported at twenty percent import duty, I don't think that we can say that the increase asked for is unreasonable. In listening to this debate it sounds as though Government has just sat down and decided to extract a lot of money from a particular sector of the society. It is not even suggested that this money is really going to be spent for the use of the people, but Government's money is the people's money and it is what the people pay to provide the services that they enjoy.

One Member yesterday said that in very few territories is education free right through up to the second tier that is high school. It could also be said that in many instances it is free through University; they are transported at Government expense and these services have to be paid for somehow. Now, we talk about the poor person and this and that, let me be quite frank about it; I'm not saying that a car is not a desirable item but when a person owns a car they're really not poor - let's be honest about it. In this country we have been fortunate but we haven't had to say well we can't import enough gasoline, so you're going to have to reduce the use of gasoline, you have to share cars; this is what has happened in big developed countries, but there is no other country under the sun I am sure, but you can go to a working site and find more automobiles than you can in Cayman. Now, don't get me wrong, I don't begrudge the people of this, I'm happy to see that they can do it. But, what I am saying is if conditions were that deplorable there would be more sharing of transportation, and we should not confuse this issue about the sixty-seven percent increase and what not. According to my figures it's fifty-eight dollars a year someone will pay next year to operate his car, that excludes the insurance. I don't know all of those figures, I'm talking about Government fees, so even the dollar amount is less than the percentage amount we're talking about.

MR. G. HAIG BODDEN: Mr. Chairman, I don't want to speak too many more times but .....

HON. BENSON O. EBANKS: I'm not finished yet.

MR. G. HAIG BODDEN: Oh, sorry.

HON. BENSON O. EBANKS: I'm going to speak just one go round, Mr. Chairman, and hope that I've said what I intended to say on the bill.

I am satisfied as I've said, that when this increase is fully understood there's not going to be this reaction that seems to be at the moment. I was told last night that you'll soon won't be able to drink this fruit punch you're drinking now. I said, why? You people upping the duties, I said well where did you get this from? Yes, this is what's happening in the Assembly, upping the duties; the people had been made to believe that duties are going up <sup>two and</sup> three hundred percent on every item in the country. I said, no my boy <sup>it's</sup> on automobiles and so on, he said that's already I thought it was on food and clothing. We all know that the essential items on food most of them are free, and those that are not free of import duty are certainly at reduced rates.

HON. BENSON O. EBANKS: (CONT'D): And some mention was made about the other items that are affected here, and I said as far as I'm concerned they're non - starters they don't come into the argument, there're not necessities. The proposal to increase customs duties on automobiles to thirty-three and a third percent, in view of the roads that we have and we are continuing to get is in my opinion a reasonable proposition. If we cut this to twenty-five percent we're going to have to look for other ways and means of money to balance the budget. It is significant to note that the figure in the estimates for those buildings is just about the amount of money that you would lose if we reduced this to twenty-five percent, in other words you would lose just about two hundred thousand dollars as I see it. So, it is significant to note that that's just about the amount of money that would be lost to Government to reduce it to twenty-five percent - is the vote that is in the estimates for the continuation of the Road programme. If we are going to get roads and all of our other amenities the thirty-three and a third percent in my opinion is not unreasonable; this is over the life of the cars, it's not something that somebody has to pay every year.

Thank you, Mr. Chairman.

MR. CRADDOCK EBANKS: Mr. Chairman, I getting a little bit sleepy you better let me get in to say something on this. What seems to be as always beyond the un-under-standability of the Members from that side against the members on this side; in other words we don't understand what it all means or what it's all about, yet some of those very members on Executive Council have sat on this side not too far back and put up the same losing battles that we are fighting now. If it were for the people then as was often stated and they couldn't agree with it, how can they so easily agree with whatever is brought to Government and when it comes to the House look on this side as ignorant people.

I am not going to say very much on this Mr. Chairman. We feel that the thirty-three and a third percent is not unreasonable for the purpose that it has been asked for, or help provide other amenities as well, but there are quite a number of people who are driving a motor vehicle, driving their car that this undoubtedly won't affect them very much; they get their maintenance allowance, when the car needs to go into the garage the tax payers help pay the bill but when mine goes <sup>in</sup> foot it alone. There's always two sides to a coat, the wrong and the right and it depends on how you put it on. I would only repeat myself from yesterday, we've already spent enough money over the past three years to have done all the roads regardless of what measure you wanted to do them, and if we triple any measure of taxes it will be just that much more money to go down in the drain. Any conscientious Member cannot say that it will not effect the motor vehicle owner, that it will not create some hardships.

Mention was just made that quite a number of everyday essentials are duty free, but do the public get any benefit of them? The importer is the only one and it appears that Government don't have time to check into this to see whether the consumer is getting any benefit of these duty free commodities. How can we then as honest clean thinking elected Members sit here knowing that we represent the people and say whatever taxation we impose won't effect them, won't create any hardships, any difficulties. If you have a dollar when you go to the store and you lose fifty cents out of it don't tell me you don't miss it when you get in there.

Last year when I went to pay taxes on my bus I paid for a full year tax that was supposed to have ended in July this year gone under the new regulations that was supposed to have been into effect; when I was called up and told that I owed fifteen dollars more I argued the case, well it's in the regulations, it hadn't been brought to the House but it had been made in the regulation behind you Members back. I intended fighting it but when I asked the Honourable second

MR. CRADDOCK EBANKS: (CONT'D): official Member light on this; I used this as an illustration, if I was importing a vehicle and I had all the documents pertaining to the cost and what not two days before it reaches port and I went in and cleared up my freight, my duties and what not so that when it landed I could take it and go about my business, but, the day before it reached the customs law would be amended; but I had already paid under the customs law what was required, he said you'll still have to pay the extra, I couldn't see that being just and I still can't see it being just. So, against what I was saying I was forced to pay fifteen dollars more, now we're asking for a much higher increase again. So, Mr. Chairman don't tell me that it won't affect or won't have an effect - and not because some Members of the public or the public might have taken a certain view that <sup>the</sup> increase in all duties; I haven't told any member of the public that but I do admit that a lot of this rumour can get around and <sup>be</sup> misconstrued and increased to what was never mentioned and what not.

While I said yesterday that I wouldn't support any type of taxes pertaining to vehicles till we got roads, and Government take some control of motor vehicles insurance, I may reconsider and go along with twenty-five percent against the thirty-three and a third and then a break down on the other proposed taxes as well; other than that I will still stand firm on what I've said. And, I said this on my own feet feeling that it was the interest of my people or the people of the whole on the outside; which I intend to have a meeting with my people tonight to be guided by their views on the line of taxation that we've got coming up, and I will use my better judgement to go along with them or against their suggestions as the case maybe. But, I am sure that we could've found, like has been said other revenues of taxation without ~~in circling~~ this one particular sector of the public.

A Member - the last speaker mentioned that when you want something good you must pay for it, I agree one hundred percent, and that's where a lot of the Government money or the tax payers has gone buying things that wasn't any good to them, cheap inferior quality, and I guess the Member is aware of that that's why he could say that. I will go further into these things, Mr. Chairman when it comes to replying to the Financial Speech. I regret that we're going to debate this speech before question time was answered, because the reason for asking the question was to get some grounds of yes and no so it could be used in the general debate. So at this time, Mr. Chairman, I think I have awoken <sup>ed</sup> for a little bit and I will close off at this. I thank you.

MR. JAMES M. BODDEN: Mr. Chairman, I have one more point that I would like to inject at this time to my friend who sits from an exalted position, and that is that we're not trying really to balance this budget, what we're trying to do is to earn as much revenue as we can because time is long pass when we could balance this budget. If we're talking about balancing this budget, Sir, we are borrowing roughly three million dollars to try to do that this year, so if we were to take off a little bit of the taxes here - the increase it would only mean that we've to borrow a little bit more, so we can forget about balancing the budget, don't really talk about that sir.

MR. G. HAIG BODDEN: Mr. Chairman, most of the arguments against this amendment were or are irrelevant. But, in so doing one Member did bring out a very valid point, and that is in the system of collecting duties; he pointed out that when duties are collected on a pro rata basis like in the case of gasoline Government revenues do not go up with an increase in the price, the cost price of the item; but when duties are collected on an ad valorem system Government's revenue automatically goes up with an increase in the cost price of the item. Now, in the case of motor cars duties are collected on an ad valorem system which means that any time the price of a car rises Government's revenue automatically rises. Detroit has just announce that the 1976

MR. G. HAIG BODDEN (CONT'D): cars will cost an average of five hundred dollars per car more than they did in 1975; this means that our Government here will automatically collect one hundred US. dollars per car without any increase in the rate of tariff. So, the Member who pointed this out that when we collect by an ad valorem system as we do in motor cars we automatically get an increase in revenue - has really done us a favour because it shows that our Government will this year collect increased revenue because the prices of cars are up. So, even if we do not increase the rate from twenty percent to thirty-three and a third percent this Government would still collect about a hundred dollars per car more revenue than they did.

Some mention was made of the price of gasoline. In Jamaica, I think that was all nonsense because the Member said something about paying a dollar something in Jamaica not telling the House that the Jamaica dollar is less than the Cayman dollar, so it wasn't a true comparison; furthermore Jamaica has what passes for a public transport system, we don't have that; a car is not a necessity in Jamaica nor England nor Cuba, a car is a necessity here. And, I was also perturbed to know that not only one but apparently two Members in Executive Council find it difficult to understand what is meant by averages and I would like to repeat this, I maintain that we will collect a total revenue next year from all the cars in the island, that total revenue is a combination of court fines, licences and import duties. If we have approximately four thousand cars on the road next year and we collect additional revenue of nearly over a half a million dollars the plain fact is the average per car will be in the vicinity of one hundred and eighty dollars. It is true that the cars that are already on the island will not be paying import duties, but that doesn't exclude them from the averages.

Also one Member wanted to make us believe that these increases are not to balance the 1975 budget, they are, the whole trouble stems from the 1975 budget which was too big. And, I would just like to read two sentences from the Financial Secretary's Budget Speech. This large deficit of over one million dollars is a matter of some concern; now in order to balance the budget new or additional revenue must be provided. Now, the deficit in the 76 Budget is partly a carry over from 1975, so if we did not overstep our bounds in 1975 we would have had a surplus and we wouldn't today be trying to find means to increase the revenue for 1976. The reason why we are here arguing this amendment is because we feel like last year Government spent money like it was going out of style, and we don't want to see that happening this year because money won't go out of style.

It remains, Mr. Chairman to ask the Members again to reconsider this bill which has been put forward and to change the figure from thirty-three and a third percent to twenty-five.

HON. V.G. JOHNSON: Mr. Chairman, I have already stated my position in the winding up, Sir, that I will support the draft bill before this House, The Customs (Amendment) Law, 1975 and I would therefore not support the proposed motion by the Member from Bodden Town to amend section 7. I would just like to state <sup>that</sup> the calculation on the various revenue items which are recommended here was done from sources other than the sources from which the Member got his information, and I can assure Members that the calculation, figures and other information were carefully examined. There is in these figures a built-in normal increase of perhaps ten percent provided for growth in 1976, but so is all or most revenue items under the recurrent revenues of Government.

Well, the Member mentioned a while ago that there would be an increase in the price of motor cars in 1976; well, all of this has been provided for in the revenue estimates for 1976 because normally we would provide ten to fifteen percent revenue growth depending on the state of the economy. This growth is caused from the

HON. V.G. JOHNSON: (CONT'D): increase in population, increase in activities and the growth of inflation and other things. So, the built in increase is already fixed in the revenue estimates. As far as the deficit in the budget is concerned it is alright to read one section of the budget address, it's a very long address, twenty-four pages and we have to read it altogether to understand the year 1975 and the year 1976. But, if Members will look at 1975 they will see that the deficit coming forward into 1976 is a figure slightly in excess of a hundred thousand dollars. The problem that has faced 1976 is that there isn't a reserve balance coming forward and therefore it is necessary to find new revenues to supplement the short fall in the 1976 estimates. The total expenditure in 1976 is below the level of expenditure in 1975, therefore it is not a matter that the Government has gone all out to increase expenditure, it's a matter that the Government has done its endeavour to keep expenditure at a very low level and is at the same time struggling to maintain a position.

I would therefore Mr. Chairman support the draft bill which is before the House, and I could not therefore support the motion by the Member from Bodden Town.

HON. A.B. BUSH: Mr. Chairman, I suppose there's very little more to be said on this bill but I would just like to make a few points on it; for us to sit here and go through an exercise of changing the law for five percent on something like this I feel would be just a waste of time, because when one considers how expenditure has increased over the years since any increase was given to this particular item it is nothing short of appalling. Government today gets the least from a motor car brought into the island, the mechanic gets three, four, five times as much; the insurance gets three or four times as much and everyone else that comes in contact with it to have to do any work at all on it gets equal amounts. So, I see no reason why Members should feel so hard about Government receiving an additional sum of money which as was pointed out really isn't adequate to do the job which it is intended to do, but which will to some degree assist.

It is really surprising to know that Members will not disagree in paying extra money for a car from a factory, as was pointed out to us that some companies will <sup>be</sup> raising their cars to five hundred dollars; yet when Government is asking an additional, small additional to finance the services which these cars require when they come here, then I think their arguments are quite unreasonable. I don't see how they can expect Government to continue providing the services for the cars which travel our roads, and raise no additional revenue in which to support it. I asked yesterday where did they expect Government would get money from? Government has no shop, it can only levy some slight increases on the services which they are providing. And, I don't think it is at all unreasonable to ask for this small amount. Thirteen and a third percent increase for how many years? I think it's been acknowledged here that it has been over a great number of years that we have enjoyed the twenty percent. I have always thought that it was somewhat unreasonable to charge twenty percent on a can of beans which was so essential to life, and to charge twenty percent also on a motor car which was such a dangerous thing to be run on our roads.

Much stress too Mr. Chairman has been placed on the cost of roads, the cost to build roads and the money that has been wasted as has been said time and again on the roads. We don't disagree altogether that some money hasn't it maybe termed wasted, but let me ask any member here if he has been on any job or he has had any job done for him that he didn't at sometime or ether see money what he would consider wasted. You can go around to all the contractors job and you can see people loafing around; remember it is not the contractors people it is the people of the Cayman Island who loaf on the contractor, and this happens not only in Government circles but on every job besides.

HON. AB. BUSH: (CONT'D): I would like also to bring to the attention of the Member who said about the cost of roads, he must also remember that the wages, the increase in wages which are being paid today are four, five, six times more than what they were in the years gone by. What a man received years ago for a day's work he's receiving more now for an hour's work, and this is the reason why there is more money required for roads and no doubt it will continue to increase each year, but we should have one satisfaction when we talk about our roads. And, as I've said yesterday that we are on the right tract to providing the good roads for the island that we want, because we have our equipment and we have also regardless of what anyone may said we have trained our own people to do this particular type of work and they have the expertise now in order to carry this through. I think we should give praise where praise is deserved, criticisms when it also is deserved, but I don't think that all that has been said about the condition of our roads is altogether to be blamed on the department that is responsible for the roads here in our island.

This small amount that has been asked for will assist it, it will not as has been pointed out by the Financial Secretary do the job but it will assist it along with something else. And, I believe that the people - apart from the people of this Assembly, the Members of this Assembly will be very much satisfied as the years go by and will be grateful to Government for taking the steps to provide the better roads, because they realize they will be saving a great deal for themselves and for all the people when they have the proper roads to run on that they won't have to have the maintenance on their cars that they've had sometime ago.

I say Mr. Chairman, it is a waste of time for us to come here to think about five percent on something like the importation of a motor car. We seem to think that this is a yearly, an annual recurrent something, it is not, it is for the entire life of a car. You buy a car, and I think it is considered from five to seven years is the life of a car; is it really too much to ask an additional thirteen and a third percent over a period of five to seven years. I say no, but it has all been thrown together and to my mind confused with the other slight increases in the other services of the motor car. I think what we are talking about is thirteen and a third percent, and I myself can't see where the Member ever can figure out a hundred and eighty dollars extra or it will cost someone a hundred and eighty dollars for his motor car next year. There seems to be experts on the other side on percentages but altogether not on dollars. I would like to say, Mr. Chairman, that I hope that the Members now will realize that the thirty-three and a third percent is not as great as what they expect it is when they see what its going to yield and what the cost will be to provide extra services which everyone wants so much in the island.

HON. V.G. JOHNSON:  
Sir?

Can we have the vote on the motion now

MR. CHAIRMAN:  
I put the question.

I think I'll allow one more speech before

MR. T.W. FARRINGTON: Mr. Chairman, first of all I would like to congratulate the Public Works on the road that they have done so far, I think they have done a magnificent job, but I can't agree with the Member when he says that it's a waste of time here for us to discuss such a matter. Because I feel that after all the public has a right to say why increase one item on motor car thirteen and a third percent; this isn't only for roads it's for other amenities as well, so you can't say it's being provided for the motor cars or for the roads alone it's a general thing. And, as I've said before that I couldn't support the bill for a thirty-three and a third percent, but I'm prepared to support an increase of five percent, in other words I'm prepared to vote for the amendment that it should be twenty-five instead of thirty-three and a third percent;

MR. T.W. FARRINGTON: (CONT'D): regardless of what the Members on the other side are saying about us wasting time; it isn't wasting time, we are here to represent the people. I am sorry that I'm not as vigorous as I used to be because I probably would take some time too to battle... I think, but this is my conscience and I'm sure that the people of this island will appreciate the fact that we got to have some increase but don't put it all on the motor car, put it on something else. It's a lot of hidden taxation into this thing which we're not questioning, we have taken all of that into consideration.

So, as I've said let us not say because this is the smallest taxes that we have in any country in the world - I realize this, I realize that in some countries why it's profit a hundred percent, but we are not to follow what the other people say. If we were to follow what many of these countries do we would be in just as bad shape as they are, and believe me it isn't good. I thank you.

MR. JAMES M. BODDEN: Mr. Chairman, I'd just like to remind the other side of the House that the price of justice is eternal vigilance, and for a democracy to survive it must have a good opposition otherwise it is not a democracy. (Members; here, here.)

MR. CRADDOCK EBANKS: Mr. Chairman, just one last comment. It is true to give unto Caesar the things that are Caesar and unto God the things that are God; and I can agree with the first Elected Member of Executive Council when he says, in every business or construction or department there is a certain amount of waste, I can agree. What seemingly is one hour's work was once, as a pay was once a day, I can agree with that too because I know when I worked, to help get Frank Sound road across for twenty-five cents a day, and I'll like to know what Member in Public Works that is working now for twenty-five cents an hour, not twenty-five cents a day. When they are getting the pay that they're getting and working not the hours then our money is being wasted, and as to the contractor our people lobbing and loafing is quite true, but I think that's why the escalation clause are left in in all contracts so when it's being finalized he can say the cost went up.

I thank you, Mr. Chairman.

MR. CHAIRMAN: I shall read out the amendment that has been moved by Mr. Haig Bodden and seconded by Mr. James Bodden.

"BE IT RESOLVED that Cap. 20 of the first schedule be amended by deleting items 20.04 and 20.05 and substituting -

"20.04	motor cycles	20%
20.05	other mechanically propelled vehicles	25%
20.06	pedal cycles	20% "

In other words there is only one figure amendment add to the section of clause 7 of the bill as in front of us.

QUESTION PUT ON ORIGINAL MOTION: THE AYES HAVE IT.

MR. JAMES M. BODDEN : Could we have a division Sir?

DIVISION

AYES  
Hon. D.V. Watler  
Hon. G.E. Waddington  
Hon. V.G. Johnson  
Hon. A.B. Bush  
Hon. B.O. Ebanks  
Hon. W.W. Conolly  
Mr. John D. Jefferson

NOES  
Mr. T.W. Farrington  
Miss Annie H. Bodden  
Mr. Claude M. Hill  
Mr. James M. Bodden  
Mr. G. Haig Bodden  
Mr. Craddock Ebanks



MR. CHAIRMAN: The results of the division are Ayes seven voices, Noes six voices and therefore the motion is carried.

MR. JAMES M. BODDEN: We're getting close though, Sir.

QUESTION PUT: AGREED. CLAUSE 7 WAS PASSED WITHOUT AMENDMENT

CLERK: A LAW TO AMEND THE CUSTOMS LAW, 1971

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on the Customs (Amendment) Bill, 1975.

HOUSE RESUMED

REPORT THEREON

BY HON. V.G. JOHNSON

THIRD READING

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1975

MOVED BY HON. V.G. JOHNSON, SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: I think this will be a suitable time to suspend and we'll resume proceedings at 2:30 p.m. this afternoon.

HOUSE SUSPENDED

HOUSE RESUMED

THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1975

CLERK: THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1975 FIRST READING

MOVED BY HON. V.G. JOHNSON, SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL READ A FIRST TIME.

CLERK: THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1975 SECOND READING.

HON. V.G. JOHNSON: Mr. President, I beg to move Sir the second reading of a bill entitled The Trades and Business Licensing (amendment) bill, 1975.

Mr. President and Honourable Members, the memorandum of objects and reasons in considering the schedule to the Trades and Business Licensing Law, in an endeavour to increase revenue collectable under this law, it was decided to reclassify and vary the scale of fees for Trades and Businesses licenced under this law. Members will see that the reclassification has been done and that quite a number of sub-heads have been recommended with fees under each item.

As I've mentioned in the Budget Address one of the items that gave some thought was that of retailer. It is an item which could've included from a very small business to a very large supermarket, and it was considered equitable to charge the same fee for teh same group of businesses so it has been recommended to set various categories. infact three categories of retailer divided according to the

HON. V.G. JOHNSON: (CONT'D): selling area of the business. Those up to six hundred square feet, those up to two thousand square feet and those over two thousand square feet.

The details of the reclassification have been set out in the new schedule to the amendment law which is now before the House, and Members are requested to examine these and to accept the recommendations as put forward. No doubt there could be question of whether the increases under these various items are reasonable in proportion; but again the whole question of increase in revenue in the new measures that have been put forward has been examined very carefully in many respects and the recommendations that have been put forward here are considered reasonable. The last amendment to these fees was done in 1971 when the present law came into effect; in fact if my memory recalls very well the changes then were not very significant to the fees in operation before that date.

Members will also note that because of the scheduling of the item retailer - and most of the businesses in the smaller islands, Cayman Brac and Little Cayman would come under that item; that the duty payable in the Lesser Islands which was or is at present twenty-five percent of the duty payable in Grand Cayman, has now been revised to fifty percent of the fee instead; this is also considered reasonable especially from the fact that all the districts of Grand Cayman are paying the full fee as set out in the schedule of the law.

Mr. President and Honourable Members, I would ask Members to give their kind consideration to these proposals. The amount of revenue which this is proposed to produce will assist Government's short fall to some extent, it is part of the package of new measures and it would be very disappointing if Members did not support it. And, so I would ask Members to give their kind consideration to the bill. Thank you.

SECONDED BY HON. D.V. WATLER.

QUESTION PROPOSED: DEBATE ENSUED.

MR. G. HAIG BODDEN: Mr. President and Honourable Members, as I will probably be giving the kindest consideration to this bill, I feel that I ought to speak first. As I've mentioned yesterday, I am against taxation in any form during a period of recession. As stated yesterday Governments do not impose additional burdens on businesses that are suffering financially, so we need to go back to our fiscal experts whether the United Nations Advisers or what not and tell them that good common sense dictates that when you increase taxes you have to deflate the economy by taking out money which the business man could use in other ways.

This bill might be worthy of consideration if the increases were not exorbitant. With a very few exceptions the increase - in fact all the increases seem to be one hundred percent and up; there are one or two items on which there is no increase but wherever there is an increase it seems that that increase is a minimum of one hundred percent up to as much as twelve hundred percent. I know I'm talking in percentages again, and they say that percentages in this Assembly have no relation to dollars, but it is because it is such a ridiculous increase the Members have sought fit to say that the percentages don't matter, but they do matter because our businesses have been paying certain fees. The people who pay those fees have become accustomed to paying those fees, they look upon those fees as the just and rightful price they have to pay for operating a business. And, accordingly the business places have budgeted for these fees, and while the business man can tolerate some increases he cannot tolerate increases of this nature. If this bill were asking for a modest increase of twenty-five percent or fifty percent I could have some support for it, but when it comes out in a bold fashion and uses the mighty arms of Government to slap

MR. G. HAIG BODDEN: (CONT'D): increases of a hundred percent to twelve hundred percent I feel that it is most unfair to the business men. I would say that if the business men in this Island had run their businesses the way Government ran its business as from 1972 they would all be bankrupt, because they cannot by the stroke of a pen increase their revenues. So, all Government needs to do is to think up ways of spending money and then up ways of letting the public pay for it.

The worst part of this entire amendment is the part dealing with the Lesser Islands; perhaps this bill is being put forward at a very good time when the Members from the Lesser Islands are both absent. If they were present I know I would be told as I have been told in this Chamber to keep my mouth out of Cayman Brac's business, but they are not here to tell me that today and I will certainly take advantage. But, what bothers me is how can Government do this to the Lesser Islands and present the Budget Speech that was delivered yesterday. I read on page fourteen, the smaller Islands of Cayman Brac and Little Cayman are still struggling to induce activities to stimulate the economy. Now, is this the way we are helping these people who are struggling to stimulate their economy by slapping on them severe taxation, and it is severe when all the Trades and Business Licences are increased by a hundred percent.

In the Lesser Islands they had been paying twenty-five percent of what we were paying for their trades and business licence; we are now asking them to pay fifty percent of what we are paying, and twenty-five to fifty represents a hundred percent. I know I'll probably be called upon to explain this latter, but I think I can do so. So this is wrong, Government on one hand realizes the problems in the Lesser Islands; Government realizes that they are struggling to stimulate their economy, yet Government does its best to make the economy worse.

Another gripe I have against the Trades and Businesses Law is that it is not really a Trade and Business Law, it gives absolutely no protection to the businesses which operate. I was not a Member of the House when this bill was instituted but it is my understanding that at the time this Law was introduced it was for the primary purpose of regulating certain trade and businesses here; but the law has been abused, it has been misused to earn revenue disregarding the protection given to the traders and the business men under this Law. And to prove that I'm not talking out of my hat, I have in the front of me a letter which if you care to see, Mr. President, I can let you have; this letter was sent sometime ago to the Cayman Protection Board by a certain business firm in this Island, and a copy of it was sent to me. I seem to be like the Lady Member from George Town able to collect information without seeking it, and one of the reasons for it is that I have earned the public trust and people have confidence in me and so they often send me worthwhile information which is not available to every Tom, Dick and Harry. And, this letter says, "I was disturbed to learn that a certain gentleman, whose name is mentioned here is paying his annual visit to these islands for the purpose of soliciting life insurance business"; to my knowledge he does not possess a gainful occupation licence and I would appreciate your investigation of the matter. Mr. so and so's methods of doing business are not what would be described as ethical, and the market here is already well served by reputable people, I feel that we can do without his presence. I didn't ask anybody for this letter, it was sent to me; but what is this business firm saying to the Cayman Protection Board? Here is somebody coming in scooping up some money, getting out of the country, harming the economy, operating without the right way to operate, not paying any fees.

And, if our Trades and Business Licence Board or Bureau I supposed it is called by now, if that were doing its functions and if the Cayman Protection Board was also doing its function the trades and business in this island would be glad to pay increased revenues. But, how can they be called upon to pay increases from which they receive nothing in returned, just because because Government with the force of its collective

MR. G. HAIG BODDEN (CONT'D): responsibility given to it under its new constitution can enforce any motion that Government wants to put forward. I know that under our collective responsibility rule we fall short of one vote, but this morning's exercise was a clear indication that an extension can always be guaranteed when needed, and so Government here has a very forceful Government and a guaranteed majority vote to carry forward every whim and fancy that is introduced into this House.

Now, for every action there is a reaction; whenever you do something something else happens. Is Government looking at the reaction from the taxes they have been imposing ever since Executive Council met on that fatal day in October 1975; are they looking around to find out what will be the reactions, here there are stifling businesses that might already be on the verge of bankruptcy. One great writer said, "you take my life when you take the prop that doth sustain my life". This Law is going to have some bad effects on the very small business man; despite what you may have gathered from the statement made by the Member who introduced the bill, and despite what you may have read in the Budget Speech about being unfair to the small retailer, the fact is that a small retailer's fees <sup>are</sup> doubled under this bill. Although special provision is made for some of the bigger businesses to pay more, which I think is just an equitable, however, the small man is going to be hurt because in a majority of the cases the small man cannot live from one business alone; that means that if he has four businesses he has to pay four different fees. We have some business men who are too small to specialize in one business, we have the small business man who cannot generate enough volume to make a livelihood from one business, and so this man has to go out and get himself involve in a number of little businesses, and this is the man that is really going to feel the effect of the exorbitant increases suggested under this law.

Now, I do not want to go down item by item in this bill, it is sufficient to say that the increases are too much all down the line. In number 7 I see that we have increased the fees for a real estate agent by one hundred percent, this alarms me, not because my colleague from Bodden Town is a real estate agent but because the real estate business is suffering badly: Not only because of the outside recession but because of the policies of our Government. It is my firm belief that the introduction of the Development Plan has done a great deal to slow down the real estate business in this Island; also the policies of the planning authorities have done a lot to slow down the real estate business. If my colleague from Bodden Town wants to tell you about how much money he has lost this year in his business he can do so; I have the figures but I will not make them available, but I talked to other real estate agents and one of them gave me permission to quote his name and his figures. I will not quote his name but I will tell you that during the year 1975 up to the end of October this man had grossed four thousand dollars in commissions, he had spent on his business fifteen thousand dollars having lost eleven thousand dollars or more than one thousand dollars per month. Now, these are not figures that I have drawn out of a hat these are like the figures I produced on the automobiles, they have come from people in the know. Some of my figures on the automobiles came from customs, some of them came from statistical abstracts of the Government of the Cayman Islands and other Government sources, and they were not believed. I hardly expect some Members to believe true figures when they see them, but what I'm telling you Mr. President is the truth, the real estate business has suffered this year and Government is responsible, and although it has suffered so badly we have the nerve to double their fees payable to Government. I don't know what Government is at, I believe it is trying to have a total collapse.

In the matter of the retail business it seems to be right to have a reclassification and to set up different categories, and I must say that in this area Government seems to have done a pretty good job as far as the classification is concerned, and they have divided the businesses into three types, those operating in places under six

MR. G. HAIG BODDEN: (CONT'D): hundred square feet which would be like the little corner grocery store, those with businesses up to two thousand square feet, but over six hundred, and those above two thousand square feet. But, I don't know if they've done the right thing in the setting of the fees because a retailer who heretofore had only paid twenty-five dollars is now asked to pay three hundred, an increase of twelve hundred percent; and if you believe that any merchant is going to sit down and take that you're wrong, that is going to be passed on to the customer. When I received this bill I was alarmed at the figures shown in it, and I wondered where in Heaven's name had these figures come from; but I was more perturbed when I took the old law and compared it and saw the extravagant increases made here, every single item that is increased has gone by at least a hundred percent. So, when I hear from Executive Council that percentages don't mean anything it's dollars that mean I can understand their true feeling because this could not have been done on a dollar basis to arrive at such an even figure, it had to be done on a percentage basis.

I have no support at all for this bill, although I've been very kind to it, I should've said some bad things about it. We spend an entire day including yesterday and this morning trying to reduce the very high figure set for import duties on motor vehicles and it was of no avail. I imagine my time here will suffer the same fate but I feel it is my duty to speak out when I see our people being asked to pay, because the Budget has been arranged with a deficit of over one million dollars. There are two ways to balance a Budget, one is to cut their expenses, the other is to increase your taxes. And, when I say cut expenses I'm thinking about controlling waste as well as not embarking upon stupid projects. When we come to the Budget Speech I will enumerate some of the things we have gotten ourselves involved in which we could have done without for another five years. We have surrounded ourselves with experts until you don't know who is advising who or what is being advised about; we have employed full time staff for services which may never come into operation and our people is asked to pay the price, I say it is wrong and I will not support this bill.

Thank you.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I must reiterate that our Government has to find money, it has plunged itself I would say not all unnecessary, most of it is necessary. We must have a Government functioning properly providing services for our people and I'm old enough to know that anything that's worth anything costs money; the only thing I know free in this island are the breadfruits which grow wild.

Now, Mr. President I must say again I was on the Fiscal Committee, I realized that we must have money but what I'm saying is this, Government must learn to curtail expenses. We have too many people more experts for experts and some of that must stop. Now, going over this I feel that some of it I dare say is a bit exorbitant, but other sections of it - for instant the architect, engineer or surveyor; anybody who has ever had any dealing with most of these surveyors, I'm not saying all they will know that their fees are out of this world. It's a shade better now since there is some competition, but prior to I would say 1973 if you got surveyors to survey your land you could prepare for at least to pay one to ten thousand dollars, and then if you owe them a few dollars there was no rest nor peace till you found that money to pay. Now, these architects, engineers or surveyors two hundred dollars, I do not think that is exorbitant at all. This accountant, including auditors, bookkeepers and some assistant two hundred dollars; the majority of them are making so much money that that is only a drop in the bucket. The agent, including airline, shipping or travel, advertising agent or consultants, any other professional agent not mentioned two hundred dollars; the auctioneer, I don't know if anybody around here happens to be an auctioneer. The broker and

MISS ANNIE H. BODDEN (CONT'D): real estate agent, I would say that is a repetition because a broker being a person who for a commission or other reward negotiates contracts between other brokers or principals and includes a commission agent and factor two hundred dollars. Then we go, skip insurance which applies to my good friend here two hundred dollars; then real estate agent being a person who as principal or agent deals or offers to deal in real estate two hundred dollars. I am saying that broker and that real estate agent one or the other should be cut out, because it appears to me that that man in business would have to pay four hundred dollars.

Now, the baker, I will respectfully say this, I don't know too much about all these bakers but I know one particular baker pays one hundred dollars to do business. Now, the barber nobody is cutting their hair now so they won't get any money from that. (Members laughter) Building and engineering trade, one hundred dollars; beautician they would get the hundred dollars, job printers, launderers, retailers and so on and so on down. I will say, Mr. President, that while I know some of it appears to be exorbitant, nevertheless I must repeat that all and sundry shared the benefits of Government dishing out money. And, I will not oppose this bill, if there is any duplication I will have to say it should be corrected. One thing at the back here that I am very annoyed that is only fifty dollars and that is the utility services if it includes Caribbean Utilities Company, that should be five hundred dollars if it includes them because their rates are exorbitant, and it appears that Government has no control over this service. Some-time ago my electricity bill was twenty-five dollars per month, recently it has been up to fifty and I use very little of electricity because I'm not one of these sophisticated ladies that must get an electric cutter or electric this or electric the other thing, I live as simple as I possibly can and I feel that if I have to pay fifty dollars a month for the few facilities that I have these houses which are lit up like British man-of-wars must have to pay over five hundred, and I feel that this is too little.

Now, speaking of Government's waste of money, I must endorse that up to a point but we have to carry on as the Government. We do not want it to be said that we twelve here have plunched this Government into bankruptcy, nor do we want it to be said that we are harassing the people to the extent where they will go into bankruptcy; we want to even off things as much as possible. And, I feel, Mr. President, that we as sensible people must try to control things where we do not hurt the Government and we do not hurt the people. I would say, Sir, that this collective responsibility I do not agree with it, and as the Honourable - I think he is the second Member from West Bay said once, that if he did not know me as a lady who uses her tongue and pen instead of a brain what he would do certain things. Well, I'm saying that is one time that I must have used my tongue and not my brain if I had read that collective responsibility would exclude those four Members to the place where they have to vote and make a seven vote instead of a four.

Now, I do not agree with this collective responsibility at all, I feel that if our Members who we put there, they feel that they are right I would stand in that Chamber till the judgement morning dawn and I couldn't be persuaded otherwise, but I'm afraid that's not what is happening now. And, while I know they are right in some instances they are not always right, and they should not refer to us as on the other side. We are not on any other side, we are on the Government's side and Government is right, and against Government when it is wrong; I cannot and I will not accept that we are just on the other side as we are termed, we are just as responsible for the people of the Cayman Islands, and more so than the elected Members. And, I will say, Mr. President, I am not opposing this bill in total because I must say we need some money but I will oppose any duplication of any particular designation here if it's

MISS ANNIE H. BODDEN: (CONT'D): a hurt for a person; for instant I could never agree that a real estate agent should pay four hundred dollars per year.

I've seen a written notice on the Post Office the other day, "Plan kill Cayman". Well, I'm not saying it has exactly killed it but I know it has killed the real estate business up to a point. I will support this, Sir, because I know we need money and somebody has to pay for it, and the general public they get a lot of benefits from Government; we have the schools there as they say second to none and it doesn't cost the parents one penny except maybe to buy books, and those who get benefits should help us bear the burden. Now, I don't get any benefits from the school personally, unfortunately I haven't got anybody to go but I get benefits when I can ride in my car on this satin road as it is called, and it takes money. So, to assist Government to get this road finished and disappear all the pot holes I will agree to this, but I have gotten to a point that when we go into the Finance Committee I am going to oppose a lot of things to cut down some of this expenditure cause I'm very sure these tax measures will not be sufficient to have an even budget. I am saying both sides must co-operate, Government must cut down expenditures and the people must try to raise some money to help them.

Thank you Sir.

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I have listened with great interest to what Members who have spoken before have said. I see here we have another bill seeking taxation, the scale of fees for Trade and Business Licensing (Amendment) Bill, 1975. It is very hard for Government to increase taxation on businesses that we are very hard put with already. It is quite true that taxes must be had, money must be had to operate Government; it's the saying which says "money makes the mail run", and I'm sure that this bill before us here - I do not care to go down job by job as is quoted on different items, and what percentage is here by given to each or taken from each individual or work permits is something that is very touching. I do not feel that everything that is put into this should be administered word for word as placed in this bill.

As the third Official Member referred to a retailer; I'm placing it in three categories (a), (b) and (c). I see where (a) up to six hundred square feet selling area, fifty dollars; (b) to two thousand square feet selling area, one hundred and fifty dollars; (c) over two thousand square feet selling area, three hundred dollars. I'm afraid in a way the ways and means to make the increase of taxation - the only thing I see is that the consumer will be the one who it will reflect on, and if a law was put where the salesman would have a control on goods and control on his selling prices then I could see where the consumer would not be effected. This is a very touching case; I am in favour very much of Government getting the tax and I feel that if the deficit as the Financial Budget Address gave as figures - if this is not done we will be short of no less than one million dollars. If this is what we're going to do to achieve that money I can't see where the consumer will have any protection, the retailer having a protection and what would he be retailing.

I thank you, Sir.

MR. JAMES M. BODDEN: Mr. President it seems today like the other side is really winning their point because they're getting us up before them and they're being the last, so they're sweating us out we'll fall for the bait.

Mr. President, I too stand in opposition to this bill and I stand in opposition because we are dealing with a bill that will give increases in revenue of up to twelve hundred percent. I agree, that might be in isolated cases but we are looking at increases of one hundred percent, four per cent and twelve hundred percent, and in a recession year this is too much of an increase, this alone will tend to be inflationary for the next year. I wonder very much about

MR. JAMES M. BODDEN: (CONT'D): this because this past year has seen a downward trend in trade licences issued of approximately twenty percent, work permits are down thirty percent. So, looking at it the way to get this money back is to triple the fees instead of trying to wonder what has happened that these two particular things are down. It can only mean one thing, Mr. President, and that is that the business community is suffering, it is suffering because there is inflation, there is a world wide recession but I submit to this Honourable House that the main reason that businesses in Grand Cayman are suffering is because of Government's lackadaisical support.

I submit further that it is because of so many of the new laws that we have implemented in the past four to five years, that the foreign investor is beginning to look on Grand Cayman with a dubious eye. This happens because, Mr. President, he begins to lose faith, and anyone that will stand in this Chamber or stand in any place and tell you or tell me that this Island's economy can grow and can continue with just the little bit of local investments that person needs their head examined. We need foreign investment and we're not going to get foreign investment when we do some of the things that we're doing. We are competing with many other tax havens in the world, we must be very, very careful in some of the things we do here. I inject that, Mr. President, because again some of the increases has come by way of regulations under the usual form of skeleton legislation. I am of the opinion that the true meaning behind this particular law was lost a long time ago, this law was brought in here supposedly to protect the rights of business people; I believe instead of that it is strictly and has been strictly a revenue getter. It would be easy, Mr. President, to come into this Assembly and agree with everything, that is the easy approach, maybe we could agree to it if in our opinion money was <sup>not</sup> so foolishly spent.

We must realize one thing Mr. President and that is this, when we come in here and debate a bill that is the last chance that we have to do anything with it, because once it goes out of our hands from here then we are told we have nothing more to do with it; you cannot see the contracts, you cannot question how we spend this money, you have no right to do it. Well, this is our democratic right and we're going to stand on it and we're going to question, we will never stop questioning until we know the truth. Maybe if Government would see fit to table some of these things and let us know, then we would know the reason why you need this additional money and it might be easy for us to find the compassion on our hearts to agree with it, but as long as it stands the way it is now there must be a division, there must be an opposition because without that no country will ever survive.

One thing that strikes me in this particular bill Mr. President is the fact that we do have up to twelve hundred percent increases, in just about every business in this Island even to the little humble lady down there fixing somebody's else hair as a hairdresser, everything is covered. We are asking the bulk terminals for a thousand dollars under this bill, yet the most profitable business in this country is not listed on that, why is that Mr. President? Is that because of preferential treatment? Why is not Caribbean Utilities on this for a licence fee? I don't mind paying my fee, and I guess the other people will have to pay theirs but let them pay theirs also. If not, Mr. President, in the near future we will have to bring a motion to this House asking for new directors to be appointed on the board of Caribbean Utilities from this House; and as I owned forty shares of stock I would not be eligible Sir, so I'm not looking for the job. But, Mr. President, these are some of the reasons that we object, give us fair and equitable treatment. I will agree today as much as I would hate to do it to everyone of these increases if I could hear the mover of this motion come back in a few minutes and say, we made a mistake and we forgot Caribbean Utilities and the fee for them is ten dollars.

Thank you Sir.



HON. BENSON O. EBANKS: Mr. President, I was hoping that when the first speaker from the other side spoke on this bill that he would've for the sake of the records corrected an erroneous figure that he gave this morning, that is on the increase cost of a 76' model car being five hundred dollars. During break time he told me he had got that in -----

MR. G. HAIG BODDEN: Mr. President, my figures didn't come from time magazine.

HON. BENSON O. EBANKS: I agree, that is the point I'm making - you should rely on the reliable publications, the figure is two hundred dollars. And, I am also a bit surprised that two of the speakers have indicated that this bill was never intended as a revenue bill, so I can understand why the speakers are at a loss to understand the amendment proposed to the Trade and Business Licensing law. And, I'll read from the memorandum of objects and reasons for the Trade and Business Licensing Law, 1971 to prove my point. This law repeals <sup>the</sup> licences on Trades and Business Law, 1965 the main object of which was to protect the existing businesses. The Caymanian Protection Board under the Caymanian Protection Law has complete control of <sup>not</sup> the issue of gainful occupation licences which are required by persons <sup>of</sup> Caymanian status before they can operate in these Islands, and the issue of such gainful occupation licences is an expression of intention by the Board to grant the licensee an equivalent trade or business licence. Persons of Caymanian status are automatically granted a trade or business licence on application; provided, of course, in both cases the applicant conforms to the other requirements of the Law. Protection of Caymanian businesses or trades from persons of non-Caymanian status is now therefore adequately safeguarded under the Caymanian Protection Law, and the function of the Trade and Business Licensing Law is to raise a certain amount of revenue and in relevant cases to exercise hygenic control over premises. So, the object of the Trade and Business Licensing Law of 1971 was always the intention of raising revenue; the protection to businesses is under the Cayman Protection Law.

Now, again Mr. President we have heard a lot about percentages, percentage increases, and the hundred percent increase that's not even so bad this time it's the twelve hundred one that's being used a lot. Now, that is in the case of the retailer who prior to this regardless of size got away with twenty-five dollars; that included large supermarkets and there is no way that one could argue that it was equitable and just for the man on the corner with a little store, sometimes they sell out of a room in the house to be paying the same as a large supermarket. And, consequently an effort has been made to charge the supermarket a fee that is commensurate with what his return <sup>on his investment</sup> is; they get the bulk of the business and I don't think <sup>that</sup> when they're asked to pay three hundred dollars a year for a licence that anybody can say it is ridiculous, and this is how the twelve hundred percent comes about.

The small retailer is asked to pay fifty dollars a year and this seems equitable; the other charges other than bulk fuel installation are all in the region of one and two hundred dollars, and they are in all instances from firms that can well - or businesses that in a normal sense should well be able to pay it. Accountants, architects, engineers or surveyors, auctioneers, brokers, real estate agent and the lot; there is nothing in this to me - the hairdresser which of course is not an individual, the barber again twenty-five dollars - it's a trade. I don't see where it is going to kill anyone, and, Mr. President, I must touch on the matter of Trade and Business Licenses and work permits, the reduction in these, the falling off of foreign investments. I don't believe that it should be any news to anyone that we like everywhere else are suffering a down turn in our employment situation but we are comparatively fortunate as compared to others.

I recall reading - one Member this morning made mention of the city of New York, and there are others, even cities, that were considered well off are ending the financial year with a deficit

HON. B.O. EBANKS: (CONT'D): or a reduced surplus after cutting jobs by thousands and abandoning projects mid stream. We have been lucky, and I am confident that with the upturn of the economy world wide we will soon see an upturn of the economy locally. In fact the tourist trade for the season already looks good, hotels are reporting good bookings; just today on my way to lunch I gave a chap from my district who works at a hotel a lift and I said to him, "how is business at the hotel?", he said, "it's unbelievable, I have never seen the hotel full this time of the year before, we're turning away business". So, in that area at least it appears that we are well on the way to recouping the loss over 1974, and I am positive that all being well; naturally what I'm saying has to be subject to conditions which are beyond the control - our control here in Cayman, but, giving that the North American recovery continues and nothing drastic happens world wide I feel that in the new year we will be well on the way to recovery. These fees as I've said are not exorbitant; I am in addition to my position with collective responsibility in Government some type of a merchant, I don't know exactly which one of these I will fall in here and I'll have to pay at least a second licence I know, but I certainly wouldn't like to have to sit down and try to find out how to pass this slight increase on per item to the consuming public. I believe that business men and others operating in the Cayman Islands are grateful, happy that they can operate at such low overhead when it comes to Government fees; and I believe too that they realize their obligations, I believe that they realize that the amenities which Government is providing have to be paid for, and I don't think that they are going to grumble about paying a hundred dollars, twenty-five dollars, two hundred dollars or as I've said in the case of the supermarket three Hundred dollars, and in the case of the bulk fuel installation a thousand dollars. These people I'm sure, Mr. President, are going to be happy to pay these fees and they can't - they will not result in any increased cost to the people. I believe that some of the companies doing or of the outfits doing business here sometimes feels guilty about the small contribution to the expenditure of Government. So, I believe they will take this in the spirit with which it is intended, purely to help raise some small measure of revenue for the services which Government is providing.

And, it appears, Mr. President, that Government is going to be called on to provide more and more services because, for example in the field of education this year because of increased fees at some of the private schools Government have had to cater for a lot more children than was anticipated; fortunately we were able to do so, and hopefully we can continue to do so. But, these are the kind of things that make us realize that we must put revenue measures forward that will keep Government in money, and as I've said before this is money, it's the people's money that pays for the services which the people enjoys. I'm not saying that everything is running as smoothly as it should but I believe that in comparison this Government can stand analysis with any or comparison with any and come out on the right side of the ledger. And, with those few remarks, Mr. President, I support this bill.

MR. JOHNSON D. JEFFERSON: Mr. President, at one stage I did not intend to speak on the Trade and Business Licensing (Amendment) Law but I thought that I'll better make a little contribution. I think when we think as I've said again in terms of what has been provided and in terms of what the private sector we find business and expenses rising on their side, I'm sure that no sensible person could expect that Government's side of it wouldn't also be wanting. I believe, Mr. President, that the amount asked for here I think it is reasonable, I am amazed, sometimes to think that it is human nature to believe that Government gives everybody everything and therefore if I am working for Government or if I have a contract with Government or if I have something to do with Government I'm going to beat them to death because their funds are in-exhaustible; nothing is further from the truth than that, I got my shock a couple of years ago when the United States Government over thirty years that their dollar had not been devalued and all of a sudden United States dollar came tumbling down.

MR. JOHN D. JEFFERSON: (CONT'D): Mr. President, today we are living in a world where there is continued escalation, we find everywhere we turn it costs us; wages <sup>are</sup> rising and every side we look there are increases, and I don't know sensibly how we can provide the services that we are called upon to provide, and that we are providing without some measure of revenue being derived from it. As I've said we have had it very good in these Islands, we have had for the first time this year since our economy moved into high gear; for the first time this year we've had an unemployment problem. Now, Mr. President, that's nothing new, as far as we look around every other part of the world today everybody is having the same problem. In the Cayman Islands we <sup>don't</sup> control the world events, unfortunately we are moulded by them, we have no control over many of these things. But, I feel that when we put forward a bill like this, I don't think we have anything to be ashamed of, I think it is reasonable and I support it wholeheartedly.

Thank you very much.

HON. V.G. JOHNSON: Mr. President and Honourable Members, I want to thank Members again for their support of this bill, but unfortunately my two friends from Bodden Town did not see fit to support the bill but I could see they were battling against their conscience and for that reason I know that even if they lose the battle they will be quite satisfied with the results.

A Member spoke of the severe taxation which was being imposed on the Lesser Islands. I would like Honourable Members to know that the Member for Cayman Brac who is a Member of Executive Council is quite aware of all the proposals which have been put forward in this session, he is aware of the proposals under the Trade and Business Licensing (Amendment) Law; he agreed with these. I am also sure that if the other Honourable Member who is unfortunately ill at this time was present that he would no doubt give his support to the bill as well, so I do not think we have to play that amount of sympathy as far as the Lesser Islands are concerned. I do not think, Mr. President, that I need to speak very much longer on the bill because the Government Member who spoke a while ago covered a good many points, except for this one thing; someone mentioned that Caribbean Utility was not listed here, but Caribbean Utility is operating under a special franchise from this Government and under the provision of the franchise a fee is payable separate and apart, and therefore a fee cannot be levied under this or any other law, therefore it would not be reasonable to impose another fee under this or any other law against Caribbean Utilities.

Mr. President, I would therefore ask Members to finally support this bill. I doubt very much that it will affect business as some has said, these fees have not been revised since 1971 and I am sure that as much as Members played on the twelve hundred percent increase that that was explained in detail a while ago. It applied only to one area in the retail traders and this applies to large supermarkets, and I'm sure that all will agree that it is reasonable and equitable to tax large supermarkets to that extent. With that, Mr. President, I recommend this bill.

QUESTION PUT: AGREED. BILL READ A SECOND TIME.

COMMITTEE THEREON

MOVED BY HON. V.G. JOHNSON  
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED

HOUSE IN COMMITTEE

CLERK: CLAUSE 1. SHORT TILTE

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. LAW 25 OF 1971 AMENDED.

QUESTION PUT:

MR. G. HAIG BODDEN: Mr. Chairman, I have put in a few amendments to some of the different items, I'm wondering how you want to deal with this; will .....

MR. CHAIRMAN: I suggest that we take the schedule which is amended by clause 2 under the categories Trade or Business, Trades and Technical etc. and if Members have any amendments to propose if they would take them in order. So, we'll deal with the first category, "Trade and Business".

If there are no amendments to propose to that, we'll pass on to Trades and Technical. I think amendments are down for items 1,3,4,8,11, and 12.

MR. G. HAIG BODDEN: Mr. Chairman, the proposed amendment under 1 Trades and Technical is to make the fees for baker \$50.00 instead of a hundred dollars. Now, I know the situation here is that we have one real big bakery that can well afford to pay a hundred dollars, however we have a few small bakeries that are perhaps fighting for survival and I think in deference to them we should only increase the fee from the original twenty-five dollar to fifty. In otherwords the proposed amendment should be changed from a hundred to fifty.

MR. CHAIRMAN: I suggest we vote on these one at a time so that we don't cloud the issues. Is there any debate on this proposal?

MISS ANNIE H. BODDEN: Mr. Chairman, I do not know if this baker could be arranged in categories, because while I agree that some are very small there are others who could easily pay the one hundred dollars. I don't know if that could be arranged in categories, the smaller ones pay just fifty dollars and the larger ones paying the one hundred.

MR. JOHN D. JEFFERSON: Mr. Chairman, I can't see any objection to that, I can't see any objection to that at all.

MR. G. HAIG BODDEN: Mr. Chairman, I would think that the six hundred square foot rule as applied to retailers could also come into bakeries if you have a bakery where the space is, say less than six hundred square feet you could charge a certain fee and have different categories according to the space same as you have for the retail businesses.

MR. JOHN D. JEFFERSON: Mr. Chairman, that wouldn't hold water either, because take a man, a fellow today that had a pastry shop and I've never seen a pastry shop yet that was a very large place, but you take a good pastry shop and then there'll be killing. So, I don't see where the size makes that much difference because a pastry shop is usually very small.

MR. G. HAIG BODDEN: Of course, Mr. Chairman, if that argument is true what would happen to the retail places? You can have a little corner selling expensive say watches and cameras and it mightn't be more than a hundred square feet, yet we've used that for retail businesses. So, if it is good enough for that it is good enough for the bakeries, either what is set out in this the retail business isn't any good or if it is good it could be used for bakeries and other businesses as well. If the rule holds good for a retailer it should hold good for bakers.

HON. BENSON O. EBANKS: I wonder if he is aware that this doesn't apply to an individual; the same thing would apply to a restaurant you got small and big ones.....

MR. G. HAIG BODDEN: Exactly.

HON. BENSON O. EBANKS: (CONT'D): and then you'll get into all kind of trouble to my mind mixing it up this kind of a way. I think if it's worthwhile doing business at all it's worthwhile paying the fee for it under the different categories, this is how I would feel about it.

MR. CHAIRMAN: I think I'll put it to the vote now. I think I'll ask you to vote on item 1 "Baker" that a section of this clause stands as drafted.

QUESTION PUT: AGREED. ITEM UNCHANGED.

MR. CHAIRMAN: Item 3.

MR. G. HAIG BODDEN: Mr. Chairman, under item 3 we're dealing with the very hard hit trade, the construction business and here we have people carrying on the business of a mason, carpenter, joiner, plasterer, painter and so on; and these people are asked to pay very high fees. What we have to remember is that, say the mason and the carpenter are never steadily employed, you know he gets a day's work today and he might not see another one this week, that is happening right now and this is most unfair to put it from twenty-five dollars to a hundred dollars and therefore I seek to have it cut down from a hundred to fifty.

HON. BENSON O. EBANKS: Mr. Chairman, I wonder if the Member is aware that this does not apply to the individual carpenter or plasterer or electrician, this applies to someone who carries on an organized business and employs other people.

MR. G. HAIG BODDEN: Yes, well the rule is still the same if the construction business is suffering now because your planning authorities won't issue enough permits. The employer must be suffering just as well as the individual employees.

HON. BENSON O. EBANKS: Well, a hundred dollars is not a ridiculous ....

MR. G. HAIG BODDEN: No, it's not much, it's only four times what it was. (Laughter)

HON. W.W. CONOLLY: Mr. Chairman, if one looks after it and sees probably what a person in this capacity would earn, not less than twenty-five dollars per day. And, if he is asked to pay eight dollars a month this is just about one third of his day's pay, I mean the minimum that he is asked to pay in a month so I think this is a very minimal fee. It's not that amount after all when you come to think of it, and if you look at the law as the Member said it here the individual person is excluded.

HON. V.G. JOHNSON: Mr. Chairman, under commerce 2 contractor, the wording there seems to be out - perhaps needs an amendment. It says at the end, "employing a staff of <sup>ten</sup> persons and not less than fifty", I think it was meant to read, "employing a staff of ten persons or more".

MR. CHAIRMAN: I think the bill as Gazetted states with less than ten employees.

HON. V.G. JOHNSON: Well, sorry.

MR. G. HAIG BODDEN: You see .....

MR. CHAIRMAN: I haven't got down to the section on Commerce yet. We are dealing with item 3 under trades and technical.

HON. V.G. JOHNSON: Oh, I see.

QUESTION PUT: AGREED. ITEM 3 UNCHANGED.

MR. CHAIRMAN: Item 4 in the same section.

MR. G. HAIG BODDEN: Mr. Chairman, under hairdresser I see that has been increased four hundred percent as the Member from George Town reminds me, while that of barber remains at twenty-five dollars. I think it is right that the barber should remain at twenty-five dollars but I can't see why hairdresser should go up four times. If there was some reason for leaving a barber at twenty-five dollars there must be some hidden reason which is not apparent in this bill for putting the hairdresser four times so that should be cut to fifty dollars.

HON. V.G. JOHNSON: The reason, Sir, is because the hairdressers have taken most of the business from the barbers these days.

HON. A.B. BUSH: Besides, it more than one business carried on, it's the manicurist and the pedicurist. It's quite a lot of beautification goes on in the beauty parlour itself not in a barber shop.

MR. G. HAIG BODDEN: And perhaps you may have heard something recently about the change of sex too. (Members Laughter)

MISS ANNIE H. BODDEN: May be it's because all the men's hair is dropping out on top and the other ones when their hair grows long the barber has more to cut.

HON. A.B. BUSH: As far as that goes I think you need the barber in the Island.

QUESTION PUT: AGREED. ITEM 4 UNCHANGED.

HON. V.G. JOHNSON: It's only two voices you're hearing over there - but loud.

MR. CHAIRMAN: Item 8, Service Station.

MR. G. HAIG BODDEN: Now, Mr. Chairman, item 8 is not a fun item like the preceding one, this one needs serious consideration because we have in the outer districts particularly in East End and North Side small service stations which are not doing the one hundred of the business done say by a service station in George Town. If it is impossible to arrange different categories I would say that the overall fee should be reduced to fifty dollars, because I feel it is far better for a big station to get by paying less than it should than for a small station to be paying more than it can.

I won't go into the economics of it, but we do know that - I'm thinking of East End and North Side, there are one or two stations that will probably sell to two car owners gasoline for a single day, some of them are lucky to make a sale even in one day. And, some of these stations do not have the concomitant business of alcoholic beverages to support the losses from the gas side of the station, and it's most unfair to ask these small stations. I'm not thinking about the ones in Bodden Town because they're sort of fortunate in getting little traffic passing through, but take in East End and North Side, these stations are not doing any business, I know this, I have been to them sometimes and wasn't even able to <sup>get</sup> gas because they were out of it; just may be were unable to pay or to get sufficient supplies, and business is real bad. And, the biggest injustice under this bill is this section 8 and I would rather see the big stations get away with less than they can really pay rather than put a hundred dollars on these out-stations that are not able to pay. And, since we are in committee stage I would ask if you can do anything to release Executive Council so that they can change this policy which they have put forward because this is a rare case and

MR. G. HAIG BODDEN: (CONT'D): it needs some consideration.

HON. W.W. CONOLLY: Mr. Chairman, I believe that I can agree with the Honourable Member on the other side that there is probably one or two individual cases in the out districts that could be considered for some special consideration. But, the fact is that most of these places even though they are out in the districts you'll find that they sell everything from a pin to an anchor; most of the gas stations around involve themselves in all types of trade, they sell ice cream, they sell other articles of grocery and they sell apart from their lubricants and gas and certain of those sell alcoholic beverages. And, there may be one I can think of in East End that doesn't go into that particular trade that may be suffering, but can you adjust a law to suit an individual is something that we would have to consider. If this law was in a position to control the type of businesses and where that the gas station were only dealing in the sale of gas, petrol and lubricants then I could see we could have a graded or a selective situation for the out districts, but the same thing applied for years with the small retail businesses out in the out districts, small places were paying the same as the big supermarket in George Town was paying. And, I'm afraid <sup>that</sup> it's going to be difficult to find the solution to this without you can name one individual or two individual places in the law; and once you take individual exceptions then you are faced with starting up a whole round robin of events as far as <sup>probably</sup> this is concerned. that would be at a great disadvantage <sup>It is true that there is one or two places</sup> to pay this hundred dollars. On the other hand most of them as I've said deal in general trade including the sale of alcoholic beverages.

MR. JAMES M. BODDEN: Mr. Chairman, if we follow that line of thinking we're then sort of penalizing the man because he's made his money on selling his beer or something else, it means then we haven't charged them enough for that particular licence. I agree that what the Member has said to an extent is true because you do find these service stations selling from peanuts to pop corns, but again I sure that they would be covered under another licence that they've had, I don't see how a man could have a service station selling food and not come in under one of the other licences, I don't know whether their service station will cover that or not. If this service station is just covering the sale of lubricants and gasoline and so forth I would be one who would say for God's sake give him a licence for nothing, because I'm sure he's not making any money, but I feel like it should be reduced if it's just strictly dealing with the gasoline and lubricants. If he is going to sell other things in there then we should put in another category and charge him a particular price other than this one here.

MISS ANNIE H. BODDEN: Mr. Chairman, I feel that if the poor which we shall always have with us are being oppressed that we should give them some consideration. And, if these service stations in the outer districts are not making any money to keep them a going I feel that we could give them some consideration without anything being done wrong; after all you know rich can get mostly anything they want, they get people to cater to them and the poor are always down trodden more or less.

Now, I am for the reduction of this fee to fifty dollars if it's going to hurt anybody by being one hundred dollars; now, unless you can put it in a category, but you say that cannot be done so I would feel that fifty dollars would be a proper rate. I know these gas stations will sell rum, they can make money all they need, because from daylight in the morning till the last thing in the night you see people buying and drinking alcoholic beverages. But, unless you're selling that along with the gasoline which I'm very much against, I don't think they make too much money.

MR. JAMES M. BODDEN: Mr. Chairman, I think I have a solution to this; we could treat this in the same manner that we're treating Cayman Brac and look on anything east of George Town as being an oppressed area, I mean depressed area rather and write it into this law here that anything outside the districts of West Bay and George Town the garage and service stations would only pay half of the fees, we've done it for Cayman Brac we could do it for the oppressed eastern districts, Sir.

HON. V.G. JOHNSON: Mr. Chairman, I wonder whether there is a difference with these service stations on a pump basis because I know there are some stations with a good many pumps, some with three, four pumps and others with just one or two pumps, they could perhaps be categorised by the number of pumps they carry.

HON. BENSON O. EBANKS: That wouldn't solve the problem because that can be changed during the course of the year.

MR. JAMES M. BODDEN: I think the safest way to do it would be just to write it in like you did to Cayman Brac and say that anything outside of George Town and West Bay would be at fifty percent.

MR. JOHN D. JEFFERSON: Mr. Chairman, while I'm going to vote with my second Member from Bodden Town I would hope that the First Member wouldn't insist that you would place the name of it as a depressed area because that mightn't be too good for his campaign next year.

MR. JAMES M. BODDEN: Well, really we've laid the ground work for the campaign for next year - if you will notice I slipped in the word "oppressed".

HON. W.W. CONOLLY: I think, Mr. Chairman, it would be difficult to do that because you would find as the first member speaking said that Bodden Town enjoys a certain amount of benefit through the cars passing through Bodden Town; you'll find that the stations at Bodden Town will be at a great advantage over these places in East End, I don't think that this would altogether solve the problem. And, if you could say east of Bodden Town I probably would be one hundred percent behind you to support that.

MR. JAMES M. BODDEN: In that case then you should've brought it forth yourself, we had to look after our district too.

HON. W.W. CONOLLY: No, I didn't, it would look too personal you see so I .....

HON. V.G. JOHNSON: Mr. Chairman, we are not talking about a big fee it's less than two dollars a week. I'm sure that all stations regardless of the volume business would be able to pay this fee.

MR. T.W. FARRINGTON: Mr. Chairman, I don't know if I've got anything to offer as a solution but I do feel that suggestions have been made about having a different category for East End and North Side; it's a valid one, it does seem in-equitable to me that these small stations should pay the same as the larger ones, and I certainly would support any suggestions that have been made to categorise these and have it adjusted. It does seem unfair, unjust for these small stations that are not doing any business or doing very little business to have to pay the same as the larger stations. I don't know if I can offer any solution but the one that has been suggested by the third Official Member seems to be a good one to categorise them or something like that, but certainly I couldn't sit here and say that I'll be doing justice to the people of these Islands; not to my constituency but to the whole Island if I sit here and say that a little station should be paying the same. And, I don't think that the hundred dollars is out of place in the larger stations, but I do



MR. T.W. FARRINGTON: (CONT'D): feel like something should be done.

MR. JAMES M. BODDEN: Mr. Chairman, I'd like to place a motion on this that we change this to read, "any service station or garage operating in any district of Grand Cayman other than West Bay or George Town shall be at the reduced rate of fifty percent", that would give it fifty dollars.

MR. G. HAIG BODDEN: Mr. Chairman, that seems quite in order since the precedent has already been set in this law with regards to Cayman Brac; and I would go along with that and withdraw the amendment which I tabled on eight.

HON. BENSON O. EBANKS: There is only one thing on that motion, Mr. Chairman; I think Members are only looking at service stations but the section also embodies and includes marinas.

MR. JAMES M. BODDEN: May God have pity on that fool. i

HON. BENSON O. EBANKS: And I would imagine that - I know there are marinas above George Town, in fact the biggest one in the Island is there.

MR. JAMES M. BODDEN: But, Mr. Chairman, that is included into the George Town district, you know the one that he is speaking about. I was only talking about the capital of Bodden Town and East End and North Side.

MR. CHAIRMAN: Is there any discussion on the proposed amendment?

MR. G. HAIG BODDEN: Mr. Chairman, in keeping with the memorandum of objects and reasons for this bill we read that it is intended to re-classify it and vary the scale of fees. The amendment which the First Member from Bodden Town has just proposed is quite in keeping with the memorandum of objects and reasons, in that it does re-classify the scale of fees for service stations, and it's a valid amendment, in fact I can't see anybody having any objections to the amendment; it's quite valid and it's just in keeping with the objects and reasons as set out in the memorandum to this bill. We might say we don't want to do it because it is Bodden Town and the eastern districts, and because they have never had a break we might say that we'll just keep them as they are, but there can be no valid reason for not allowing such an amendment.

MR. JOHN D. JEFFERSON: Mr. Chairman, I am quite willing to support the two districts, East End and North Side which the Member from Bodden Town himself said that the others in Bodden Town with the traffic in other words were able to make it on their own. I would be quite willing to support both North Side and East End but I wouldn't want to see it expanded.

HON. W.W. CONOLLY: Mr. Chairman, I would not oppose the amendment providing that the stations that do sell other goods come under the other category of licence, because we still would then be making a great difference between one that does and one that doesn't even though they are in the eastern areas. I feel like a station that is selling what this calls for here, does business as a filling station if we make this concession for those then if that station carries on any other business it should come under another category of licence as well.

MR. G. HAIG BODDEN: I quite agree with that. If the stations carries on other business naturally the station would pay whatever fees are set out say under the Liquor Licensing Law or a bar and restaurant or retail grocery store, this particular section is dealing with service stations and the products that we sell in servicing motor vehicles. So, that if the

MR. G. HAIG BODDEN: (CONT'D): owner in one of the eastern districts receives a tax break under this section he is not precluded from paying the full duties payable under any other law; so here we are not trying to give him a fifty percent tax cut on all of his licences we're only giving it to him here for licences under service station and garage. If he falls in any other category as a retailer or real estate agent or whatever he's doing, baker or whatever it is he would pay the full fees for that, we're only asking for a tax break for this particular item.

And, so Mr. Chairman, if there is no more debate I would ask you to put the question as to whether the service stations in Bodden Town, East End and North Side would get the tax break as suggested by the First Member.

MR. CHAIRMAN: The amendment I've got is, at the end of item 8 you would have the words provided that any service station, garage or marina on Grand Cayman other than in West Bay and George Town shall pay at the rate of fifty percent<sup>word</sup>. That's related to this item only; I think you've got to mention the/Grand Cayman - because Little Cayman and Cayman Brac are qualified by the clause at the end.

I'll read that again. "Provided that any service station, garage or marina on Grand Cayman other than in West Bay and George Town shall pay at the rate of fifty percent".

MR. JAMES M. BODDEN: Mr. Chairman, I'd just like to add there districts of George Town or West Bay because it may leave it open if we just put George Town and West Bay to where anyone say, on the road between West Bay and George Town or South Sound or something like that would be interpreted as coming under this amendment.

HON. V.G. JOHNSON: Another thing Sir, would the marina be included in the areas other than George Town or West Bay?

MR. JAMES M. BODDEN: The present marina I think that you're speaking about is in the George Town district.

MR. G. HAIG BODDEN: At least for political purposes Prospect is a part of the George Town district, so any marina in Prospect for tax purposes would also be in George Town.

HON. G.E. WADDINGTON: Without a definition in this law I don't think it would be a district expressed in respect of the electoral law; not for this law.

MR. JAMES M. BODDEN: Could we have that again please?

HON. G.E. WADDINGTON: I don't think that any such provision would apply unless the district was defined in this particular law. The definition of the districts in the electoral law is purely for the electoral purposes.

MR. G. HAIG BODDEN: Mr. Chairman, there is a simple way to get out of this. In the proviso we can leave out the word "Marina", and the proviso would read, "Provided that any service station or garage in Grand Cayman", just leave the word "Marina" from it and they would automatically be excluded.

HON. G.E. WADDINGTON: That would be a better suggestion.

MR. CHAIRMAN: Well, if there is not further debate I shall simply ask you to vote on that amendment.

The question is that item 8, service station, garage or marina be amended by adding the words, "Provided that any service station or garage on Grand Cayman other than in West Bay and George Town shall pay at the rate of fifty percent".

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: Item 11.

HON. V.G. JOHNSON: Could you please read that again for me, Sir.

MR. CHAIRMAN: Item 8 is amended by the words, "Provided that any service station or garage on Grand Cayman other than in West Bay and George Town shall pay at the rate of fifty percent."

Item 11 TAILOR.

MR. G. HAIG BODDEN: Mr. Chairman, this is a business that has never seem<sup>d</sup> to do well in this Island because of the preponderance of ready-made clothes, and the tailors which includes dressmaker and fitter and repairer of clothes seem to suffer sometimes; I don't know what is reason but I've never seen any that to me looks like a prospering business, and they were paying ten dollars and here we are increasing it to twenty-five which is a two hundred and fifty dollar increase, and I just think it's too much. A fifty percent increase bring<sup>ing</sup> it to fifteen dollars would seem to be equitable.

HON. BENSON O. EBANKS: Mr. Chairman, in-as-much as this only applies to an established business, it doesn't apply to family units or individuals carrying on business in their homes, I couldn't support that amendment and I don't think that if you are going to process and write a licence, I don't see that it makes sense to write it for less than twenty-five dollars in this day and age; and it doesn't apply to the family unit or individuals who work as such, in houses and so on, this would be an established business and I don't see anybody really getting out there - and if you can't afford to pay twenty-five dollars, well better<sup>you</sup> stay in the home or not go into the business at all, that's my view.

HON. V.G. JOHNSON: I agree with that, Mr. Chairman.

MR. T.W. FARRINGTON: Yes, and Mr. Chairman, bear this in mind that not only are we trying to get <sup>some</sup> revenue but we should be trying to support local industry. Now, this is something I see that could mean a lot to the economy in one way or the other; I mean if somebody is there set up as a tailor and is allowed to carry on, I think we can encourage this particular one by saying the fee shouldn't be too high because I think we got to bear this in mind that these small industries mean a lot to us, and we should encourage this, and, I think by putting a higher fee it'll discourage, and probably instead of somebody getting a dress made and bring down the cost by fifty percent, the <sup>tailor</sup> who ever she might be would say if I got to pay this I'll get out of <sup>business</sup> / <sup>you</sup>. I think this is wrong for us to discourage any little thing that might be looked upon as a local industry, which should mean a saving to the people, to the ones if they didn't get it made by a dressmaker they had to go to the shops and buy it; and pay twice what they could get it done by a tailor, that's the way I see it.

HON. V.G. JOHNSON: Mr. Chairman, again this is just a matter of two dollars a month and any establishment that can't pay a licence fee of two dollars a month shouldn't operate in my estimation.

HON. A.B. BUSH: And, Mr. Chairman, with regards to the business not been attractive enough to warrant any licence I note that it has been attractive enough to induce two tailors from abroad to come and establish themselves here in the Island right in George Town, and I think less than twenty-five dollars wouldn't worthwhile writing a licence for it.

QUESTION PUT: AGREED. ITEM 11 UNCHANGED.

MR. CHAIRMAN: Item 12, Undertaker.

MR. G. HAIG BODDEN: Mr. Chairman, in the previous amendment we probably lost the ten dollars worth of time anyhow; this one is not only for time but for eternity. In looking at this I can't think of any qualified embalmer on the Island, in fact not any that I would like to be put in charge of preserving my body for posterity; and we do have somebody in the business of selling caskets but we don't really have an undertaker as such and it amazes me how it is we can increase the fee on a business that has not even gotten off the ground although it has gotten under the ground several times, this doesn't seem right and the cost of living is already high we shouldn't be putting up the cost of dying. Now, this is no joke, when a person dies it is a fact that the remaining relatives have to meet the cost and this is one situation that I have a lot of statistics on.

I have had the privilege and the happy - I would say, the happy undertaking of paying several death claims during my time in the insurance business, and in many instances the creditors of the deceased are always plaguing me to let them know when the cheque is coming for the widow so that they can get their slice out of it. Here, if we put up the fees of an undertaker who do you think is going to absorb that? Do you think it's going to be the undertaker or the undertaking? And, this doesn't seem right to me at all, and I would strongly suggest that we do not increase it by more than a hundred percent. We have here something like four hundred percent according to the Member from George Town, percentages, so I think it would only be reasonable that we make this fifty dollars instead the one hundred that is proposed here.

MR. JOHN D. JEFFERSON: Mr. Chairman, I wouldn't support that at all; ~~the~~ Member said he had settled some death claims in relation to this I know just of one that the undertaker charged something like about over six hundred dollars, and if they can make charges like that then a fee of a hundred dollars is not an exorbitant amount at all, very reasonable, Sir.

HON. BENSON O. EBANKS: Are you moving an amendment to increase it?

MR. JOHN D. JEFFERSON: I would ..... (Members Laughter)

MR. JAMES M. BODDEN: Well, Mr. Chairman, what we're really debating on this side is the fact that we do not have anyone in this Island that falls under that category.

MR. JOHN D. JEFFERSON: Mr. Chairman, if we use that argument then we'd say we don't expect to increase anything else; if there's nobody here now that's doing it and what they're charging, then <sup>lets wait</sup> when they come then we'd have to up the fees increase by another two hundred percent.

HON. V.G. JOHNSON: There is someone here, Mr. Chairman, who goes by that title or who bears that title, "Undertaker".

MR. JAMES M. BODDEN: Yes, but wouldn't be qualified I don't think under this law. It says, "a mortician and an embalmer".

HON. V.G. JOHNSON: Well, that's another matter, but we're talking about an undertaker here.

MR. JOHN D. JEFFERSON: Mr. Chairman, what it does means that the undertaker can employ the service of these people if he so wishes, there's nothing wrong with that that's his -----

MR. JAMES M. BODDEN: The thing that worries me about this Mr. Chairman, is that the Second Member from West Bay - I thought this point would really have appeal<sup>ed</sup> to <sup>his</sup> Christain heart, I had expected his support.

MR. JOHN D. JEFFERSON: Mr. Chairman, my christain heart doesn't respond when I see the exorbitant prices that are charged in cases like this. (Laughter)

QUESTION PUT. AGREED. ITEM 12 UNCHANGED.

MR. G. HAIG BODDEN: Mr. Chairman, I do not want a division on this.

MR. CHAIRMAN: We'll pass now to "Commerce" and there is an amendment tabled for item 4, Restaurateur.

MISS ANNIE H. BODDEN: Mr. Chairman, just before we pass on Sir; now, this transportation under industry, agriculture and primary activities. Now, this land transportation, including any person operating .....

HON. BENSON O. EBANKS: We haven't got to that yet.

MR. CHAIRMAN: Well, we hadn't passed to that section.

MISS ANNIE H. BODDEN: Alright Sir, I'm sorry.

HON. V.G. JOHNSON: What item are we dealing with now Sir?

MR. CHAIRMAN: We are dealing with item 4 restaurateur under commerce.

HON. V.G. JOHNSON: I was dealing with item 2 first - a contractor. The wording there at the end of it, it reads "employing a staff of ten persons and not less than fifty". It appears that that is a typographical error and that it should perhaps read, "a staff of ten persons or more" rather than less than fifty.

MR. G. HAIG BODDEN: And also, Mr. Chairman, in two I noticed it reads in the beginning "including any person carrying out the business" while on the other page for building it reads, "any person carrying on the business", is that intended to be carrying out or carrying on?

HON. V.G. JOHNSON: Carrying on.

MR. CHAIRMAN: I think it is on. If Members wish to put this to vote I will but the amendment seems self-explanatory.

Item 2 will now read, "including any person carrying on the business of building or civil engineering contracting employing a staff of ten persons or more". Is that acceptable to Members?  
Item 4. Restaurateur.

MR. G. HAIG BODDEN: Mr. Chairman, this would come the same to me as retail establishment in that the floor space should either determine the amount paid or it should be reduced to fifty dollars, so that the very small restaurants wouldn't have to pay the one hundred dollars; either we reduce them all to fifty or we classify them according to floor space.

MR. JOHN D. JEFFERSON: Mr. Chairman, since I'm going to be a restaurateur I will absent myself, I won't speak on this at all.

HON. W.W. CONOLLY: Mr. Chairman, as I see it it would be pretty difficult for us to determine in floor space the affected business particularly this; you have a restaurant that specializes in certain foods and can draw quite a larger crowd than even a large restaurant. I think that it is not indicative at all of the amount of sale as of the size, and it could be a small place in a carry out service so it looks like it would be pretty difficult to differentiate between the sizes here; and this has been a problem, we were fortunate enough in the hotels to have determined this by the number of rooms but in any other business it is pretty difficult to do and I'm much afraid when it comes to a restaurant that there has to be one

HON. W.W. CONOLLY: (CONT'D): fee.

MR. G. HAIG BODDEN: Mr. Chairman, since there can only be one fee I would suggest that the fee be as set out in the amendment, a fee of fifty dollars which would still give us the one hundred percent increase; We don't want to upset the percentages.

HON. W.W. CONOLLY: But fifty dollars, four dollars a month it wouldn't pay to work; any restaurant that can't pay more than four dollars a month shouldn't be operating.

QUESTION PUT: AGREED. ITEM 4 UNCHANGED.

MR. CHAIRMAN: We'll pass on to Industry, Agriculture and Primary Activities. There is an amendment down under item 2, Lockmaking, quarrying and building.

MR. G. HAIG BODDEN: Mr. Chairman, I have an amendment that the fee for that be a hundred dollars. I don't seem to have here the fee under the old law, I wonder if anybody can tell me what it was.

HON. G.E. WADDINGTON: There wasn't any specific fee for that trade it came under retailer quite likely.

MR. G. HAIG BODDEN: Well, Mr. Chairman, I thought that was so but my quick check of the old law didn't reveal this classification. So, here if we are making a new classification is it right to start it out at the top of the percentage list? I mean let's face it, it apparently operated all these years without a classification but there may have been some collection under the general clause in the case of a trade not specified, but now that it has reached the status where we can classify it is it right to start it out at two hundred dollars, when heretofore there wasn't even a classification for it?

HON. BENSON O. EBANKS: I think the view is that it has reached the end of its tax holiday and it should pay a realistic fee.

MR. T.W. FARRINGTON: Mr. Chairman, going back to this agricultural business. I agree that the things for agriculture should be brought in free but I'm a little disturbed that we had an expert brought down from Jamaica some years ago to advise us on this very matter, and definitely, he was the head of this project there in Jamaica, I don't remember just what it was but he was a very qualified man, and he definitely warned us and I may say that Swan Island was under the United States Government at that time; he says that I warn you not to allow any cattle or meat products to come in from Swan Island because there is a great danger, although it is said that cattle is being reared in Swan Island, but there're always boats coming there and dropping off cattle from Honduras and they were having the foot and mouth disease and he says - he gave us an instance that there was an out-break of this foot and mouth disease.

MR. CHAIRMAN: I'll suggest that the Honourable Member raises this either in the context of the Budget or in Finance Committee. I think when we're dealing with licences this is getting a little away from it.

MR. T.W. FARRINGTON: I'm only saying this, Sir, that I am perturbed because he definitely advised - he give us an instance where there was a Pole; he went into Canada and he had a little piece of Salami and he threw it into the pig sty and some months after that an out break of foot and mouth disease was in Canada and they took years they had to kill every head of cattle around and everything else; and he advised us strongly against this and I feel this - I'm trying to raise a couple of cattles, I've got about forty heads and I certainly wouldn't want to know (we are free) that we should allow something like this to break out because you'll have to kill every animal in the Island and I think it's wrong for us now or

MR. T.W. FARRINGTON: (CONT'D): anytime in the past year to bring in cattle. Perhaps this is one of the things where we say you rub my back and I'll rub yours.

MR. CHAIRMAN: I note the Honourable Member's point but I think if any debate is to go on that it should come under the Budget when the Honourable Member can raise it again.

HON. BENSON O. EBANKS: I wondering if he wants to suggest a fee under this heading or .....

HON. W.W. CONOLLY: No, no, I don't think that's the idea at all I believe this is something else. Under this here, under this particular law anyone who makes an application for any industry, agro-based industry which is the rearing of turtles, poultry and animal husbandry, hydroponics and stuff that they are free, no licence fee. Now, the matter of bringing in cattle from somewhere else that's a different story altogether, it has nothing to do with it.

MR. T.W. FARRINGTON: I am only saying that this was the advice we received from the highest authorities in Jamaica, not to allow any cattle or hides or anything else to come in from Swan Island because even though it might've been cattle grown there by Caymanians but the traffic between Honduras and Swan Island, and there was a possibility that these cattles could be brought in and have foot and mouth disease and that we would really be up against<sup>it</sup>, that's what as a cattle rearer this is my concern.

MR. JOHN D. JEFFERSON: Mr. Chairman, I know that this is not relevant but I would expect the same consideration given to my colleague on my left. I would refute that statement; our own .....

MR. CHAIRMAN: I don't think I'm going to allow debate on this topic, it can be brought up again during the Budget Speech; we are getting very far removed from the bill

MR. JOHN D. JEFFERSON: Mr. Chairman, I personally didn't feel it should've been relevant to start with.

MR. CHAIRMAN: I think the Honourable Member probably didn't take my point, but I thought it was out of order and it can be raised again.

MR. JOHN D. JEFFERSON: I can assure you I'll deal with it in the debate.

MR. CHAIRMAN: Well, we'll come back to blockmaking, quarrying and building materials. Is there any further debate on this item?

MISS ANNIE H. BODDEN: Mr. Chairman, I would say this, that these quarry people and blockmakers they can easily raise two hundred dollars to pay Government. I was trying to fix my old porch the other day and I had to pay sixty-three dollars for one truck load of what they called quarry dust - sixty-three dollars; now I'm sure they sell hundreds of truckloads yearly. And the blockmakers they are fabulously rich, now I say they can easily pay two hundred dollars.

QUESTION PUT ON ITEM 2 UNDER INDUSTRY, AGRICULTURE AND PRIMARY ACTIVITIES  
AGREED. ITEM UNCHANGED.

MISS ANNIE H. BODDEN: Mr. Chairman, there is one item here; this transportation - land including any person operating public bus, taxi or jitney service; I think we should not charge them any fee because after all they are paying<sup>this</sup> licence and I think it<sup>is</sup> stretching it a little bit far to charge them the fifty dollars too. I know that I have a neighbour

MISS ANNIE H. BODDEN: (CONT'D): who when they hear about this they will rebel, and I feel that the taxis paying the rates that they have to pay for taxis - and so that we could easily exclude this fifty dollars, it's not much to Government but it would be a lot to some of these taxi operators.

MR. G. HAIG BODDEN: Mr. Chairman, I have to agree with the Lady Member because I see that under the Traffic Law we have just increased the licences for a taxi to sixty dollars a year which I believe was almost one hundred percent increase and here we are putting an additional fifty dollars. I would suggest that the words "operating public bus and taxi" or all the land items be excluded. The sea seems to be alright since they wouldn't come under the Traffic Law, but the bus, taxi and jitney service are definitely within the confines of the Traffic Law and we have just doubled the licences on buses, taxis and jitney services and this doesn't seem right, so I think we ought to exclude that entire section but we could leave sea.

HON. BENSON O. EBANKS: Mr. Chairman, again this seems to be a case of oversight; this doesn't mean the individual tax operator, this is a person who operates a fleet of buses, a fleet of taxis or a fleet of jitneys, it doesn't apply to an individual operating but the law specifically excludes individuals who do not employ other persons.

MR. G. HAIG BODDEN: Mr. Chairman, that may well be so, but the individual who does employ other taxi drivers or bus drivers would be paying the increased fees on his individual bus or taxi under the Traffic Law, so he should be excluded from this because he seems to be charged both here and hereafter, both places.

HON. V.G. JOHNSON: Except, Mr. Chairman, the taxis under the Traffic Law is pertaining to the vehicle themselves; the fee under this Law is pertaining to the business and any person carrying on business within the country should under this Law operate with a licence, and that is all the Law is saying here, that under the heading "Transportation" if it is by land that the person operating the business, and if it's a public business should pay a licence fee and any person operating a business should also pay a licence fee. So, it's quite distinct from any fee under the Traffic Law as to whether there should be a licence fee for any person operating public bus service or taxi service or any such thing, it's another matter. But, if it is a public service then of course there should be a licence fee.

HON. W.W. CONOLLY: Mr. Chairman, I think this is what is relevant at the present time. I think the rent-a-car people - take for instance Cico rent a car, they have a licence, it must be under retailer or under any other business; I believe that at the present time they pay for their business - a licence fee to operate that business and then they have their individual cars licenced under the Traffic Law; this pertains today, this is exactly what is happening today.

MISS ANNIE H. BODDEN: Mr. Chairman, I would just like to say this, for instance I could quote some names which I shall not, but they operate taxi service, they might have three or four taxis and this is simply including any person operating public bus, taxi or jitney service and I feel that really we have taxed these motor cars quite a bit and fifty dollars is not much to the Government, but it would mean a lot of the satisfaction to some people, so I personally feel that this could be eliminated. I will agree that the sea business, that is quite very remunerative business it appears to me because everyday you see these boats parading up and down and ferries and water sports etc., but the poor taxi people lets don't squeeze them anymore.

HON. W.W. CONOLLY: Mr. Chairman, I don't think it's the individual taxi, but we have different rent a car companies here now, for



HON. W.W CONOLLY: (CONT'D): instance we have Avis, we have Cico, we have National and all this and they are operating from a registered office; each of those are operating from a registered office and I feel that they are now paying a licence fee. I believe if one would ask the Cico rent-a-car people that they have their licence posted - if I remember correctly I see it posted in there where they have their Trade and Business Licence, and I think this is why this particular item is here, because under the old Law it came under an umbrella which says that any other business not specifically named would be twenty-five dollars, but this one has reclassified it so I don't think <sup>that</sup> it has changed anything.

MISS ANNIE H. BODDEN: Mr. Chairman, it's just that these Able rent a cars, Cico and all the rest of them have absolutely taken all the business away from these smaller taxi people, like for instance Sunbeam Thompson, Evarard Myles and that type, and this says, "including any person operating public bus, taxi or jitney service they must pay this fifty dollars. Now, I will agree this Cico rent a car and Able and all of that who have hundreds of cars that fifty dollars is nothing to them because they have scooped up all the business away from these poor Caymanians who have been in the business all their lives and have not other means of support, and fifty dollars is not anything to Government but it means a lot to them and it will be a lot of dissatisfaction.

MR. CLAUDE M. HILL: Mr. Chairman, will an ordinary taxi or jitney operator have to pay the fee to operate their car under this new law? I have paid this at one time when I was operating two taxis, I was aware of the fact that I was operating two taxis and I paid this. It applied as the Honourable Member from East End said, it applied to U-Drive-it and also to hired cars whether they're for gainful occupation or not so long you had them <sup>and</sup> they're licenced for rental you pay this on each one.

HON. V.G. JOHNSON: Mr. Chairman, I think the provision of a licence for people operating say public bus service, taxi service or a jitney service would be a protection to these operators; because otherwise if there is no record that there are such businesses operating in the island, and for instance someone from foreign applies here to establish such a service how would the Caymanian Protection Board know really that there are such services available in the island, they would say no we have no record of such services here. I think from the protection point of view that these businesses should be registered and pay a fee.

MR. CLAUDE M. HILL: Mr. Chairman, I think that the third official Member's statement is right because this would be now a form of protection for the taxi drivers as well as anyone driving his own taxi and not for a fleet of cars.

MISS ANNIE H. BODDEN: Mr. Chairman, I'm just saying this, that these rent a cars, Able and all the others which are Americans or Jamaican or some kind of ownership other than Caymanians being fronted by Caymanians they're taking the business away from these poor unfortunate people that I have mentioned, two names and I don't think it is right and fair; the protection board is not protecting Caymanians in this instance. Able rent-a car, Cico and all the other ones, one other one I can't even remember the name, they are brought in here and beating Caymanians out of their established work that they have been doing for years and years and years and I do not think it is fair to charge these particular weaklings this fifty dollars when the other ones get away with having hundreds of cars and paying the same fifty dollars.

HON. V.G. JOHNSON: Nevertheless, Mr. Chairman, as we develop and grow we need reputable names to grow with, it's the same as the Hotel industry. You know we need name a reputation to develop that industry in the island, and so when reputable firms come here I think it is to our advantage as well.

QUESTION PUT: AGREED: ITEM 5 UNCHANGED.

MR. G. HAIG BODDEN:  
get a division on that?

Mr. Chairman, would it be possible to

DIVISION

Ayes

Hon. D.V. Watler  
Hon. G.E. Waddington  
Hon. V.G. Johnson  
Hon. A.B. Bush  
Hon B.O. Ebanks  
Hon. W.W. Conolly  
Mr. T.W. Farrington  
Mr. John D. Jefferson  
Mr. Claude M. Hill

9

Noes

Miss Annie H. Bodden  
Mr. James M. Bodden  
Mr. G. Haig Bodden

3

MR. CHAIRMAN: The result of the division, Ayes 9 votes Noes 3 votes, so the motion is carried. There is one further amendment down under the last sentence in the bill, "In the case of a trade or business carried out in Cayman Brac or Little Cayman".

MR. G. HAIG BODDEN: Mr. Chairman, I think I covered this pretty well in the debate on this bill and I don't need to go into the reasons why we need to keep the fees in Cayman Brac and Little Cayman as low as possible. The bill recommends fifty percent, but this morning we heard about a magic figure of thirty-three and a third percent and I'm suggesting that this magic figure of thirty-three and a third percent which was used all morning be put in, and that the businesses in Cayman Brac and Little Cayman pay thirty-three and a third percent of what they pay in Cayman.

HON. V.G. JOHNSON: Mr. Chairman, I appreciate the interest of the Honorable Member over Cayman Brac and Little Cayman, but I would like to inform that the Member for Cayman Brac has agreed to the fifty percent.

HON. BENSON O. EBANKS: Further, Mr. Chairman, when we have split up retailers into three categories we have covered Cayman Brac very adequately there I am sure, and which would mean that the small businesses there that could be now paying twenty-five dollars the medium would be paying seventy-five, so I think that they have been given due consideration. I think there are two larger stores in Cayman Brac that would be paying a hundred and fifty, from my knowledge of the situation I don't think they would be any worse off than would be a medium size store paying a hundred and fifty in Cayman.

MISS ANNIE H. BODDEN: Mr. Chairman, I would just like to say that all the millionaires that we have in Grand Cayman except for one they have come from the Lesser Islands ..... (INAUDIBLE)

MR. CHAIRMAN: I shall put the question, and that is that the section of clause 2 which deals with the lesser amount of duties for Cayman Brac and Little Cayman stands as drafted.

QUESTION PUT: AGREED.

MR. CHAIRMAN: I'll now put the question that clause 2 as amended in two places with the result of this debate stand part of the bill.

QUESTION PUT ON CLAUSE 2 AS AMENDED: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: A LAW TO AMEND THE TRADE AND BUSINESS LICENSING LAW.

QUESTION PUT: AGREED. TITLE PASSED

MR. CHAIRMAN:  
on this bill.

That concludes proceedings in committee

HOUSE RESUMED  
REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report Sir that a bill entitled "The Trade and Business Licensing (Amendment) Law, 1975" was considered clause by clause by a committee of the whole House and passed with the following amendments. Under section 2 the schedule under the heading Trades and Technical item 8 Service station Garage or Marina, at the end the words added "Provided that any service station or garage on Grand Cayman except other than in West Bay or George Town shall pay at the rate of fifty percent". Another typographical error which was amended was under the heading "Commerce" Item 2 Contractor which now reads, "including any person carrying on the business of building or civil engineering contracting employing a staff of ten persons or more". Those were all of the amendments, Mr. President.

SUSPENSION OF STANDING ORDER 54

MOVED BY HON. V.G. JOHNSON, SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. STANDING ORDER 54 SUSPENDED.

THIRD READING

CLERK: THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1975.

MOVED BY HON. V.G. JOHNSON, SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

ADJOURNMENT

MOVED BY HON. D.V. WATLER, SECONDED BY HON. G.E. WADDINGTON.

QUESTION PUT: AGREED. AT 5:40 THE HOUSE ADJOURNED UNTIL WEDNESDAY MORNING THE 19TH NOVEMBER, 1975 AT 10 A.M.

WEDNESDAY, 19th NOVEMBER, 1975

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D.V. WATLER, CBE., JP.	FIRST OFFICIAL MEMBER
HON. G.E. WADDINGTON, CBE., JP.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A.B. RUSH, J.P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. B.O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W.W. CONOLLY, OBE., JP.	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T.W. FARRINGTON, CBE., JP.	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

CAPT. A.A. REID	ILL.
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ORDERS OF THE DAY  
WEDNESDAY  
19TH NOVEMBER, 1975

1. TRAVEL TAX (AMENDMENT) BILL 1975 ( 1st, 2nd & 3rd Reading)
2. DEBATE ON THE FINANCIAL STATEMENT

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WEDNESDAY 19th, NOVEMBER, 1975

10 a.m.

MR. PRESIDENT:

Proceedings are resumed.

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1975 FIRST READING

MOVED BY HON. V.G. JOHNSON

SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL GIVEN A FIRST READING

SECOND READING

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1975 SECOND READING

HON. V.G. JOHNSON:

Mr. President, this is a third law of the set of measures being introduced in this Session to raise revenue to supplement expenditure in the new year 1976. It is desirable to increase travel tax under the Travel Tax Law 1965 from the present \$2.00 to \$2.40, that is one part of the recommendation; and the other part is to introduce a new fee on cruise ship passengers, and the proposal is to introduce a fee of \$1.60 per person for persons arriving in the island on cruise ships.

Dealing with the first part of the recommendation first, as I stated in the Budget Address there are two reasons for this proposal, the first is to raise revenue, and the second is to introduce a convenient figure to travellers to the island, especially travellers from North America. Very often we find travellers at the airport confused over what is two dollars Cayman, and eventually when they produce three U.S. dollars they're given change in Cayman cents which they raise objection to. It was thought that in arriving at a new figure for the increase we would choose a figure which would be equivalent to a number of U.S. dollars, and the proposed \$2.40 here at the exchange rate of 80¢ Cayman to one dollar U.S. would produce three dollars U.S. and so if the North American travellers produced three dollars U.S., they have no change coming to them, and perhaps they would be more satisfied. We thought that this would be a useful recommendation.

As far as the new fee to cruise ship passengers was concerned we thought that since cruise passengers was a new thing to the tourist industry that in the coming year when it is anticipated that the traffic would increase to an appreciable figure, that it would be reasonable to introduce a tax as available in other countries, or is applicable in other countries. I do not think that operators of cruise ships would have any objection to paying this, neither would the passengers have any objections to paying the fee. What they would perhaps have objections to would be to pay the fee during the middle of the year when the rates have been arranged for a year in advance. And so if this rate was to come into effect say on the 1st of January, 1976 it would upset the entire cruise ship arrangement. And if cruise ship passengers refused to pay the tax, then the burden would fall on the cruise ship operators, which I'm sure that Government would not like to see therefore it is being suggested that this tax come into effect on the 1st of August, 1976. It perhaps could be argued again that the tax should be introduced nearer the time when it should come into operation, but again it was thought by the authorities in Tourism that the tax should be made public well in advance, so that people could prepare to make the adjustment at the appropriate time, and therefore it should appear in the Law at this time, and of course the Legal Department saw no objection to this.

The recommendations - both recommendations are therefore put forward for your consideration, and I doubt very much that there would be any adverse reaction from anyone to paying what is recommended here. And so, Mr. President and Honourable Members, I'd ask for your kind consideration of the proposal put forward in the Travel Tax (Amendment) Law, 1975. Thank you.

SECONDED BY HON. D.V. WATLER.

QUESTION PUT: DEBATE ENSUED.

MR. G. HAIG BODDEN:

Mr. President and Honourable Members, the Bill before us is the first one in the set that I can give my support to. I'm not saying this because Executive Council is here in full force today, one Member having been flown in from India especially for today's session, I'm not saying this because we are greatly out-numbered today, I really mean that I can give some support to this Bill. First of all it is a reasonable amendment, it is an amendment that can be swallowed by the people who will pay the tax. It is a reasonable amendment in that the increase which is asked for is small, it is an increase of forty cents per person in the first part of the amendment, and this increase is a twenty percent increase. I was much alarmed yesterday to hear responsible members of our Government say that an increase of twenty five dollars a one hundred percent increase on a certain tax wouldn't worth the trouble of bringing it before the House. I wondered which legislature that member was sitting in, was it New York State or Beverly Hills, or one of the rich places of the world; to hear a Member of Government say that to increase a tax by twenty five dollars in a poverty stricken area like the Caribbean was not worth bringing it before the House. Yet today Executive Council is saying that a forty cents increase is worth bringing it to the house. You know the devil can quote scripture for his own purposes, and that is exactly what is being done in this House. Nevertheless, the request here before the House is a reasonable one, and I've always been a reasonable person in this House, and I can say that I support a reasonable measure when it is put forward, and I will do so. There are some Members that can only support things if they're brought by certain sections, I'm not like that, I am here to support whatever I feel is reasonable, and whatever I feel is equitable, whatever I feel is just, and I will do that throughout my tenure in this Assembly.

As the Third Official Member has ably pointed out the effect of making the tax two dollars and forty cents will mean that the tourist will have a certain convenience in paying a straight three dollars U.S., heretofore I think the tourist paid two dollars and fifty cents U.S., and when he presented three dollars U.S. he was given some amount of change in Cayman. Perhaps change for which he had no use, unless he wanted to keep it as a souvenir. And so a reasonably small increase making a convenience and a time-saving for the people involved, is something that is acceptable to me. If this tax had come before the House asking for a four hundred dollar or a four hundred percent increase, or a twelve hundred percent increase as has been done over the past two days, or a 67.5% increase, I could not support it. I realise that the tourist is not the only person that pays this tax, people from the islands have to go abroad, so it will cause a small increase, but when a person is travelling either for business or pleasure the forty cents means any difference in the trip, he must really be a genius to budget for such a trip. So the forty cents increase is worthwhile although Executive Council Members feel that it is not worthwhile unless it is four hundred percent or twelve hundred percent. I maintain that this increase is perhaps one of the most sensible things that Executive Council has presented to this House, not only in this sitting but throughout the tenure of my stay.

I have mentioned over the past two days that I'm not against taxation in a recession period, but this amount is such an ~~infinitesimal~~ amount that I can let this be an exception. The second part of the Amendment is introducing a new tax, that is a tax for the cruise ship passengers, but here again Executive Council and perhaps our beloved Member for Tourism has used some common-sense, common-sense that has been lacking for some increases that have been put forward, and I highly commend them for putting forward this. The proposed tax for the cruise ships passengers seems a bit stiff for an initial tax, but nevertheless the total sum is only a dollar sixty which is to U.S. dollars, and therefore I can give it my support. However, we must remember that we are just beginning to get into the cruise ship business, We have very small islands in the Caribbean that have three or four, I've seen as many as seven cruise ships in the dock at one time, in a small island in the Caribbean. So we're just beginning to get into the cruise ship business, and we must not frighten them away at the very beginning. Nevertheless, the tax which is proposed



MR. G. HAIG BODDEN (CONT'D) <sup>should</sup> ~~not~~ <sup>them</sup> frighten, as it is a small amount and can be well paid by the tourists.

The matter of the total tourist tax is something that we must handle delicately, because we do not have a monopoly on the world's tourist business. We cannot adopt the attitude that we must ask the tourist to pay, and that he must pay. He's not bound to come here, he's not bound to put up with taxes which are unreasonable, and so we must use some caution in introducing these measures. It is true that the travel tax in the United States is only three U.S. dollars, but even for tourist attractions we are far removed from the United States. It is true that we have good beaches and clear waters and friendly people, in fact for people like me it would be hard to find them if you travelled to the ends of the earth. But that is not all, we're limited in certain areas, for example when it comes to sightseeing you can see all there is to be seen here in a matter of a few hours. If you went to the United States you could travel for miles and miles, they have spectacular sights like Niaraga Falls, Yellow Stone Park, I could go on Disney World, I could speak for hours and hours on the Parrot Jungle and their what not. The plain fact is that we do not have very much to offer the tourist; I maintain that our facilities are still poor, and at the present time we are charging exorbitant prices for inferior services, no getting away from that. The Department of Tourism may want you to believe otherwise, but you can stay in far better hotels for far less money. So we must not start to abuse the tourist by charging high taxes, by charging high prices, because we are just in the beginning stage. It is true that our tourist business is increasing annually, we will have an increase this year and the Member has promised me that next year will be something to remember.

Nevertheless our Government needs some revenue, and I am one that is all for revenue particularly when it comes from outside, because our people in this island have been raped with taxes, we pay far higher taxes than any country that has an income tax. The common labourer in this island is paying a heavy tax, right now every item of food, every item of clothing, every nail that goes into his house, his means of transportation, everything is taxes indirectly through customs import duties. But nevertheless the plain fact is that every dollar that he spends a large proportion of that dollar finally ends up in the government's treasury. So we need tax measures that will bring money from outside so that Executive Council does not continue to exploit as they have exploited in this session, and have exploited in their October meeting of Executive Council when they increased so many fees on so many things in such an exorbitant manner.

I have full support for the Bill before us, but I thought, Mr. President, it would be right to make a few of these comments so that our Elected Members especially can be prepared for the roasting that is coming in the Budget debate. Thank you.

MR. CLAUDE HILL:

Mr. President and Honourable Members, I rise to support this Bill, a Law to amend the Travel Tax Law. It is a very small amendment, and it's very small what we're asking for, which when looking at it as the Honourable Member who introduced the Bill outlined it so clearly to us, that this is one of the means and ways in which we can achieve some money for Government, although it is small and it is also convenient to the tourist who paid the bill. The matter is that our money is 20% above the American dollar, and this is where quite a few times with Americans spending their money they feel as if they have been taken in for a ride. And when you tell them it's a dollar Cayman, or a dollar American which they have to add twenty cents more to their dollar to make it payable in Cayman money, this becomes conflicting. I do not think for one minute that this will cause much concern, and, Mr. President, I wholeheartedly support the Bill, and thank you Sir.

MISS ANNIE H. BODDEN:

Mr. President and Members of this House, I support this Bill, because as I stated yesterday we need money to run our Government and this is only a very small amount, I don't know how much it will actually accumulate in a year, but every little helps, and I support this Bill.

What alarms me is this, that we invite tourists to come here, we have as they say beautiful beaches, clear water, friendly people, but I'm much afraid that the rates that are being charged in these hotels will eventually run away the people. Not very often do I have visitors, but yesterday afternoon when I went home - it was late in the evening a lady stopped by my house and wanted to see me, and she told me she was here only for a few days, we had some business dealing, and the weather was quite bad. I asked her where was she staying, she named the hotel, but she said that hotel was so filled up the evening I came in that I had to go to another one, and believe it or not, she said, they charged me sixty two dollars for one night at that hotel. Now I think that is ridiculous, what, sleeping in a bed for one night for sixty two dollars, and that's Cayman money.

Now, Mr. President, I'm very sure that we do not have any control over this business, but I feel that the Tourist Board should make some investigation into such matters. Now this little three dollars that we are asking them to pay after August, wouldn't mean too much to them, and it will assist us. But I'm afraid that if these rates keep going up that eventually we will not have any tourists coming here. And I'm not anti Executive Council, I want that clearly understood, I'm not anti anybody, I'm anti wrong doings, and I feel that this is wrong. If we are to attract people to come to visit us, they must not be asked to pay exorbitant amounts for one night's sleeping in a hotel. Now this lady, if I may say so, is no poor woman, she has money to flaunt around. I didn't get any because I didn't want it, but I know she has a lot of money that she helps a lot of people with. And I feel that we should do everything to encourage people to come here, but I'm afraid that any less than half a millionaire cannot afford to stay at these hotels on the beach. And I also heard this week that there are certain individuals who have houses galore that they are trying now to get some law effected, I don't know how they will do it, to say that you must stay in certain people's houses, because for instance if I am a foreigner, I would term it, who has built a house, <sup>here</sup> and I care to rent it out for the summer months or whatever time I'm not in it, that some of these people, Caymanians, are trying to induce somebody to introduce a law to block that. Now after all I feel that when people come here they should be allowed to stay where they want to stay, and if I as a foreigner have a house built, and I want to let people occupy it, whether for a rental or for nothing, that there should not be any law to block that. After all we are a free people, we are supposed to be living in a democratic country, and I do not think we should do anything to stop tourists or anybody else who might get a little cheaper than living in a four or five hundred dollars a month rented home, that we should do anything to stop them. And I implore the Executive Council that if and when such a motion is brought by anyone, whether they're related to these people who are agitating for this thing or not, that they be conscientious enough not to follow everything that everybody wants do. Thank you, Sir.

HON. W.W. CONOLLY:

Mr. President and Members, I'm very fortunate that there is no objection to the proposed legislation dealing with tourism, but I thought that I would make a few comments on this since it deals particularly with the tourist trade.

As everyone knows the beginning of this year saw the first scheduled cruise ship coming into the island, and this has continued, and according to the scheduling for next year it seems that there is going to be an increase. And it is very unfortunate that we didn't have the tax a year ago so that we could collect some of the money now

HON. W.W. CONOLLY (CONT'D): rather than at the end of next year. But why this has to be as the Third Official Member said, delayed, is because these charges are included in the fare, and the shipping company pays to the Government rather than the individual person; this is built in charge into their rate, and this is why one has to give the shipping company sufficient time so that they could build in these charges. This is a charge of two dollars U.S. approximately one dollar and sixty cents C.I., which is an average charge that is put on cruise ship passengers around the Caribbean area.

Now this brings me to the point of cruise passengers, as everyone knows that we're very fortunate this summer to have had cruise passengers coming in here. Of course we do not extract the earnings from these sources as we do from regular tourists who come in by air. It is a small sector of the community that deals, and draws directly from this, it is the shopping, the taxis and the restaurants and a few bars, and the likes.

Now this brings me to a point of rates. Much has been said about the rates, it is true that the rates on the West Bay beach are high, there is no doubt denying that, but on the other hand one has to take this and measure this against the cost of services. When one sees that a hotel on that beach pays out something over forty thousand dollars a year for water, an item of water that you don't see, when you come on electricity, when you come on the wages that are paid out, when you come on the maintenance that is paid out you can really see why rates have to be charged. And again these hotels are resort hotels, whether they are up one hundred percent to the resort hotels elsewhere is another question, but situated on a beach where people have a freedom of movement, freedom from crime, a beautiful beach, beautiful water, and in a setting like that naturally one has to pay for it. I'll name one hotel that is a chain hotel down here, you take the Holiday Inn for example, and there's the Holiday Inn, there're hundreds of Holiday Inns around the world, but I would put the Holiday Inn in West Bay beach with any Holiday Inn I've seen, it compares well, and above many in other parts of the world, the setting alone is superior to most what I've been in. So when someone is asked to pay a little higher, I don't think one should feel so upset over that, and the debate on this brought to mind that one should think of tourism even though I don't want to delve too much, I suppose this will come in in another debate.

speaking about an individual coming here to do business, it is true when an individual comes here to do business, and has to stay in a resort hotel, surely that's expensive, in other parts of the world you have business people hotel, businessmen hotels close to town, transportation is close, you get a clean bed and that's all you need. Most of our hotels here we have two beds in a room that when you pay sixty five dollars for a room, you are actually paying for two beds. This is what brings the cost, so I don't think today that we should worry too much about that. I believe today that we are attracting the type of people that we want to attract. I believe they are the people who can afford to pay, and who want to pay to enjoy what we have, and they are going to continue to do that, and the projection is that a bit more people are going to do that.

This increase in charges here is very nominal, I noticed that the Member in giving his percentages lesson didn't mention that is a one hundred percent increase, he was quick to catch on that the other one was a 20% increase, but he deliberately evaded telling people that this last one was 100% increase. It is 100% increase, but you know sometimes we have to put 100%, and I must make this comment, much has been said about the kind of I would say, rash and irresponsible manner that the Executive Council had considered putting on increases, but on the other hand I am sure that if the Executive Council had followed the suggestions of the very Members that are opposing today, and are criticising today, if the Executive Council had followed their demands for an auditorium for my district, and this in my district, and something else in another district, and this and that and the other thing, the increases would have to be more, if the Government was going to have to do that. It is fortunate

HON. W.W. CONOLLY (CONT'D): as I said, even though criticism has been levelled and I believe today that when one takes percentage one can take a good mathematician is like the devil with the Bible, he can take that and use it to his convenience, and I think that the Member on the other side is a good mathematician and he's using these figures to play with, and he's doing a pretty good job. Nevertheless, if it wasn't for the good mathematicians in the Government we would not have been able to achieve what has been achieved up to this point. I know that, and I believe I said this at the beginning that no one wants taxation, this is something that it is considered world wide, but one has to be realistic about it, if we want something we have to be prepared to pay for it.

I was not too happy about the suggestion of we should let people from outside bear the brunt, I'm not saying that the outside people should not bear a portion of this, but I feel today that we would be lacking in our responsibility to expect the outside people who come here to bear all the brunt of our successes here. One can remember that this has been the way of life here, criticism of Her Majesty's Government, Her Majesty's Civil Servants and experts and what not, technical advisers, and yet on the other hand in the past on Capital Expenditure in the development of this territory has been borne greatly by generous gifts made by them.

I feel today that we are a responsible people, when we make legislation here we should take into consideration that whoever comes to this territory to live or move, or have his being he should come under the jurisdiction of these legislations, and we should not just because we are living here be immuned to certain of our responsibilities. I think we should lead when it comes to this, and not because 1976 is an election year, or that ground work is being set for opposition to the debate on the Budget Speech, I feel that we have a responsibility to do and to take, and we should look at legislation for increase of taxes fair. Some people today are better off to pay than others, this happens in any country, but I'm sure today that in the public services whether one can pay equally as the other person or not they get equal services and if we are going to provide the services for our own people and our tourists who come here, there has to be certain amount of taxation whether we like it or not, if we are going to provide the services. So I support this Bill, Mr. President, and I feel sure that this will go a long way in providing some of the amenities for the benefit of this country.

MR. CRADDOCK EBANKS:

Mr. President and Honourable Members, I'll have to say as the old lady when she got into church after a long hot sun walk, she started using her little hand fan and said I was able to make it, I was able to make it. And that then applies to myself this morning, I was able to make it, but if the rain continues I think I will have to get a room some place on the seven mile beach tonight and ask them to charge it to Government.

I, Mr. President, wouldn't hesitate to create any argument on this Bill of taxation, because it primarily applies to the tourists coming to this country, not the Caymanian, or the local people. I'm not going to go into this in no detail at all, as I said I will give this my wholehearted support, whether it will increase the tourists, whether it will reduce them is left to be seen I suppose. But I read in a magazine not so many weeks ago the words from the Member responsible for Tourism that Government has not decided whether we wanted tourism or not, so far as I'm concerned I can give this my full support and if it takes any effect it's all the same to me. Thank you, Sir.

MR. CRADDOCK EBANKS:

I'm going to read the exact words, I can show you the magazine too if you want. It's your words, it ain't mine.

MR. PRESIDENT:

Remarks address the Chair, please.

MR. CRADDOCK EBANKS:

Sorry Sir, I apologise.

MR. PRESIDENT:

If there're no other speakers I'll ask the Financial Secretary to reply.

HON. V.G. JOHNSON:

Mr. President and Honourable Members, I don't think there is really any need to reply, because everybody has supported the Bill which is unlike the last two bills that we dealt with. However, I think there are one or two things that I would comment on.

The various measures selected for recommendations here were carefully looked at, as I mentioned on many occasions, and although some items have been increased a hundred percent, and in some very isolated cases a twelve hundred percent increase was mentioned, this was considered normal in considering taxation. The same rule was applied in this case in considering the Travel Tax (Amendment) Law, but Members must also remember that when we are increasing travel tax by forty cents this is being applied to a traffic of perhaps sixty thousand people a year which will produce a fairly substantial sum of money. When one is applying twenty five dollar licence fee in the island, it's being applied to perhaps twenty or twenty-five businesses, which would only produce a small sum of revenue. And so there is the same rule applied right through, while one tax may be increased a hundred percent the other twenty percent, it's all done on a reasonable and equitable basis.

A second point is that I don't think that this Legislative Assembly should be very eager in pronouncing taxation on people from the outside. We have been called a very friendly people, and I think this is one of the blessings of the islands today. One of the things that has created prosperity within the country, and when we think of taxations we should think of it in an equitable manner to be applied to one and all on the same basis. In the Budget Address I mentioned that over the last decade one can look at tax increases and we will see that the majority of increases have been contributed largely by non-residents, this was perhaps designed to be so although publicly we would not want to say that we are taxing non-residents.

The economies of the island - main economies are tourism and the off-shore business, both of these provide employment for local people, people who have had to battle their way to sea and to other parts of the world to find employment, they're now being employed locally, and being involved in these economies. And so the local activities are beneficial to both outside people and the local people as well. And so it is unfair when we're introducing a tax to say that because it is applying to outside people there's no objection to it. The travel tax is not applying to outside people alone, we have a lot of Caymanian travellers who will pay the forty cents increase as well. I think that we should confine these remarks generally and not apply them as we tend to do at times to certain and specific people.

Mr. President, I think the proposal is being supported by all Members which I'm very grateful, and I will now ask that after the Second Reading we go into Committee to study the Law clause by clause. Thank you.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

COMMITTEE THEREON

MOVED BY HON. V.G. JOHNSON

SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED.

HOUSE IN COMMITTEE

CLERK: CLAUSE 1 SHORT TITLE

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: CLAUSE 2 LAW 1 OF 1965 AMENDED.

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: A LAW TO AMEND THE TRAVEL TAX LAW

QUESTION PUT: AGREED. TITLE PASSED

HOUSE RESUMED  
REPORT THEREON

BY HON. V.G. JOHNSON.

SUSPENSION OF STANDING ORDER 54

MOVED BY HON. V.G. JOHNSON  
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED STANDING ORDER 54 SUSPENDED

THIRD READING

CLERK: THE TRAVEL TAX ( AMENDMENT) BILL, 1975 THIRD READING

MOVED BY HON. V.G. JOHNSON  
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

DEBATE ON APPROPRIATION BILL

MR. LAJDE HILL: It seems as if Mr. President that I have, to start the ball off, although the music is not suiting my dancing, so I will start the ball, Sir.

Mr. President and Honourable Members first of all I would like to thank the Financial Secretary for so ably and so well put together his Budget Address. The comments on the economy of the country in the year 1975 was confronted with the recession and the months and we would say ten months later we are still struggling against its effects. We here in the Cayman Islands know we are dependant on tourism and off-shore financial industry, and we here can in no way escape world recession. I think that in 1974 when the last Budget was delivered to us we were aware of what was happening in the economic scene at that time. The slowing down of private sector employment, I'm glad to learn from the address that there were resources available to take care of the short fall. In these islands we depend on businesses coming from abroad, and that is what happens to all islands mostly in the Caribbean.

In the Financial Secretary's Budget Address he stated that the Budget was prepared with some uncertainty, for we have to watch the improvement and conditions that exists abroad. He also gave us some figures relating to the population which was in 1972 twelve thousand seven hundred and twelve, and out of that mention was made of four thousand six hundred and four that are gainfully employed. Again we learn in 1975 tourism was experiencing a fall in traffic, and the hotels occupancy has not recovered as quickly as arrivals. The cruiseships brought a new trend in tourism, they have brought and instituted in October of 1974 about a million dollars worth of business into these islands, we learn that also from his Address, and he also stated that the financial industries were holding on quite well in spite of the recession, which is good for us to hear. The confidence must be upheld and the stability of the Government of these islands. Although we do not hear much about wage increase owing to the recession, I am sure that that is one of the main reasons why there is no

MR. CLAUDE HILL (CONT'D): increase in wages at the moment.

The Government of the island was strengthened in late 1975 with an inspection service in the banks. We also understand that the banks and trust companies have assisted the inspector in the performance of his duties. We here have seen, I'm sure have felt the necessity of having such a person as an inspector. Again on the banks, mention was made of two hundred banks licenced here in different categories and trust companies. And a number of these companies and their institutions continue to grow. The increase of six hundred and twelve over a number reported a year ago, that is quite a lot of encouragement, although we are confronted with recession, to have a growth of six hundred and twelve companies coming in and filling the gap. We also learn that many world leading financial institutions have established branches here, and this is done in the knowledge and consent of their government. I am sure that the clients like Cayman because of the advantages, privacy and such, this also will benefit the economy of the island.

Now I touch on Agriculture. Agriculture in these islands is something very interesting, and each one should become interested in agriculture. We learn of the purchase of twenty eight acres of land which will be made available for demonstration farming. I would say that the Cayman Islands should be much more well supporting when it comes on agriculture, and I cannot see why prices of goods grown here are sold on a par with imported goods. But I feel that if we start some form of implementing a market or marketing of goods that are grown in these islands, I think that this could bring an end to the expensive cost that many try to get at. The Chamber of Commerce should support local products. In 1976 the Financial Secretary told us we hope that that would be called an agricultural year. I think that that is a very good idea, and I feel that each and everyone should move forward to make 1976 be an agricultural year.

Dealing on inflation, and the cost of living - Inflation is becoming a bad story in the eyes of many. The percentage raised as we see it indicates a downward trend. On planning, when dealing on a draft Development Plan this is a matter where we as legislators requested that this Plan be produced and presented to the Legislative Assembly in 1975, that was the request of the Assembly in 1973. There have been various views expressed on the Plan, I would say from complete acceptance to a total rejection. Some people feel that progress has been set aside, but I would like to let people know that the Legislative Assembly has the final words in accepting or rejecting the Plan. The Plan is a requirement of Law which came in effect in 1971. A request of the Legislative Assembly at the end of 1973 was to present the Plan to this House by mid 1975, that was when the opportunity was given for objections and suggestions. I do not think for one minute that anyone who was in their sound senses would like to retard the progress of these islands, but at the same time I think that we should be very careful as to how we move about the Plan.

Dealing on Revenue and Expenditure, the construction industry had a very trying time, I would call it a blow dealt. One thing for sure was that Customs duties fell, the importation of goods was one of the things that was affected and showed signs that construction had dropped to the bottom. I am hoping as the Financial Secretary stated that the new tax increase on companies and banks and trust companies licences would keep on to help us as it has helped.

Dealing on Health and Education and Social Services, we understand that the Hospital Phase 1 of the programme has been completed, and there are some signs of improvement shown on the building, let us hope for a better and efficient service.

On Education it is called the biggest spender, and I do not think for one minute that this should not be, if we are to educate the children of today who will be the men and women of tomorrow. They can only learn what is there for them, and let us as legislators never tire, but keep a close watch on the action of the school. I am sure the Member whose portfolio this comes under is aware of quite a bit of rumours that exist from the school, I personally hear it, and as the Lady Member stated news come to me I don't go and seek it, and where there is smoke there must be fire. I don't stand here to make no aspersions to anyone, I don't feel that it is right, and I don't think for one minute that we here should indulge in such gossip at times, which when looked into turns out to be just

MR. CLAUDE HILL (CONT'D): gossip. But at the same time there is something wrong somewhere as far as the Comprehensive School and education are concerned. We learn of the Community College which is designed to offer adult education, and we learn it is off to a good start, and self supporting that is very good. I hope that that will continue.

Now on National Council of Social Services, we hear about their activities in various districts, the committees and the funds raised to assist community and needs and buildings renovation. The question arises where is all this being done. I am aware of the fact that it was only started in January, but as I say I do not stand to make aspersions on anyone, but this is one department that a question arises, are we doing the right thing, are we going the right way, what is the right way, who will show them the right way.

We get to Mosquito Research and Control, we learn in the last Budget Address before this one that the Unit was confronted with problems and new technique that developed this year which can replace expensive drainage proposal. It's quite understood by all I'm sure that the control of mosquitoes is not an easy or simple task. One must realise that with the control of mosquitoes we get more visitors to our shores, one must face it, the mosquitoes . . . not as they were some years ago. The Unit has done a wonderful job in various parts of the islands, and as I say may it continue to do a good job because I can remember when mosquitoes were so numerous that at certain times of the year and with the rains that we are having now I don't think eight days after with the water that's on the land and the breeding habits we would not be able to encourage people to come to our shores, and we here who live here would not be able to come out of doors.

Dealing on Savings Bank and Currency Board - I am very pleased to learn that the Government Savings Bank was not taken over by other commercial banks, and Government has promoted the bank by improving deposits and investment portfolio.

The Currency Board appears to come under one office, one management so as to re-organise the whole thing that's from the Speech. It comes under one management now.

Dealing on the Police we learn that the Police Department took two changes this year, and that was Immigration Section and Transport Section. The Commissioner of Police is appointed Licencing Authority under the new Traffic Law which makes him responsible for licencing and collection of fees. It is quite true that these changes have brought more work on the staff, but let us hope that this will prove more convenient to the public, as one had to be up and down from one office to another to obtain a licence for a vehicle.

Dealing on Capital Projects, as we were told in the Financial Secretary's Address four big capital projects, namely Administration Building, Roads, Port and Airport Terminal Building, they all made reasonable progress except the Airport project which has only got on to first phase.

We hear that the Administration Building has 36,300 square feet of office space, as one looks at it it appears to be all glass, but what worries everyone is when the cost is given we may have to take a deep breath or smelling salts. Like everything one never knows, I must say this is a fine building, we in the Cayman Islands should be proud of it, it's very outstanding, and as was said it will serve these islands for many years to come. Very few islands in the Caribbean can brag of such a building I'm sure, and although we may have to take a deep breath when we hear the cost, let us hope that it could work the other way instead of paying a sum where we have to take smelling salts.

The Port Project, I have to smile - It's finally arranged as the Financial Secretary states and Caribbean Bank provided \$2.2 million made up of \$660,000 at 8 percent and \$1,540,000 at 4 percent paid within twenty years from the first drawdown. The main project is over



MR. CLAUDE HILL (CONT'D): three million, including a Customs Administration Building, equipment, cistern, consultants fees, dredging to a depth of 15 feet against the marginal pier, and the total cost could amount to apparently \$4 million. We learn that the cost beyond \$2.2 million will be borne by Government. I am only hoping that we could get this done for \$4 million, this I am sure would let everyone here be very happy if it could be done for that sum.

On the Airport I must say that the first phase of the Airport provides a freight shed and a water tank. The second phase will consist of a terminal building and parking areas, but it seems by the Address to have set back as the bank that was asked was not able to locate funds for such a project. Mr. President, I am sure all of these projects were estimated to have cost Government a certain amount of monies, but being aware of the recession these things went beyond figures that were given in the year they were sought to be built.

Dealing on the Broadcasting Station I see where it is nearing completion and should be on the air in January of next year. The delay is caused by late arrival of material and equipment. Let us hope that this Broadcasting Station will not fall from Government's hands as did the electric company.

I see where Cayman Brac and Little Cayman are still struggling, hang on sloppy hang on - the oil storage seem to have had its setback. I see where the promoters of this storage would have commitments to deliver oil that was stored on Little Cayman to Cuba.

It is very outspoken of the Financial Secretary to say that never in his eleven years in office has a Budget been prepared against a background of more international uncertainty - great words. His position is not an easy one, and we should all try and make things as easy as could be expected, as we here all know what is happening not only in Cayman all over the world.

On New Revenue Measures I see where a deficit of one million dollars is sure, a matter of some concern, that is if we sit here in this Chamber and do not try to make the best balancing of this Budget. Additional revenue must be had, and as I see it I don't say it to go along in total, but we should all consider when dealing with the Budget. We have quite a few proposals placed before us, to a certain extent I am sure we could run the ship aground which we so ably sailed. Proposals are such Hospital fees, which have not been raised as a matter of six years. The Traffic Law fees being increased on all vehicles - Cayman Protection Law also an increase on work permits. Much has been said about this department, some call it destruction, not a protection. I dare not call it a destruction, each one has his or her work to do, and it can be only expected for each man to have his own views on something.

The Post Office Law also an increase in postal rates - Lighthouse Law which will be introducing a new form of charges on vessels per trip instead of per annum. Then I get to the Customs Law, the importation of vehicles to 33 1/3% which I do hope the book in which Customs uses they call the Red Book will be used up to date instead of producing a book which is out-dated. Some may say by the book being out-dated the value of the car would be dropped, that is not so. Another thing I would like to see, if the buyer produces enough evidence to prove that he's not giving a wrong cost in buying a vehicle overseas, this also be accepted what he produces, and don't refer his price in the Red Book to the buyer.

I see where the Cayman Islands have become an associate with the European Economic Community, they've formed a treaty, I'm wondering if an assembly of vehicles could be implemented in these islands which would give labour to many in regards of assembling vehicles here, and it would bring the cost of vehicles down.

We have the Companies Law, this seeks measures to amend the fees on companies non-resident for Exchange Control purposes. This is done for freedom to operate off-shore.

Then we have the Trades and Business Licencing Law, a new fee which would take care from a small store to a super-market, placing in different categories which it was once under one category.

MR. CLAUDE HILL (CONT'D): And I also noticed that Cayman Brac and Little Cayman will be charged under the Trades and Business Licencing Law, which gives them an incentive, and I'm sure they need such an incentive.

Then we go to travel tax, the increasing of a fee of one dollar to sixty cents on each passenger which will commence on the first day of August 1976. I'm aware that it takes time to get these changes operational, most of the passengers have already planned their trip, the itinerary has been made out, advance bookings, and some might not even care to pay if we were to put it too drastic a price.

Mr. President, the Financial Secretary has clearly outlined his case as far as taxation is concerned. Taxation has and always will be a big issue, but I would say if people are to get everything that they want but taxes must be looked into, and we must pay for what we ask for. I'm very glad to learn that Government does not want to introduce a land tax or property tax.

Speaking under Recurrent Expenditure we learn that the Estimates for this year have exceeded the provisions of last year by nearly one million, and this is distributed to all departments with the exception of Public Works.

Under New Services I see where funds were not available to support all the requests as education takes two thirds of the money. This is very sad to say under Local Revenue Contribution that it is not known when the Port will be completed. Under British Grant I see where projects under this section have been completed except the Cayman Brac Airport which should be in 1976, another hang on. Then I see where this Local Contribution was divided into three, and under (c) projects under this section are financed by three different loans. The Five Year Capital Programme - we learn that the Government is nearing the end of the five year development programme.

But what perturbs me is, I see again as I mentioned before dealing on Civil Service no salary adjustments are recommended in 1976. This shows that everyone who works in the Civil Service must be wondering if they're getting any advance or any increment. I hope it can be understood that these adjustments will be made if and when money is available and recession world wide becomes under control.

Mr. President and Honourable Members the confidence in the future of the Cayman Islands depends on the Government, and this turns to who represents them in this Chamber. We here in this Chamber are aware of the recession that the world is faced with, and I feel that as we move along we should be cautious, move along slowly, and also carefully. I speak this with no political aspirations. It was said that 1975 had shown itself such a year I would not say of disasters but of recessions, that people have no confidence in their representatives. I hope that they would forget the past and look forward to the future, and put our shoulders to the wheel. It is not an easy task with all the projects that Government launched on, and so far have completed some of them, and expect to complete the rest if nothing worse happens. I feel Members in this Chamber have a job to perform, and I don't think that any Member here would shirk a job to do. At the same time it is very discouraging to hear people talking, should I term it nonsense, but sometimes out of nonsense one can feel very grum and very dead. The only thing that I see that is fit for Members in general to do, and that is do not listen too much to gossip. I thank you, Sir.

MR. PRESIDENT:

I don't want to cut anybody off in mid speech, and it's now twenty five to one, so I think that this might be a suitable time to suspend, and we'll resume again at two thirty, earlier if Members want, but normally we would resume at two thirty. So I suspend until two thirty this afternoon.

HOUSE SUSPENDED  
HOUSE RESUMED

MR. PRESIDENT:

Please be seated.

Proceedings are resumed, debate on the

Appropriation Bill continues.

MR. JOHN JEFFERSON:

Mr. President and Honourable Members, this occasion today marks the Fourth Session of the Legislature of this year 1975, and most important is the Budget Session, a time when Government's expenditure in the next year is tailored to fit what we need and what we can afford. This fortunately is my eighth session, and if Christ carries I should like to think I should be returned to this House once again by a mandate from my district, and people for which I feel I have served well. Yet since one is always aware that in politics anything can happen, and since that is true I shall not be in any hurry or rush to finish what I have to say.

We've come here today Mr. President after a year of which we have seen a slump in tourism, having been faced with the problems of unemployment due to a lull in the construction because of the world recession. Of the past years things were done according to the availability of money, done on a matter of what we attach most importance to. At the end of each year the things that weren't done at least there was money in the till to show. As the financial conditions got better in these islands, the cry for more and better services grew louder, and they in my opinion were legitimate, and so we have changed our policy of going on a pay as you go basis and now get them now and pay for them later is a policy we adopted in the last Budget Session of 1974. To date I advocate let's finish what we have, and let's not fail to recognise that there are other needs, but at this stage at the time when we have to seriously consider what is a matter of priority.

There is no need Mr. President, the statement has been made and no doubt it could be true that we have departed on the Port Project before the Airport terminal, well it is always easy to say one when somebody has done the other, but I treat them both as projects that are very essential in these islands. We must do all we can, Mr. President to cut costs and eradicate waste, for I believe there are still areas in this island which money is still being wasted. We must insist on getting a dollar spent for a dollar's worth in labour. We must lick inefficiency in our Government, we have thank God brought our Civil Service up to the stage where we feel they can decently live and support their families, and that is the way it ought to be, that is the way we've said it must be. Yet let's look as we think about the financial picture of the reverse in the order of things in regards to the Civil Service, I knew a few years ago and not too far when people in the private sector laughed at those in Government; Mr. President, last year we saw the Civil Service brought up to a stage where they can decently live, and this year during the recession Civil Servants were in a far better position than most of those in the private sector. Mind you, I am still concerned about those in the lower brackets to which was the ultimate reason for dealing with the salaries in Civil Servants anyway. But, Mr. President, this is not a one way street, in return we are expecting that it will provide for us service, loyalty and dedication. This is what is needed more than anything else in our Government and in our island, be it Government or private sector. We have provided for the Civil Service the Administration Building of which I believe every Civil Servant and every citizen of this country can rightly be proud. I trust they will not hide themselves away in their various offices, but they'll think of providing for us more services and better services.

The question I'm asking today is why has God dealt so graciously with the people of the Cayman Islands? Of course that question I would like to, as I pose the question I would like to partially answer that question. I think because in the past that these islands have been known as God fearing christian islands by and <sup>large</sup> we saw no desecration of the Lord's Day on Sunday, our moral standard was high but, tragically our attitudes and our morals tend to decay. Let me sound a warning, the Good Book

MR. JOHN JEFFERSON (CONT'D): says righteousness exalteth a nation but sin is a reproach of any people. If we as a people do not get back to the stage where we pay more homage and tribute to God, I'm afraid judgment and wrath will be visited out upon us.

On the eve of a new year let us where possible, as I've said before cut our spendings, eradicate our waste, see that this year we do more to consolidate what we have. Let us get our Road Programme finished, our Dock built, get our Hospital complex opened, and let's get a decent road to our Hospital. I believe for what it would cost in terms of what our people deserve I believe we should do everything possible to landscape it, and make it look the way it truly ought to look that would enhance the image we are trying to create in these islands. Let me say, Mr. President in the view of curtail<sup>ed</sup> spending, let me say that as far as I am concerned there are two things that I would like to see done at the Hospital, and two things that I am not prepared to let go even if it means that we must find other ways of raising revenue. I want to see a doctor on the Hospital complex twenty four hours per day, and I want to see a Sister on those services twenty four hours per day. I think this is asking very little, Mr. President, but who knows may be the lives of the members of this Legislature might depend on whether or not one is there in time to save one's life.

We've come here today in this debate on the Financial Secretary's Address, let me state emphatically that as far as I'm concerned anywhere that I feel or believe that a cut of expenditure can be made I'm going to use the shears, and then I think there are going to be times when we are going to transfer it from one place to another - 1976 promises to be a better year, and let's hope and pray it does. Of course we will not keep on this way, I believe in the long run this year will prove in the history of these islands to have been good for us, it'll help us realise that we have to remember while the sun is shining one of these days there will be rain. I see Mr. President, I'm looking at the summary of revenue, I note the Customs in 1975 was estimated at \$4,860,000 yet it had to be revised and surely only \$4,500,000 came in, it does tell us that things did slow down.

Let me compliment the Financial Secretary on his Address, blunt, plain facts, and being very realistic, and personally I think we owe much to this gentleman, I am sure that many times while we are asleep at nights the oil is burning in his home to enable him to balance his books, and be able to look after the finances of this country. I want to pay a special tribute to our Financial Secretary which I think is well deserving all the hard work that has gone into the labour and toil of these past eleven years. As far as I'm concerned, Mr. President, the Address was somewhat cloudy and dark, sometimes very uncertain; I saw sometimes as far as I'm concerned there were drabs of dismal scenes, yet<sup>in</sup> the world which we live today where there are so many uncertainties, who for sure can be certain of anything. I would have hoped that the Financial Secretary's Address this year could have reflected the prosperity, the cheerfulness that I've seen reflected in the past seven Budget Sessions. But Mr. President, we have to be realistic, we have to call things just what they are, things that are black must be called black, and those that are white must be termed white. There are some who adopt the attitude through life they seem to get more out of it when they can point to the fact that somebody made an error, or somebody's prognostication was wrong. But I think we are in the same boat, it is with God's help that we can continue to steer this ship right.

Mr. President, even though the Financial Secretary's Address - as far as I'm concerned compared with those of past years seem gloomy, I will not leave this debate ending up on a tone of uncertainty, for that is contagious, but I must leave this debate on a tone of confidence in the future - the future is as bright as the promises of God. The Financial Secretary's Address as I've said points to a day of re-examination, and taking a close look at ourselves and our priorities in the light of all the uncertainties; that never once must we convey to anyone the impression that let's wait it all out, we are going to go forward doing the business of this country. We have had a tough year, it hasn't been all roses, it has been one of the toughest years of my own life, but

MR. JOHN JEFFERSON (CONT'D): it has also been one of the most rewarding experiences I've had.

I'm glad in 1974 that Government embarked on what has been termed "a spending spree", a spending spree on essential things that the people of these islands need. Had Government not embarked on this type of policy our economy during this year, Mr. President would have come to a grinding halt, as unemployment was a thing that was as real as the walls of this Legislature. I do want to say that I feel that our people deserve the best of everything, and I believe this is what we've been trying to provide for them, things have slowed down, and where hasn't it slowed down. What government anywhere in the world that hasn't been faced with the problems of unemployment, the problems of money to buy the essential things of life.

We have come here in this Session to provide additional tax measures to increase our revenue, this is no doubt by a number of people receiving a lot of thought, but, Mr. President, we cannot as leaders fail in our responsibility. We cannot fail to lead our people, to realise that if we are, and in these past years trying to provide for them all the essentials of life that we have been able to do. Now that we've had a little slump Government needs revenue, where else must we go but to come to our own people and say the services are provided for you, and we have to shoulder pulling our belts and shoulder our share of the responsibility and go on as men and women and face the day realise that it is not a time to quit, it is a time for us to stand together. We regret that in so many instances the impressions given, the arguments put forward do more to discredit this Government, do more to say that everything we're doing is wrong, than to try to put our hearts and hands together and master the ship in the time of storm.

I haven't written these down in chronological order Mr. President, but I'm going to deal with them as they come. In the Financial Secretary's quoting from his Address on the fifth page under Planning. Planning became a subject of much interest during the year when the Draft Development Plan went to public viewing for comments and objections. The Plan is a statutory requirement under the Development and Planning Law, 1971. In late 1973 the Legislative Assembly requested that it be produced and presented to the Legislature not later than mid-1975. Because of extending the period for public viewing of the Plan by an amendment to the Law, coupled with the difficulty in securing a Chairman of the Appeals Tribunal which will examine public objections before submission to the Legislative Assembly, it will not be possible to present this Plan to this Honourable House before March or April.

Mr. President, a lot has been said about the proposed Development Plan. As far as I'm concerned the proposed Development Plan has never been presented to the Legislature, so up until now it hasn't been too much of a worry to myself, because as the previous speaker said the only one that can make the Development Plan into Law is the Legislature, and had it come to Members of this Legislature at a time when it was presented in the form it was presented to the public, the Legislators might have had more to say about it than even the public did. But I'm saying this, that we need a Development Plan, and let me just go a little further than that, and say let me cheer your hearts, there is nothing that you will ever do in the Cayman Islands in relation to land that off hand there will be a hundred percent support by the public.

I remember when the Land Adjudication Law, Land Registration Law was introduced there was a lot of controversy, there was a lot of uncertainty, there were a lot of people that said what they thought or what they believed. But, Mr. President, the Land Adjudication and the Land Registration Law have worked, and the adjudication of these islands is nearing completion, and I've heard predictions even in this Chamber that it will be a mighty long time before the adjudication process would finish in the Cayman Islands, but it is nearing completion, it is working, it is the best system that has been proven anywhere.

MR. JOHN JEFFERSON: (CONT'D): Health and Education on the eighth page. We see the Financial Secretary Health, Education and Social Services, last year I mentioned in the proposed Hospital reconstruction programme. Phase 1 of the programme has been completed. The Hospital complex has been greatly improved in accommodation and facilities and in health care. Other improvements include a new laboratory in the Public Health Section fully equipped for water testing, and also a Bacteriological testing lab. All these added amenities should now guarantee the public a better and more efficient service. It is planned that Phase II of the Development Programme will be undertaken as soon as finances can be arranged.

Then he goes on, Mr. President, and says that Education continues to be the second biggest spender of public funds. Mr. President, today we are spending a tremendous amount of money on education, I remember in the last Budget Session having said that the Estimates for education in these islands last year's Estimates exceeded what the whole national Budget was in 1969.

Mr. President, there has been a lot said about our Comprehensive School - Cayman Islands High School, a tremendous amount of effort has been placed around that school. There have been setbacks, there have been disappointments, but thank God the Cayman High School is working and it's working well, and our achievement for 1975 is a remarkable achievement. I'm hoping from now on Cayman High School is going to be having smoother sailing, there're going to be more people getting on to the ship, not as much effort being wasted or used to undermine and scuttle that organisation.

I have a proposal that I want to lay before this Legislature, sometime ago the Financial Secretary made some statement about the expenditure on busing, our children from the various <sup>districts</sup>, a lot of the parents made comments, a lot of people were concerned. Mr. President, we learn that someone has been brought into this territory to advise on a canteen at the school, my contribution here is let's take that hundred thousand dollars and provide a canteen for our children, and let's have parents that are giving their kids a dollar or two dollars a day for lunch, let's ask them to take part of that and pay for their fare next year. I think if we are going to progress educationally our children must have more nutrition, and if they are going to be able to learn like they should, nutrition is something that is very essential to them. We are not striking at anybody, but what we're saying is that since our parents have to spend probably two dollars a day on lunch the money that we're spending on busing that money could go towards a canteen, and the money that we're giving to our kids for lunch, the fares that <sup>are</sup> being charged at present could be paid out of that.

I think, Mr. President reading from the Financial Secretary's Address on page eight, a student loan scheme between Caribbean Development Bank and this Government was introduced during the year with supporting legislation whereby the Bank will be making available to Cayman students loans for the purpose of pursuing approved courses of higher or technical education in learning institutions of countries associated with the Bank. The sum total of the loan will be CI\$50,000 to be administered by this Government and distributed in the first instance through the Education Council. Government will pay interest at 4 percent per annum and the student 6 percent per annum. Both will repay in ten years. Government is given 5 years moratorium and the students are to commence repayments 13 months after successful completion of the course for which the loan was made. The arrangements were concluded too late for the commencement of the present school year, but it is hoped that the scheme will prove useful to students who wish to avail themselves of the facility and who can qualify for the assistance.

Mr. President, there is a tremendous need for our youth to specialise in higher education, and I believe that this opportunity is only the beginning that will enable them, to be able to do what we hope that they can. I think the terms are very reasonable, repayment for the student doesn't start until thirteen months after he has successfully completed his course, that gives him time, Mr. President to make arrangements to begin to repay what has been loaned to him. In the other sense it gives him a sense of responsibility, a sense that he has earned what he has, and he

MR. JOHN JEFFERSON (CONT'D): in turn will repay.

Mosquito Research, Mr. President, the last year a lot has been said in relation about mosquito eradication, in fact so much has been said that the Member responsible brought into these islands about a week ago a team of experts that would advise this Government on what is being done and improvements if any. There is always jealousy among departments, and it ought to be and rivalry, but let me say this in spite of what anybody says the Mosquito Research has done a tremendous job, and is doing a tremendous job. Mr. President, I am only a man of forty eight years old, I remember when I went to school what a misery it was, we took our smoke pans with us along the road, so that we could live. In the home smoke was a way of life, we had to provide wood, we had to provide things that would give us smoke, at the whole up until about nine o'clock in the morning, and from about four o'clock in the afternoon.

We have seen the last two years some mosquitoes, and there're certain parts of this island that there are times still get bad. But Mr. President when I think in terms of resources, a country like the United States the programme today has been on and how long, and the available funds that they've had to use, and still in Florida and Texas, Louisiana and many of those other states mosquitoes are still a problem, and still will be for a long time to come. As far as I'm concerned those experts that are brought in, and we should have somebody checking on other people, because this is good for them and us. But I believe what was said and the final report is not here yet, but I believe what Dr. Provost said only strengthened the fact that our Mosquito Research is doing a tremendous job. I wish that there were a dozen other departments that were as efficient as the Mosquito Research. As I've said we still have some mosquitoes, but my friends the position that we are in today in relation to the control of mosquitoes is something that I have never believed would have been possible in these islands. And I for one am very grateful that we've been able to control them in the manner in which we have.

Mr. President, before this Legislature months ago there was a decision before us to enter into association with the European Economic Community of which this House agreed. I believe that the decision was a wise one, of course only history will record it, but I believe we have more to gain than to lose.

A lot is said about taxation, and one Member this morning, I believe I can quote him fairly accurately and saying that the people of these islands are already paying more taxes than any other people that he knows. I don't believe that any people have had provided for them what this Government has tried in the last few years, at so little additional taxation. I believe this Government ought to be commended for the effort they have made in trying to raise the standard of living, in trying to provide things that are essential for the people of these islands.

Government has been building new roads, I know years ago, and not many years ago regardless of what kind of public meeting that one had, that before it was completed there were more regrets for roads than anything else that I know. Since we have been on the Road Programme things haven't gone as well as they've been planned, but they are building roads, they are being provided some roads. And who can we expect that will be able to pay for our roads except the people that drive the road everyday of the week. I don't believe we're asking very much in terms of what we're providing, I don't believe we're asking very much, Mr. President. When we've increased the duty on automobiles by 33 1/3% I wish we didn't have to have any percentage, but if we have to have revenue, personally I can't think of anything else that we could place it on that would be anymore fair than on cars. Cars continue to be the greatest threat to life in these islands, more lives have been lost in these islands through reckless, careless driving than anything else that I know. I believe what we're saying, things have gotten a little tough we're going to have to put a few more pennies into the till and the phonograph will continue playing the tune. Mr. President, if we had asked Members before we embarked on the road building, we would have gladly accepted the challenge and say well to get roads yes, now that we have no, that's human nature.

MR. JOHN JEFFERSON (CONT'D): Mr. President it is funny that when we get started on things it takes us a long time to get over them, for a long time there were so many people complaining about postal service, postal service, postal service, nobody realising the volume of mail that came through the postal service, but since the re-organization and the hiring of additional people and that's the only how you can cope with that. The Postal Service I think has been functioning and functioning well.

Even in a year of recession there's been so much said about the tourist, and tourism is the greatest industry - largest industry in the Cayman Islands, it is certainly one of the most competitive fields, and so many times here I've heard people say well let's provide something for the tourist, we're dealing with liquor, and they say well you've got to have liquor for the tourist; well I'm making a little change, I want to see some money this year put towards a Botanical Garden in these islands, and I'd like to see that placed in my own district. Government wouldn't have to buy land to start with, they already have land. Last year in my visit to the Conference in the Bahamas I was taken to the Botanical Garden there, beautiful sights, cheerful flowers, something worthwhile seeing, and for what I could understand from the gentleman who told me it was his responsibility to having made that garden, the conditions that we have in the common plan in West Bay Birch Tree Hill would be the ideal thing for a garden of that nature. The fill is taken out, the water from the land is drained, that water is used for irrigation and it is beautifully built in various stages. I want to see some money set aside this year towards that. I want to see something created in this territory wholesome, I think we've got enough liquor to drown everybody we have in this territory.

Mr. President the other day a decision was brought before the Members of this House as to whether or not we should have a Speaker of the House. Mind you I am well aware that our present Constitution provides for a Speaker of the House, I've said very clear, and I guess I will repeat myself that I - and let me make this clear, not only because next year is election year, but I feel that the time for a Speaker is not yet, and may be not ever as far as I'm concerned. I realise to have a Speaker would not no doubt be any further step constitutionally, but it would be taken as a step forward, and as far as I'm concerned we've gone as far constitutionally.

HON. V.G. JOHNSON: On a point of order, that particular subject is irrelevant to the Budget Address. I made no mention of a Speaker in the Budget Address.

MR. JOHN JEFFERSON: Mr. President there is no mention of that made, but I feel in the Budget Address since it entails and would have entailed expenditure I still want to say what I've said, as far as I'm concerned to have a Speaker in the Legislature is not now, and as far as I'm concerned probably not ever.

Mr. President I must be blunt and plain, and truly I believe I am, what bothers me a great deal is the attitudes and the pain today are taken to have available election material for next year's election, and I don't believe we can honestly deal with the things that are before us and do justice to this country at the present time in which we work and deal today.

Agriculture, Mr. President, we have gone to a little higher gear in agriculture, we have the Director of Agriculture and the Deputy, money has been spent on additional land which will make and create for the Agriculture Department a show case. I support agriculture, but Mr. President, what I've learnt from my own experience that agriculture is a very costly thing. Yet I agree and I believe that there is a tremendous amount of things that are being wasted in this territory in these islands that ought to be utilised. And I support wholeheartedly any effort that can be made to make the islands self-sufficient and no doubt have export in the near future.



MR. JOHN JEFFERSON (CONT'D): On Police, Mr. President reading from the Financial Secretary's Address - There were two general organisational changes in the Police Department during this year. The first was the separation of the Immigration Section which now comes immediately under the Chief Secretary. Immigration however, is still housed at Police Headquarters Building and will remain there until other accommodation is available. Arrangements are being made for that Department to be housed in the present Establishments Office when the Establishments Office staff moves to the new Administration Building. The move of Immigration will release some needed office space for the rapidly expanding Traffic Branch and Licencing Section.

Mr. President, I believe that has been a good move, I believe that we have to give to our Immigration in these islands, we have to give them credit, I think they have been doing a good job, a most difficult job, but I believe a good job.

The Police continue to be reorganised, they continue to get themselves in a position in this world of sophistication to be able to cope with crime, and what have you. What I see in the Police Department the greatest need is discipline. There are a number of people in departments that are functioning or doing a good job, but I believe a lot needs yet to be done. We've been told that the man heading the narcotic squad was the head of the Drug Section of the Police Department in Hong Kong, I hope we will see some results in the drug movement. I hope we will see a curbing of marijuana in these islands, what I see if we're not able to stem the tide, if we're not able to control it then the future for our youths in these islands looks very dim. And, Mr. President, with respect if they can't curb the drugs in islands like these, then I wonder where. But I believe it is time that we fully utilise the help of the general public in this response and help them to realise that nobody will be able to eradicate drugs without full co-operation among the Police and the public.

We move to Capital Expenditure - faith if you'd call it faith has been expressed by some, what is the need now of the Dock, we've hit our peak and if the Dock serves in the most strenuous times it will be able to serve in the future. That's short-sightedness as far as I'm concerned Mr. President, I believe I am only hoping, and let me repeat that, I am only hoping on the Dock that we are on the right path. I don't know what we as legislators can do, I speak for myself and I believe I can speak for most of us here, We might make mistakes, and we wouldn't be human if we didn't, but I believe that mistakes that are made in relation to the decisions to provide things for the citizens of these islands are made over-all at their best interest. And I'm sure in things like these as legislators we can't be everything in the world, we must trust somebody, and I can only hope that the people that are responsible know what they're doing and we're not going to be left holding the bag as so many people are predicting.

But I'm saying we won't stay in this present recession, nobody else will. And you know what we ought to be thankful that even though there has been a recession, and there still is a recession that the tourist trade for the coming season looks to be the best. There're some hotels in this island now you couldn't buy a room. And while there're other countries that their tourism continues to slump and slump and slump, the figures in the Cayman Islands begin to show increase. We've had a very tough year, and as I've said before who hasn't. But let me say this Mr. President, I agree with people from the economic, if the available space in George Town is so little now, what is it going to be ten years from now. But my answer to that is this, when I need a car to get to town and I can't buy a new car, since I have to get to town I'll buy a car, and I believe that's what this Government is doing with the Dock. I have confidence in the Member who is responsible for this, I feel for him, I share with him in his responsibility, and I realise while he is trying to shoulder the burdens there are so many people who are standing by and only hoping that they will be able to say yes I told you it was wrong. We have to shoulder this burden, we have to show more faith in the future, yet we have every right to make sure that our money is not going down the drain, and that we are looked after in every respect, because a project of this size can certainly do us out of a lot of money if we're not careful. But, Mr. President, with this Government hiring of

MR. JOHN JEFFERSON (CONT'D): one of the best consulting firms in the world, with the help of the Caribbean Development Bank Consultants who are looking out for their own interest, I have no other reason but to hope and pray that we are on the right track. There is a lot of jealousy in everything, but I hope for the best in the Dock.

Broadcasting Station that I term one of my pet hopes, the ambitions that I've had for a number of years now is to see a Broadcasting Station in the Cayman Islands that will be able to give the facts before the people, because truth and facts must be placed in their hands. I believe that with our Broadcasting Station if it is used right and I have no reason to believe that it won't, in fact I am going to be there to see that Radio Cayman performs the functions that we as the Legislators feel that it ought to perform. To perform a service to the people information that will keep our people informed of what's going on until they won't have to be fed on rumours and untruth. I wish for Radio Cayman smooth sailing and on the air early in January, 1976.

For the Brac and Little Cayman, Mr. President, this has always occupied a great part of our minds and thoughts here in this Legislature, these past years the recession the slump in the sister islands, and I don't feel like calling them the Lesser Islands, because I think it does an injustice to them. I'm glad that there is and there has been a little increase, there has been more employment, there has been more projects going, and I for one stand ready to make any concession that would help the sister islands to be able to move forward. I'm sure that the Members of the sister islands, and one of them who is not here with us today, Mr. President is one of the sadnesses of our hearts, is that he's not able to be here in this Chamber with us today and take part in the deliberations in the representation of his people. My heart goes out to him and his family, and I believe that all Members of this Legislature regret very much that he is not able to attend. And I can assure these Members and the Members of every district in these islands, my wholehearted support on anything that adds to the comfort of the people of the Cayman Islands.

I'm glad we have embarked, we have made a Law, we are making some progress on our own prison service, I think it is only fitting that we do, I think it is high time that we deal with this and I for one want to say that I will never rest until this problem is licked.

Mr. President with the Government's new shift in our Savings Bank and on our Currency Board, I trust that we are going to see that Bank utilised to its fullest, and that we will explore every possibility to use and to take advantage of the potential in the Government Savings Bank. Let us continue relentlessly and never let us get weary and grow tired until we can show our financial community the need for long term money for mortgages in these islands. I feel, Mr. President with the provisions and the concessions that are granted to the financial centres in this island, that they should feel an obligation to help provide for this Government or the people of these islands mortgage money available for twenty or twenty five years.

I see in the Estimates Public Officers funds of seventy five thousand five hundred and ninety six dollars, that is a good sum of money. Mr. President, on the other hand when we realise that these islands have become and are becoming a financial centre, we realise the need for engineers and what have you, I see we have no alternative up until now but to make available money for this; that I see a need to sound a high note to encourage our young people to specialise that one of these days we will be able to fill many if not all of these positions in our own islands.

Mr. President, something else that gives me a great deal of pleasure, I see in the Estimates for 1976 the subsidiary of CAL \$10 in 1976, and if Cayman Airways stood up under the strain in 1975 I have no doubt in my mind that it will continue to rise to the challenge, and I am glad that when the decision was ours the decision we made to create our own airline to provide service for our people and for our islands was a wise one, and certainly we need to show greater appreciations for the services rendered by CAL.

MR. JOHN JEFFERSON (CONT'D): Total Revised Revenue 1975 - nine thousand five hundred and thirty four and fifty five dollars. Estimates of Recurrent Expenditure for 1976 ten million four hundred and thirty five thousand five hundred and forty nine dollars. New Services will represent eighty four thousand of this in the Estimates for 1976. According to the figure of Revised Revenue we need round about a million dollars. While I believe and adhere to the policy of earning our commitments, I'm saying that there must be a time when we too will take a fresh look at ourselves and take a new look in every direction. And I believe that when the time of our involvement or fulfilment comes that organisations like Caribbean Utilities be made to pay their share of revenue like any other person in these islands. I for one don't see it having been convinced of it, and I don't believe for the concession that we are giving to them that we in turn are getting as much for what we are giving. And I'm saying it's time that we look and reassess ourselves in these positions and think soberly about the future.

Accommodation Public Officers - three hundred thousand dollars, increased by one hundred thousand dollars in 1976. Out of it I see for the Brac twenty five thousand dollars. Mr. President, like I've said what other alternative is there available to us, we need the services, we can't provide them for ourselves, I think we have to be grateful that the service is available to us.

In 1975 Poor Relief was eight thousand dollars, and the actual expenditure was four thousand seven hundred and thirty nine dollars, if I read my Estimates correct. This year's Estimates twelve thousand dollars and I'm glad to see an increase, and I hope that it will be sufficient to do what it ought to do.

Maintenance of Approved Schools, maintenance of juveniles in Approved School of Jamaica Estimates for 1975 four thousand five hundred dollars, same as last year: but actual expenditure was one thousand eight hundred and ninety nine dollars. I would be glad when there is no money there at all, because I feel that the time to cut this out is now, and I reiterate that. I believe the time to eradicate that is now, I do not go along with it, I think if we cut it off we'll find a way to cope with it, and I believe that we do more a disservice to our youngsters than a service, I must be very frank.

Mr. President, the Financial Secretary said that we are nearing completion of Five Year Programme on Capital Projects, I feel that the Capital Projects was necessary, the Government building programme completed with the Administrative block, and I feel that the type of structure that Government has been providing is good and certainly I am happy to the fact that we have and we are completing the Five Year of Capital Projects.

Let me say this Mr. President as an Elected representative of the people in this recession year sometimes one is prone to wish that he truly wasn't in the role of decision making in these times of uncertainty and unemployment. It is only normal that people will be disgruntled where there has been a recession, where there has been unemployment and pressure will be high, but we cannot always be popular and no leader can truly ever hope to always be riding on the crest of the waves. I remember when I was elected first by my people, I told them the confidence they displayed at the polls told me two things, one, they had confidence in my leadership and two that there would be days and times when they would disagree with me, but they believed in the ultimate, the decisions that I was making for this country were in the best interest of everybody, and I tried with God's help to live up to that obligation and responsibility to the best of my ability. Anyone can be popular when everything is fine, but there comes a time when men have to stand up and be counted, when men have to face the decision, when men have to batton down the halliards in the time of storm, when men have to put on their raincoats, when men have to be abused, when men have to be ill spoken of, yet if they are truly dedicated leaders they are not going to quit the ship, they are going to wait until the storm is over. I do not intend to run nor do I intend to waiver amidst the uncertainties of today, I intend with God's help to fulfil my responsibility as an Elected leader in this territory. The decisions we have

MR. JOHN JEFFERSON (CONT'D): taken and are taking only history will record it. Some of them no doubt will be wrong, but as I've said before they were taken in the best interest of this country.

Sophocles said, Mr. President and I quote, "we shall wait until the evening to see how beautiful the day has been." I wouldn't profess to be a genius, but let me say this, I feel a lot has been done many decisions have been taken and a majority of those decisions, thank God have been good decisions, that the people of these islands have benefitted from. They are decisions that have helped to put this country where it is today, a Government that is respected anywhere in the world, a Government today which people from the outside can have real confidence in that they will honour their commitments and live up to their obligations everyday of the week. Mr. President, if all the efforts that were made to discredit this Government, if all the energy that was made pointing out the fact that people are wrong were placed along with us truly in the interest of this country a lot more could be done. In closing Mr. President let me quote a gem:-

Standing at the foot boys gazing at the sky,  
How can you get up there if you do not try,  
Though you stumble down boys never be down cast,  
Try and try again boys you'll succeed at last.

That has been the fervent - that has been the determination, that has been the ambition, that has been the strength to which I feel I have tried honestly to carry out my responsibility as a leader to the people of these islands. I have people from all over this island, George Town, West Bay and other districts that come to me for guidance that have faith in my ability as a leader, and I shall try with God's help not to let them down, but to help them to realise that I am an Elected representative of the Cayman Islands, not only for West Bay, but the decisions must benefit everybody in the territory.

Mr. President, in closing let me say that I have every confidence that when we stand here next year that the position is going to be far different. I have so much confidence in the new year that I have invested all that is available to me I believe to try to provide a service for the people of these islands and particularly the tourist industry. And in closing I would like to invite you, Mr. President, the Members of this Legislature and the Clerk to lunch at the adjournment on Friday at "Two Chefs Restaurant". Thank you very much.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, first of all I would like to say when the world is at its worst christians must be at their best. Now I do not feel that we are <sup>at</sup> our worst now, I'm very sure that we have experienced much harder years than this one which is about to end. And even if it has been a hard year, we have so many things to be thankful for, personally I have not saved one penny. I have made a lot of money, I have had to spend it, and I'm not the least bit unhappy about it because I am like George Mullier, I think his name was, I believe that God will provide the necessary when it is necessary, and that is the faith I live by.

Now I'm not as hopeful as the last speaker, I have been in this Assembly to the best of my knowledge for the last fourteen Budget Sessions, and I do not know this might be the last one that I'm privileged to serve because if I'm to follow rumours now, the public intends to sweep the floor of this House, and I personally - they say that I might get in. I would not like to be here alone with a new crew to break in. Now Mr. President, I hope I would not be here with another woman in this Assembly if it's my choice. Now I can get on very well with men, although I was not smart enough to hook a husband, I can get on very well indeed with men, but I cannot get on with women. I do not know if they do not understand me, or I do not understand them, but it's a very hard job for me to get on with women. First of all they're too silly the majority, and they have one idea, what they say must be right. I am not that way, I can be wrong, and I'm often very wrong, but I'm often quite right.

MISS ANNIE H. BODDEN (CONT'D): Now I must disagree with the last speaker when he said that people discredit Government. Now I'm very sure there's not one legislator in this House that discredits our Government, or at least I can speak for myself, I feel we should be very proud of our Government. But we can't say this present crew did the job, this Assembly, the foundation which we now stand and build on today, those foundations were built by able men of the past, and we should not think that we are the ones who put the Cayman Islands on the map, as far back I think it was 1939 or there about two tourist ships came here, the Andora Star and the Atlantic, during the time when Commissioner Cardinal was at the helm. Well he arranged for the sale of handwork etc., I remember there was an old lady by the name of Martha Saunders, who had knitted a beautiful belt, and she wanted it sold for eight dollar, or four pounds in those days. Well a lady who was on the committee of which I also was a member sold this belt for three pounds, and she was annoyed about it, she wanted even to take her to court, so we had to scabble together and get the other pound and give her. I'm saying this to show that tourism is not an event which started the last three or four years, it was founded by that great eminent leader we had, Mr. Cardinal, and ever since that it has been built up. And we are very happy today that we have tourism, and that we gain a lot of benefits from having tourists come here. But what I'm saying is this, Mr. President, we should not sacrifice what we have known in the past just because a tourist wants this or the other thing, that is against our grain.

When the few times I've been off the island, which ever country I visit I must do what their law says. I cannot go there and create any new law, and the same thing applies to tourists coming here, they must go by what we have as laws and abide thereby. Now not too long ago I read in the Compass that some pleasure seekers came, I think it was from Jamaica, some member of the Immigration - they came on a Sunday night, didn't know that their boat would have to be visited by the Immigration, they left the boat and went down to some hotel, and the next day some frivolous and foolish I would say Immigration Officer had them before the court, they were dismissed. Those kind of things, Mr. President, do harm which we cannot recoup, unless we watch what we do very carefully.

Now, Mr. President the picture that was presented to us in this Budget Address is not anything different from what I thought would happen in 1974. I felt that our Budget was too elaborate, I suppose it's the aspiration of every human being to get the best when they can get it, and we need the best in the Cayman Islands, and it costs money. I am very proud of this Parliament Building, I'm very proud of the Court House, and more so of that elaborate and beautiful Administrative Building which we, when I say we now I mean the crowd here were able to use their brain, their brawn and everything else to get for our people. And I cannot understand how anyone would think that we have not performed a great job in getting these three magnificent buildings.

Now Mr. President, I will not say that our future is uncertain, if Members in this House had ever been in the predicament that I have been in without a friend, without a penny, nowhere to turn, and my faith almost altered, but I realised I must have been tested for some purpose, and God marvelously and miraculously raised me up and here am I today can stand before anybody the least bit undaunted. In those days of my stress and strain I was even afraid of people, but thank God he raised me up, and I could never say our future is uncertain, I believe that we believe and trust God that he will give us what is good for us. We're not going to get everything we want, but I'm very sure God who has brought us up to this present day will continue to bless us if we do what is right. Now some Members of this Assembly use their power to get what they want for themselves regardless of who they hurt in the process, and then they will come here and they will say Annie Bodden doing this or the next one doing the other thing, but they forget what they have done to harm the Government and its people.

Now, Mr. President I feel that this recession which is being felt over the entire world, we have to feel a bit of it, but if we use our head-pieces, and spend only what we can afford to spend since we

MISS ANNIE H. BODDEN (CONT'D): have got these four projects going we shall come out on top. Now I would never advocate that we borrow, beg or steal anymore money to start anymore new projects. What I want to see, Mr. President is this, I want to see this road programme carried out. Now it is a pleasure for anyone to ride over what they call the satin roads, and I give the Honourable First Elected Member to the Assembly the great praise because he has tried all down through his time in this Assembly to have better roads. Now I'm sure he's criticised, I'm very sure that he is put to shame sometimes, if he'd follow, and I'm fearing this, I had an old uncle once by the name of Quilla - uncle Quilla, he never had a hair left on his head, worry and trouble and difficulties of life had made him bald, that is what I'm fearing is going to happen to Mr. Bush. And I hope and pray that he will keep all the hair on his head, I'm sure he'll have a lot of grey hairs when it's all over, but he must be brave.

Now this dock out there, this port facilities or whatever you feel like calling it, I have never heard so much criticism in my life about anything. Now this Honourable man from West Bay talking about jealousy, I'm very sure that is what is at the root of all this criticism. I for one want this harbour in George Town, George Town would not be the same place with all the ships going Red Bay if we were foolish enough to permit the dock to be put there or even in the Great Sound. George Town is the proper place for the dock. Now I don't know if the consultants have made a mistake like I hear they have in piling up the marl to the coast of the sea, and it's washed all overboard, I don't know that, but I know if they have made a mistake they will have to remedy it. Although I haven't seen this contract I have no desire to see it - eight hundred pages I understand it is for this dock facilities, and I'm very sure if it's that long Mr. Bush himself does not understand it, or any other man here in this Chamber. But I am saying this, that I'm very sure the conditions as they are that he has perused it to an extent, and I'm further confident that the dock will eventually be built. Now I want to see that dock, I want to see it built during my life time, and I hope that the people would stop criticising. You know it is very easy to criticise, but we do not want criticism, we want correction, and I hope that all those who are so much against this dock, and the man in charge of the operations that they will have cause to change their mind when it is finished.

Now, Mr. President, this bank inspection it is a service which is long overdue, and personally I have faith in one bank in the Cayman Islands, that is the Government Savings Bank, because I'm very confident we shall always have a Government, and as long as we have a Government I feel that the Savings Bank will not wander. Now even some of these renowned banks here, Mr. President, they make terrible mistakes, I had a company formed some time ago, I had quite a sum of money put into a certain bank, and the name of this company, and when I went there a few months ago it was thirteen dollars left. I said what has happened to this money, they said that there're two companies registered under this name, I said no such a thing, so they said two men came here and drew it out. Well that is how some banks are still functioning, and I haven't really decided whether or not if I'll take action against them, but I'm telling you that is the state of affairs, and that is one of the reliable banks, that's not any bush bank, that's not any bank who is squandering away the people's money that the public knows about it, but that is what is happening.

Now, Mr. President, and Members, the financial industry is not altogether on the premise of tax lodgings. I'm not saying that that is not the reason, because recently I've heard of people who have deposited money here, who can't even give their names, because they have broken the laws of their country. But if they're smart enough to get away with that as is not my business to question how they done it, I'm saying that this financial centre which we have has brought us a lot of revenue, and I cannot see that it is sinful, what I disagreed with and will always disagree with is the introduction of legalised gambling in the Cayman Islands. We had to fight that, Mr. President in the time of one of our predecessor, and we fought it to the hilt, and I'm still prepared to fight it because we do not want that sort of thing going on here. We have always been a christian island,

MISS ANNIE H. BODDEN (CONT'D): our forefathers were superior men when it comes to christianity than what we have here in this House today, Sir. They feared God, and most of these will admit sometime that there's a God, but they act as if he did not see what they are doing. Now I'm not talking anything in regards to this Assembly Mr. President, I'm talking about their general behaviour on the outside. One man told me some time ago why don't you take a drink of vodka I believe he said it was, I said not Annie Huldah Bodden, I'm sixty seven years of age, a drop of alcohol or a cigarette has ever crossed my lips, and I'm going to continue that way. They said it wouldn't keep you out of heaven if you took a drink, I said I don't know that, because the Scripture says, "wine is a mocker, strong drink is raging and whosoever is deceived thereby is not wise." Well I have enough wisdom not to drink alcohol or smoke cigarettes.

Now this agriculture business, I will say, Mr. President, that we need agriculture here, the unfortunate thing is this, that grown fruits and vegetables in this islands they're just as expensive as those imported, and I feel that if we are to have agriculture here that prices should be far less than on the things we have to import. For instance if you buy a pumpkin it's thirtyfive cents a pound, if you go and buy twelve limes it is at least thirty cents, whereof all these things can be grown, the only thing I know you can get for nothing, and not everybody will give you those are the breadfruits. Apart from that everything is sold by the pound and equally the same price as you would have to pay for imported goods. Now I feel, Mr. President, that this is wrong, you hear that the merchants should be put under a rule where their price is controlled, how can you control the merchants and not control the ordinary man? Fish which use to be a penny ha'penny a pound if you know what a penny ha'penny Sir is, or used to be, now that is one dollar and sixty cents. Now fish you haven't got to pay any import duty on fish, I will admit I suppose in these days when they're too lazy to paddle their canoes they have to buy gasoline to run the engine, but I feel, Sir, a thing like fish should be sold much cheaper.

Now coming back to this matter of agriculture we have a man who's the head of our Department, and who as far as I can glean from reading the articles which he writes should know what is good for us and what is bad. Now this is a rumour that chased me, I didn't chase that, that some time ago he gave certain instructions which were discarded, now I do not think that is in the best interest. If I have a ship and put a captain on the ship I should not stay in my house and tell that captain where he must steer his ship. That is not right, and when we place a man in authority over any department we must give him credit when he knows if a thing is wrong to correct it. I disagree with taking the reins out of anyone's hands to suit anybody.

Now this inflation and cost of living - Mr. President, the Financial Secretary said, "it is said that it takes among other things a certain rate of inflation to generate rapid economic development within an economy. The Cayman Islands have had this experience since 1971, when the annual rate was estimated at 20 percent and over. While there are developers and even Governments who advocate rapid economic development because of the business it stimulates and the quick benefits generated to both the private sector and government, this poses a definite threat." Now, Mr. President I am saying that we need economic development, where would these islands of ours been today had we not had some development. We would still be in the back woods of civilization, walking the streets without a motor car, or perhaps riding a bicycle, no beautiful buildings, nothing but just this way that we lived before. We have gone great heights I would say, Mr. President, it is due to development, and we should not do anything to stifle development in this country. I've often heard my colleague from George Town say he wants to see the island developed in his day, so do I. And there are acres and acres of land all over this country that I would love to see cleared, beautiful houses built and people living in the houses. What good is a country without people? We have taken three hundred years to get twelve thousand people, I hope we do not take another three hundred years to get another twelve thousand to make it barely twenty five thousand. We need people, but we need good people, we do not want racketeers coming here, we want people who can not only help our economy but help us maintain the high morals which we have been

MISS ANNIE H. BODDEN (CONT'D): accustomed to. Now I will agree, Sir, that the cost of living has gone up terrificly, but after all we must pay for what we want. If we want to live in luxury, we want to eat ham and turkey every day we have to pay for it, and I'm afraid that is what is happening to most of our people. They have been used to poverty and now with banks lending money, and getting money very easily, high wages etc., they want to live beyond their means; and if they just stop to think that rainy days can come they would be more careful in their spending.

Now this Development Plan, you hear talking as if this is the first time in history we have had a plan. Over twenty five years ago the Honourable A.C. Panton - Albert Collinridge Panton had a plan for this George Town, I have a copy of it in my office today. Well, it was put on the shelf because certain people would have to give up a few inches of land, so it was shelved, but that was to be in existence twenty five years ago. If we had had in this Assembly then people broadminded enough to consider that this plan was not for the good of A.C. Panton, we might not have been today faced with this planning which we now have. I'm very sure the Honourable First Official Member will know that I'm telling the truth.

Now I will agree that I personally opposed this planning in 1971, and as I would say my opposition cost me money, cost me a lot of hard hurt, but thank God I'm still here today, and I'm not going to be upset over anything. I disagree with this Plan which is now proposed, I cannot see why the outer districts should be deprived to having commercial centres, agricultural centres are good, but we don't want to have the whole island in a field running cows, or planting cassava, or yams, or coconut trees, we want to see some buildings, and some development in the outer districts. As for George Town that has become a cement desert, and we do not want anymore of these high-faluting buildings in central George Town. If caution had been taken the town would have expanded to the North Sound area years ago, but that was not done, now we have to suffer, but we must use our head piece and have a Plan which is suitable for the Cayman Islands. We do not want to make a New York or San Francisco or a Miami Beach of Grand Cayman, we want to go ahead and have it planned sensibly. Now I realise, Mr. President, that we need a plan that will <sup>not</sup> take away people's rights. You know I was in Court two weeks ago Friday gone I think it was, I had to go there for a case, but due to another case in process it was adjourned - my case was. While I was there my blood boilt, because when I heard certain Government people I must tell you, Sir, talking to Honourable men who had land the way they talked it really boilt my blood, because, Mr. President, we in George Town have been seamen, (when I say we I don't mean me, not myself, I mean those who had men to export) they were seamen they didn't take on getting a little piece of land like the people in the country did, and now to hear that they're going to lose land which they thought was theirs it is not right, and, Mr. President, the land that would be claimed for Government is no use to Government, what good would the Government have for this swamp land on the edge of the North Sound or Duck Pond, nothing. I have lost the friendship and maybe I'll lose the election because I stood up for Government on a certain case which I am positive that Government owns the land. I lost the friendship and I'm sick of hearing it over the telephone people calling me so and so said they're not voting for Annie Bodden, because she went against us. I said I wouldn't defile my conscience for my mother and sister much less anybody else, and that is the stand I intend to take.

Mr. Bush will not get back in the Assembly because he didn't build the Dock Red Bay, I said if that'll keep Mr. Bush out I'm sure he'll be happy to stay out. But, Mr. President, certain people in times gone by their money and their influence counted for much, but in these days people are wiser. On one election, I think it was 1962 it was a song, we vote him out, we ate him out, drank him out and voted him out; well I want to tell you, Mr. President that isn't going to happen to me, I'm not going to feed up anybody or tell any lies to get back in the Assembly, if my worth as a woman for the last fourteen years is not counted for anymore than to make two or three people run me out of the Assembly, I will go out, I wouldn't be happy, because this is the only happiness that I have, serving the people and serving them in a God given christian upright fashion. I have



MISS ANNIE H. BODDEN (CONT'D): never got anything out of the Assembly except three Law Books, but I've got fourteen years of the greatest pleasure, because I'm proud of myself as a woman that I can stand here with these noble, elegant, highly educated men and I don't think I've done or said anything to let myself down. And I hope that I shall be here after 1976 election to continue in the same spirit which I have now, and that is to serve the people of the Cayman Islands.

Now, Mr. President, I cannot say that I agree with this at the present time an Interim Development Plan authorised under the Development and Planning Law is used. I'm not sure that is right, I am not sure that that is right, because we have to have a plan, and that plan is a plan that is now being investigated as to its good and evil. What I feel is this, that the Planning Board should take into consideration lawful applications and pass them accordingly. Now, Mr. President, I cannot say I agree with all the methods of the Planning Board, it appears to me that if you are affluent enough and you want a thousand houses built you can get them. But I have some clients who were trying to build a house on Grand Sound, two families they want a four bedroom house for the two families, and they said oh no, you can only get a three bedroom house, but a man who has the privilege of building hundreds of houses if he wants, you know what he told my clients, man he said, you just get me to build that house and I'll get it for you. Now that is not right, and this is no flying rumour, this is a fact. And I feel, Sir, that one person should not monopolise (if there's such a word) the whole market, it should be a fair play situation, where everybody provided they have the ample land to build on could get a permit to build if they so desire.

Another thing I'm against this planning about, is I was told by the Planning Authority we are going to allow one house to five acres of land. I said it should be the other way around, five houses to one acre, but they say oh no. That was on behalf of some clients that I had who have bought land in the West Bay district for a development such as Snug Harbour. I do not know what will be the outcome of it. I agree that the Legislative Assembly has its final word in this Planning, but taking into consideration as in the past, I'm not sure how the cat will jump, I do not know if the people who represent the Cayman Islanders will stand up and say what is right and what is wrong. I know at least I can vouch for myself, that while I'm in favour of a good stable government, I am in favour of a government which considers the lesser man. When I say the lesser man I'm referring to people who own just one little parcel of land, and who if they lost it in anything other than what they think it would cause a great deal of hardship.

Now this Revenue and Expenditure, Mr. President and Members, I'm quite cognizant of the fact that money makes the mare go, and we need money to make our Government go. We cannot expect the Government to function without money, we have to pay our Civil Servants and I have always advocated Sir that you cannot have a good Civil Service without you are paying them livable wages. Well, thank God, we have got to the place where we pay them I would say reasonable wages, and their job is secure, it's not like the private sector who you might go in today and have a job and the 30th of November come you haven't got any job; but as long as these Civil Servants behave themselves and do as they should I'm very sure that nobody will intentionally turn them out just because they want to get rid of them provided they are doing their work. But, Mr. President I feel that at present some of our offices are over staffed. Sometimes I ring certain offices and I have to talk to about three secretaries before I get hold of <sup>to</sup> who I want to speak to. Now I feel, Sir that this would have to be gone in <sup>to</sup> very seriously, we cannot afford to employ people who really we have no work for them to do. Now I would love to see the Government in a position that half of Caymanians young and old were employed because the Government is a secure job, but we cannot employ people when we haven't got money to pay <sup>them</sup>, and not anybody hardly is working for love. Now I feel, Mr. President, in order for us to do such a thing we will have to very carefully go into this matter, when I say we I

MISS ANNIE H. BODDEN (CONT'D): don't mean the Legislators, I want no part or parcel in it, but I feel that Government representatives should view the matter very seriously, and do what is necessary.

Now these tax measures which have been introduced, I opposed the motor car 33 $\frac{1}{2}$  percent, and I lost it, I'm very content to know that if the majority want it it would have to go. But I heard last night, rumour chasing me again that certain parties have organised a march which they will put into effect, now I hope that isn't true. Mr. President, I hope it's not but that was the information which was passed over to me.

Now the Hospital first, Mr. President, I'm very proud that we have this Hospital, and I feel confident that we have some good doctors. Thank God, I have not had the hard luck to go there except for a cold, because, Mr. President, I've suffered so much in my life time with sickness that I feel I've had my share. But I understand that things are not too good at the Hospital, because it appears that most people do not want to take orders, and everybody wants to be captain that is not the good thing. If whoever is in charge as Matron, whether it's Caymanian foreigner or who it is he or she must have their staff under control, and they must be such an example that everything will flow evenly. Mind in my estimation Mr. President anything is only as good as its captain, whether it's the church or the state, and to have the best in our Hospital we need strong, good far-seeing people.

Now I was told only last night that there is an incinerator which is installed on the outside, and it has been installed with a rusty pipe which left out in the air will soon deteriorate to the extent where it might be altogether useless. Now, Mr. President, I am only repeating what I was told, and further it is/ <sup>says</sup> the grounds are in a/ <sup>most</sup> terrible condition; I feel that some attention should be paid to the grounds of the Hospital regardless if it's the Sanitary Officer or who has to give the directions that that place must be cleaned up.

Now Education, I'm very proud that we have this Comprehensive School going, there're still things to be done. For instance this morning I understood there could not be any school because the grounds were flooded out. Now, Mr. President, I'm saying this, when we get this Dock facility, when we get this Hospital renovation over we must take time and money to fix those school grounds where it will not be a sea when it rains. We must do the job, it's no good of going and starting now an Airport project up there, let us finish what we have commenced, and I feel, Mr. President that money would be well spent to have these school grounds renovated. Very unfortunately, Mr. President, our Prep School - Presbyterian School that we the ladies of Grand Cayman fought so hard to establish, that is on the rocks, financially on the rocks, and it might be closed down, where will those children go, that is the big problem. And the thing that caused a certain bank to collapse has caused our school, mismanagement.

Now, Mr. President, this loan to students is a good thing, and I hope that Caymanians will take the opportunity to further their education, and I hope and trust that when they return qualified in whatever field they may attempt to go into, that they will not be put down to the last run of the ladder. We have examples where Caymanians have fought and fought and fought and come out successful as lawyers, doctors, when I say doctors I mean dental doctors, and for various reasons they have had to leave Government service. Now I want to know, Mr. President, when these Caymanians who are trying to further their education when they return to our island they will not be treated as second class citizens, they must be given top grade jobs if they're qualified to take them.

We had a qualified barrister at law, a bank man of no mean order according to the letters behind his name, and when this Parliament Building was opened because he was a Caymanian he never even had the privilege of sitting in this Chamber although his name was on the programme, now that is not good enough. He left the service the first day of September, if he had had my blood the first day of August I would have walked out, because he never had to say a word, and he wasn't so bad looking, so I don't know why he was discriminated against.

MISS ANNIE H. BODDEN (CONT'D): Now another thing I have against this Education Programme is this, I've seen - we have certain teachers who have served, they mightn't have this piece of paper, but nevertheless they have given service, now I see it all about they're to be phased out, whatever phased out means, and replaced. Now Mr. President, to my way of thinking when you take a man or a woman's livelihood away from them you might as well cut their throats, because in this day and age it's not so easy may be to pick up a job, and I feel, Mr. President that our school there even if they haven't got a piece of paper, and they are doing a good job we should be more kind to them. I haven't got any certificate as an accountant, I taught myself bookkeeping, I taught myself typing, and I will put myself in any of these so call qualified chartered accountants, I will put myself with any of them, because I feel I can do just as good a job. Now I'm not bragging about myself, I am a very humble woman only thankful that my circumstances in life were such, so poor that I had to struggle for survival, and here am I, if I must even say so, I have struggled long and hard, and I haven't reached the top yet, but I'm well up the ladder.

Now the National Council of Social Services, Mr. President while I'm not too interested in it I will do nothing to hinder it. I spent twenty five dollars to buy tickets to go to their show, and I feel it's a worthwhile effort, and I hope that they will not only continue to help those who are needy, but that they will seek to get this George Town cleaned up. Oh that gets on my nerves, our cemetery down there the grass is that high outside the fence, there is the tomb of the Doctor George Shirt Hirst who died when I was four years old, he died at the age of forty one, his grave down there is neglected. I tried sometime ago to get it cleaned up, I bought the chain link and put around it, I left paint somewhere to get it painted, but it has not been painted yet. Now I feel, Sir, that one of the things this National Council of Social Services should do and that is to have the grave of that eminent man cleaned up. He built our old Government House, he was doctor, he was everything, and I feel that his memory should be honoured to the extent where his grave is kept good and clean, whether it's Government or who doing it. I have tried my best, but you know, Mr. President the slogan is, those that are inside can't get out, and those that are outside don't want to go in. I don't know if they're afraid to go in to clean the grave or what, but anyhow they do not.

Now the Mosquito Research, I have always said that this was a marvellously done job. I understand that some of the heads of this department said, this Assembly will never be any good 'til you get rid of Annie Bodden and Berkely Bush, all they are is trouble makers. Now I don't know if my Honourable colleague is a trouble maker in the mosquito department, but I can assure you I am not. I have always said that a good job has been done. I understand that the last Hy-Mac that they had they named it the Miss Annie, I don't know what if it was because it was so big or it was no good or what it was, but I'm sure I take it that it was to respect me. For how much I respect the Mosquito Control Unit.

Now Mr. President I don't know this air spray if it's doing harm or good, I do not know, I know that all my pear trees this year never bore but about six fruits in my yard, and I hear people say rumour again, it is due to the air spray, I do not know, but in any case if it's even destroying the fruits it is doing a great job in eradicating mosquitoes in George Town, I don't know about the other districts.

Now this Savings Bank and Currency Board. Mr. President I have said it, I repeat it, I have the greatest confidence in the Government Savings Bank, The currency, I was one who fought strenuously to get our own currency, there was only one stipulation I had in mind and it was this, no Caymanian's picture to be put on that money. Because it started here, and when I got out the Assembly that day there must have been a thousand who wanted their picture on this money. I said Mr. President, I will not even agree for Annie Bodden's picture to go on it much less anybody else. The Queen's epitaph and that alone. We have done wonderful in making the world know that we want something for ourselves, and that currency I'm very proud that I did my very little part to have it going.

MISS ANNIE H. BODDEN (CONT'D): Now with regards to the Government Savings Bank, and this control of currency. I cannot say I agree with the present appointment, I would be lying, because I think we have got on quite well and at this stage I don't know if we can afford to have such a highly qualified and I'm very sure good salary man. If the Government feels that is the best thing, I bow to their ruling. I feel we could have waited for a little later on.

Now this Police. Mr. President, if I were to tell you that I have personally anything against the Police Department I would say I do not. The Police have a lot against me. Mr. President, I'm a lone woman, I live in a house by myself, and some dogs were bought there some years ago, and those dogs have increased, and I have spent a lot of money on the dogs. I purchased for myself before the last election a German Shephard dog for which I paid seventy five dollars, and I have these dogs in my yard. Well sometime ago I had to spend a lot of money fencing my yard, because people were opening my gate, just to let the dogs bite them to get money. Well policemen served me the summons saying I had seven unlicensed dogs, which was not the truth, I had paid the license, and they dragged me to the court house four times, and the case had to be dismissed because they had no evidence. Well a little later on the big German Shephard bit a woman, because somebody had let out my other dogs and this dog got out, and it bit a woman. I paid the woman fifty dollars a week, and it cost me thirteen hundred dollars to pay that woman, and the police said we never got her on the first tack, we'll get her on this one, and again they dragged me in court house. Well the judge was good enough to say that my dog was not exposed and not on the street, so I escaped with that. But the case where the little boy had been a doctor that I had never seen in my life went in the court with his file before him and swore that it happened on the 23rd of October, because I said it happened on the 21st, and he went there, never seen me before in my life and told an infamous lie on me, well of course judgment was given against me in the sum of one thousand dollars, because it was accepted that I had never told the woman that I would make good to her this little boy getting bit. It was put to discredit me, that's what it was for, that's why I do not advocate people to go to the court house.

Now I understand that the - I don't know if it's since the new drug man is here, but I understand up to yesterday they captured two hundred and fifty pounds of ganja at Cayman Brac. Well I don't know Sir who did the job, but it was a mighty good one.

Now I know considerable increase has been in the Police Department, I feel, Mr. President, that we have gone as far as we can go in providing funds, proper housing for the Police Department, I cannot agree that we need a hundred and eleven policemen, I can't agree with that, I am saying say even seventy five six footers, men of high repute should be in our police force whether Caymanians or foreigners, we <sup>need</sup> men of standard, men who know the job, and men who will without fear or favour administer their duties. We need a Commissioner of Police who will patrol the streets sometimes, we need a traffic man who is seen of public, we need the C.I.D. who without fear or favour will do the job they need to do. I told a man up to this morning, I was calling a member of the Immigration Department, he said his telephone is unlisted, we cannot give you the number, I said mister I do not want you to do anything to break any rules, I will have to wait and get this information how I can get it. Mr. President, I feel that it is high time that Police do a better job than they have been doing, now I'm not blaming any individual, I am saying as a whole the Police unit is not satisfactory, I might be getting myself in trouble to say this, but I must speak my mind, and I feel Sir, I'm quite cognizant of the fact that it's under your able leadership, and I feel that something can be done to remedy the situation. Now there's one poor little fellow in the Police Department who I see in court quite regularly, and I consider he was one of the best of the crop, now he tells me after December you won't have my services any longer, I said it's too bad, he said but certain people who have done things they're retained, now I don't know what it's all about, I'm not trying to interfere in it, but I feel that each man should have justice.

MISS ANNIE H. BODDEN (CONT'D): the afternoon like we did, let them eat it, then bath and go to bed.

Now the Hospital fees, Mr. President, I feel personally that the Hospital fees are too little. If you go to the United States you have to pay fabulous amounts, and if we are providing services here we should be asked to pay for it. Now the very poor and those who cannot afford, let them be taken in free, but those who can afford to pay I feel that they should pay. This woman that I had to pay for her hospital bill, it costs me sixty two dollars, and I'm very sure that they tried to frighten me that she had to go to Jamaica for skin grafting etc., that I would have to sell my old house over my head to pay if she'd done that, especially since it was me, and they were trying to crush me. Now sixty two dollars was entirely too little for me to have to pay for this woman, then the other one I only had to pay fifteen dollars for him, well I'm very sure it should have been more than that. And I'm woman enough although I'm a poor woman to pay for what I want.

Now these Revenue measures to help our Budget to balance, Mr. President, I feel that we should cut down expenditure, we cannot afford in this recession year as they call it to go overboard and employ people who we do not need. We must try to curtail our expenditure, of course not at the expense of this good stable Government, we must have people who are prepared to do the job, work overtime if necessary to let things go on as they are now. But we cannot create any new posts, I heard as my good friend here said chasing rumours, I didn't chase it, this chased me, that there is a Establishment Officer here, now I do not think we need any Establishment Officer now, I mean if he was coming free it would be well and good, but I don't think we can afford it, and I feel Mr. President, under your able guidance you will put things right which are apparently wrong.

My good friend here the First Official Member, when I was first in the Assembly Sir, and the slightest little thing we called for, Roads, Boar, Lighthouse, his reply was you want to be grant aided, is that what you're after, being grant aided, well you'd better think what you're doing. Well I am saying this now to this Assembly they'd better think what they're doing, and not plunge this island in the rocks, they're trying to aid Jamaica, Cuba, United States of America, let us live how we have been living, getting what we can afford. Of course I agree we have to go in debt to get some of the things we need, but don't spend money as if it was were going out of style be reasonable. If you're working for Government and you have to stay an hour or two longer, be content to do that, after all when I was sixteen years old I worked, and in those days misquotees raging, sometime I had to stay out in that old office on the waterfront til eleven o'clock in the nights, misquotees eating me, and you know what I got ten shillings a week. When my boss was the Clerk of Courts I had to type all the depositions, summons, everything for that little measely ten shillings. That's why today I call myself qualified in any department which I want to step into, the long hard roll of experience.

Now about this million dollars, million dollars now is almost a minimum amount. You hear people talking about million dollars like we would talk about a dollar before, millions, well a million dollars to me is quite a sum of money, and we must curtail our expenditure, we must act prudently, we must do without some of the things that we want for the time being until we can get this balance of the Budget. We have to get these roads, we have to get this Dock Facility, the Air ort can stand as it is for the time being, repair the leaky shed up there, and let us go on. Now, Mr. President, I don't know how long I've spoken but I think I've said most of what I've had to say, and I thank you Sir. And I wish you, Sir, that you will continue as our President and so that you will be able to guide these people who prior to your arrival here were very rude sometimes, but you've got them under subjection. Thank you.

ADJOURNMENT

HON. D.V. WATLER:

Mr. President and Honourable Members I move that this House adjourn until 10 o'clock tomorrow morning.

SECONDED BY HON. G.E. WADDINGTON.

MISS ANNIE H. BODDEN (CONT'D): Now the Capital Projects - Administration Building is an accomplished fact of which I'm very proud. I even heard comments about that, that the Immigration should have been housed in that instead of the Tourist Board. Well I said you're not getting much money from Immigration I don't suppose, and you'll have to wait your turn.

The Roads, I want to see these roads finished, I want my good friend here not to grow weary in well doing, not to give up the fight, but please to bring his machinery to main George Town where we can have good roads. I know that his reputation is at stake in this road building programme, and I'm very much against him in this canal that he's cutting through Red Bay, now I'm against that one hundred percent. I don't know if consultants, civil engineers or who done the job, but they have made a grave mistake, and I hope before the end that they will see their follies and correct it.

Now the Airport Terminal Building, I feel that we must wait til finances are available. I hear all about that this freight shed up there is pouring like a basket, I don't know if it's true, again criticism at my poor friend.

Now the money to build this Dock, we shall have to find it, if it costs ten million dollars we must find it. I told Mr. Bush, my colleague from George Town about a year ago if it costs any less than four million dollars I would eat it when it was finished. You know that was impossible, and I'm very sure it's going to cost four million and much more, but anything that's any good ~~cost~~ money, and we're not going to let him down, or at least I am not.

Now this Broadcasting Station, I'm sure that I'm in favour of that, what I wanted was Broadcasting and Television combined, but those that are higher up than I am, I'm not so high up on the ladder, I am down the last round I suppose since I'm a woman. But I want to see when we can afford it that television is annexed to this Broadcasting. Now Mr. President I don't want outsiders to take away our island altogether, I don't want any outside television company coming here and running us and telling us what to do and what not to do. I want this thing to be Government controlled, it's like the dock we were proposing to put in the North Sound, all you could hear give us the Airport we'll give you forty two cents a foot, and we'll get outside capital to come in, and we will take in Government; As a legislator I will never agree to that. Government must take in outsiders not outsiders take in Government Sir.

Now the Cayman Bracers are doing what I say I'm always doing, struggling. Well Mr. President the most eminent rich people that we have in Grand Cayman with the exception of one they have migrated from Cayman Brac here, so Cayman Brac doesn't deserve too much sympathy, they were always the better off financially than Grand Caymanians, and I have helped them as much as I could. When they were trying to get lights installed in Cayman Brac they wanted a loan of ten thousand dollars, I think it was then, or it might have been pounds, and you should have heard some of these legislators. What these old Cayman Bracers want with lights, I said it's what the old Grand Caymanians want with it, the facilities that it will afford, and I voted and my vote helped them to get that loan from Government.

Now I do not agree with too many of these experts coming here, I feel that we can do a lot of stuff for ourselves. We know our condition Mr. President, we know what we want, what we need, and the money that you take to pay somebody to come and tell us what to do that money could be well applied to do the job, and I feel Mr. President that we have some able men here who can give us some good advice. Of course I agree that we need experts in a lot of things, but when I read in the Papers a couple of weeks ago about a nutrition I believe she was called coming here to tell us what the children should eat, I was very annoyed. I said they must eat what we have eaten, fish and breadfruit, and little tea and bread when we couldn't get anymore, and our ~~brains~~ developed, and you're not to cater to every foolishness that a child wants. Let them eat good stable food and leave all these cool drinks and ice cream and so on alone, let their parents provide proper food, and if they can't get it by twelve o'clock, when they come home five o'clock in the

SECONDED BY HON. G.E. WADDINGTON

QUESTION PUT: AGREED.

AT 5.20 THE HOUSE ADJOURNED UNTIL THURSDAY MORNING THE  
20th NOVEMBER, 1975.

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE. PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE., J.P.	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE., Q.C.	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, J.P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE., JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE., JP	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

CAPT. A. A. REID	ILL
MR. JOHN D. JEFFERSON	----



ORDERS OF THE DAY

THURSDAY

20TH NOVEMBER, 1975

PRIVATE MEMBERS MOTION:

1. MISS ANNIE HULDAH BODDEN, OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS

Has a Police Boat (new) ever been ordered?  
If the answer is "no", will Government state the reason why this Boat has not been ordered, and if there is any intention of ordering this new Police Boat in the near future?

Have the posts of Deputy Clerk of Courts and Assistant Clerk of Courts ever been filled, as provided for in the Estimates?
- (2) MR. G. HAIG BODDEN, OF BODDEN TOWN, TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

When will Radio Cayman be operational?  
What has caused the delay?  
How much is the delay costing the Cayman Islands Government?  
Will it be operational for the 1976 elections?
- (3) MISS ANNIE HULDAH BODDEN, OF GEORGE TOWN, TO ASK THE HONOURABLE V. G. JOHNSON, OBE - FINANCIAL SECRETARY

What will be the amount of deficit (if any) in the 1975 year's Budget?

Will Government investigate the reason why some individuals were granted permits by the Planning Authority to build Houses (Apartments and Duplexes) in quantities, while some individuals cannot get permission to build even one house, at a time?

Will Government consider amending the Customs Law to provide that prefabricated buildings (including houses trailers, etc.) are either banned from importation altogether, or that any individuals who want to import such buildings, are given permission so to do, and not special cases only?
4. CONTINUATION ON THE DEBATE OF THE FINANCIAL STATEMENT

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THURSDAY, 20th November, 1975

10 a.m.

MR. PRESIDENT: Proceedings are resumed. We proceed to Questions.

PRIVATE MEMBERS' QUESTIONS

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

Has a Police Boat (new) ever been ordered? If the answer is "no", will Government state the reason why this Boat has not been ordered, and if there is any intention of ordering this new Police Boat in the near future?

ANSWER: The answer is no. There were so many projects being carried out during this year that it was not possible to finance the purchase of the boat, at the same time Government was informed that another Government might make a boat available to us. This offer is being actively pursued.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Supplementary, Mr. President. If the Member could say how long, approximately it may be before between the two Governments might reach some decision?

HON. D. V. WATLER: That is difficult to say because we are pursuing this through London and we are waiting on an answer now, in fact, to use a colloquial phrase, "the ball is in their court just now"

MR. CRADDOCK EBANKS: Mr. President, if I may ask another supplementary question. If the Member doesn't feel that this boat should be considered or the purchase of the boat, or however we get it, should not be considered in a priority stage, if it is not a high necessity.

HON. D. V. WATLER: Well, as was stated in the answer, we had so many projects on this year that it was not just possible to finance it and then we were informed of this offer, and therefore we are pursuing this offer.

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

Have the posts of Deputy Clerk of Courts and Assistant Clerk of Courts ever been filled, as provided for in the Estimates?

ANSWER: The post of Assistant Clerk of the Courts has been filled and an offer has been made to an applicant for the position of Deputy and it is hoped that this post will be filled shortly.

SUPPLEMENTARIES

MR. CRADDOCK EBANKS: Mr. President, if I may ask the question, the assistant Clerk, is it a national or is it an expatriate, and the Deputy Clerk, will that be filled also with a national or an expatriate?

HON. D. V. WATLER: It is hoped that both will be nationals of the Cayman Islands.

MR. T. W. FARRINGTON: In view of the answer to question 2, there were so many projects being carried out during this year that it was not possible to finance the purchase of this boat, in view of this, is Government considering this as a very important matter?

HON. D. V. WATLER: That was the same question that the Member for North Side asked, and as I said, the Government was unable to purchase it this year due to the number of other projects that are being carried and that an offer had been made.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary question. Is there no one in that Department that could be promoted to that as Deputy Clerk?

HON. D. V. WATLER: I am not too sure what you are asking - executive Clerk, are you referring to the Deputy?

MR. CRADDOCK EBANKS: Yes, Deputy Clerk, is there no one into the Department at this time that could be moved from some position that they may be in, Secretary or what not to this position?

HON. D. V. WATLER: It is to be expected that the Deputy would be a trained person, as they may have to fill in for the Clerk on occasions.

MR. CRADDOCK EBANKS: Mr. President, a further question, basing it from a point of statement that one member of the staff is preparing to leave because they have been recommended by the authorities in the Judicial Department, as the Judge and the Clerk of Court for this appointment and it has been denied.

HON. D. V. WATLER: I wouldnt take that to be a supplementary - that's a statement, is it not? And at the same time, even if you are putting it as a question I think this deals with the Civil Service procedure.

MR. CRADDOCK EBANKS: I made that clear, Mr. President, that it would be in a sort of a statement, I didnt know what answer I would get to it.

MISS ANNIE H. BODDEN: Mr. President, if I may be allowed to ask the First Official Member, is it not a fact that two offices being filled, that another office in that Department, the person holding that is asked to leave?

HON. D. V. WATLER: The person that is holding that - what?

MISS ANNIE H. BODDEN: The person that is holding a job in the Clerk of Courts office who, in my opinion, is a very essential post, has not that person been asked to resign at the end of November?

HON. D. V. WATLER: I don't know about that and that is an entirely different matter because you would be asking me now if someone has resigned or not and this was not what the original question was based on.

MR. G. HAIG BODDEN (CONSTITUENCY OF BODDEN TOWN ) TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

When will Radio Cayman be operational?

ANSWER: It is hoped that Radio Cayman will be in operation by the first of February.

What has caused the delay?

ANSWER: The delay has been caused by the non-arrival of some of the equipment. We have been informed that these delays were due to shortage of steel in Europe where the shipment is coming from.

How much is the delay costing the Cayman Islands Government?

ANSWER: The delay is not costing this Government any additional expenditure.

Will it be operational for the 1976 elections?

ANSWER: We can foresee no reason why it will not be operational before the elections take place in 1976.

SUPPLEMENTARIES

MR. G. HAIG BODDEN: Mr. President, a supplementary. In the answer to the third part, the delay is not costing anything, would the salaries of people already employed be included in the cost to Government?

HON. D. V. WATLER: If you are referring to the salaries, and this I was not too sure what was meant by that and I thought that it might have been the additional cost of the station - yes, we have two members of staff have been appointed, but the appropriation for more than two members in our budget, and they have not been appointed, so there is an over-all saving in that respect, and the officers that have been appointed are busy getting together programming and material so that when the station is open it can function efficiently.

MR. CLAUDE HILL: Mr. President, with your permission, Sir, a supplementary question on the fourth part. I would like to ask the First Official Member will Radio Cayman be used for anything political?

MR. PRESIDENT: I think that's going rather far from the original question.

MR. JAMES M. BODDEN: A further supplementary. What will be the total cost by the time this Radio gets on the air?

HON. D. V. WATLER: I would have to look into our budget for that but I am not too sure myself right off. I think when you get to the Finance Committee you will get all those figures there.

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE V. G. JOHNSON, OBE. FINANCIAL SECRETARY

What will be the amount of deficit (if any) in the 1975 year's Budget?

ANSWER: According to the Financial Statement at page 3 of the Draft Estimates of Revenue and Expenditure for the year 1976 the deficit at the end of 1975 will be \$114,302.

Will Government investigate the reason why some individuals were granted permits by the Planning Authority to build Houses (Apartments and Duplexes) in quantities, while some individuals cannot get permission to build even one house, at a time?

ANSWER: Out of 105 single family houses or duplexes passed by the Authority there are several names that repeat themselves. The reason is that there are houses in sub-divisions which are obviously given a complete self design and build service. In a few cases the applicants are architectural designers themselves who offer the service and clear the applications through the Authority. This portion represents 12.8% of the total, the other applicants are single non-repetitive individuals, the number of refusals that have been given this year on single family houses and duplexes are 4 in number and this represents 3.6% of the total.

MISS ANNIE H. BODDEN: Mr. President, this will not be a question, it is a statement. I cannot accept that.

MR. JAMES M. BODDEN: Supplementary, Mr. President. Is the Planning Board using a copy of the Draft Development Plan in order to make their decisions at the present time?

HON. V. G. JOHNSON: The reply to that, Mr. President, is no.

MR. JAMES M. BODDEN: Could you give us any estimate, percentage-wise of the decrease and permits issued by the Planning Board this year as compared to last year?

HON. V. G. JOHNSON: I am sorry, Mr. President, I haven't those figures at my disposal just now.

MR. CRADDOCK EBANKS: Mr. President, if I may ask a supplementary. Could the Honourable Member say if any reconsideration has been given to the applicants with a single family houses that have been refused their application?

HON. V. G. JOHNSON: Mr. President, I cannot answer that because an application is either considered or refused, and I imagine that the Central Planning Authority gives every consideration to an application before it is refused, or before it is approved.

MR. CRADDOCK EBANKS: Then, Mr. President, if an applicant is refused on his first application on whatever grounds refusal may be issued, then there is no chance or hope of a reconsideration of the application at some other time, in other words, is it the intention of the Board to deprive an individual from not building a house?

HON. V. G. JOHNSON: Mr. President, the Director of Planning has told me himself that both he and other members of his department have gone all out in an endeavour to assist these applicants in their applications when there is something not quite in order with them, and, in many cases, they have been able to help the applicants. There are some applications that are refused by the Board for some specific reasons and these are, perhaps not considered again.

MR. CRADDOCK EBANKS: Mr. President, I thought of asking another question, but I won't bother - I will use it in my debate later.

MISS ANNIE H. BODDEN, (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE V. G. JOHNSON, OBE. FINANCIAL SECRETARY

Will Government consider amending the Customs Law to provide that prefabricated buildings, including house-trailers, etc. are either banned from importation altogether, or that any individuals who want to import such buildings are given permission so to do and not special cases only?

ANSWER: The Honourable Member of Executive Council for Communications and Works and Public Transport, is now examining this matter and it is anticipated that his recommendations will be presented to the Legislative Assembly as soon as possible.

MR. JAMES M. BODDEN: Mr. President, this is really not a supplementary, but I have before me copy of a motion, as well as a bunch of questions that were dealing with the same subject and they could not be put in because the Lady Member from George Town had already placed this question. And I wonder whether you would give permission for us to enlarge on this subject and ask a few additional questions that you may think might be misleading.

MR. PRESIDENT: I think we will have to take supplementaries related to this question as drafted. There is nothing to hinder further questions being put down.

Motions, I think, cannot be put before the House within six months of a motion on a similar subject, but I should have thought that questions were a different matter.

MR. JAMES M. BODDEN: Well, evidently, because of that it was not put in, Sir, so rather than to lose the value of it at this time, I would pose a supplementary that a trailer home was recently imported into the Island under section 10 sub-section (3) (c) of

MR. JAMES M. BODDEN (CONTINUING) of the Customs Law, 14 of 1971 which is the law that the question is based on. This was purportedly to be used for agricultural purposes, would the member state what type of agriculture it is being used for, who presently occupies it, and where it is located?

HON. V.G. JOHNSON: Mr. President, I am sorry I can't answer that question, I am not the Member responsible for agriculture.

MR. PRESIDENT: If the Member responsible is prepared to answer it that's alright, if not, well, perhaps the Honourable Member could put this down as a separate question.

HON. W.W. CONOLLY: Mr. President, I might remind the Member that on the Business Paper, this question has been asked by another Member, the Member from North Side, which will evidently be put down on the order paper for another day.

MR. JAMES M. BODDEN: I stand corrected, Mr. President, if that is so, but on my papers I did not see it, I just saw the question relating to the one that had been put by the Lady Member. Anyway, in that case, I will withdraw that, because if it doesn't come up as a question I'll use it in debate.

Could you tell us what duty was paid on this particular trailer and what was the declared value?

HON. W.W. CONOLLY: This is a similar question.

MR. PRESIDENT: I think that that will come in as a supplementary to the question that is down for reply on this particular incident.

HON. W.W. CONOLLY: The question is down.

MR. CRADDOCK BRANKS: Mr. President, if I may ask the Honourable Member, he said that this is being looked into. I wonder if he could say at this time if it's the border of this to be enlarged or more concrete decision taken against the importation of these prefabricated buildings or what not.

HON. V.G. JOHNSON: Mr. President, I don't know what is operating in the mind of the Honourable Member responsible for this subject whether he is giving thought as to whether prefabricated buildings, including trailers should be banned altogether, whether there should be specific restrictions and what form of restrictions. I am not too certain, he is studying the questions and his recommendations I suppose, will come forward in due course.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask, will these come back to the Legislative Assembly or will it be dealt strictly by the Officer or Member of Executive Council under whose portfolio this falls?

HON. V.G. JOHNSON: This is a question which must be dealt with by the Legislative Assembly because it will entail an amendment to the Customs Law.

MR. JAMES M. BODDEN: Will Government give future consideration to permitting similar trailers to come in for agricultural use?

HON. V.G. JOHNSON: This is the prerogative of the Governor in Council, which I cannot reply to, Sir.

MR. JAMES M. BODDEN: Is that prerogative only applied to special persons or can any one do it? Is any one allowed to put in and get a permit?

HON. V G. JOHNSON: I cannot expand on what I have just said, Mr. President. Its a matter entirely for Executive Council. Each application is examined on the merits and considered accordingly.

MR. JAMES M. BODDEN: Could you tell us what were the merits in this particular case?

MR. PRESIDENT: I must disallow that, we are dealing with a general question and we are getting on to a particular one, which is coming up later in question time.

CONTINUATION OF DEBATE ON THE SECOND READING  
OF THE APPROPRIATION BILL, 1976.

MR. PRESIDENT: I think we can probably proceed with the continuation of the debate on the Second Reading of the Appropriation Bill.

HON. V. G. JOHNSON: I'll have to wind up. I haven't got anything to wind up with. Should I wind up now, Mr. President?

MR. PRESIDENT: The motion is open for debate.

MR. CRADDOCK EBANKS: Perfectly al-right with me, Mr. President, if the Member feels like winding up, but I give notice that I will be speaking tomorrow, Sir,

MR. JAMES M. BODDEN: Mr. President, I don't think it is fair that being Government has the first shot at us with the budget that all of the Members on this side should be expected to speak first and then we get the bombardment from the sixteen inch guns on the other side at the end. We are willing to speak, if at least some of those will speak first and leave some of the rest to speak at the end. Other than that I will also give notice in the meeting that I will be speaking later on, even if the meeting is wound up by the Financial Secretary now.

MR. PRESIDENT: Well, the position is that the Budget Debate is in progress, that is open for debate and if there are no speakers then the Member presenting the motion is called upon to reply. Its a matter for individual members when they wish to speak but it must be within the confines of the debate.

MISS ANNIE H. BODDEN: Mr. President, the only thing that I am sorry of is that I am not allowed to speak a second time.

MR. JAMES M. BODDEN: Well, Mr. President, I wasn't quite ready. I still think its a shame and a disgrace that those who sit in exalted positions will not speak until we speak and they hold the prerogative that they can do that and then try to mis-read everything that is said from this side. However, I will assure the House, Mr. President, that when I am through and I sit down you'll see them scrambling on that side to get up.

Mr. President, I join with the other members of this Assembly in praise to the ability of the Third Official Member in his presentation to the Assembly. I do not say this just to make noise but his ability and his qualities are such that never cease to amaze me. I say that as a friend, as well as a so-called oponent on this side of the House. I think the budget was well-prepared, I think it was ably put forward and I only hope that all our expectations on this budget will not fall short like a case that happened during the war here, where someone was told it did not reach their expectations.



MR. JAMES M. BODDEN (CONTINUING): I hope our expectations will be reached.

We are privileged by providence to once more be able to meet here in a democratic way, under a democratic system, and discuss what has happened in the past year and what we hope will happen in the year to come.

The year to come could be a very eventful year in many respects, the last year has proven practically the entire world with all its geniuses that it could be wrong. We were no exception because I am sure sure that in many respects Government, as well as the private community got caught short in many respects.

I am sure that as we progress in this debate that there will be praise for what has been done and there will also be criticism for what has been done and what is hoped to be done. However, I would say that whichever way it is I hope that we can all join together gracefully and presenting ourselves in a manner that can be acceptable to both sides.

We are not just prepared to criticise, we are also prepared to lend a hand and to give you suggestions, which, in many cases, could be very valuable to you.

I, at this point, would beg leave of the Honourable Members that sit in exalted positions to quote to them the words of Disraeli "that no Government can be secure without a formidable opposition" and I say this again as I've said it many times in the House, Mr. President, because it is true. He was probably one of the wisest English statesmen that you ever had and I would not try to refute it. But the days are long past, particularly in this House when things can be put together and brought to this Honourable Assembly and expected to be passed without criticism. The days are past, and we could beg to bury them, when such things could happen.

Everything that comes to this House must be truly aired. No longer must we be told that we have no right to question. No longer must we be told that this is a subject in which we have no interest. Anything that happens in this Assembly affects the people of the Cayman Islands - it affects everything in this country and we are the people who represent this country and we are here to give notice that we intend to continue, at least, until the next election, a very formidable opposition. After that time, I would like to let my many friends know that I do not have any intention, at this time, of seeking a seat in the next Assembly so they do not have to prepare for me, but I hope that whoever follows me will be just as determined as I have been.

This Assembly, Mr. President, was elected by the people of this country and we, the people of this country, we the legislators of this country, rather, are the guardians of the people's trust. We each in this Assembly have our responsibility to our electorate - they are the people who placed the confidence in us to put us here, and whatever is for their good must always be uppermost in our minds.

Every legislation that comes before this House is going to affect each and every one who lives in these Islands, and Mr. President, we are no longer going to see such legislation be forced through this House by collective responsibility. We have asked that that be defined from London and to my knowledge, to date we have received no reply. I think the way we are operating is a manner in which it was never intended that the Constitution should have its effect. I have, for many years, said and will continue to say publicly and otherwise that the legislative Branch of a country must always remain separate from the official side of Government. The official and administrative bench of Government cannot truly be representatives of the people. It has never worked successfully in any country yet - its like oil on water - it does not mix and if the whole world has tried it at one time or the other and failed, well, then, Mr. President in a small country such as ours there can be no exception. One of these

MR. JAMES M. BODDEN (CONTINUING) days this must change.

As we go along with this debate I would ask Members to bear in mind that this proposed budget encompasses every aspect of our lives in this country - it covers a lot of subject material and I would ask Members to bear with me as well as with those who will follow me in speaking on this if they think they get out of order sometimes, because an iron hand can never be tolerated: we have passed that stage.

Lord Chesterfield said that "advice is seldom welcome and those who want it the most always like it the least", and I know that my Honourable Colleague on the other side will have many things to come back on - they will not be short of words. I am only hopeful that they will see fit that each of them will speak so that my colleague on my right will be able to be the last speaker and wind up after them. I throw that out as a challenge to them to see if they will accept it.

Mr. President, a long time ago this country embarked on its course and this was a course encouraging this country to be a tax haven. In doing that we had to make up our minds that we would not only share ourselves, but we would share our country with people from abroad. This is in conjunction with the tourist trade as well as the tax haven aspect and, Mr. President, if we ever hope that we will succeed in these two particular cases then we must at all times follow a course that would promote fair play and will put faith in the country.

Today we have reached a part of our history where I think the outside faith in the Cayman Islands has hit rock bottom and we cannot survive very long under the two courses that we set ourselves years ago when that happens to us. We all know its a small community, we all know that everything here is limited, particularly resources.

Faith, Mr. President, is the corner stone on which everything in life is built. Faith builds an economy and I submit that just because the Mother Country is going socialist or has gone socialist, there is no reason for us to follow. We have always been determined people - stubborn people - we have always been people that really do not like to follow others - we like to set the course ourselves and if a man is going over a precipice you do not go along with him nor do you try to push him over - you try to pull him back and I submit that just because the entire West Indies seems to be going over a precipice is no reason for the Cayman Islands to follow that same course. There is no reason for us to continue to copy onerous legislation which is put forward in some of the other territories. We, this past year, in my opinion, tried to promote, should we pass it into law, this Planning and Development thing, (some people have called it the Destruction Plan) - we have tried to promote isolationism and racial hatred, I would say, in that development plan, that our people are not used to. Isolationism has been tried and failed in every country in the world. We cannot just get up here in this Assembly and try to allocate money for tourism, hoping the tourists will come and only fly over the Island and drop their money. We must be ready to give something else. We either at this stage of the game, must make up our minds that we are going back into the seventeenth or we go forward into the twenty-first century. And if we are going forward to the twenty-first century then we must pursue a different policy than the one that our Government is apparently heading on. Eventually, Mr. President, the same thing will happen here that has happened in many other territories, many other countries - tourism for awhile has its natural glamour but the difficult thing with tourism is this that after awhile any tourist resort sort of takes on the natural atmosphere of the same country in which the person who has come as a tourist, has fled from.

MR. JAMES M. BODDEN (CONTINUING) People come to Cayman because of the warmth of the people - they come because of the stability that our Government has represented in the past. They come not just for the sand, sea and sun, Mr. President, because many, many Islands have those - we are not the only ones.

I will be commenting much later on in my speech on the Destruction Plan so I will not be saying too much about it at this time.

The foreign investor is the life-blood of this country. Years ago Grand Cayman survived and it built an economy on the money that came into the Island through our seamen travelling and working abroad. Anyone who deals in that business today will tell you, Mr. President, that that has come back to nearly a trickle. The plan fact is that most of our men, unless they were seasoned mariners the sea has lost some of its appeal, so we have to replace this with something else - we have to do it with a foreign investor. We have a limited amount of money in this country, a very limited amount and when we do not encourage the investor from abroad this means that the sources of capital which are so much needed to keep the wheels of an economic community running are unavailable.

The limited food we have here can only begin to oil the wheels to let the economy run - what we need is the fuel to put the steam into that engine, not just a little oil to lubricate the gears that they turn around. If this is not done and done shortly, Mr. President, we probably will not be in here but those who follow us will not be in here - many more years, having the privilege of debating a budget of nearly fifteen million dollars. You'll be debating fifteen million pennies.

The main thing any investor looks for in a country is its political stability. The faith that those who lead that country are leading it in the right direction. We have a very good case of that right near our shores today and should you travel there you will be privileged to see that the economy has come to such a low state that just about everything has come to a halt. If you look through the city you will see half built construction that looks like the ravages of war or the destruction from a hurricane, and that is because that particular country which is much, much wealthier than us and has many, many resources, was not able to influence any more foreign capital to come into that country. So it is ridiculous, stupid, insane when people tell us we are going to grow with the little bit of dough that we have today and think we are going to make bread. It is not possible.

People talk about the speculator - any country in the world today that doesn't have speculative money is a country that is in trouble. Speculative money is what builds an economy and eventually you will find it out in this country, as so many other countries have found it.

The whole world this past year has suffered - we are no different than the rest of them - the whole world is in an economic slump, but I feel like we in the Cayman Islands cannot blame the outside recession completely for our troubles - our troubles, so much of them, we have brought on ourselves. We have brought it on ourselves, Mr. President, because everything that is done must be done on the advice of experts - it must be done by bringing someone here to tell us how to even wipe your nose after your sneeze - they are all experts. Expert advice in many cases can be good, but it is nothing, in my estimation that beats plain, good, local common sense. I have seen so many people in my life-time that they are so educated that they needed an old-style, parasol plaited basket to carry their degrees around in, and Christ, they couldn't even find a glass of water in the refrigerator, and this is the position that we are getting into.

We have consultants and we have experts, and

MR. JAMES M. BODDEN (CONTINUING) God knows it is just like the Government Legislative Department now, you appoint one Secretary this week and next week you give that person four assistant secretaries, and this is a similar thing that is happening with our experts and our consultants.

A source in this country, Mr. President, reveals that the currency that is in circulation is down 6% to what it was in 1974, it shows that <sup>resident-</sup> deposits in the banks are down 38%. It shows that the money supply that is available is down 30%. It shows that non-resident deposits are down 10%. I am not about to tell this house that this is accurate, I only tell you that is done by a source of which I am sure that some of the other members of this House has also had access to it, but if these figures are any way near correct there is a lot of reason for alarm, because when we find that the businessman in this country has had to draw on his reserves to the extent of 38% in a year in order to keep his business operating it is time for serious consideration to be given. It means that he has depleted his assets to the extent of 38%. It means that he has lost that 38% plus a lot more in order to keep the doors of his business open, and I can speak to you I think with authority on this I am not a genius, I am not an expert but I have been involved in as much business and commerce as any man in this country and I am prepared to tell this country today that there's only one business in Grand Cayman in my estimation making money and that is Caribbean Utilities there is not another business in Cayman today that is making money, so it means that you have to continually pull on reserves and you can only pull so long. It means that the money is not available in the banks to inject into the economy - so where you going to get it from? You are going then to look for your outside investor and this statistic shows that that outside investor has also lost interest to the extent that either he did not have the money to bring into Cayman due to the recession in his country or he has lost faith in our Government to where those deposits are reduced to 10%.

So you do not have to bring an expert like Mr. Kissenger may be here to tell us something is wrong. Anyone with any little plain common sense can see the trouble ahead.

Mr. President, we have before us consideration of the 1976 Budget. I have a comment to make on that budget and that is this - its a budget full of hope. Lets hope we do not have any pitfalls to contend with this year - this coming year - lets hope that we do not have any shortfalls, because if we do, Mr. President, we are going to be in plenty of trouble. We are working on the premise that the shortfall in revenue for balancing the 1975 budget will be \$114,000 and we will be exceptionally lucky if this is not exceeded. When I spoke awhile ago by saying that I consider this to be a budget of hope, I made it particularly in this respect. As I go through this estimates and look through it, I find many Departments, I find many provinces of Government where for the past years we have had exceptionally large votes and this year I find only token votes. This was done, apparently to balance the budget, or try to balance it and Mr. President if we have to use money for any of those Departments in the coming year we are going to be in trouble. And as I go down in my speech I will point out to you the reasons I say this because if the Cayman Islands Government can come out in 1976 God's willing without having a shortfall of less than \$2,000,000 we are going to be the luckiest people in this Christ's world and I doubt \$2,000,000 would even cover it.

It is fine for us to stand here and talk about balancing the budget - sure, we can balance the budget when we increase the loan capital funds, or whatever it is from \$5,000,000 to \$8,000,000 we can always balance the books on one hand by doing that, but we are not balancing it in the important way which is revenue against expenditure, and we cannot, as long as we continue the policy that we are pursuing today.

We find in the summary of Revenue that the Harbour Dues decreased from the approved estimate of \$151,300 in 1975 to a revised of \$111,200. 1976 we expect a further decrease

MR. JAMES M. BODDEN (CONTINUING): of \$101,000 to \$101,300. I pick this out as just one item to speak briefly on, because we are going ahead with a rapidly expanding port project, yet, we are expecting a downfall in revenue from it. The other point of this, Mr. President, is that in 1975 the Harbour Dues decreased by approximately 20%-30% - that means that imports into the country decreased by that amount. Imports into the country decreased because construction was at a stand-still. The main things that came into this country this last year are the bare necessities of life, there was no money, there were no permits to build, the Destruction Plan took care of that. One Department that shows a little bit chance of making money has been the Judicial, with an increase from \$30,800 to \$35,800 and \$38,000 hoped for in 1976.

On Firearms Licenses, Mr. President, we show an increase of 25% for 1976 over 1975. This is a point that I do not believe we should be budgeting any increase on: if its anything it should be a decrease because, do not delude yourselves into thinking that there are not firearms in this country, and they are here in the hands of the worse people that could have them, the youngsters, because in many cases they are not mature enough, and in many cases, through the effects of alcohol and drugs they can use these things indiscriminately. So this is one part of the budget, in my mind, that we should be clamping down on and not trying to get an increase in it, but a decrease.

During 1974 Revenue Stamps of this Country yielded this country \$1,034,648 in revenue, or roughly I would say, 11 and a half to 12 per cent of our over-all budget. Approved for 1975 was \$700,000; revised for 1975 showed \$600,000 for the year. This, Honourable Members, is a 43% drop in one year. If that is not a significant thing to take into consideration then something is wrong with us. When one particular item, which has been the mainstay of the economy of this Island shows a 43% drop in one year, certainly we must stop and consider and this is coming about, Mr. President, because the foreign investor is looking at our country today and he is saying "Why should I put my money there - its worse than the Bahamas". That is why. And it is happening because people are not giving consideration to it. It is breeding distrust in the minds, not only of the foreign investor, but in the minds of our own people. We must remember today that in a neighbouring country of ours they have lost a lot of faith on the outside market, they have lost the chance of foreign investors to come in, but the main thing that has crippled their economy was the distrust and the lack of faith that their own investing public had in the country. They fled with what money they could get out with. No one will have to worry about that from Cayman because there will be none for you to flee with.

The public at large can thank God this coming year for one fact in our budget and that is there is only one Department that does not show a large increase in operations, and that is the Legislative Assembly. The increase in that being only \$139,814 from \$133,635 in 1975 so they can at least thank God a that although we might spend a lot of time in here, although 99% of what we say may be hot air, at least it isn't costing them much money.

During 1975 this Honourable House approved for the Public Officers Accommodation \$200,000, yet we spent \$280,000. This year we are asking for \$300,000 and we are told that the reason for that is because of Government's revised housing policy. Now, Mr. President, we voted \$200,000 for a certain item, unbeknown to us it was increased to \$280,000 an \$80,000 increase - this year you are going to increase it further and you are going to tell us that the reason for that increase is because of Government's re-revised policy governing this. Well, Mr. President, if that is so let us on this side of the House know what this policy pertains to, whether it means that a man making \$10,000 a year in salary will receive

MR. JAMES M. BODDEN (CONTINUING) \$2,500 for accommodation - or just what does it mean? Don't tell us its Government's revised policy and that we must accept it as just revised policy and vote on it. Too many times we have been used to rubber stamp this type of thing in this House, and no longer can it be tolerated. We must know on this side of the House just about everything that goes on.

There is one item in that Budget, proposed budget that makes me feel, I would say, quite wonderful and makes me realise one big fact and that is that in all human hearts there is still a little bit of charity and when I say that I refer to the item in the proposed budget for the poor relief. I see that finally the rantings and the ravings of my colleague and myself are catching on. We have increased that this year from \$8,000 to \$12,000. When I see that, Mr. President, although I am not a Bible toting man like the Honourable gentleman who sits a little in front of me, but at this stage I would have to quote some words from the Bible where it says - "Cast your bread upon the waters and it will return to you". Now I am hoping that this is going to return to the poor people of this Island in the same manner as the Cadastral Survey has returned to Government, because never in the life of a country has so much been lost by so many.

We have been discussing in this House, from time to time the implementation of an old age Social Security System and I am submitting to this House today that it is no longer that it is not time for us to wait any longer, the time is now. If we continue to wait on our experts we will wait until old age has killed one hundred per cent of the population that we have in the Island today and when we do get it all we will get is one of these wonderful national health programmes, and we do not want that, we want something that is suitable to the people of this country. Something that the people can be proud of, something that the Government can be proud of. Besides that, something than can help grease the economy a little bit.

I know it is difficult for some of my colleagues to hear us speak about this, because the greatest pain, Mr. President, to human nature is the pain of any new idea - its just like taking the sword and driving it through the body, but we hope that someone will take notice that these things will be done, because do not tell me we can expect in an economy such as ours for a family of four people to live on \$10 a month, poor relief. I know one thing, with that \$10 he will never be able to have electric lights, nor he might have anything else.

This year we are asked to vote \$4,500 towards the Approved Schools in Jamaica. Now I know nothing can be done about this at this time but I am hopeful that in the 1977 Budget that there will be a figure included in that budget to set up these schools in Grand Cayman. This, Mr. President, is like our prison system - it is time that our prison system be sorted out. We have discussed this in this House for the three years that I have been here. Our prison system is something out of medieval ages - it is something that we cannot go forward into the twenty-first century with. The time is passed when a person commits a crime and you export him away to another country, like the English did to the present inhabitants or decedents rather, the forefathers of the present people in Australia - this is all we are trying to do, the only thing is that we will never increase the race by doing that. And we must not let this rest any longer. The youngsters who are sentenced to these Approved Schools must have that approved school available in the Cayman Islands. The person who<sup>is</sup> sentenced for a crime must serve that sentence in the Cayman Islands.

I would even go so far as to agree to have the prison system set up in Little Cayman, rather than in Grand Cayman, but we must not take them out of the natural environment. We must not take them away from what God has given which is their own country.

MR. JAMES M. BODDEN (CONTINUING). I may be criticised highly in my next statement but at least it will show that I cannot only criticise but I can give praise. I think that in the past year we have shown some improvements in the Police Force. I am not going to tell anyone that I am satisfied with it one hundred percent, that would be stupid. I don't know what is the reason for it, but I am of the opinion that we have gotten some improvement. I believe this could be attributed to may be some of our own local officers and some of the recruits, I think they are working in some cases very hard to win the respect of the community and I think that we, as Legislators, and we as people of this country should give them at this time all of our moral support that we can give them.

I personally have said in this House before and will reiterate it this morning that I would like to see the Police more in evidence around town. I believe they would win the respect of the majority of the citizens of this country as well as being something for the tourists to see if we had a military parade of our officers and recruits at least once a week, around town, in full military dress.

I hope that we are giving consideration in the next year to training or giving our youngsters who have been recruited in the Police force a chance to be trained abroad in modern police methods. I hope that we are not going to keep them all here just to ride around town - I hope that we are going to pick the best of them that we have and send them abroad for the type of police training they should have, and I am not referring to one of the West Indian countries that we usually send them to either.

Commenting further on that subject, Mr. President, we also have in the United States and probably some of the other countries around some Caymanians who have joined forces with the Police forces of some of the other countries - some of them are lieutenants, some Captains and some may be just recruits, but I think that it is time for us to make a determined effort to try to get some of our own young men who are qualified in those fields back here to try to lead the force. I think it is time that we do this, Sir, we have a lot of them.

Now, if we expect the Police to do jobs - the police are like a carpenter or any tradesman, they must be given the tools with which to do that job and we cannot expect the Police to do a job, Mr. President, when we give them a piece of legislation that tells him to go out to the barrooms and "apparently" a person the age of twenty-one, arrest him. "Apparently" as we argued from this House-floor for days when that law was going through, was stupidity and it has proven so because as much as this is going on today I stand for correction, but I doubt that there has even been one arrest, what you think a conviction under that law, so how in the God's world are we going to ask a man to send a patrol to one of the hotels because they think the bar-tender is selling to someone under twenty-one and he gets there and this piece of legislation has tied his hands that says "apparently" of the age of twenty-one - what is he going to do? He could arrest me, thinking I am twenty-one, I believe I look younger than some of these with hair all over their face, you know.

These things in the law must be changed, Mr. President because in many cases these are loop-holes that are being used just to enrich particular people. I am calling on this House today in saying that the enforcement of the laws that we have in regards to the liquor laws must be enforced, in regards to the sale to minors. You have kids today in this country and you have bars that if that kid can hold up the fifty cents piece or whatever it is, to reach up to put it on top of the counter, he can stand there and drink till Christ comes. We have unlicensed liquor establishments that you go around and you see the Police sometimes in them, yet they tell you they don't know anything about them. You find establishments that are supposed to close under the law 10 o'clock, or eleven o'clock or twelve o'clock, staying open until four or five o'clock the next morning. Now no one can tell me that in a country

MR. JAMES M. BODDEN (CONTINUING) this small the few people that we have that somebody doesn't know this is going on. The time for covering this up is passed.

This is your reserve subject, Mr. President, and I hold you responsible to see that something is done about it because the Police is your subject and if the Member responsible for the Liquor Laws cannot see that they are enforced then I am asking you to see that they are enforced.

No longer can we accept the sweet talk with honey, we want action now.....

MR. PRESIDENT: I think if the Member would accept an interruption, we might suspend for fifteen minutes, unless he is going to be much longer..

MR. JAMES M. BODDEN: No, that's fine with me, Sir, I hope to go on until about 6, God's willing...

MR. PRESIDENT: I will suspend for fifteen minutes.

HOUSE SUSPENDED  
HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed. The Honourable First Member for Bodden Town has the floor.

MR. JAMES M. BODDEN: Mr. President, before resuming on the main part of my speech, I would like, evidently I did make a slip-up and my brain must have been thinking a little bit faster than my tongue. I think I said something about the Legislative Branch having the assistant secretaries - that was not meant in the way it was said. What I was referring to was that something or the other had increased like how it does in the Administration, with one Secretary being appointed then the next week, three or four, so if it came out otherwise it was not meant that way so I would wish to apologise and wish to have it corrected.

Mr. President, in speaking on the Police Department, one part of it that I am not completely in favour with is what I consider to be the lack of traffic patrols. I think that we could have much more evidence of the traffic department around the streets, but not just the streets but really the high-ways of the Islands.

I am going to touch at this point on the Drug traffic. Most people in the high places seem to think it is not a problem because we do not have many arrests and we do not have many convictions. Mr. President, I submit to the House that is a myth. This is a growing problem in our country - it is more and more in evidence every day. Just a few days ago, coming to the Assembly a fellow started to walk from my office, or in front of my office to the Assembly with me and I was ashamed to be seen with him. This was a man about 37 years of age and he was so high from the effects of some kind of dope that he was walking about ten feet up in the air. I had to finally speak to him about it, as good as I knew him, I said "I would appreciate if you would go on the other side of the road". So this is getting worse and worse - it is not just affecting the youth, it is even affecting the people in the higher age brackets today. We must do something about this - this we cannot have promises on. This cannot be curtailed, it must be completely eradicated.

I know that we received a lecture a few days ago from the experts in regards to eradication and we might not be able to eradicate the mosquito, but I believe that we are in a position to be able to eradicate the sale of dope in our islands.

Whether this affects, let's say the small man or it affects the big man, regardless who he is, it is time for



MR. JAMES M. BODDEN (CONTINUING) us to bring it to an end. This type of trade must not be tolerated any longer. If it means higher penalties, if it means undemocratically lecturing the judges, whatever it means we must have this thing eradicated.

This has been happening for a long time and as you go around in other country today you can see the adverse effects on the youngsters. I know that people will counter my argument by saying that different tests have been run in other countries and they claim that marijuana is not habit-forming and that marijuana is not detrimental to health. Well, I cannot believe that, Mr. President, because I have seen some of our youngsters that have graduated from our high schools with a string of O levels that it took a bushier basket to carry them around and a few months later you meet them on the street and they didn't know whether they were in Grand Cayman or they were in New York, and it was not alcohol.

We must not be too particular about the man who has one or two cigarettes (although I do not condone that), but what we must do is to get to the source and the only way you can get to the source is like a tree, pull it up by the roots, and regardless of who it hurts, this must be eradicated.

I think we could go a long way towards ensuring this if we had an adequate patrol boat that could search out our shores, could intercept vessels before they get here and another thing on that, Mr. President, is if we had strengthened our Drug Laws last year, like my colleague and a few other members on this side of the House and myself spoke out about, that we put the onus on the ship-owner, I believe we could go a long way to eradicating this, because when that ship is on the high seas and the Captain would know that his life was in jeopardy, his owners' vessel was in jeopardy, if he brought that to our shores with ganja, that something would be done - you would have another person trying to control it rather than just the police. That ship would arrive here in the harbour and it would not have the ganja because it would have been thrown off too far away to float back to our shores - instead of being put off at the reef, in most cases as it is today.

Whoever is responsible for this curse should be brought to their knees - I don't care if it is a minister in the community, or who it is - whoever is responsible - bring them to their knees like a wooden doll if you have to do it, but lets rid this country of this.

I was very pleased to see that one more idea that has been put forward and championed in this House by the stupid fools from the Eastern districts will be implemented, and that is the Police Cadet School and the Special Constables. I know we will not get any credit for it, I don't want it. I am quite satisfied to let it go some other place, I am only pleased to see that its happening. This is the way that we will build a Police force, this is a way that we will build a police force that will demand respect, because when we take the youngsters at 13 or 14 years old that is when their minds are very pliable, that's when its like a piece of dough, you can knead it. From that age on these kids will learn to accept responsibility, they will feel that they are an integral part of the community and then when they are old enough to step forward you can just move in there and take the best men out and put them as your full police officers. I think we should be very proud to know that we are considering this and not just considering it, I hope, but it will become a fact in the coming year. The same thing can be said about the Special Constables - again, I think that every man that lives in the country should accept and be willing to accept the responsibility of living in that country and play his part and play without looking for remuneration. I believe that we could have a very efficient system in this Island should we implement the Special Constables system to where we probably would have a hundred or more scattered throughout the Island that would be on volunteer basis.

MR. JAMES M. BODDEN (CONTINUING)- These people could help us tremendously in seeing that the laws are upheld particularly in whatever little community that they live in, so I hope that this coming year those two things will not be just talked about but will be fully implemented.

We voted in 1975, Mr. President to spend \$1800 to promote road safety, but instead of that we only spent \$200 - what did we spend \$200 on on Road Safety? It couldn't have been much. Now we can exceed the budget in every other thing nearly, except things that really get down to the grass-roots level of our community and I submit to this House that this is one of the items that more money should have been spent on and I am hoping that in 1976 we will not only spend the one thousand dollars which we will be voting on but that that will be one of the items that will be exceeded by at least twelve hundred per cent and that much spent on it additionally. We are dealing there with our whole country and all the people - we are doing something for their good and if we only save one life it would be worth one million dollars regardless of how worthless we may think that life may be. These are the things that we are putting here to legislate for and it is the things that we must uphold and fight for.

I will say this that I personally, Mr. President, am prepared to continue to attack this problem and to see that it is prodded along until something is done and that it has the vigorous support of this entire House.

I will proceed on in my speech, Mr. President, by touching on Head No. 5 I think it is the Finance Department. But before I go to No. 5 I think I would not be doing my duty if I did not comment on something in regards to Head No. 2. We are not put in this House just as Members to represent the small community of Bodden Town or the principality of East End. We are put in here to legislate and look out for the good of the entire country and it is quite evident when I looked over the Estimates of Expenditure for Cayman Brac to see that the Honourable Member there must either have been on vacation, sick or doing the duties of this Government some other place. I think I found out that he was representing our Government in a foreign country - I am pleased to know that he was able to do that - I hope he enjoyed himself, but I believe that his colleagues should have helped him along a little bit more and been a little bit more generous. The rest of it I will leave to him because I am quite certain that when he gets up to speak he will be challenging his colleagues as to why they were so derelict in their duty to Cayman Brac that they did not vote a little bit more money for him to work with. I see they remembered him, though, when it came to revenue - collection of revenue.

Mr. President, under Head No. 5 we have an allocation for the 1976 Budget of \$200,000 for electricity, I think it is Electricity and Telegrams that it is really listed under. Now that represents \$70,000 increase over the 1975 budget. The 1975 Budget was \$130,000, now this is not surprising to me because, Mr. President, I can readily see why it is going to cost this additional \$70,000. In fact, I will be surprised if we do not find out it cost \$170,000 because when we consider the high rate structure that we are paying for electricity, and when we consider what it will cost to air condition the Administration building, then I know that we are going to spend more than \$200,000. This will be a good time for me to touch on something else as I will not be wandering from the context of the budget when I speak on this and that is I am hopeful that during this session of the Assembly, that this Government will see fit to table in this House the Franchise agreement under which Caribbean Utilities operate. I think I am quite within my scope of order when I call for this under this heading because we are increasing expenditure by \$70,000 for a specific item. I think this would be a good time for us to have this subject completely aired.

MR. JAMES M. BODDEN (CONTINUING) We were told that this could not be done - we were told this was not the proper place for it, but I submit to this House that this is the proper place, this is the seat of Government. This is the place in which all our laws are made. This is the place where all the people's representatives sit by mandate from the people, and this is the place for Caribbean Utilities' agreement with the Cayman Islands Government to be put and it must be put - we must see it.

We were promised that an expert was reviewing the rate structure and should he find that the increase was not warranted rebate would be given. Now this, Mr. President, was at least a year ago that we were promised this, for God's sake what is taking that expert so long? Instead of that I hear rumours of yet another increase. Now this one will not come about, Mr. President, unless it comes by this House. The people are no longer willing to tolerate increases like has been tolerated in the past.

I am asking that this expert's report come back to this House, come back in as quick a time as it can - not just promises. We have waited long enough. The public has waited long enough.

I recently read an article in a Miami Herald concerning the utility companies in Florida. There was sort of a headline story about it - certain utility companies in Florida - (now bear in mind these companies are closely watched by many agencies, Federal and State) and yet, although those companies are restricted as to what they can charge, although they are restricted as to the profit they can make on their investment, which I think is only somewhere around 8.6% compared to may be 100% here, those companies had made so much money in 1975 that they were ashamed to admit it. Now that was the gist of the article by a reporter. Now if that is true of Florida I ask you to search your mind and tell me what is true about Cayman? If they were ashamed to admit it then these people should bury their heads in the sand like an ostrich.

I will say this that if the truth was known and if they had any humility at all in their hearts they would bow their heads with shame to see what is happening to the people of this country.

Mr. President, you owe it to this country to see that no one with a vested interest has the right as a member of this House to agree or argue in favour of a further raise in rates for Caribbean Utilities, and I am asking you as our Queen's Representative to be sure that that is enforced. No human being has ever been able to serve God and Mammon, and if that was true from Biblical times it is just as true today.

Mr. President it defies my imagination as well as it defies the imagination of many people in this country today as to how our Government could have been hood-winked into building a building like the Administration Building. I am proud to see that our country has gotten to the stage where it can have suitable office accommodation. I do not envy that, I am proud of it - I am a Caymanian, but Mr. President, I am not proud when I believe that people are able to come here as experts and blind our good common sense and intelligence to the point that we build something in a tropical climate like this out of glass. This, Mr. President, is not a good conductor for the air conditioning system - its going to cost three times as much to keep that building cool as it would an ordinary building and don't tell me its that pretty, because I don't think it is.

I submit to you, Mr. President, that it would probably take the full day supply of electricity that is generated by the Tennessee Valley Authority to keep that building cool. I have only been in it twice and the Member's office that I was in, (not the Member of the Honoured House over there) but some other members of the administration department and they have asked me "Step over here and put your hand on the glass", when I commented how hot the office was said its impossible to keep this thing cool. That is some of the inner circle.

MR. JAMES M. BODDEN (CONTINUING) Construction costs of this building has exceeded all imagination and expectations. The public and myself are asking why? Why cannot the contract under which that building was built be tabled in this House that we, the Members of the Independent party and the opposition will have a chance to see it? There is too much secretiveness. Secretiveness leads to added expenditure and that is what has happened in this particular case. We started out with a building at (a) amount of cost and we have wound up with a building at (z) amount of cost.

Mr. President, I submit to this House that one of the reasons for that is that the contract under which it was built, we have another contract which is full of loop-holes just like so many other contracts of our Government.

In a recent question-time in this House we found out ( I take that back - it was not in the House, in the Committee Room) , we found out that in the contract labour costs eighteen months ago was estimated for a carpenter at \$2 an hour, for an electrician at \$2 an hour, for a plumber at \$2 an hour - these were wages, Mr. President, we have been paying eight years ago, so it is not hard to realise that when a contract was drawn eighteen months and this was the contract price on which the contractor based and any escalation over that the Government would be responsible for it. It is not hard to figure out why this building has cost the amount of money that it has done. Because if you can find an electrician or a plumber in this country today to work for you for less than \$5 an hour you are exceptionally lucky. Yet we were told and in that contract were put prices that existed eight years ago - these are the things when we question, these are the reasons when we question, we think we can help - we are not doing it just to criticise. Because I am certain that if that contract had been placed before this House there would have been some poor benighted fool on this side of the House that could have caught sight of that one item. And it would have saved our Government approximately \$155,000.

Mr. President, we are the custodians and the guardians of the people's rights - they question us as to what is happening and that is their just right. We must have the correct answers to these questions and I am posing at this time the similar questions and the similar comments in regards to the Office Furniture. Why did it cost so much? Why? Did we get the proper discounts from the suppliers that we should have gotten? Did Government get benefit of them or did somebody else? I am told, according to rumours now, that some of these offices up there are furnished more elaborately than you would find in some of the arab sheikdoms, in some of their palaces. Now, Mr. President, I cannot consider that to be wise spending, not for a country of this size.

Mr. President, we come to page 77 of the Estimates and on that page, Mr. President, we find a figure of \$87,300 for the Cadastral System. Mr. President, I am prepared to stay in this Assembly, to stand on my feet, until hell freezes over before I would vote one penny for that bewitching monster.

I say that the Cadastral system has helped in some cases - I would be a fool not to agree to that but believe me it has also hurt in many places and I am prepared to see it come to an end now because if something is going to hurt as much as its going to help, then you must choose from one of the other evils and I say the evil would be if we kept it, under the present system.

I was going to say a lot on this particular subject but I am not going to say everything that I was going to say because I note I have a motion down on it also. I will say this, that if ever a country was lulled into complacency by sweet words and promises this was what happened to us in regards to the cadastral survey. We were promised everything in this God's world would be good - we were promised that we would have an era of togetherness in this Island that the world has never seen - brother would no longer fight brother and Mr. President, that has become true because there is nothing left for brother to fight brother for. It is true.

MR. JAMES M. BODDEN (CONTINUING) Recently a motion was brought to this House requesting a change in this law, to pin-point accurately its definitions, but, as usual, Honourable Members, that was doomed to failure before it was ever conceived. I am going, at this particular time to ask the House to bear with me for a few minutes while I re-trace the history of this law, so that everyone of us can fully understand and appreciate what the Cadastral system means.

In June, 1970 the introduction of a Land Bill was asked for by the Assembly and Government agreed to a prior thirty days notice. March the 23rd 1971 leave to introduce the bill was denied by this Honourable House. Now, Mr. President, it has to be an unusual thing that is ever denied by this House. Whenever you can get the full membership of this House to unanimously agree that something is wrong, my God that thing must be wrong, because I am certain that if we search the history of this Island from one end to the other we will never find such a thing happening before and I doubt we will ever find it happening again. The only other time I think that ever happened in history was when the first elected Member was elected to Executive Council by twelve members of this House.

After this happened, Mr. President, the Governor was recalled to London and he reported back to the House with orders from the Secretary of State and he made this statement, among many others -

" These bills will become law whether or not the people of the Cayman Islands want them".

This is the point, Mr. President, when every member of this House should have resigned and let the Governor at that point rule by mandate, and we would not have had these things to be arguing about today, because I submit today, as I have many times in the past, that if we, the Legislative Assembly of this country do not know what is best for this country, then no one else knows, and even though by the collective vote we lose so many things that we think are good for the country I still feel it was by the majority and the majority should prevail, and I am still willing to get on my bended knee to them, but Mr. President, when the complete House says "no", then there should be no one to over-rule us.

We were over-ruled and I am thankful to God that I was not a member of this House at this time, because I believe I would have lost my cool.

The President of the Assembly at that time when so far into the debate, Mr. President, as to accuse the Members of this House of being irresponsible people. That shows the respect that was accorded to these Members.

June the 9th, 1971, the bill was re-introduced and the introduction was challenged by two Honourable Members of this House as a contravention of Standing Order of the House which fixes the time of re-introduction at six months - needless to say, Mr. President, this failed. After this we had a delegation come to this Island headed by Mr. Lawrence. He was brought here to smooth over and placate the feelings of the people. He had meetings in the public areas of this Island., Later on a delegation of some Members of this Assembly were sent to the Turks and Caicos Islands.

The Legislative Assembly at that time pressed to no avail for the definition of "ownership" and the guarantee of the people's rights as Government had stated that all title was vested in the Crown due to the lack of grants, etc.

What happened? We find the Members on one hand pressing to get these things defined and we find Government on the other hand using the whip-hand and saying "It shall not be defined". Now, Mr. President, we talk about the land grants - there were five land-grants issued to this Island and there is no one today who could define where they are at, but I am submitting to this House today that all land in this Island is owned by the people of the Cayman Islands and not

MR. JAMES M. BODDEN (CONTINUING) by the Crown. I submit this to you for one reason - for over two hundred years this country was a settled country. For over two hundred years my ancestors along with the ancestors of some of the other members of this House ruled this country - we had no out-side interference at all. We had no paid representative from the Crown for over two hundred years - this was a settled territory and I submit that by settlement and for two hundred years or more of ruling themselves, the Government lost all rights to any lands they had.

I submit that they lost their rights in a similar manner to a man being missing for seven years, and you can go to Court then and legally declare him dead. Their rights were lost. They had not taken care of their vineyard and by not taking care of their vineyard they have forfeited that right, and that land that is on this Island today has always been private land and I will continue to argue until my death-bed that it is still the intention behind the law, and still the intention of the people of this country that that land is private land.

Adverse possession, Mr. President, gave the land to our forefathers and if any Member of the House thinks that this poor fool is talking on his own I am prepared to refer them to the history of this Island which is in many volumes like that from the Colonial Office and statement after statement written by the officials in Jamaica to the Colonial Secretaries in London will prove that they believed Government owned no land in the Cayman Islands.

Sir Kenneth Norman who was the Governor of Jamaica in 1844 wrote to the Earl of Darby who was Colonial Secretary and he stated in that letter that there was very little bit of Crown land in Grand Cayman or the Cayman Islands and he would advise his Lordship not to even go into the idea of trying to determine if Government owned any. This was done at a time, Mr. President, when phosphate had been discovered in this country and the Mother country was very anxious to find out if there was a royalty to accrue.

We go further on: in the same meeting of 6/9/71 Members of this House said that they would not object, provided the local customs, the accepted costs, the acknowledged customs were respected and written into the Law. This is what the House argued for. Committee session after committee session and yet in the same meeting the Honourable Second Official Member said - " I can see that no land will be Crown land, I can hardly any unclaimed and unoccupied land in the Cayman Islands". Now this is a statement which is made what we consider to be, from Government and yet we have a reversal of policies which I will come down in my debate and prove. This should not be allowed to happen.

6/9/71 there was a select committee of the entire House, with the Second Official Member as the Chairman selected. The Committee made a report to change clause K, sub-clause 2 (a) to read " For the purpose of this section a person is deemed to be in possession of land if he does not acknowledge the title of any other person to that land and by himself, his agents, tenants, or servant actually uses or has used the land to the exclusive use of the public, provided that where it is established whether by local custom or otherwise that any parcel of land includes an area of swamp or cliff land occupation or use of the other areas of such parcel shall be deemed to imply possession of the swamp or cliff land also". Let me further elaborate on what this meant. This meant that if a person could prove any little type of possession to a piece of land, whether it was by himself personally, his agent, or anyone else under his control that that land was considered his by possession. By local custom, it was implied that any area of swamp or cliff land was owned by the person claiming that provided he had occupation or use of another portion of land - it did not say that he must own 10 acres of good land to claim one hundred. It said so long as he had this or use of the other areas of such parcel, shall be deemed to imply possession of the swamp. So long as he could prove that possession.

MR. JAMES M. BODDEN (CONTINUING) Clause 15 (2) to be amended as follows - "The adjudicator shall adjudicate upon or determine any dispute referred to the Tribunal under sub-section(1) having due regard to any law or local customs or conditions which may be applicable. Well, we hear a lot of talk about "local custom" and conditions - we hear that the local custom that prevailed in West Bay is not the local custom for Bodden Town - that's ridiculous! The Island is so small, if it were a pea I could hold it in my hand, so don't talk about a different custom - there are a few little things but I wouldn't bring them up to day as to what they would be.

Clause 26 - an amendment was moved to this by an Honourable Member of the House to insert after the word "Administrator in Council" the words "with the approval of the Legislative Assembly". That was a very wise move, Mr. President and Honourable Members, but as usual it was doomed to failure before it was ever conceived. When that was done, Mr. President, it was done in this manner. That particular thing caused a tie vote and the tie vote was broken by the Chairman using a casting vote. Now, Mr. President, I humbly submit that at that particular point the entire law should have been scrapped because this was against all rules of order - this was a continuing thing, and the Chairman should not have used his casting vote to break that tie - it should have been left to continue until suchtime as a majority of the elected members could have been present and let them determine whether it was going to go forward or not.

The final Committee's report, Mr. President, to this House was signed by only six out of fifteen members and only four of them were elected members. Four out of twelve - even after all the steam-roller effect had taken place, still only a third of the members were willing to sign the report that came back to this House.

I am going to go on now into the adjudication decisions. 1/6/75, 12/12/74 - The adjudication decisions by the Adjudication Court have shown and state clearly the adjudicator's position on swamp lands - the high-water mark for all practical purposes is the line where the mangrove meets the sea. Now, Mr. President, we come to an adjudication hearing on 11/20/74 and this reveals a lot. This reveals in that particular hearing, Mr. President, that there was an operative directive dated 6/9/72 which dealt with the apportioning of swamp land throughout the Island. Now this is right. If I hire somebody to do a job for me I either give him a directive by word of mouth or I give it to him in writing as to how he must do it. So this was done with this Government. Yet, in this particular hearing it was revealed that Cadastral had an undated directive which was circulated in September, 1974 which was unsigned and which was different. Now you will remember this thing, Mr. President, because the three of us on this side came to your office with this particular thing. We went through many meetings with the man in charge of the Cadastral system. People in charge of the Lands and Survey Office and we were told (my colleagues tell me they believe it was the previous Governor and I would ask you to excuse me if I am wrong, but I thought it was you....

MR. PRESIDENT: You are correct.

MR. JAMES M. BODDEN (CONTINUING) After all these meetings, between the Honourable gentlemen and ourselves we were told and assured that nothing had changed in cadastral system regarding the Eastern end of the Islands. This is what we were told. They knew nothing about this new directive. Finally, Mr. President, we had a meeting ( or I had a meeting) with Mr. Conolly - a file was produced and there was this directive, a different one. It wasn't produced, I searched for it. At that point I wanted to find out who was responsible for this and Mr. Wraight, who was in charge of the Cadastral system at the time was called to Mr. Conolly's office and he admitted that he had put this directive in and this is what Cadastral was now operating under. But in this case the ground work was set and laid because the Adjudicator set the tone for the rulings of the Eastern end of the Island when he said, on this case, "each claim to swamp land must be examined on its merits, pending the political legal decision which is necessary to lay down the guide-lines for the future (the future) adjudication of swamp land in Grand Cayman". Remember at this point,

MR. JAMES M. BODDEN (CONTINUING) Honourable Gentlemen, Lady, we are going eastwards, we have finished with West Bay and George Town and this is when the thing is changed. After it had been proven that the system could not work for the benefit of the Crown in West Bay and George Town we change it to go eastward. At that point, we have the advent of Mr. Howell who takes over from Mr. Owens (I have some more to say on that as I go further, too), and to date all swamp land claims that have been adjudicated east of Grand Cayman Estates, up to the Cayman Kai boundary, which is just as swampy as any of the rest of it, has gone to the Crown, not all the land, but the majority of it. Now I am not against the Crown having what I think is theirs, I am not against Joe Brown having what he thinks is his but my God, give me what I think is mine too, and I am saying the people of the Eastern Districts have been fooled and although I was against the canal in Red Bay, it may be a good idea to locate the canal there and let us secede away from the rest of you.

I say that the tactics have changed as we go eastward - there is no more challenge by the Government on the swamp land issue - they are now challenging on the basis that it is waste lands and as the Government owns the high-water mark on the shore-line under common law then the claims advance inland as far as they wish to go. Now, this is what they are doing - they have changed the complete thing when they told us it was only one directive. They're using another directive which is wrong and unconstitutional - you are taking away what belongs to the people and Mr. President, there is going to be a lot more heard about this before it is through. I am asking the people to wake up before they cause any more trouble.

In this particular area we have had cases of documents over sixty years in evidence which stated the boundaries and yet although sixty years is supposed to be a title against the Crown, they could not stand up. I am saying that this has been the biggest land-grab in history - Government should be ashamed to take away the people's right in this fashion. The prestige of our Government has been lost - the people are no longer looking on it as one of fair play. The face that is built up by the foreign investor is beginning to be lost.

And now I am going to touch on a sore point. I am saying to this House that the adjudication hearing which is presently going on in our country is a farce - it's a kangaroo court presided over by a biased individual. First of all, the man should never... (you will share your head some more), the man should never have been appointed to that position because he had to be biased - he was in charge of the cadastral system of this Island and with all the knowledge that he had on individual claims and so forth he should never have been put in there as an Adjudicator to give an unbiased ruling - it's impossible - no human being could do it.

I personally will never be satisfied until our Government acts fairly in this matter. If Government had come to the people and said "we are going to put this into a National Trust - we are going to develop it with you having a percentage and Government 51% - " you could have sold it to the people - it would have been here - everyone would have wanted Government to get something out of it. But my God, do not take away from the people just because you have the power to do it, what they rightfully own.

We must remember that the easiest thing of all is to deceive one's self - for what a man wishes he generally believes to be true, and this is what we are doing - we are wishing, we are deceiving ourselves and we are making ourselves believe it is true.

Mr. President, many sinners never repent until their death-bed and I am saying to-day that it is not too late yet for those who sit in exalted positions to change their attitudes on this before this country has more trouble.

Give us what belongs to the people. While I am on that subject, there has been talk in the press and the Honourable Third Official Member touched on it in his address about the land tax and so forth and so on. I am pleased to see his comments on it, but I believe there was an intention at one time that this should be done, but remember this, when we are dealing with taxation we are dealing with the entire population of this country, plus the investors from abroad.



MR. JAMES M. BODDEN (CONTINUING) And no man is going to be taxed out of existence. You must remember that that is what created the greatest nation in the world today, was taxation without representation. And this is what our country is having today, is taxation without representation because our people are represented by only 12.0708 per cent of the registered voters of this country. That's what it is - I'll show you the figures on it, and as long as we have that type of thing we are going to have room for doubt - we are going to have room to re-consider.

You know, all through history Caymanians have been very patient people - they are not easily provoked to wrath. When you back a man against the wall there is no other place for him to go but forward. Remember that, and I feel that in so many cases today that is what we are doing - we are backing a man against the wall and expecting that he is going to go backwards to that wall - there is no place for him to go back forward - remember that, and we will never in this Island submit to a land tax or to an income tax, because for the first thing, the two could never work - it would kill everything that's ever been started in this island and on which we have built the heritage of this country, so if there is anyone in this Government that has that in the back of their mind, now is the good time to get it out.

On page 85 of the proposed Budget we have a \$14,000 contribution to the UN Development programme - personally, Mr. President, with all due respect to the great United Nations, I wouldn't vote one penny for that because if it is U.N.'s expertise and advice that has put us in the condition we are in today, I say then we have no room for them - let them go back to New York - let them continue to make the mess that they are making of the rest of the world and leave us alone. Because every time we turn around we are hearing this man is from the U.N., he is attached to this and he is going to tell us this. And we find that we get ourselves in a bigger mess than we had before. Let them take their socialism and nationalism and go some other place with them, leave us alone. So personally, Mr. President, I could never agree to voting one penny for that, until I see some concrete good, because I can remember going back years ago when we had the U.N. advisers come in to advise us on the Development Plan, and my God we have had trouble since then.

MR. PRESIDENT: I think if the Honourable Member would take another interruption, we might suspend for lunch at this stage.

MR. JAMES M. BODDEN: That's O.K., Sir, thank you.

AT 12.50 P.M. THE HOUSE WAS SUSPENDED

AT 2.30 P.M. THE HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

MR. JAMES M. BODDEN: Mr. President, Honourable Members, at this part of my discourse, I will be directing it to the Customs Department. The Customs Department's figures reveal that in 1974 this Government received in Import Duties \$4,638,713. As usual even in a recession year you try for an increase, so this last year we budgeted hoping that we would receive \$4,860,000. I see by the Estimates that it is revised again and we find that if we are lucky we will come out with \$4,500,000.

Mr. President, this shows quite a decrease over 1974 - it shows a much larger increase over what was expected for 1975, and we are hoping that in 1975 we will get \$4,800,000. I am stressing these figures to this Assembly to prove the point that it is time we wake up. Customs Duties for many years have formed at least 40% of our recurrent budget, or furnish the money to keep the recurrent budget, I should say, going. But when we find that it is decreasing we must stop and think. This decreased, to an extent because of the world-wide recession but we cannot sit here and blame the world-wide recession completely for all of the ailments that this Government has. It goes much deeper than that. This has happened because of the policy our Government has pursued. We have pursued a policy that is curtailing development. We have pursued a policy where people have lost faith -- we have pursued a policy where money is not available locally and if we continue on this policy next year, God's willing, the people that follow us will be in here debating a budget where they may be only looking at two and a half million dollars from customs. Now when we increase the expenditure on the over-all budget from approximately eleven million dollars last year to around fourteen plus million this year, it is quite an increase, and if we continue to get decreases like this in the Customs Department then we are going to have to find some other void that this can be filled with. I will be submitting later on in my discourse some additional information on this and I hope that the powers that be will take them into consideration.

Information again has been submitted locally and circulated which shows that imports for 1975 are down 32% over 1974. I cannot, nor will I try to say that these statistics are accurate but if they come any way near to being correct it is something that staggers the imagination. This means that the money is not circulating locally, it means Government revenue is even going to be down much more than the figures I quoted awhile ago. This same source, Honourable Gentlemen and Lady, tells us that construction is down 60% and this must be true because similar source tells us that work permits for 1975 are down 30% since 1974. If these figures are accurate then it means that the construction trade is suffering and suffering badly. We must look at one fact that we cannot escape and that is this - it takes at least the expenditure from 150 tourists to amount to what this exconomy gets from one person who builds a home and lives in it. We should be giving due consideration to tapping the markets abroad to try to entice the retired person to come, invest and live his declining years on these shores. We have got to give this deep consideration because if we do not, it means that the number of our men today who are employed in the construction trade who were world-renowned mariners have now seen fit to come and live ashore with their families and to apply themselves to the construction trade. It means that these people are going to be out of work - it means stoppage of the entire economy, so we have got to get our heads together - we have got to forget that this House is controlled by only one side of the House - this must begin to be a united House and it can only be a united House when both sides understand where one side is trying to lead to. As it is now, the Members on this side of the House are just as blind to Government's policy as the old horse was in the horse and buggy days, when you put the blinds on him and hoped to God he steered you in the right direction.

MR. JAMES M. BODDEN (CONTINUING) We only come in here to approve policies after that they are already committed. This day and age this is not acceptable. This is a democratic society which was founded on the blood of our forefathers who experienced, I imagine, many an oppression in the respective countries they came from or they would not have not been willing to come out into a wilderness like this and stand up to the mosquito problem and try to build this country. So what they have done we must carry on. And I am prepared to see the day when this House will decide that it is going to work together for the common good of the people and we will not submit to dictates that are given to us by someone else.

I would point out at this time that it would be possible, may be, in the coming year, to increase the revenue from Customs duties if we pay a diligent regard to the importation of pre-fabs and trailer houses. If we see that something is done about those two items it might increase the budget a couple of thousand dollars at least.

Head No. 9 - Legal Department. Under the budget this calls for the appointment of an Assistant Attorney General. I would like to make one thing plain at this time that I hope whenever this post is filled that it will not be a political appointment. I hope that whoever is accepted for that position it would be accepted on one basis only and that is merit and ability.

I would like to stray a bit further on that particular subject by saying that I consider it an obligation of this House for the Second Official Member, whoever he may be, to be an impartial man in this Assembly. I think that when the Constitution was put together and that post became a part of the political process that it was not intended just for additional vote on Government's behalf - it is my opinion that that was done so that this House could have guidance, could have suitable guidance and could have it from an impartial person. So I do not go along with the belief and saying that the Second Official Member is here only to guide Government's business. I submit that the entire House is Government's business.

Head No. 10. Agriculture. This shows that our Government and the Member responsible is really beginning to get concerned about agriculture. We are preparing for 1976 to spend about 17 and a half per cent more money than we did in 1975. This is one part of the Budget that has been increased and I think rightfully so, because it is time that Government begin to promote agriculture and promote it a little bit more. Agriculture will never be, in my estimation, the mainstay of our economy but I submit that if Government were to pursue a policy in regards to agriculture where they would give more monetary support, more moral support to those who go into agriculture, it would be possible that it could survive in this country, otherwise than that it is going to be a dead business. The days of the farmer going out with his mosquito pot and a machete and trying to dig a few holes to plant cassava are gone. Today he has to use mechanical equipment to clear his land - he has to use mechanical equipment in every respect and a man does not have the money to buy that mechanical equipment. This mechanical equipment in many cases is already available through Government but instead of that it lies idle in some deserted yard some place, instead of being put to use in agriculture.

It is fine to say that we are going to spend this little bit of additional money but when we spend this additional money it should be spent wisely too and it must be done in such a way that the policy is effective and that the policy helps everyone that it is intended to help.

In 1975 we spent \$81,153 in the Department of Agriculture: this coming year we will be spending \$98,736. But that is only a small amount of money and the thing that makes me wonder at this point is whether this \$17,583 additional will be able to take care of all the additional agricultural land which we are planning for. We couldn't even plant maidenplum if we were seeding it with the mosquito

MR. JAMES M. BODDEN (CONTINUING) plane for this amount.

The only comment I would make on that would be this that I hope we can rest assured that the Member responsible for this will work a similar miracle to the one our Good Lord did with the loaves and the fishes, because if he is not in that position then we are going to have a lot of agricultural land go to waste.

While I am dealing with the subject of agriculture, I am speaking now without it being authenticated by myself, but I understand that for years and years our Government has operated with laws on the books that ban the importation of meats from different countries. This was done because in those countries you have the hoof and mouth disease and may be even some of the anthrax we had such a lecture on in previous sessions of this House. Now if the Legislators at that time in their wisdom saw fit for us to have such a law and we bring a man here and pay him a very good salary and appoint him as Head of a Department then I feel that the decisions that are made by that man should not be countermanded by anybody. In the future, lets make it unmistakably clear today that we do not want to think that there is any favouritism connected with the Department of Agriculture. We want to think that it is run on an impartial basis to where everyone has their just chance, be it a legislative member, be it a pauper on the street, be it the Governor - everyone is treated as one person.

I am very pleased to see that Government, this past year, has seen fit to buy the land on which to put an experimental farm. I am much more pleased to know that you have to come to the district of Bodden Town in order to find the good land to do it with, but I am hope-ful that that farm will not be just a little isolated corner of it <sup>that</sup> will be planted, I am hope-ful that in the coming year we will see that entire thing put into production, and put into production to where the people of this country can get help, the people who do not have the means available, who do not have the expertise can go to this place, spend a couple of days may be working there and be lectured by the agricultural department as to the best methods to be used to cultivate the crops.

The Eastern districts of the Island have been known for years to be the main areas in which cattle are raised. And I am hopeful that in the coming year, although I see no provision for it in the estimates, that the member responsible for this Department is going to work a similar miracle as Christ with the loaves and the fishes in that the Eastern districts will get a cattle dip.

Now, Mr. President, Honourable Gentlemen and Lady, we come to Head 12 - Town Planning Department. We are asking for \$69,512 for this Department in 1976. 1975 we approved \$53,953 to be spent yet I find in the Estimates that we have spent \$68,352. This again, Mr. President, I consider to be a departure from the manner in which our Government revenue should be spent, but I imagine that the reason this additional expenditure was incurred was to take care of the destruction Plan. I hate to know that we have to spend that much money in order to put this country into the position in which it is today. I would remind Members of this House that at the present time there is a very popular saying around town and I will quote it for those who have not heard it - the construction workers are saying "When the belly aches for want of food, promise it the Development Plan". The pain goes away when you do that.

We must realise that our country is dependent on the continuing growth of the construction trade. And you look around town today and you tell me how much construction you see going on. Look around the country as a whole, tell me how much you see? We cannot blame this all on the recession.

Lets take a further look at the statistics that are available on this Department. When we do so we find the continuing damage to the economy that is being done. In 1974 the fees collected by this respective Department were \$31,340. Approved for 1975 was \$30,000, but instead of collecting \$30,000, Mr. President, we find that this Department was only able to collect \$7,000. That is a decrease roughly of 400% - that alone should give the people in Executive Council an idea

MR. JAMES M. BODDEN (CONTINUING) as to what is happening to the economy when the most honoured department in our Government loses revenue of that amount percentage-wise in one year, then it is time to wonder what has caused it. It has not been caused just because of an error, it has not just been caused because <sup>someone</sup> was negligent in their work - it has been caused because of the road on which our Government is going down-hill.

1976 = from this particular Department we hope to get \$20,000 and I will say this that because we have listened to the experts, because we continue to listen to the experts, it will take us to 1990 to catch up with the 1974 figures from this particular Department.

The Development Plan, Mr. President, has stagnated the entire country, brought prosperity to a halt. For instance, the soil report as reported by the Third Official Member shows that in our country we have only about 8400 acres of land which can be considered good. Yet, under this Plan we are considering probably 40,000 acres as agricultural. No thought, Mr. President, was given to consulting with the local people or to search out, see and find out for themselves what they were doing. The only thing that I can say at this point, Mr. President, is that when the people developed and put forward to the people of this country the Development Plan, in my mind it was like giving a two-year old kid a blank piece of paper and a box of crayons and hoping to Christ he would come up with something. Because this, apparently, is what was done. We have areas that have been designated for certain things that they could never work for. We have places like Spotts, the Bluff of Pedro zoned as agricultural land and not even maiden-plum or prickley pear can grow there good, nothing but cliff - what were these people thinking about? Did they think that everybody here was a complete idiot? That plan, Mr. President, would have been ideal for a deserted island like the Galapagos but not for an area like Grand Cayman, which is fairly well developed, up-to-date on its own. I have travelled as much probably as any member of this House, been to many countries, and I am sure that this is a problem that is inherent in every society and I have seen places, Mr. President, that have not been as badly affected as this country. I have seen places that have grown in many respects, yet they are telling us at this time that the only salvation we have is to adopt that Development Plan. Well, then I am asking the Members of this House, what did our forefathers do that was so wrong to develop this country? Because things are not that bad in it, people throughout the world can come here, think its a good country, and it could never have happened if our forefathers had not been the kind of people they were. Believe me, if any of you would take the time and check it our forefathers were like the old sailing ships of long gone era, they were built of wood but they acted like steel. These people did not bow down to every whim and fancy that came their way, they might have been wrong but they stood up for what they believed in. And there was only one way to convince them otherwise and Mr. President, I am hopeful that sometime in my life-time I will see our people get that back-bone again.

For nearly 200 years this island was forgotten - nobody paid any attention to it. We developed as the poor people of that time saw fit to do. They laid, in my estimation, a good ground-work for us to follow and I think that today many of them their ashes would turn over in their graves if they knew what was happening in our country. They didn't have the experts to guide them they only had common-sense and intelligence, but they built a country here that has been popular throughout the world - they built us a heritage, and my God we must stay with it.

This particular subject, Mr. President, has been a very controversial subject ever since its inception in 1971. No one has accepted it with the belief that it was an end to all ills. This particular thing has never been popular locally - there are many countries today in the world that operate without such plans, many large cities that do, but we <sup>are</sup> getting a Development Plan and we are going to get

MR. JAMES M. BODDEN (CONTINUING)

what the experts want for us and that is it. It is going to be pushed through this House on the collective vote and we will not have one thing to say about it but accept it, and I consider this bad, when a law with such magnitude to it can be put through as legislation when we only have 12,0708 of the registered voters in this country represented. It is time that we change, time that we think. This Plan is a Plan that will shape the destiny of this country for years to come. This is a Plan, in my humble estimation that espouses the cause of isolationism and I am saying to this House today that there is no place in our country for the ideas behind that plan. For hundreds of years our people have been like gipsies - they have travelled to every corner of the globe and they have made homes for themselves. They have been accepted as a part of foreign economies - they have been accepted as foreign citizens in other countries and yet, all of a sudden, we are going to get to the point where we believe that we do not need people any more. We are getting to the point where we are saying - "Fly over our island and drop your money down in a parachute but we don't want you". We have plenty of land areas in Grand Cayman that can be developed and we must go towards that development - its the only solution this country has.

Isolationism - take it where you take socialism and nationalism and communism - we don't want it here.

Originally in 1971 that plan was rejected by the people, but I am saying to the House, in 1975, as much as I hated the Plan in 1971 it was more fair and equitable in respect to the rights shown to the individual land-owners than what is shown in the 1975 plan. We must remember that the Caymanian today has only one asset and one birth-right and that is land. We have today in our country people that you would look at and consider to be poor people, but when you get further into it and check you will find that those people have some land which on the current market can be quite valuable. Now what are we saying to these people? We are saying to these people your grandfather left you this piece of land, it has been in your family for one hundred years - now you are old. We have no social security system for you so we put you on poor relief and you get \$10 a month, but the land is no more good to you, you can't sell it". That man, that was his social security - he was keeping that for his waning years - he was keeping that as sustenance for his family and all of a sudden we are going by a stroke of the pen to create a value on it that would make it valueless.

I cannot believe that people would sit in this House and say that that is fair and equitable in any respect. What are we going to do with these people? What are we going to do to them? Are we going to promise them the social security system which will come into existence may be in the year 2100? And they die in 1980?

Mr. President, that Development Plan must be changed - there must be many changes in that Development Plan before it must be accepted by this House and I am hoping that whenever that Plan comes back to this House that you in your judgement will see fit to forget the collective vote and let every member vote his conscience. Right this is too detrimental to the people and it should be done. That way, Mr. President, at least they can go back to their electorate <sup>and say</sup> I had the chance of voting my conscience. If not, we will have to ask for a division at that time to see how they voted, but this is too important a subject, Mr. President, to have to deal with this on a division because it affects the economy - it affects the people too much.

I have been accused of many things in my life-time - I have been accused of many things since I have been in this Legislature. I was the man that was going to put this country into ruin - I was the man wanted independence - You know, its a shame when I stop and think about it how far some people will go to do things for political purposes, because I have more to loose for any rash thing

MR. JAMES M. BODDEN (CONTINUING) done in this country than any other single man that sits in this Legislature and by God I worked for all of it - I didn't inherit it.

And I am saying this that if the people of this Island should have the Development Plan thrust down their throat, as much as I would hate to see it happen again, Mr. President, I am prepared to tell the people of this country from one end of it to the other one, and come and lead a demonstration right through this Island. The next one, Mr. President, might not be peaceful - the one in 1971, thank God, was peaceful, but we are headed for trouble, if the policy is not changed. And I am warning the House, I am warning the people of this country today what you are facing if you do not change some of these policies.

We are talking about this Plan - we see the protected areas. I am still trying to figure what they mean by these protected areas. What are we protecting? We have a law that deals with this that it is so restrictive it defies the imagination. You can tell, the Planning Board can literally tell anyone what they must do and stop the development, but yet they are going further than that - we are going to protect it further. And what are we protecting? Is it just a popular phrase that can be sounded or what? What are you protecting when you go on Pedro Bluff, the Bluff up in Rogers Wreck area and places like that - just what are you protecting? My God, these people should have been run off the Island.

We see the Public Park Areas that will be denoted now and in the future. If we are going to denote public park areas do it now, not wait until everything has been shrouded with bureaucracy and by a stroke of the pen some little pip-squeak up here can a strike a line on it and say "this is public park and you can't use it for anything else". This is ridiculous - where in the God's world did this come from?

I do not know whether this is true or not, but I had a man in my office today who bought land in the Republic of Cayman Brac some years ago for \$41,000, approximately 11 acres. The Plan I think now says about 9 acres of it cannot be used for anything else but a park and Government is not ready to acquire it and pay for it, so he's got two acres left that he can do something with, and he said "if you can get me \$15,000 for it for God's sake sell it". Now, what kind of picture does that present? What kind of pictures does that present?....No, I wouldn't do that - because that's the thing I am fighting against. I could have bought it myself, may be but no. This is the thing that we do not want to happen in our country when investors, whether they are local or foreigners, when they are treated in this respect. A man may invest his money in the hopes and expectation that it will grow - he does not invest it to loose.

I was a delegate from this country to the Commonwealth Parliamentary Association meeting in Jamaica and it was the same thing I heard preached there - every country in the West Indies was getting out preaching their nationalisim and socialism and then on the other hand they turned around "For God's sake, help us". Then nobody is going to invest his money philanthropically - he is investing it to look for a profit and he is not getting a profit when we do him this kind of thing.

Another aspect of the Plan is the high-speed road communication that is advocated from the Western districts into the Eastern districts. What do they want to do? Decrease the population of the Eastern district? We have too much high speed road communication in this Island now - we don't need to increase it any more, because if this House will remember my colleague and myself have fought strenuously since we have been in this House for the reduction of the speed limit, and we have been, as usual, made out to be fools, but whoever is advocating this tell them they are dealing with the Eastern Districts this time, not George Town - you people down here might not be willing to stand up, but we will.

MR. JAMES M. BODDEN (CONTINUING) We look at the Plan and we see that the second best beach in our country, the Barkers Beach area, which under the old plan was zoned for apartments, hotels, and so forth, now, it is zoned as a protected area. Do you realise what this will do to the economy? Do you realise the land value it could have lost - do you realise the revenue Government is losing when you do such a thing as that? Seven mile beach has gotten to a point that is very high - investors are looking now for the thing that is next best to it that can be developed. Lets try to develop the country - lets not try to stagnate it any further.

We look at the plan and we see only one entertainment area - that's east of the West Bay road? What are the rest of the people in the Island going to do? Everybody come to this particular zone and buy land? I dont know who did this but they should be tarred and feathered.

George Town Water Front - lets take a good look at that one. From Caymandicraft in the South to the Yatch Club in the North. I would venture to say probably one of the most valuable pieces of land that we have in our country is that particular area, but yet its worth nothing to the people who own it. I am all for promoting tourism but my God don't tell me that I can't use my piece of land to build something on it for my own good just because I must leave it open to the tourists can see the sea? Look the amount of sea around the Island and other areas they can see - lets use that valuable land to develop this country with. Do you realise that every time a piece of land is sold for \$100,000 Government gets \$7500 right off in stamp duty? Do you realise how much revenue that water-front land would put into Government coffers if it was a saleable thing today?

I know I am going to be accused because I am in the real estate business that I say this, but I don't give a darned what I am accused of. I say that if ever an injustice was done we are doing it to the people who own that land.

We go further - the Coral Shoreland between George Town and South Sound - land that used to sell two years ago for around two hundred and fifty dollars a foot, we put it now that its protected and I consider myself a professional salesman. I am going to boast a bit - I have never seen the man in sales work yet regardless of how many degrees he has I'd back down for him. I have sold everything from cemetery lots up and I have made a darned good living out of it. I know selling and I would not today try to sell a piece of that land because what can I sell it - who can tell a man what he can do with it. We are hurting the people that own it - we are hurting the economy - we are hurting Government.

We come to the agricultural zones. Agriculture, once a piece of land is zoned as agriculture, a value is set on it that cannot be changed because any investor must figure what his return is going to be on that, based on the return strictly from agriculture and agriculture particularly in Grand Cayman, is something that makes no money, so what value is that land going to have? Do you realise the amount of poor people in the Eastern districts that had this land and could have sold it on the speculative market and today what its worth to them? It is just like if they had put their money into a piggy bank and the next day then they took it out to sea and dropped it because it has gone the same way.

We have the Canal at Red Bay. That was a red herring - that was dropped there because it was so noticeable that they figured everybody would make a big to-do about it, just create everything around that canal and lose sight of everything else - everything else would go through and they'd say "fine, we gave you a good deal, we took out the canal". That's the only God's reason it was put there, because it was not practical any other way. Its a shame when you think you will try to hood-wink the people in this respect. The only good thing it might have been if you do it, there is a chance for Bodden Town to secede.



MR. JAMES M. BODDEN (CONTINUING) You have an industrial area that you have created in that Plan. One industrial area, but its a large one. I wonder who gained by that? You know I hope I will never stand in this Assembly long enough that I could condone enriching myself from some action of this Assembly, and I am saying, Mr. President, that this is indicative of what was done when the industrial area was created.

The protected Mangrove areas- these should have been defined as something else, or at least, sell it to the public in the sense that we are going to develop it, we are going to put it into a national trust for the people's interest - we are going to develop it sometime in the future, but you will have your little stake into it - give Government 51% if you want to. The people of this Island would have been agreeable to it, but they cannot agree to you taking what they believe is rightfully theirs and had always believed it rightfully theirs.

We see in this that the natural resources group will have the right to add to the zoning plan after it becomes final. What is this natural resources? We are going to come in here and make a law that affects generations to come and we are going to allow some little office boy to change anything on that plan that he sees fit without it coming back to this Assembly. Do you think that anybody in their rightful minds would agree to this? We have ideas of this - we have preached against the Regulations and the skeleton legislation, because we see what happens to it - it happened in this Assembly this past week, when, by the stroke of a pen, because the power is given, we had the revenue increased by probably better than half a million dollars without any vote coming from the House.

A statement was made that no appreciable foreign investment and development would take place in these Islands until there is a reasonable and accepted development plan. Well, we have had no development - you look around the Island today and see how it is developed and I don't think there is any other place in the world that could boast of better development than we have. So were these people foolish - were these people crazy? No - they invested here and they built what we see today, because they thought the country had a future.

I can tell you of many instances where foreigners have invested millions of dollars in this country - some of them hundreds of thousands of dollars and today they are saying I have made my last trip to your country, sell my land for whatever you can get for it, so long as you get me back what I had into it. Is this the thing that is creating faith? No, it isn't. When we get well-known foreign investors like I happen to know, who tell me these things I feel disgraced to think that any- ne has lost that much faith in our country.

Mr. President, on this particular Department, I will wind up by saying that never in God's world could I agree to voting one penny for it.

Head No. 13 - Health Services, I must state to the House that I have been a little lax in my duty as I have not recently visited the Hospital to see what's going on, but I do think it is time for the members on this side of the House to get together and pay a visit to the Departments again like we did three years ago. It does seem like the Hospital must be doing a fairly decent job now because, to be frank, I am not having the amount of gripes I used to have. I do not know whether the Member responsible for this will take it as a laurel on himself or what, but at least I am passing it along. I understand that the improvements will shortly be completed and I hope that it will serve the people efficiently, but I have a few other things to comment on in regards to this Department.

I am of the opinion that the Chief Medical Officer, regardless of who he may be, regardless of how much I may disagree with him, should be on a par wage-wise, with the Judge, the Attorney-General and the Financial Secretary. Now I am not belittling those three posts

MR. JAMES M. BODDEN (CONTINUING) but I feel that the man who is directly responsible for the health of this country and fills that position should be a man that you can admire and respect and a man who should be paid for it. We cannot get the type of people in any job in this country, unless we pay them the type of wages that they should have. So I should very much like to see that changed.

I would have the same comment to make on the dental and medical officers. I feel that they should be in the same bracket as the Chief Surveyor, the Director of Planning and so forth. Now I say this, Mr. President, because it seems ridiculous to me to think that a man would go through college for about seven years, another year of internship, costing a lot of money, to become a doctor or a dentist and then come here to this Island and a man who could qualify probably in two years as a Chief Surveyor, is drawing much more money than him. I do not think it is fair. And I think that could be one of the reasons why we get the kind of medical service that we do, because we pay everybody else a good salary and these officers who have to devote nearly twenty-four hours a day probably to their duty, are not paid any better money. I am not trying to espouse their particular cause, I am only trying to see that we get improvements in the medical service, and I believe the way to get improvements is to pay a man for his work.

In 1975 we budgeted in this House, hoping to receive \$120,000 in fees from the Hospital, but we only received about \$45,000. In 1974 we received \$42,148, now in 1976 we expect to receive \$250,000. Now in my poor way of calculating figures, admitting that I do not have the necessary degrees to make me an expert, I calculate this to be roughly an increase of about 540%. Now, Mr. President, again I will say a person should pay for what they get, but this is a terrific increase and I would like to know just how we are proposing to get it. May be it will make sense to me once it is explained, but when you hit me with figures like that showing that type of increase it is like hitting me with a twelve hundred per cent increase that we had in some of the laws in this Session. But there is another fact that I wonder about - we are expecting to receive 540% increase in the money collected - but we are only budgeting for a 20% food increase. Now food is going up all over the world, we continually talk about the recession - we continually talk about other methods of economics - so it means, with inflation and everything else you still going to get the same amount of food that the people are getting now yet we are going to put 540% more people in there? How are we going to get this money? Now if you are going to feed them commensurate to the increase, O.K.

In 1975 the approved budget for the Hospital or for the Public Health Services, rather, was \$896,546. We are asking this coming year for \$981,796 and this is one Department that I give my full support to. I was only hoping that the figures could have been higher because of paramount importance to any country is the health of the people of that country. We have neglected this for many, many years and it is time now that we pay the diligent attention to it which it should receive, so I am all for that increase. But, Mr. President, I would like, sometime during this session to know the final cost of the completed hospital project. I don't think any of us on this side of the House at this time knows what that project has cost. Many of us stood in opposition to its location and what was being done. Now that we have agreed to it, we would like to know, but, Mr. President, further than that I would like to see tabled in this House where everyone of the elected members can have a chance to see it, the contract under which this Hospital was built, or the hospital improvements were done.

I would like to know what has caused the long delay in the completion. It has taken a long time, the hospital still not open. Did we in that contract have a penalty clause, if we did not have it why did we not have it? If we have it why was not something

MR. JAMES M. BODDEN (CONTINUING) done about implementing it? It is time that we do something about these things - don't let everybody get out of the door without putting your hand in his pocket. Now for the good of our people I am hoping that the biased feelings that have existed in the past in the medical profession in this Island will be buried.

I am hopeful that once this new Hospital addition is completed that every doctor who is licensed locally will be able to admit his patients and <sup>be</sup> able to treat them in that establishment. This is a common custom - I would not say throughout the world, because I know some countries that also have some limited ideas but in the majority of the places of the world this is done and why, in a little country, the size of this, with only a few thousand people do we have to have such biased feelings existing that because a doctor is not a Government doctor, that he cannot bring his patients to the hospital to be treated. This is not really hurting the doctor in one sense, it is hurting the patient because throughout the world you will hear that probably a person in ill-health, unless it is a serious disease, there's twenty per cent medication and 80 per cent of the belief you have in your doctor that brings you back to good health. So why can't we get this changed - why do we have to be under a system - if these doctors are good enough and smart enough to be licensed under our system then they should be able to admit their patients to the hospital and I am hoping you are going to change that.

We come to Head 14 - Mosquito Research. I have but very little other than praise for this Department. Believe me, if they do something wrong, I'll also say it, but I hope that the good they are doing will continue but I have something to say about the Natural Resources Study that is going to cost us \$26,500 in 1976. I am wondering just what are we getting from this natural resources study? I have yet to see a report tabled in this House to show what they are doing, or show us what good it is doing for the country. Once this goes into Law this year we will probably have spent in the neighbourhood of a quarter of a million dollars for this - what have we gotten? All we have gotten is another building stuck on the Hospital compound which was crowded enough as it was. This is why I stand in opposition. When I see such personal glorification and edification - it angers me. Let us get back to our old way of living - these experts are telling us too much.

MR. PRESIDENT: If the Honourable Member is prepared for an interruption, we might suspend for fifteen minutes.

MR. JAMES M. BODDEN: Thank you, Sir.

AT 3.37 P.M. THE HOUSE WAS SUSPENDED

THE HOUSE RESUMED AT 3.59 P.M.

MR. PRESIDENT: Proceedings are resumed.

MR. JAMES M. BODDEN (CONTINUING) Mr. President, at this stage of the debate we come to Head 15, the Education Department, 1975 Budget we approved \$1,332,126 for expenditure. But instead of spending that amount we spent \$1,444,366. I am not against that because I look on that as I look on the Health Department, that it is so important for our people that we should spend every penny that we can possibly appropriate towards this.

In 1976 we are proposing to spend \$1,620,702 and I can give the Member responsible for this my assurance - he has my full support. I only hope that we will continue to get plenty of good results. Things at the school - I have criticised it in the past but again I have not visited the place lately but conditions must be improving. Now who we give this laurel to I do not know but I am passing it on as a laurel.

The public at large seems to be much more contented with the educational system than what they were in the past. I have heard a few gripes which I would like sometime during the debate to have some clarification on and that is why some of the staff were dismissed and not given a chance to qualify. I don't know exactly what it means by qualifying but whatever it was I would envisage something like in the United States where they have their upgrading of staff from time to time and a course is usually given say, two years to go into a higher degree or something like that, which they do at night-time study. But I hope we will get some clarification.

I would like to see more attention given to the play-grounds, for instance, in Bodden Town and Savannah, because once we can keep the kids busy we will keep idle hands out of mischief. I will agree with the members of this House that when I grew up and went to school in this Island there was nothing like a play-ground. If we happened to see a ball most of us didn't even know what it was. But those days have changed, thank God, so I hope that we will be spending some money on this and we will be expousing the cause for Bodden Town and Savannah.

Now, Mr. President, we have established a Community College, but we have not been told what this Community college is. We do not know what will be taught there, what particular fields of study. We do not know exactly what it encompasses. I think it would be much more correct to refer to it as an adult education programme rather than a Community College. I think that this time it is probably a bit premature and misleading to call it a College. I do not know again what is being taught, but I hope that when the member responsible for this takes the floor, as I am sure he will, that he will be dealing with it and he will be telling us exactly what this college is going to mean to the future of this country.

I am very pleased to see that we have increased the expenditure for the training of teachers from \$9,000 in 1975 to \$17,000 in 1976. This is very important. We need qualified teachers - we need teachers that understand our problems - we need teachers that can understand the children and, in my humble opinion, the best way to obtain them is to qualify some of our own local people who understand these problems.

I hope that this adult education programme will meet with tremendous success, because there are many people like myself, I am sure, that could gain a lot from it. We did not have the chance to qualify in the past and may be if we can find the time now we could qualify in something. I would like to be known, before I die, as an expert in some field.

MR. JAMES M. BODDEN (CONTINUING) I would like to know more information concerning the 28 students that are abroad, as to what they are qualifying in, and when they will be qualified. I think that this is quite an increase over the last figures that were given to us, and I am hoping that those figures can continue to increase.

At this point, we come to Head 16 - Public Works Department. I am doubtful that this Department will be able to operate on the amount that has been budgeted for it and I am almost certain as I stand here that sometime in the very near future we will be called into session again for a supplementary budget. This is a misleading amount - it is only put there to balance the budget. Everyone knows that the Public Works Department cannot carry on the work for the next year for the small amount of money that has been budgeted for it.

While I am on this subject I would like it to be unmistakably clear that we consider no Government contract secret. We are in the minority but that is what makes a Government the majority and the minority. That is why we have a democratic system instead of a communist system where you only hear the Ayes. I'd like to know that sometime in this Assembly we can hear the noes and I think that even the people on the other side of the House also would like to know that. But I wish to make it clear that I consider that not even London has the power to deny us the constitutional rights which have been given to us under our legislative process. I stand in the believe that once this Government enters a contract regardless of what that contract is for that that contract should be tabled in this House. This is the depository for it - if needs be we should have a good safe installed here, where these contracts can be kept, but anything that affects the expenditure of this country in the magnitude that has been happening in the past should be public to the legislative members. You must remember that we operate under a peculiar system, where we have 12 elected members and we have three official members. The three official members, with all due respect to them, have been placed there in the trust of Government and Government is the people. That means that on that side of the House we only have four members that are elected and on this side of the House, although we have several extensions, there are eight members that are still elected by the people. This constitutes the majority, as far as the electorate is concerned and at all times Government should be more than happy to let us see the contracts. I will stand on that particular point until it is done or until I leave this House, but never will I change my mind on this point.

While I am on that subject I am hoping that during this session of the Legislature, the Member responsible for Communications and Works will see fit to table in this House the franchise agreement under which Caribbean Utilities operate. We have aksed for it - we have been told it is none of our business - I do not accept that as a valid rejection. I am like the suitor who continually tries. I will continue to try to see that the democratic process is completely utilised in this country and I will never be contented until the day that I am able to see that franchise laid on that Table over there, although I may not even walk up there to take a look at it.

We also have been told Caribbean Utilities was exempt from paying a trade licence because they pay us an annual free. Sometime during this meeting I would like to know what that annual fee is. If it is even \$10, don't be ashamed to let us know but tell us. Either that or we add their name to the list and they paid a trade licence, but no longer can we tolerate it to the point where they are able to make such money as they have been making in the past.

MR. JAMES M. BODDEN (CONTINUING) We notice in the budget \$150,000 for road maintenance. I would hope as most members of this Assembly will agree, that in the future this will be spent more wisely than has been spent in the past. I am a man that is usually late for everything - I was late for the Assembly this morning because in driving in the Red Bay area there is an obstacle course there that I am sure Ford Motor Company would pay this Government millions of dollars if they could try out their cars on it - their new models. The only thing worse than that are the roads in my own sub-division.

The reason I am touching on this, Mr. President, is because there is an old proverb that says "if one must enjoy the fruit the price must be paid". Now we are going to enjoy the fruit according to the Member responsible for this subject - he has assured us we are going to have good roads. With the same assurance we have increased the taxes on motor vehicles, we have increased everything in regards to motor cars, so now that the people are paying the price I hope that they will be able to enjoy the fruit.

I have nineteen leading questions that I must interject at this time to the Member responsible for this Department and I do not know whether he will be able to get a copy of the Hansard in time to give us the answers, so I am hoping that he will grab his pencils and write them as I speak them.

MR. PRESIDENT: Perhaps the Honourable Member might let him have a copy after delivering them broad-side.

MR. JAMES M. BODDEN: I think it would be much better - he might not be able to read my hand-writing.

My number one question is - what was the contract cost of the Customs storage shed at the airport? What was the final cost of this and what is the square footage? This is very relevant now - we are dealing with a budget and a budget means the money that is being spent and the money that was spent. This question may never hit the floor otherwise but I feel it can hit it today. If the reports I have heard are correct, the only thing that cost proportionately more than that was the administration building.

What was the list <sup>price</sup> of the hot mix plant and what discounts did we get. That was number 2 question.

Number 3 - what is the final construction cost of the administration building.

Number 4 - why was it not completed on schedule. Now, Mr. President, I must stop for a minute and speak a little on that particular question. Every contract that our Government has entered into has cost us a lot more money than it should have cost us, according to the original estimates. Never is a contract completed on time - there's always an exceptionally long delay. Now it is time for us to know why this happened and why the people responsible are not penalised.

Number 5 - what is the final cost of the furniture installed and has it all arrived.

Number 6 - is there a penalty clause in the contract for time over-run.

Number 7 - when the contract was written about eighteen months ago what was the average wage per hour paid to carpenters, masons, electricians and plumbers.

Number 8 - what was the additional cost of labour and material on this contract that our Government had to pay.

Number 9 - will Government table in this Assembly the contract for the building.

MR. JAMES M. BODDEN (CONTINUING) Number 10 - before allowing another wage increase for Caribbean Utilities will Government bring it to the Assembly to vote on. This is a point, Mr. President, I am prepared to stand quite firm on because it has been reported and it was told in this House that Government did not agree with the last rate structure which was put into force by this particular company and in this particular case, Mr. President, we are dealing with a monopoly - we are dealing with a bad monopoly because everyone needs it, yet everyone is having to pay so dearly for it. There is no country in the world today that is paying, I don't think, even a third of the rates that we are paying. We must know what is wrong. If it the fault of this franchise agreement then let it be tabled, let it become public, let everyone know the reason for it.

Number 11 - table in the Assembly the contract on the new dock.

Number 12 - what is the daily charge to the contractor for non-fulfillment of the contract on time.

I have to digress a minute here, Mr. President because I happen to know that Government was asking in a local contract a penalty of \$400 a day in case the contract was not complied with within a very short time. I am asking why the long delay on the harbour project and whether this is being implemented in this case. If it is, we will have saved ourselves a lot of money, if not, we have lost a lot of money. But what is good for the goose is good for the gander. And I am asking that this Government come back to the Assembly and tell us whether the delay is being paid for by the respective company involved or whether that was only put in to blind someone else - you don't blind me very easily.

Number 13 - was there a certain amount of excavation not covered in the contract which Government would do, or was the contractor to do all of it. That question, Mr. President, is placed in regards to the area that had to be removed. I would like to know whether in the original contract with McAlpine whether McAlpine was supposed to pay for that as a part of the contract price or whether this Government was to do it in addition.

Mr. President, that has caused some confusion in the public mind and I think we are entitled to know just what was the position on that.

Number 14 - why could blasting for about a month be allowed to a foreign contractor when it could not be done a day for a local contractor. I see notices in the paper where for certain days the public was advised by McAlpine that blasting would be taking place. The shoreline and the waters thereof were so sacred a few months before that even a couple of blasts could not be placed. It would have upset the whole ecological system of this island for those couple of blasts to have been done. It would have shattered the entire waterfront - only God knows what else it would have done, but all of a sudden those things are washed away, the place becomes clean and someone else can do as much as they wish. These are the things that we stand against, if I must pay the penalty someone else must also do the same.

Number 15 - What was the price paid to the U.S. contractor for the removal of the coral ledge.

Number 16 - what is the additional amount to McAlpine for the trenching in the Harbour. We would also like to know whether this trenching system in the harbour is a part of the original contract or whether it was not. If it was not, then why are they getting paid for it? I am not saying they are getting paid - I do not know - I am like a blind man stumbling along in the wilderness because we are never told anything, but we want to know - we are standing on our rights as elected member of this House and we must be told what is happening. We will never vote for any money until we know what is happening.

MR. JAMES M. BODDEN (CONTINUING) I hope that the rumour I hear is not correct in regards to the nice piece of machinery that probably came over with Christopher Columbus that is on the harbour and that Government is supposed to be buying at such a high price - I hope that's just rumour.

Number 17. - are you sure that the consultants' reports are accurate and can be relied on. I know at this point, Mr. President I may be injecting something in which I might be out of order and I stand subject to your ruling, but I am of the opinion that the reports that we are receiving from the experts on the consultants board are not to the best benefit of our country. I say that without fear of contradiction. I believe, once more we are being led like cattle to slaughter.

Number 18 - will McAlpine receive all the money for the trench area or does someone else have a vested interest.

You know I have posed quite a few questions I think they are all valid. The point of posing them and the reason for this is this - we have embarked on a venture - we might not all have agreed that the form in which it took was right or that the location was right, but the majority prevailed, when the majority prevailed then it should be back<sup>ed</sup> by also the minority, so we have embarked on the harbour project. It is going to cost a lot of money that money has to come from revenue which everyone in this island pays and we should see that every penny of that is utilised and spent to the best advantage.

Head 18. Tourism. We live today ( I see that the Member has the ear without the wax - he turned to me, so I am glad of that) in the society that has a false facade, and false values. I say that because today in our community we experience in all stratas of the community life, particularly the younger generation, a break-down of values, coming mainly, I would say, from the effects of drugs and alcoholism. We cannot blame this entirely on the tourist business - for God's sake, I hope no one interprets it that I mean that. I think that this can be blamed and attributed to the true fact that our youth today have lost their perspective and the solemn determination which our forefathers possessed. They have lost that determination to go out and conquer the world - like the old saying "Go, West young man" is no longer a challenge to them. It is disheartening when this happens and tourism has, in once sense, contributed to it, but it goes much deeper than that. So I do not wish the Member to think that my remarks, in this sense, are attributed to his Department.

The main thing today that is said in some circles about the Cayman Islands is that we lead the world in the per capita consumption of alcohol - it is a terrible thing. Tourism is going to be asking for a large vote - \$514,223, but in my opinion we should support every penny of it because we need more and more tourists in order to have a buoyant economy. I only hope that every penny of this will be spent wisely and to obtain the best results for our Islands. I do have some questions in regards to the expenditure of this amount and I will be asking the Member for information and I am hoping that when he gets up to speak he will bring the answers to us.

Advertising - we are budgeting for \$125,000 - that is a large amount of money and I hope that it is being beamed to the right sector of the community. We are not satisfied with just statistics - quantity does not bring quality. By quality I mean people that can benefit our Island in an all-around manner. I personally do not like to see us spending our hard-earned money and bringing hippies to the Island. I wish there was some way we could keep them off.

The Miami Office is budgeted for expenses of \$90,000 and the Chicago office for \$21,500. I would like to see a further break-down in these figures and not the entire thing lumped as one. There must be a reason for doing it, I am sure, but I think



MR. JAMES M. BODDEN (CONTINUING) that we should know why.

While I am dealing with this particular Member I am hopeful that he will be giving some time to investigating condominium projects that come before the board for waiver of duty in the future. In my opinion these places should not receive the waiver of duty. These are put together to make profit - these are sold by whoever develops them and then the next man makes an additional profit. So I am not in favour of any waiver of duty for these particular projects and I am hoping that if it has been given to Victoria House and to Royal Palms Condominiums that something will be done to off-set this, because we make it unmistakably clear that in the future there shall never be any preferential treatment and everyone must pay.

Dealing with statistics on this Department we find that in 1974 Tourism Accommodation Tax yielded \$176,980. 1975 \$180,000, 1976 we are hoping to receive \$180,000. But in each of these years it is claimed that we have had a fairly good increase in tourism over the previous years and if we have, I wonder why this figure is not increasing.

One final thing on this particular subject is that a local report shows that hotel occupancy for the past year has been up 17 per cent, but the employment in the hotels are down 14 per cent. I do not know whether these statistics are correct but if it is I hope that the Member would check it out because if we have had an up-ward climb in occupancy we should not have a downward-curve in respect of employment, so I am hoping that everyone that wishes to get into the hotel trade as an employee will be given the opportunity to do so.

We come to head 19 - Broadcasting. We've had some questions tabled on that. I would reiterate the comment that I made in the House before - is that in my opinion the radio must be a beacon of truth and fairness to the people and not a political tool. I say this because I was in favour of private enterprise establishing the radio station - may be one of these days I will eat those words. I could be wrong, but I feel like private enterprise should be encouraged in every sector of community life and the radio is a part of community life. I am afraid that the Radio in the hands of Government could be used as a detriment to political careers.

I am of the opinion that once more we have created a bureaucracy - I have no personal axe to grind but I think it is unfair to pay the Director of Broadcasting a higher wage than we do our Chief Medical Officer.

We have budgeted for an expenditure in this Department of \$107,974 and we have a revenue anticipated of \$125,000. I would like to know whether we are figuring to get this from local support, local advertising. I fail to see where we are going to get an income of \$125,000 from the Radio Station in 1976. I think that we have once more created a burden on the tax-payer.

We come, Mr. President, to the establishment of the National Council of Social Services. The aims of that study were so pure and good that I think everyone of us supported it. But I am beginning to wonder why - what are we accomplishing? I think it is a shame that more hasn't been done than what has been done when our country and the people need this so much. This particular Department, Mr. President, seems to be foundering like a rudderless ship in a gale, because Government salaried captain does not possess the navigating experience. This called for a strong character - this called for someone who could sell the people on an ideal and who could have promoted this - who could have gotten the people to put their full support into this project, instead of that, it is my humble submission that we are getting nothing. All we

MR. JAMES M. BODDEN (CONTINUING) have done is to create another bureaucracy. I think this Department started out with about two employees, and if I am not reading the Estimates correctly

I think we will probably have about eight this coming year. This is what I was getting at this morning when I said that we create a post as a Secretary and then the next week we create three or four more posts and it wasn't in the Legislative Department.

I am afraid of these things because to me the Lockheed report was the report of an expert. It was one of the few experts that I probably agreed with, but I think if ever a person came to our shores and hit the nut right on the head it was the Lockheads, I think they gave us something to go forward on, which would have done a lot for our people, and I like many other people, I think, anticipated great happenings from this particular Council, but unfortunately it doesn't seem like much is happening. Why don't we get this Department back on its feet, why don't we have a revival if we even have to hire a minister to the island to do it and sell this to the people? Let the people get their full support behind this and it's not going to be done under the present set-up.

No mention was made in the Budget Speech about Cayman Airlines and I wonder why? I am very proud to know that we have our own airline as well as I am proud of the many other things that our Government has accomplished, but if we are going to be faced with a short-fall this year, let us know how.

I've heard that flights have been cancelled and the load-occupancy has been very low. If this is correct we should be faced with quite a short-fall, I am hoping it is incorrect.

Mr. President, would you like me to go on for another 15 or 20 minutes or would you like me to start tomorrow?

MR. PRESIDENT: I think, go ahead and complete your speech.

MR. JAMES M. BODDEN: Now I have come to the end of my criticism. I am going to throw the laurels now. I am going to show you that the opposition can not only criticise but that we can offer some constructive ideas, and I am going to say that we are quite willing to give the Government Bench all the credit for them, if they will only put a few of them into effect.

My colleague and I for years have espoused the cause that a Man Power Office should be created by our Government which would entice our locals abroad to return and this could also help govern the work permits. Now this Man Power Office that I envisage could go a long way to improving social conditions in our country - this could go a long way to finding some of our qualified people who are abroad - and assisting them to come back to their country and work. The only way we can build a bountry is by having people and people who are willing to put their shoulders to the wheel, people who are willing to give of their time and not just their money. I hope that during the coming year consideration will be given to setting this up and not like in the manner that we tried to do sometime ago I think where we listed a few construction workers as being available for work. Its goes deeper than that.

Number 2 - proper laws to cover the inheritance and rights of illegitimate children. Again, my colleague and myself brought this to the House on several occasions and we are probably going to be told that we are telling the people go out and have illegitimate children - I am not telling them that but I am saying that once the act has been committed, once the tree has borne fruit then it should be protected, and we have not protected them under

MR. JAMES M. BODDEN (CONTINUING) our laws. It creates a lot of social ill-will - it creates a lot of trouble for the community, it then creates an expenditure for Government in so many cases. When I think the onus could be put exactly where it should be.

Number 3 - again, my colleague and myself have brought this to the floor of the House, it has been defeated and now we are asking you to bring it back so we can fight it or may be even support it, but we do need a change in the Caymanian Protection Law to allow males the right to work permits on the same basis as females married to Caymanian men. There is no justifiable reason =, in my opinion, why this should not be allowed. Why should this be kept from a person just because they were unfortunate enough to have been born a female instead of a male. I think it is fortunate we have the females - I love them all. But we've had cases, Mr. President, where a Caymanian female could not get a work permit, although her husband could get a lot of employment in the country and there was nothing against the man's character or anything else but he was more or less told "you must live in one country and she is another and may be the child in the air in between". This is not good enough. What are we doing? We are breaking up a home when we do this kind of thing and I am saying that it must be changed - it must on an equal basis, regardless of what British law they have that covers it.

Number 4 - Grand Caymanian status to all who qualify rather than abiding to the quota of 12 a year. I say this, Mr. President, because I feel that if a person comes into this country and spends five years in this country and has been a worthy citizen for five years, and the law says he is entitled to it we should give it to him. We should not keep him down regardless of what nationality he is if he qualifies in every respect. When we put a quota of 12 a year on it we are putting ourselves up in a position where we dangle that man on a shoestring, or a ribbon, whatever it may be. People will say that I am telling you to open the country to foreigners - that is not what I am saying because in my opinion a person who can live amongst us for five years is entitled to Caymanian status, because we will never build a country with just the few people we have now. We must realise that we are in a different century and it is going to take more and more people to build this country and I say that we give them the right which we were lucky enough to be born with.

Number 5 - change the Maritime Laws for the Registration of Foreign Ships. This again has been brought to the House by my colleague and myself and was very ably defeated. Liberia last year earned fifty-five million dollars from this - Panama earned seventeen million dollars. If we were to bring this in I cannot tell you how much we would earn, but I am sure it would be a minimum of five million dollars a year, and this could go a long way to paying our capital debts and balancing our budget, probably taking taxes off some of the items we have today. It is like a plum,, it is out there waiting for us - why don't we grab it? Or will we wait until some other country does it and then there is no chance for us?

Number 6 - the setting up of a Central Bank system - you may differ with the name of Central Bank - we may want to call it anything else but it is time we change our laws to where the banks have the protection that they need but also the country has the protection that it needs. We must find a ready supply of money - we must find something for mortgages - the country cannot build and survive on short-term money. The only way that I see this can be done is by following the motion that my colleague and myself brought to the House sometime ago. I would like to have the time to once more go into it to see that the Members on the other side can understand and accept it. But, due to brevity's sake, I will soon

MR. JAMES M. BODDEN (CONTINUING) be sitting down. I know that the Members on the other side would wish that I could go on for another day, but unfortunately I can't.

Number 7 - create a Grand Caymanian Maritime Academy and License Board. That is correct - one would have to go with the other with the Maritime Law and once we set this up we could find we would be getting a lot of people from abroad who would come here to sit for a license - these would be tourists they could be classed as tourists - I know that's why I will have the support of the Member of Tourism on this particular point. These people will come here to qualify rather than go to New York - it will help other people who have to go to New York - those unfortunate few who still have to follow the sea for a means of livelihood. When they go to New York it takes about six weeks' living - the minimum to be spent is about twelve hundred dollars so if we were to figure that out we would find that if a hundred officers qualify in a year we would be adding a lot of money into the local economy. Besides that the prestige - and we like prestige - that this country would get. There is no reason we can't set it up. We look for means of revenue - these are means of revenue - these are things that would make the economy function properly.

Number 8 - enforce and update our drugs and liquor laws. I know we've had debates on this in the past, but if it takes a hundred years in gaol to make someone understand that he should not deal in traffic in ganja, then by all means let's put it on the statute books. If it says a liquor establishment must close at 12 then it must close at 12, but these laws must be updated, Mr. President, they must be enforced.

Number 9 - consideration of the Television station to go along with the Radio Station. There is no reason why as we have entered the twenty-first century that the people of this Island should be denied television. I, for one, do not care for it but I would say that the people as a whole would welcome it. We could have educational channels which would help the community college to put forward their adult education programme. We could have a lot of entertainment for the family unit, and I don't think that any other business would lose revenue just because we would have a television.

Number 10 - a proper Poor Relief Law. I know that this year we have budgeted a fifty per cent increase which I got on my knees and thanked God for. But \$10 a month - what can a family do with it? So that it is time that we put together a law in this House that is fair and equitable and that will give the poor people of this country a chance to live as decent people. Remember the Bible has told us "the poor you will have with you always".

Number 11 - A Social Security system. I really wish I had the time to once more go into this but as time is limited, another time I will bring it back. But it is time that we gave due consideration to this and I am not referring to some National Health Scheme again. I am talking about a proper Social Security system, either modelled after the North American system or the Scandinavian system, but a system that can help our people - a system that can help Government by having money available to it to be used as it is in other countries. We have these things available to us, it's a large pool of money yet we are not doing a thing about it other than borrowing money and putting on taxes when we have these things sitting out there for us in a more equitable basis than what we are doing now.

Number 12 - The Prison system. I feel strongly that we should enact our own Prison Law and create a prison reform system - I wish I had time to go into that one again - but I am sure that by this time the Members on the other side have gotten the gist of what I am getting at and that some-time in the very near future they will be presenting this House with a law on this basis. Because

MR. JAMES M. BODDEN (CONTINUING) if not, we are going to continue to follow the English system of the sixteen hundreds when they transported their criminals to Australia and New Zealand and may be to the Cayman Islands even.

Number 13 - this one, Mr. President, is an administrative thing but I hope that in your wisdom you will see fit to espouse the cause and that is to open all Board meetings to the public. I mean the Board meetings such as the Caymanian Protection, the Planning Board and so forth. It is ridiculous for a man to be accused and not be able to face his accusers. This system can only cause trouble for the future and before we go too far into the future, lets try to do something about it today.

Number 14 - put our dollar on an equal exchange rate with the U.S. Dollar. This is very important and I hope that that one will be on Government's priority list to be done in the very near future.

Mr. President, I would like to go on some more but I hope that I have taken care of the debate for today and that you will be closing down because if not I would be prepared to go on until about 6. I do not want the Government Bench to follow me today, so I am hoping that you will close off at five o'clock.

And I would like to close by saying that a French Philosopher said years ago "that dressed in the lion's skin the ass spread terror far and wide". Now, on behalf of my colleague and myself, we are usually prepared to be considered that ass, but I believe that we are capable of putting and injecting thoughts into your heads.

Thank you, Sir.

#### ADJOURNMENT

HON. D. V. WATLER: Mr. President and Honourable Members, I beg to move that the House stand adjourned until 10 o'clock tomorrow morning.

HON. G. E. WADDINGTON: I beg to second that motion.

MR. PRESIDENT: I shall put the question. Those in favour please say aye.

MEMBERS: AYE.

MR. PRESIDENT: Those against No. .... The ayes have it and the House stands adjourned until 10 a.m. tomorrow morning.

AT 5.03 P.M. THE HOUSE ADJOURNED UNTIL THE 21st NOVEMBER, 1975  
at 10 a.m.

M I N U T E S

FRIDAY, 21st November, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE. JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE. QC	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, J.P.	Second Electoral District, George Twn (Member for Works, Communications and Public Transport).
HON. B. O. EBANKS	First Electoral District, West Bay (Member for Education, Health, Social Services and Labour)
HON. W. W. CONOLLY, OBE. JP	Sixth Electoral District, East End (Member for Tourism, Lands and Natural Resources, MRCU, Agriculture, and Surveys).
HON. TREVOR FOSTER	Third Electoral District, Lesser Islands (Member for Co-ordination and Information)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

CAPT. A. A. REID	ILL
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ORDERS OF THE DAY  
FRIDAY

21ST NOVEMBER, 1975

1. CONTINUATION OF DEBATE ON FINANCIAL  
STATEMENT.

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FRIDAY, 21st NOVEMBER, 1975  
10 a.m.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed - continue the debate on the Second Reading of the Appropriation Bill.

DEBATE ON SECOND READING OF THE APPROPRIATION BILL, 1976

MR. T.W. FARRINGTON:

Mr. President I'm sorry I had to leave yesterday afternoon before the Member got through, but it was a good thing I did leave when I did, because I was really feeling sick, I'm not feeling so much better this morning. But the fact is that I'm here and I've got to say what little piece I've got to say now. I noticed that the Members on the other side of the House are holding back, well I'm not going to hold back to that extent, but any way as I say I'm very glad to be able to make my little contribution.

First of all I'd like to congratulate the Third Official Member on the Speech which he prepared which I think was really good. I can't try too much criticising this morning, but perhaps the only thing that I would say by way of criticism, so far as the Speech is concerned is that it takes a courageous man to prepare a Budget that could leave us with nothing at the end of '76, and to be frank with you to be a million dollars in the red. If I'm right perhaps that's it, it takes courage, I'm afraid I can't share his optimism, but at the same time I do hope and pray that he might be right.

I think in the question time yesterday the Member was asked what about this boat which had been in the 1974 I think and '75 Budget, and of course the answer was that there're so many projects undertaken during 1975 that it wasn't possible to have this boat put on. In spite of the fact that we have recognised a long time ago that we needed some sort of patrol, and indeed a boat was bought by Government, a little pleasure boat, it cost about ten thousand dollars. I am wondering whether if we recognised that this boat was necessary so long ago, and as a matter of fact we went so far as to buy a new boat, why is it now that we are told that this isn't necessary. To my mind I think it is necessary, I think it's one thing that we should have here now in spite of all the ganja and the drug traffic and what not. I think a patrol boat would go a long way to correct this, as a matter of fact we have now a man in charge of the drug business, a man who's had wide experience in Hong Kong, and as a matter of fact even in the Metropolitan Police in London, which I think is one of the best in the world. So this gentleman I'm sure will be able to direct us, but I don't think for one minute that we are treating him fair, when we say we don't need this boat, when we're told on many occasions that boats come in and give their blinker and say come here, and look for this ganja or whatever they might have. I think this is shortsightedness on our part if we expect to stamp out ganja smuggling and what not. So I'm really surprised to hear at this stage that this boat could stay for a little longer, I should think we should have it now, we should have had it from the time they got this little pleasure boat as I say, and Government didn't think it was necessary then, and Government bought this boat for ten thousand dollars in Miami, to my mind that was a big price. But we didn't oppose it for the simple reason that we recognised the fact that we needed some sort of patrol, but this wasn't sufficient. I think for once that if Government was anxious to have this patrol boat that they could probably get in touch with United States Government and who can tell that they mightn't have given us a boat that could be used for this purpose. To my mind this can be done, but of course it isn't necessary now, although Government themselves realised how important it was seven years ago.

I must congratulate the Lady Member who brought this forward, I think she made a brilliant speech yesterday and a lot of it was from this same subject, and I'm sure that even though Government doesn't seem to realise that this is necessary, but the Members on this side really do.

I was nudged yesterday about this Agriculture business, I may say this, the only criticism the Member for Agriculture would have, that I when I was in Executive Council approved to let cattle from Swan Island come in free. I did this and I thought in keeping with my whole programme that I was doing this to help the gentlemen who had these cattle in Swan Island,

MR. T.W. FARRINGTON (CONT'D): but subsequently we had an expert from Jamaica from Hope Gardens or whatever it is to see to that, and what caused that to come about was the fact that they banned hides to have a lucrative trade in hides to Jamaica, and they banned them completely, and they came here to investigate....

MR. JOHN JEFFERSON: Mr. President I'm objecting, I rise on a point of order. As far as I'm concerned Mr. President.

MR. PRESIDENT: I can't allow another speech, it must be a point of order stated succinctly, very shortly, and I now rule on it.

MR. JOHN JEFFERSON: That's what I'm about ready to proceed to do Mr. President with respect. As far as I'm concerned I was saying that the information to which the gentleman is speaking is not at all accurate, and as far as I'm concerned I think Members should confine their statements to facts.

MR. PRESIDENT: I'm afraid it's not the point of order, the Honourable Member may make a statement at the end of the debate if he wishes to put different facts.

MR. JOHN JEFFERSON: Thank you.

MR. T.W. FARRINGTON: As I said I lost that business of sending hides to Jamaica, for the simple fact that it was recognised that even though Swan Island was under the jurisdiction of <sup>the</sup> United States, it had a traffic of cattle from Honduras bringing in these cattle to Swan Island, therefore they would not allow hides to come into Jamaica on that account. That is a statement of fact Mr. President. The gentleman came here and he had a meeting, and he advised us that we must be very careful as a matter of fact he said there was a case in Canada where the Canadians had to destroy a terrific amount of cattle and pigs and everything that was around to control it. It took millions and millions of dollars and he said at the time, and these are facts, this is not something that I have dreamed up over night. I was in the Executive Council at the time, and he said a Pole came to Canada to work on a farm and he brought with him a Salami whatever that is from Poland, and it was discovered that he had thrown a piece of this salami into a pig pen and that's what started it. That's why it went so far before they could really find out where it all came from, and he said that's how dangerous it is, and he said if you ever get foot and mouth disease here, he said it would be a destruction that could never be corrected, because you would have to kill every animal, every dog, every rabbit, and everything else to stamp it out. This is a fact.

Now the Member for Agriculture who I'm glad to see has taken an interest in it, at last, at long last, he told me about this fact about what I had done and what I hadn't done, but I'd like to remind the Member that if at the end of his term it can be said of him that he did as much good for our island as I, then I'm willing to accept it. He boasted why I'm so interested in agriculture that I sent the present Director to Swan Island to investigate, in view of the fact that he too knew what we had been warned against and the rest of it. He would not accept the recommendations of the Chief Agriculture Officer, isn't that a terrible state of affairs. You've got a man who I think is very good and he makes a trip on the direction of the Member for Agriculture and comes back and says now I advise you against importing any meat or beef products or cattle from Swan Island. It was said also that meat was coming here from Costa Rica via Miami and what not, but of course we all know this, and one of the conditions is that this meat must be boneless, it must be inspected, they have it inspected in Costa Rica before it is sent out, and when it goes to the United States it is again inspected and it can be sent here after the Agriculture Department who is capable of detecting it I think had a tour of it. So as I say this Member ~~must~~ <sup>must</sup> not forget that this information can be had, and I'm perturbed because my first concern was, here is one time that I say it was self interest if you can call it that. I had cattle and believe me I certainly didn't encourage any cattle coming in here from Swan Island after I was advised of the seriousness of the situation. So this gentleman

MR. T.W. FARRINGTON (CONT'D): who tries to tell us now that he's so interested in agriculture that he sent our Chief down there, and in spite of all that in spite of him knowing that it was a dangerous thing he would not accept the advice that was given to him by the Chief Agriculture Officer. That's the one point I wanted to clear up Sir, and it's any wonder that people say why perhaps it could be that you scratch my back and I scratch yours. I wish that the Members would just take it in the way that it was meant, but any way that is the situation.

Now we were told a lot yesterday about Botanical Gardens - my gracious botanical gardens. Now the gentleman sitting next to me told you about his trip he had to Nassau the other day, I happened to have been on that same trip and believe me I didn't see anything wonderful about any botanical garden in Nassau. I went there and I was bored the whole time they were showing us around, and they had water running through the place it was fairly high, and as I said it wasn't anything so wonderful. But the point I want to make is this, that sometime ago I suggested to Government that they clear this area that has never been cleared by my two opponents, I don't know how they ever got it done, but anyway that's cleared now and we're going to have a botanical garden - ridiculous, ridiculous, I said that it could have been cleared and made into a park that would be of great benefit to the young people of West Bay, but no notice was taken of that, but this is election year coming up and therefore we're going to make a botanical garden. I mean that's ridiculous, I didn't ask Government either to foot the bill, I asked that the people of West Bay and anywhere else that wanted to contribute should make a contribution to this, and I offered at that time that I would pay four hundred dollars, I would lead off by contributing four hundred dollars to this community. And this park would have all the amenities and more than would a botanical garden, I mean you would have to have it landscaped, cleared, we asked Government only to clear this property and then we'll make this park. I think that could have been something worthwhile, but of course nothing was done about it, I didn't have the pull that some other people had at that time to get the Government to clear it now for a botanical garden. But I still feel that this area could be used for a park and it would be really something worthwhile, and furthermore Government would not contribute more than to clear the land and then from there on the people of West Bay would do the rest.

I said awhile ago that I think our Financial Secretary is really a courageous man to budget for a million dollar's deficit at the end of 1976. I'm sorry as I said that I can't share with him that optimism, but I do hope and pray that he's right, I do really and sincerely hope that he's right, but I can't share that optimism.

A lot was said yesterday about Planning, and I shall have something to say about this. Sure these Members here in this place will remember when this Law came up it was a terrific Law, one which we couldn't accept as it was, and of course the Executive Council at the time included, they wanted to say well we won't let this thing come at all, this is just something ridiculous, so I said I think that we need this plan, we need a plan, not particularly that suggested plan, but we need a plan, and I'd say so now. But I said I think you don't recognise the fact that you've been told by the Secretary of State that they expect the legislators here to pass that Bill and further reminded that even if you don't pass it we have the power to do it over your heads, that's exactly what happens. Anyway after that was my suggestion, I said my suggestion is that after the First and Second Readings I think I said at that time First and left out the Second, and my friend on the Executive Council from West Bay says after the Second, and I said well that's so. And then I said we send it to a Committee of the whole House and have this thing cut down to our level, we'll take out as much as possible of the objectionable features. And we got sitting down with the Attorney General as Chairman for days, and we did the most we could do, and I think we had it in pretty good shape when we got through. But what happened the Executive Council had to make the Regulations, and those Regulations were so ridiculous that it caused an upheaval here, it caused a march. The only part I took in the march was to try to direct the people not to be violent, and if they were going to march march in order, and when they get to the Government House, which they were headed for, perhaps the Administrator at the time would come out and greet them, and they must remember that even if they don't

MR. T.W. FARRINGTON (CONT'D): like the Administrator they must recognise that he was a representative of the Queen, and as <sup>such</sup> to be respected. That was the only part I took in the march, and they did go peaceably, without violence, and as I said the Administrator at the time came out and greeted them, and then from then on they went down to Government House after that and we decided we would try and get something done. And we had another meeting, and as soon as everything was straightened to a certain extent so this march was done peaceably, and I think I had something to do with advising the people not to be violent, and to be respectful to Her Majesty's representative, and even if you didn't like the gentleman you must remember that this gentleman was Her Majesty's representative in the Cayman Islands, and we should respect him.

That was what happened so far as the Plan was concerned, and I challenge anybody to say that this isn't so. I think my intervention there was pretty good, I felt this, that it would have been a pity to have that Law passed over our heads, just because we were stupid enough not to get down and try to correct some of the things that were in there, which as I said were really ridiculous, it's no doubt about that, but we got it so it could pass anyway. My argument at the time was that we needed it badly, because some of these poor people went into litigation, and by the time the litigation was finished why they didn't have any land left, the lawyers and what not took it all, and I thought that was terrible, I didn't think that would have been the right thing to me as a representative of the people to stand up and allow that to happen, and of course the Cadastral Survey started. I will say this, when they started I was told that Government had no land Sir, that was exactly what I was told by the Chief Survey Officer, and I'm sure that hasn't been the case, but I'm not here to criticise, I'm here to state facts, and even though the Member here sitting next to me thinks that I haven't quoted facts, I think we got a record here in this Assembly. Our Hansard will probably prove whether I was right or wrong.

Keeping on with this Financial Statement, the financial industry which is the other important sector of the economy has been holding its own quite well in spite of the recession. It was recognised by the Financial Secretary that there was a recession when he was preparing his Budget. There were a few failures being in the latter part of 1974 which caused some restlessness in early 1975, that statement is a fact, however confidence in the Cayman Islands remains strong in spite of adverse comments from overseas publications. Every attempt must therefore be made to uphold that confidence reposed in the political and economic stability and good government of these Islands. With this I agree, then he went on to say about the banks had an Inspector now and everything was going splendidly.

The Office of Registrar of Companies, which is a section of Finance and Development, and which provides a very important service in the promotion of the financial industry is now adequately staffed and administered by a young and energetic Registrar. I'm happy to know that we've got a young and energetic officer who's in charge of it, who has improved the office and its records considerably. I think that's a compliment to one of our young men.

The financial industry is not built altogether on the premise of tax dodging. Many of the world's leading financial institutions have established branch offices here, and they are here with the knowledge and consent of their home governments. Many of their international clients like Cayman because of the tax advantages, but this is not the only reason. Privacy in banking and trust business, this country's stability and the reliable service offered, are other reasons why many financiers prefer Cayman to other financial centres. That's a statement of fact which I can go along with. Investors are attracted by the facilities of the Cayman Islands, and the country has become a highly regarded financial centre. Now I maintain that there's a great danger of us losing that, there's a great danger of even with what happened day before yesterday in tax - what was the financial institution and encouragement/investors from abroad, we stand in great danger

MR. T.W. FARRINGTON (CONT'D): of losing all these things. I hope they don't, but I mean it's been rumoured. As the Lady Member says she doesn't go by rumours, but rumours follow her.

Inflation and cost of living. The cost of living behaved much like inflation, well it's tied to it really. In 1973 the index revealed a rise of  $33\frac{1}{3}$  percent, then in 1974 the figure fell to 17.5 percent. The first six months of 1975 show a fall of 1.5 percent. There is doubt that the end of the year will see significant changes. On the basis of the foregoing it would appear there is no case for wage and salary adjustments, to this I agree, and I think one of our troubles has been that in many offices, many departments they've become top heavy.

If you have to take some of these off the pay roll what will they do. I maintain that we can't keep a top heavy staff just because these people are being employed, and what are they doing, really what are they doing. Lots of them perhaps just sitting down fiddling their fingers, and if we don't be careful we could be in real trouble which I maintain we are in right now, even though they don't want to admit it. The Financial Statement made to the Finance Committee the other day clearly indicated this, I have it somewhere among the papers, he said that if all the resources at our command, all the surplus and what not was thrown in that we wouldn't be able to balance the budget, which is perfectly true, but here again there's indication that the recession is over and everything else going pretty in the United States, even though that might be true to a point it isn't true to the extent when we should gamble on arranging a budget for a deficit of one million dollars. I think that we had good advice in the past and we followed it, I don't know what sort of advice the ~~Executive~~ <sup>Present</sup> Council is giving to the President, but I'll tell you, I shall always remember this, that when Sir Hugh Foot who I think is a very very clever man came down to pay his last visit to Cayman he warned and said I must congratulate you on having done an excellent job, but one thing I want done, get one thing done at a time, and if you try to get too many things done at the same time well you'll get in trouble. And this is so true, and I think that's where we are right now, we're trying to get too many things done all at the same time.

I think I've dealt with Planning already, I can't stand long Mr. President, so I have to make it as short as possible. Health Education and Social Services, I think we are all glad to learn that there's been improvement up at the Hospital. And I think we are all glad to learn that Government is now thinking of financing what used to be - anyway they will replace that by getting a loan from the Caribbean Development Bank - from which loan it was made clear that it had to be an institution here in the Caribbean area that was a contributor to the bank, and thereby students who wanted to further their education would be lent some money to take care of this with the understanding that they'd pay it back; Government will be paying 4 percent for it and of course the students whoever it may be whether it's in law or medicine or otherwise they would pay back that loan in installments after he had been practicing medicine for instance for thirteen months to have start paying back this loan. Which I think is a good thing, for me I think that's better than the other way around. I think that that impresses on the student that now here it is you are getting this help, and let us be sure that you're going to do your best, and especially when we are told that the students concerned in many cases happen to be Caymanians. I know of one particular one who said that he wanted to pay a contribution to his homeland, the land of his birth, and when he qualifies he wants to know he was working here in the Cayman Islands, that is how he felt about it. I wouldn't say anymore about that because I think that's pretty well understood.

The Education Programme is finally going well, I'm glad to hear this, I must hand it out to the Member responsible for Education. In the primary section, schools are now fully staffed with qualified teachers. This is a great thing, and I hope that most of those teachers are Caymanians - Cayman trained teachers. The newly established Community College announced recently which is designed to offer adult education is really off to a good start; it is self-supporting. The building programme continued with the construction of a modern infant block as an addition to the West Bay Primary School, I'm very pleased to know this, perhaps it would be well for me to mention something about that school. I may say this in 1967 I was in London

MR. T.W. FARRINGTON (CONT'D): attending a conference, and I was invited to come down to the Commonwealth Office, and I had a very great welcome at that Commonwealth Office by a Mrs. Judith Hart who was then in charge of operations in the Cayman Islands and other places of the Commonwealth. And that was one of the first things I said to her, I said Mrs. Hart we've got this against you that we should have had this school started long ago, but we've been waiting on the okay from the United Kingdom. She said very well, she said I'll promise you that within the next few days a directive would be given to go ahead on that school building and sure enough in a very short time that was done.

The next thing I discussed with her was the matter of casino gambling, I told her that in the Cayman Islands we had a christian community, and we would never tolerate having casino gambling, we are certainly not geared for it, and we certainly don't want it, and we feel that perhaps if we think of going to casino gambling our whole island would be ruined. And her reply to me was this, you are so right. We have it here in London and the bad thing about it we can't get rid of it when you want, she says it here and here to stay, and the ridiculous things that go on there is something out of this world. Within a few days the Administrator had received a directive from London, and this is what it said, we are examining the gambling laws of the Cayman Islands and we find that in that Law the Administrator in Executive Council could grant licences for casino gambling. It said I am directing you now to call a meeting right away and have that removed, they had this all done before I even got back here, and I happened to have been there a day or two when this Law was changed.

The matter of doctors, I told her that we were very perturbed over the fact that when we sent to London for doctors you instead of sending us the best you've got, you send us some worn out doctors, who might have been alright when they were young enough and able enough, but as I say right now we've got an old man there who I think is very qualified, but he was trembling all the time and he's worn out. And within a short time I think Member will agree with me that one of the best doctors that we've ever had from the United Kingdom Dr. Smith arrived on Sunday. And I don't think he was treated in the manner he should have been treated or he'd been here now. That's my own feeling about it.

I think I agree with Member who paid a compliment to MRCU, I think they've done a great job, and I think they deserve all the help and support from the Members of this Assembly and indeed people of the island.

I am not going to say anything about the Savings Bank and Currency, I think that has been covered very well.

Police here again I believe that the Police in some cases haven't been doing a magnificent job, but I'm glad to hear that some of them are being phased out. I being here yesterday afternoon, my daughter drove up to the place here to pick me up, and I started to go out and before I got there there was this policeman and he said you can't park here, and of course she was furious. She said I'm not parked I've come here to pick my father up. When he saw that I was there he left, and I was anxious to get home; that was yesterday now, just yesterday, and I think they ought to have some sense of judgment to know that certain things that go on here are just terrible.

You'll notice Mr. President some of the Members on that side yesterday were wondering why I didn't take notes, well I haven't been accustomed to taking notes. I will agree that my memory fails me very often when I get up and the least little thing I might forget, but I have spoken in England and in Australia in Jamaica extemporaneously and I've been complimented on it.

This licencing of vehicles I still think that we made a mistake, but of course the majority said otherwise, and I accept it. But I think still that twenty five percent would have been a reasonable rise in the price that you pay for new or used vehicles coming into this island. I still think so, and I think that perhaps all said and done Government will receive more revenue from that source by keeping it at twenty five percent. It was argued of course that in all parts of the world where these

MR. T.W. FARRINGTON (CONT'D): things go up, but I think we are a very fortunate people here to be able to carry on, and I repeat if we undertake to follow the example of some of our neighbours, I think we will find that we'll soon be in just as bad shape as they are. We are fortunate in this island, very fortunate to be able to carry on this Government, and I would advise the Financial Secretary to try and cut down on some of these projects which I notice we have on a few things, but the Port Project I'm not going to even comment on it, let history prove whether it is right or wrong.

Broadcasting, very good, I'm not going to comment on that either. But the new year 1976 I think it is fair to say that never in my eleven years, the Financial Secretary in this Office has a Budget been more difficult, naturally it had to be difficult, it is a difficult year, and I think one of the difficulties is this, that we try too many things all at the same time. Never has a Budget been prepared against a background of more international uncertainty, I imagine that he's had a very difficult time to try to prepare a Budget, but I'm glad to see that he realises that some of the projects that were envisaged during this year had to be left because there is not money to finance them. One thing Government should remember that even though we might be able to borrow money for these Capital Projects that we have to pay that back, and you can never tell what will happen, as I say we're budgeting on a premise that finances are improved in the United States. I maintain that there's going to be some time before we get the benefit of this. Perhaps the Member for tourism will be able to try to justify something about that, but nothing is justified about the agriculture.

This year we begin with a small deficit of a hundred and fourteen three <sup>hundred</sup> and two dollars according to the Revised Estimates for 1975. Well if imports keep on dwindling which is obvious you won't see these quantity of ships in the harbour as you used to, and of course that means that you'll bring in less revenue. And in the last two months of 1975 increase as expected the deficit might disappear. I'm glad to know that he has that confidence, I'm glad to know that he's a courageous to make that statement in a Budget Speech. So this is the one that I think is most applicable, so we must tread slowly and cautiously. I think that's what I've been trying to get across, not try to - it's simple fact that you only got ten dollars you can't spend twenty dollars, and think you're going to come out without getting in trouble, and I think that is very much what Government has been doing in the past years. I think they've been trying to spend twice as much as they could get, and of course like individuals this will get you in trouble.

Then of course he speaks about the new measures for taxation. I may say this that I was surprised, yet I don't think I should be surprised to know that the Member for Executive Council responsible for agriculture and what not seemed to have demurred when the question was brought up yesterday that we think it is unfair, which I think they will recognise it after awhile for East End filling station and North Side and Bodden Town to pay the same fee that West Bay and George are paying, I mean nothing could be more unfair; as a matter of fact we encourage law breaking. If someone has got a licence to operate a filling station and he can't make money there's always something that he may sell liquor, he might sell this thing and the next thing, and of course you know what that'll mean. So I say I'm glad that finally - I think that is about the only item that the members really came to an agreement with. I'm happy to know that we did, I'm really happy to know that we were able to help those people in the eastern end of the island in the way we did, even though the Member from East End sits there and had these terrific rates put on. I hope that this might induce you to get up and say something later on, I think your constituents are looking on.

Traffic Law, Caymanian Protection Law, Development and Planning Law and what not, Post Office Law, Lighthouse Law, Customs well I think that's been covered - Companies Law and what not. I don't think that I'm going to go on any longer, Mr. President, I'm getting tired, and I only want to make it abundantly clear that we are not prepared in the future to accept these things without questioning, and I think that the Member from Bodden Town said awhile ago that I think it was the famous Disraeli who said this that no country could progress without opposition, and I don't mean oppose or criticise for the sake of it, but honest criticism is good, and it'll help the country. I say this like in Shakespeare, men some-

MR. T.W. FARRINGTON (CONT'D): times are masters of their fate with all their prudence, with all their Caymanian is not in our style but in ourselves, with that I close. Thank you.

HON. W.W. CONOLLY:

Mr. President and Members at the suggestion of the Member who has just sat down I believe that if I get up at this time I may be able to clear a lot of uncertainty, and throw some light on discussions that have taken place here for the last two days on the Budget Speech. First of all I would like to emphasize that the Budget or no action of the Government is decided on by rumours, the Government and governmental decisions are based on facts, and while it may be beneficial to the opposition to collect rumours, and I'm not excluding the Press when I say this, yet I don't think that it would be beneficial to the people of the Cayman Islands if our Government was run on and by rumours.

Mr. President and Members, much has been said about the Budget, very little criticism has been made to the document in front of us. One thing is sure and this has not been criticised, that if we want something we have to pay for it. I cannot see and I imagine this is the reason why it has not been done, anyone criticising the spending of money if one wants the good. If the people of the Cayman Islands expect, if they need, if they will have infra-structure that is necessary for their well being then it is only necessary that the Government provide these amenities for the people. Now no one is going to say that in this provision there won't be increases of revenue or increases of taxation, no person yet can expect to increase their expenditure on the necessities of life without having to increase their income. Now where does the income from Government arrive, income comes from taxation, individuals get their income from their jobs and everybody goes out and every year one is asking I want an increase in salary, I want an increase in pay. Well if Government's salary is taxes naturally it follows as the day thenight, that there is going to be an annual request for increase of this income. What happens since there's no alternative because the demands are here we want roads, we want schools, we want dock, we want airport, we want the town cleaned up, we want Government to send off children for higher education, we want a protective service - the Police Department be enforced, we want a better air service, we want better postal services. Well if we want these then we are going to have to provide them, and I said there's no alternative than to increase income.

I can agree with Members who have spoken, and I believe that there is none other more conscious of that than Members on this side of the House, that there should be an awareness, consciousness of spending. But I think it would be unfair for a Member of this House who has happened to have had the good fortune of spending the greater part of one's life in here to compare cost of a half century ago to cost today. Surely when the airport was built in 1953 the labour was ten shillings a day, an ordinary man working eight hours a day, and I believe a little more than eight hours. Today it is sixteen or eighteen dollars per day, and you'll get I'm afraid to say, I might misjudge. But this shows one that naturally costs are going up, and figures today there's no doubt that budgets of this magnitude in some way tend to confuse a member who has spent such a long time in the House, but this is normal development, normal progress.

When I first came to the Legislative Assembly, if I can go back to a little bit of history, it's way back in 1944 I think it was the first time I sat in the Assembly of Justices and Vestry. We got the total paper for the year in a very small envelope, that included the Budget, the Throne Speech, the everything, Medical Report if there was one, Education Report if there was one, I could read through it in five minutes. Today the amount of paper that comes in one minute is surprising. So let us not look too far into the past, I don't believe in forgetting the past, I believe that if we are going to see and steer a course in the future we have to take a look at the past to see where we have come from. Surely this is a big Budget, surely when you think of twelve thousand people without the taxations of other developed



HON. W.W. CONOLLY (CONT'D): countries, and developing countries, think of an island set out here in the Caribbean Sea with two industries that are so dependant on the outside world economies, and to think that with twelve thousand people, and we have a Budget of nearly fifteen million dollars. I believe that it is something to really give consideration to. I believe today that the Government can well and truly be complimented on the achievements that this country has made. And when I say the Government I don't speak singly or individually of people holding offices as such, I'm speaking on the people as a whole, because the Government is the people. I believe today that this Budget is going to be accepted despite the small criticisms, I believe it's going to be accepted, and I believe that at the end of 1976 that this instead of showing a deficit is going to show a surplus. I have never been more optimistic in my life than I am at this particular stage, and from here on, Mr. President, I will deal particularly with the comments that were made in reference to departments over which I have been delegated responsibility.

Mr. President and Members, when I was delegated these responsibilities I recognised the fact that there would be problems, that I would be criticised, I realised the fact that not everything that is done today one can see the results immediately. But I accepted the challenge, and I can truly say that I have as far as my ability serves me contributed all that I was capable of contributing.

Now I will take the subject that is most dear to me, and that is tourism. For some time before I became a Member of the Executive Council I was appointed the Deputy Chairman of the Cayman Islands Tourist Board, prior to that I was a member of the Board. For the last seven years in 1968 I was associated with tourism and in 1972 I was then given the responsibility for tourism. Shortly after I was given the responsibility and considering that the Cayman Islands Tourist Board had been very active, had been very successful I thought it best to review the work of the Board in relationship to the development of tourism of this island, and to investigate future plans. In doing so I solicited the assistance of a team of experts, even though this is a bad word across the way, but I don't think it's that bad after all, I think it's a good thing that we do have some people who are experts. In this survey one of the recommendations and one that was really synonymous with my thoughts, was the setting up of a full Department of Tourism - Government department. Because I believed that tourism was so vital to the future of this country that it was necessary to have this well organised and placed as a governmental department.

In 1974 this department was set up with the appointment of a full time director, and naturally a policy had to be formulated. This I believe has raised some criticism, this I believe has been totted around the street by some people recently that the Member didn't want tourists to the island. It went to the press, it went to the Chamber of Commerce, and I think probably <sup>is</sup> in the hands of members of this Assembly. What this policy said was merely this, that Cayman was not for everyone, and I think you'll agree with me, and I think the world agrees with me. Some person, and I'm giving this now for the benefit of members, there is a certain journal written by a gentleman up in Georgia who puts this booklet out on it, it's a thick book, it is called "Fieldings Guide to the Caribbean", it's a document that tends to carry some good things, and some bad things about people if they look on one they say anything you'll like to say. Well each year it is put out - After Mr. Harmon must have read my report, (because I didn't see Mr. Harmon, in fact when that report was published, I was on my way to New York, it happened the very night that I went to New York to seek arrangements to have our airline continue) <sup>he</sup> wrote among other things that the attitude to tourists <sup>was</sup> And I quote here, he said, "selective and picky". When I said that Cayman was not for everyone he interpreted that, and he wrote it in his journal to say we are picky and selective. Is there anything wrong about us being selective and picky? And what he went on to say further down, he says "the Honourable W. Warren Conolly, J.P., the Government's top tourist boss in this British territory frankly concedes that his Government has been studying the industry and its effects for sometime, to decide whether or not they want tourism at all".

HON. W.W. CONOLLY (CONT'D): Now this is what I was trying to come to. Yesterday afternoon when the Honourable First Member from Bodden Town spoke on it I think he said that tourism with all its attributes he says we should study the benefit. I believe he mentioned that in tourism he wasn't saying that tourism attributed to this, but he mentioned that the boat trade. And Mr. President and Members, if Mr. Harmon got the message it's exactly what the Member was thinking about. It's alright to say we want tourism, and tourism is a good thing, but I wanted to learn and I did learn from the mistakes of other people in our area. There was no sense of flooding this place with tourists, there was no sense of flooding this place with undesirable people, just because they could ride <sup>in</sup> an aeroplane, or just because they could pay a hotel bill. First of all the Government had to study the impact of tourism on the indigenous population. If tourism is going to succeed, which I'm sure it's going to succeed here, one of the most important thing is that it is accepted by the people. And, Mr. President and Members, if my memory serves me correctly up to two Budget Sessions ago I had trouble to get Members to agree to this thing called tourism. Not everybody was in agreement with it, so even Members of the Legislative Assembly didn't accept the full benefit and the full impact of what tourism would do this. We have it out in the public now, we have certain sectors of the public say what has tourism done for me, run up the cost of living, that's all I've got, I don't work in a hotel, I don't own a hotel, I don't own a taxi car, all of these things, Mr. President and Members we have to study. And if Mr. Harmon said that statement, and made that statement, he is quite correct. He said I was picky and choosy while I didn't say those words, he said them. I said Cayman is not for everyone, and I still contend that Cayman is not for everyone. We do not advertise Cayman <sup>is for everyone</sup> because surely we in this Chamber said we don't want gamblers.

Now today the only two islands in the Caribbean that <sup>have</sup> beat our record for 1975 or they ever come near to it has been two islands that entertain gambling. If we wanted gambling in this island there would be no question about a four hundred room hotel tomorrow, there would be no question of about a hundred percent full year round. We don't want casinos, so we tell them in time. Another thing we don't want, we don't want the hippy type person who comes here that has to sleep on the beach, in fact our Immigration Laws are geared that way. If a person comes to the Immigration counter as we all know or should know, and he doesn't have a hotel booking, or a return fare, they take care of him. We want people to come to these islands, people who will enjoy us for what we have and what we are, a friendly people. We have beautiful beaches, we have clear water, beautiful snorkling and scuba diving, some shopping and few other things. So don't make a mountain out of a mole hill when you hear somebody on the street saying that Warren Conolly doesn't want tourism. I work twenty four hours a day at times, but as I said I don't want any and everybody just because somebody has a dollar in his pocket. We want people to come here, and to enjoy Cayman, and for the Caymanians to enjoy our visitors.

My second statement which he didn't quote me in saying was this, we don't want to entertain more people to Cayman than we can comfortably entertain. He didn't quote me on that. But thanks to Mr. Harmon, Mr. Harmon has written asking if I would like anything included in next year's edition, and probably I will write Mr. Harmon and give him something to put in it. But whether I do or not, Mr. Harmon will copy what he's said this year or he will write something else. But I believe, Mr. President and Members, that Members here know better than that, they know I believe in tourism.

Tourism saw a pretty rough four months of the year in our prime time when the rates were up. Between January and April we saw a decline in numbers, and when the Honourable First Member from Bodden Town questioned yesterday I think I should say this, that the reason why there was not more accommodation tax even though the numbers are up, the numbers are in the summer time, we have had an increase ever since July, and it's continuing to increase, but we're still at the summer rates. Some hotels today at a very, very low rate, as such accommodation tax being a percentage of the rate it would evidently reduce the amount that we earn from that source even though our numbers were up. I hope that in next year, and I think this is

HON. W.W. CONOLLY (CONT'D): one of the reasons why the Honourable Financial Secretary didn't put his hopes too high, you know he didn't go under that, I think he made it slightly higher, because we hoped looking after the bookings and with all projections that our winter season will be much better than it was last year. At the present time Members it's gratifying to know that our major properties on the beach are full at this time of the year, which is very unusual. And we are going out in the end of this year with a surplus which was not anticipated as I said at the end of Spring.

I think I'll leave tourism, Mr. President, and Members, since everyone now has accepted, they're going to support it, I hope that they will increase some of my votes, if the money was there I'm sure they would be willing to do that. I have a very small budget on advertising, a very, very small budget, the cost has gone up over thirty percent in paper as everyone knows in printing this last year, so I'm actually going to get less this year than what I did, I'm only hoping that with the advent of a North American Airline Carrier that this will assist in the promotion, and where we fall short in any area this will make up for that. Failing that I would be in a lot of trouble to keep up my present advertising standard.

I'll take agriculture, I believe this is what has worried more people, and has worried the press, I noticed the headline yesterday about some meat from Swan Island, and Mr. President, I believe that I should take a little bit of time to explain this. Then I would hope in the future that Members refrain from going by rumours when they can get the facts, the facts are available to them. It's unfortunate that sometime you'll find that it is so easy to get the truth and the facts, but we go the long way to listen half an hour to somebody who knows nothing about what is happening, and then go out and spread it. I'll talk on Swan Island meat, I'm going to talk long enough that I'm hoping that there'll be a steak prepared for me out of it when I've finished.

Agriculture in 1975, as the Financial Secretary has said, has seen the injection of a qualified vet. Now this alone, Mr. President and Members, does not complete an agriculture department, don't feel today that everything is finished as far as agriculture is concerned by getting one officer, and one capable officer. It goes a long way, but it is in no way the whole story of any department, but as I said it goes a long way. We note that this Officer has only been here about a year ago, and in fact this Officer came in just before the Budget for this year was made up, and naturally had not got his feet on the ground. If we are going into what recommendations and what advisers and what experts told us, we had been told for years according to the records I found here that the agricultural development in Grand Cayman would probably and most possibly develop on the animal husbandry side rather than the other side, the vegetables now, which I think most people agree with. And from years ago it was recommended that we should bring in and set up a proper veterinary service at this Agriculture Department. Well it's like everything else we can't do everything one year, we can get a recommendation in the year, it mightn't be possible to do it this year, but we have it down there and we do it when it becomes possible. Well when it did become possible for this Government to find the person, and that wasn't all, finding a person wasn't all, we had to find the money to pay somebody. This became possible last year, and as I said this officer was selected. I would like to mention here for the information of Members that following on a conference that I attended in Jamaica last year, we now have a Caymanian training in Guyana, as an animal health assistance. I know that this young gentleman is very keen on animal husbandry, and I have every belief that he is going to be successful. It is a very solid course, it is not just some flimsy thing, it's the academic side of it is probably at university entrance level, and nevertheless the young man has a knack for this, and he has had other training, and I think he is doing quite well, and he will do quite well.

Now when Doctor Jackman came to our island, that's our vet, one of the first things that he suggested and it is still in the mill that we update our laws dealing with animal husbandry. It's a very

HON. W.W. CONOLLY (CONT'D): complicated law because it controls the importation, the exportation, the care of the animals and everything, but some of these laws are inter-twining, and we had the Public Health Laws and we had this law going so this particular law will shortly come before the Legislature. Prior to this our existing laws now, and this is where this much talk has come in about this Swan Island meat, our existing laws on the importation of animals from outside prohibit the importation of cattle from certain countries, and allow the importation from certain countries, in the schedule of the countries that it is allowed the United States of America happens to be one of those countries, and Swan Island was a U.S. territory. Now the Customs Law when this was being legislated here, provision was made in the Customs Law, the first item on the Customs Law in the Schedule is cattle from Swan Island duty free. But what has happened since that time, and I mean everyone knows this because it was going on for a long time, the negotiations of the sovereignty of Swan Island, this was a negotiation between the U.S. Government and Honduras. Now suddenly this sovereignty was granted to Honduras, nevertheless our laws as far as they're concerned still under the Customs Law cattle from Swan Island and the importation of meat says no cattle from Honduras. The people who had cattle there, the Glidden's family were allowed under special consideration by the Legislative Assembly on a Motion on the floor of the House to allow them to get their cattle out of Swan Island, this has been years ago. It has been followed on and in 1970 Dr. Holland who is the F.A.O. veterinarian for this area at the request of this Government visited Swan Island to make a report on the cattle in Swan Island, and I have here his report to the Government. I'll just read the latter part of it.

From the history given to me, this was on the 18th day he said he visited Swan Island, I visited Swan Island on Wednesday, the 18th March, 1970 at the request of the Government of the Cayman Islands and carried out an inspection of the cattle there, returning to Grand Cayman the same evening. From the history given to me, and from my inspection I do not consider that these animals if imported under controlled conditions to Grand Cayman would present any risk to the health of the indigenous cattle. That is Dr. Holland's report. Dr. Holland's report was submitted to the Executive Council, and the Executive Council agreed on the 14th day of April, 1970 to allow the importation of cattle from Swan Island. This was when Swan Island was still - they were negotiating the sovereignty. Since that time Swan Island became Honduran territory, but no amendment was made in our laws to the effect, and as such the Government did not give a cut off date, even though the territory is Honduras. Shortly after Dr. Jackman arrived in this island last year, I had Dr. Jackman to go to Swan Island to review the situation to see how conditions were there and make a report, and he did make a report on it. And the conditions were the same as they were when Dr. Holland made his report, the only cattle that had been imported into Swan Island, and I have it from the American authorities that the only cattle that has been coming into Swan Island has been a bull from Mr. Johnny Bothwell's Farm in West Bay. Surely the vets, Dr. Labath, Dr. Holland, Dr. Pat and Dr. Jackman, will all say that meat from territories that are subjected to the foot and mouth disease we should not allow. They're still saying that and so am I, and no one went against the professional advice of the Director of Agriculture. What happened was and is, and the records show that no directive had been given because one law said that cattle could be coming from Swan Island, the other law implied that it could not come in, because the sovereignty had changed, and as a result of that Government had not put out a statement, and it was felt that it would have given the people there who were originally Caymanian people who had worked hard for these cattle, it would be an injustice without giving them due notice, and therefore the Government put out a notice in the Gazette saying that the cut off date for cattle from Swan Island would be the 30th day of November, 1975. I take it that early in the new year when the new Importation of Animals Law comes into being there will be a completely new Schedule, and the situation will be attended to. There has been absolutely and in fact no one will ever go against the professional advice of an officer in certain respects, when it comes on a political decision, it's a different matter.

HON. W.W. CONOLLY (CONT'D): The Director of Agriculture made a statement which was based on his profession, so did Dr. Holland, so did Dr. Pat, and so did Dr. Labath, the decision to allow the Glidden's family to take their cattle out was a political decision taken by this Government based on information that the situation there would not run any risk to the cattle in Grand Cayman. Because the situation had not changed from when the place was a U.S. territory, which I feel is a fair and a reasonable decision, and one any reasonable people or any reasonable government would have made.

Mr. President and Members, before I get off of this point of agriculture, and the specific subject we were dealing with, the importation of meat from Swan Island I would like to make it quite clear that the decision that was taken was not in anyway influenced by any particular member of this Honourable House. It was done purely as I've stated before on a matter of equity.

In the Budget the Honourable Financial Secretary has suggested that it might be a good idea for us to declare 1976 "Agricultural Year" in Grand Cayman. I believe he threw this out to get some reactions from Members and also from the public. I don't think today that it can be successful, and I don't think that it would be very much purpose in pursuing it if the public was not behind this one hundred percent.

When we think of the development of agriculture in Grand Cayman, and I believe it has been stated outside and inside of this House that despite the importance of agricultural produce to an economy here in the Cayman Islands we have a lot of set backs. We have set backs as you know with shortages of good arable soil, we have set backs with shortages of water, we have set backs and this in my opinion is one of our greatest draw backs, high cost of labour, and high cost of marketing. There is no doubt in my mind that we can produce here some items I would think of quality equal to any part of the world. But then people here are becoming conscious of economies, even the Members of the Legislature this year are worried about expenditure, and surely the housewife outside is equally as conscious of expenditure, and for one they go in the supermarkets and find a sweet potato or a yam grown in East End at fifty or sixty cents a pound, side by side with irish potatoes grown in Maine for fifteen or eighteen cents a pound, well it's a matter of economy coming into play. And whether one likes the taste of a Caymanian yam or a Caymanian potato one has to consider that, when one can carry home five pounds of irish potatoes grown in Maine for the same cost of two pounds of Caymanian produce, well you know what happens. This is something over which I'm not certain who has the control, because people want more and more for their labour and naturally as long as this pertains the people who grow the produce in order to keep in business will have to put a cost comparable with the cost of the labour.

We have had recently two or three projects, and today I'm a bit dismayed, I'm a bit worried over the situation that has happened. We have most of these developments going under, and naturally when a company is running into financial difficulty, there's only one thing that can happen, people<sup>are</sup> sensible they have to stop. I believe that the little production has shut down, whether it's temporary or not I'm not too certain, and the other production is getting on the way I'm told, whether they will be successful or not no one knows. One encouraging factor is that every other day somebody is in the office who has an idea of starting agricultural pursuits here, and I believe a new development is taking forth near by where one has just folded up. Whether it's management, whether it's expertise or what I can't say, but surely there is no continuing development in the production of crops in this island.

Now the Government despite criticism from certain circles has supported agriculture. Agriculture is one of the few industries in this island, a few businesses in this island that gets the support. You get your fertilizers in duty free, you get certain equipment in duty free, and on occasions there's the need for special waiver consideration which has always received generous benefits from Government. And last but not least, we have an efficient even though it's small, but we have a very efficient service at the Agricultural Station, which is capable of advising people on the types

HON. W.W. CONOLLY (CONT'D): of plant and the types of fertilizers and what not to use. Plus we have the Plant Protection Service of spraying plants, and another service for the public is the importation of fruit trees. So I'm saying that from the Government's point, agriculture has and is receiving certain benefits that other commercial ventures do not receive. I take it that the time will come when a genuine effort is made to have agricultural development succeed. If it takes more capital for the investors point of view, or if it takes better management I hope that this is in the near offing, because I would like to see it develop, and I believe that it is going to develop. On the other hand one must remember that we have a very small market here, it is a market and there're so many people in this business that your competition is going to be keen, and vegetables and milk and other items are perishable items, so it means very keen administration and management if it is ever to succeed.

One of the benefits I believe that the agricultural developers have, one benefit that was spoken of briefly, it was mentioned dealing with another heading of which my responsibility rests and that is Mosquito Research Control, and I believe someone said that there was no more mosquito pots. Surely today that agriculture will not be in its best until that we can control the mosquitoes to where people can go out in the early mornings and late afternoons to work. This has caused quite a bit of detraction from the amount of work that people would do in these islands, particularly in the summer months when you have long afternoons, long mornings.

Now Mr. President I must touch on the subject of Cadastral Survey, because I believe that was hit on very heavily, and some members even mixed up the Adjudication Law with the Development and Planning Law, completely two different things. I have absolutely nothing to do with the Development and Planning Law, I have the responsibility which has been recently delegated to me of the Cadastral Survey. Well I believe I'm in a position to reiterate the history of what happened about these bills when they first were slated to be introduced in the House, that is the Adjudication Bill, the Surveyors Bill and the Registered Land Law. But I will go back a little further, because I think what has happened, what has been not only implied, but what has been actually stated as a fact that the policy dealing with the Cadastral Survey has been changed. This I am saying has not happened, in fact I believe that what I will say here probably might be a little premature because there is a motion somewhere along the line to this effect, but as far as the eastern district is concerned the Cadastral Survey has just entered the eastern district, the three first adjudication sections have just been declared. I think what the members probably mean is the midland area. Grand Cayman was divided into three areas, the western area, the midland area and the eastern area.

Now there has been and there was quite a lot of worry over land ownership. I'm not going into the history of who owned land, and who didn't own land, and whether Cayman was a settled colony or whether it was ceded or whether it was a protectorate or what. I am not capable of expounding the intricacies of these particular pieces of legislation, I do have in my possession though a volume written by Sir Kenneth Roberts Wray who was an authority on colonial and commonwealth laws, who was advisor to the Colonial Office from 1931 I think until he resigned couple years ago. And it is a beautiful document, it cited all authorities and land ownership all over the Commonwealth, New Zealand and in Africa and in the Caribbean, all over the place. But what I'm saying is this, whether we were settled or we drifted here, we came here, or how we came there is no doubt in my mind that the legislators in this island, including some of the present legislators here now believed and knew that Government owned some swamp lands. I think this is a known fact, and Mr. President, as I've said I did a little research last night and I happen to get me out one book called the Black Book, this I've kept down through the years because it was a very exciting thing.

On the 1st day of September, 1961 which is about fourteen years ago we were called to a Special Meeting of the Legislative Assembly of which my Honourable friend over here Mr. Farrington was a Member of Executive Council at the time. We were called to this meeting to consider a contract drawn up between this Government and a company called Cayman

HON. W.W. CONOLLY (CONT'D): Reclamation Company. This document had been approved by the Governor of Jamaica, and it was sent back here for ratification of the Legislative Assembly, it was in the administration of Mr. Jack Rose who was the then Head of State. We had an Honourable Judge of the Grand Court by the name of Mr. Justice R.C. Laming who read this document. Now there was no doubt in the mind of the Government then, and I don't think there was any doubt in the minds of anybody at the time that the Government did own certain swamp land on the east side of the Great Sound in the North Sound. It was evident that they did, and in fact the Members of Executive Council who produced that document who had agreed to it, the Governor of Jamaica who had had it drafted accepted the fact that Government had certain amount of Crown Land. This document went further, it put an approximate limit on the acreage, three thousand acres. We were called that afternoon to agree to the sale of this three thousand acres of Crown Land to this Cayman Reclamation Company for a sum of three thousand pounds, a pound an acre. And Mr. President I have the Minutes here, and I have the book here, and if I show you today that is the part of Grand Cayman, if I'm permitted to show it, and the shaded areas where that land was. This is where that land was, see Rum Point up here, see Duck Pond down here. Now what I'm saying, this, that if in 1961 the same Executive Council and Legislative Assembly considered, because surely if the Government didn't feel like they had any swamp land would they go and write up a contract to sell swamp land to people that they didn't have? In 1961 long before the Cadastral Survey was ever thought of, long years before, they said in this document the agreement is here, that we have approximately three thousand acres, we don't know exactly until the surveyors go in, when the surveyors go there and find out exactly. Because the Government anticipated and envisaged that there was certain amount of part ownership with the other people, they accepted that, the document says so, and until such time as that division had been made known by the surveyors, the Government didn't know exactly to say they said approximately. And you know the reason why the Government didn't sell that then, I happened to be one of the reasons why it wasn't, and the reason why it wasn't because we didn't have a copy of the document for me to read. Here's the Minutes I can hand it down to you.

Now what I'm saying is this, that if the Government has three thousand acres approximately of swamp land in that area then what happened with it. Where is it in 1975, fourteen years, the Government hasn't sold it, hasn't given it to anybody, where is that land? Can anyone answer me, where is that land? Is it too much today for the surveyors to come in and say this is where we feel that land was? Now the first any surveyors - because this contract didn't go through because the people didn't get the money, the Cayman Reclamation Company didn't get the money - the <sup>Missouri</sup> Group out of Chicago, so now the only reason why the Government didn't sell it, because we didn't have it surveyed, that's what this document says, which is <sup>the</sup> Hansard of this Legislative Assembly. Now the Cadastral Survey has come by and said we feel that the Government has interest in this tidal swamp, that's all they've said.

Mr. President and Members, I can assure you the policy hasn't changed, and I can back this up by decisions of the Adjudication Tribunal, because in the South Sound area when it was discovered that there were certainly anomalies there, the Crown petitioned certain swamps in that area. Following on questions arising on the floor of this House, when I as a Member was asked if Government had gained any lands or lost any lands, is a watchful eye being kept on Government's land, there were supplementary all around me. Well I took notes of that and when I checked in I said well if this is how people feel let's test it out. We petitioned some, we had a stack of petitions in the South Sound area, that's the area the Cadastral Survey was at the time, and the Crown lost. We lost, we took it, we withdrew the balance because if you lose one you're going to lose the rest in that area - right. So it shows that no policy was changed, the Cadastral Survey said there's dry land over there, and there's dry land here and half the swamp goes here - fine.

Now we come to an area where we have Government on one side as Mr. A and an individual owner on the other side as Mr. B

HON. W.W. CONOLLY (CONT'D): and the Cadastral Survey has said half the swamp. And in any case, in any case in that area, and there is no book, don't matter who brings the authority, tidal swamp is owned by the Crown. And I am saying that in the worse, I have the areas, I have the areas that bring up so much of this contention, I came here armed with a lot of maps and stuff, but I mean you wouldn't see it, but the same area that I have on the Black Book, if I could put this up, it's the same area. That's a portion of the north east part of the Sound land, and this is the area in contention. And I'm saying that this is the same area there, that's the same area there in 1961 that the Government was going to sell.

Mr. President, it is unfortunate that a few people, and I am not denying this, in any exercise that one would do regardless of what form of legislation, or what form of regulation, there are certain people who probably would be restricted to some extent regardless of what it is, it would affect somebody more than someone else. But there is no doubt in my mind that one of the best things that has ever happened in the Cayman Islands is the Cadastral Survey, and a lot of people have got a lot more land that they knew they had to begin with, and other than that they have got and can get a guaranteed title. So I feel today that the money that we spent on Cadastral Survey has been one of the best monies that has been invested in this territory. And even though that there is individual criticism about it I am sure that when this whole exercise is over that everybody is going to be thankful.

We have just started the eastern end and no doubt there will be problems, we won't have I don't believe in the eastern end the problem of swamp as was in the western end. But we do have an area there that I know personally, and I'm hoping nobody puts claim to it, because it has never been claimed, no it has never been claimed before, and I would hope no one puts claim to it because they would know better. It has never been claimed by anybody. I don't think today that Government has spent any money on any exercise yet that has been more profitable to more people, take the number of parcels of land, take the number of transactions, take the number of disputes, and all this in consideration, and I don't think anything in the world, if you have that number of children in school you would have more disputes during the day than we have had with the Cadastral Survey. It has been must be nine or ten thousand claims in these islands, and less than two hundred disputes or something like that out of ten thousand, and most of these were simple disputes that could be handled, very few going, less than couple a dozen going to the Appeal Court. Surely this thing was not as bad as Members would want people to believe, they were bound to be a genuine and a widespread problem in the court, we would have to employ more judges and all that if it was. I am saying that the Cadastral Survey is money that we should not refuse spending money on, and I feel today that it's going to end up with a good tone. I'm hoping that particularly in the eastern end that it can be of continuing developing benefit to those people.

Someone mentioned land, and I was interested to note what someone said that land is an asset, it is one's birthright, what suddenly came to mind was what happen when you sell that. We are here lashing out on Government, government stopping development, government putting this and putting that, the Cadastral say and all that. On the other hand, if I'm only saying if, it was completely unrestricted, and the outside investors could come in as they wish/wit, no restrictions of immigration, no restrictions of purchases, what would happen to us. We would sell all our assets, we would sell all our birthright, and then we would be like lots of other places. If we go back to the Bible, go right quick early in that and you'll see what happen with you when you sell your birthrights you know. Because there's no doubt in anyone's mind, surely the human nature being what it is when you got money in your pocket you're going to spend it, and if you sell your land and put your money in your pocket you're going to spend it. You're going to buy a new automobile, the Honourable Member for Works will have to double up his vote for building roads, and all this kind of stuff. I feel today that we must, we have to for the sake of ourselves at the present time and for posterity, we have to accept controlled development in this territory, and when I say that



HON. W.W. CONOLLY (CONT'D): I am not out for stopping development, when I said that about tourism, control tourism, I was misquoted, then I spoke in a meeting in San Juan, Puerto Rico that they should control the hotel buildings, we were snarled at. Today fourteen hotels closed up in Jamaica, so many closed up in Puerto Rico, so many closed up this place and the other place, over-built, no control. Ours are wide open, we don't have much, but we're still going, and I think we should take an example from the hare and the tortoise, you see the hare figured he could rush it all one time you know, and if you do that you're lost. We want investment, I do agree, and surely a person who's in a particular business wants to see his business grow, that's human nature, It is ambition and anyone would like it to happen, the country has to grow, but the growth that this country had in 1973 was not a good growth, that was a tumour, that wasn't a good growth at all, that's right, that was a tumour, and it can give you trouble - cancer, yes it was.

In 1973 you're speaking about electricity, thirty seven and a half percent growth unknown in developed countries; in the United States today electricity grows sixty seven percent, here thirty seven percent. Tourism in those years grew twenty - twenty five percent, unknown of, an average increase yearly four to ten percent is good business. People gear themselves, you hire staff, you import staff, you build accordingly, and I'm saying that if this country had continued with the development that we had in '73 and '74 that we would not have been doing ourselves justice. I don't think anyone here stopped the development, I believe this is one of the - I would say salvation that came in that we could not see. I believe the slowing down of businesses in Cayman today, I believe that the consolidation of your efforts, the examination of your management, I believe these are things today, this breathing space, I'm sure this island needed it, and I'm sure this time gave people the opportunity of doing it. You talk here about offices being over staffed, sure this is what you get, you'll get offices piled up, you'll get everything top heavy when you have this rapid invasion of development. One has to consider whether you want something today and now and forget it, or whether you want it to continue.

Someone said we must not take examples from other islands around us, I disagree with that statement. I believe we should watch them very carefully and see what is happening around us. I don't think today that we should feel ourselves that we are alright here in Grand Cayman, and we are isolated from the rest of the world, we are not, whatever happens in the rest of the world affects us today, and I feel today that it is wise for us to take examples from what happens in the other parts of the world. We took certain examples, members know that, members in this House had pleasant memories of certain islands, I'll name Bermuda for example, Members went there they were very happy, very well entertained and everything else. Bermuda had development, Bermuda has had tourism, foreign investment for over eighty years and it's still going on, why, there's only one question, they don't have any better beaches than we have, they don't have anymore beautiful waters, the people are not nicer than Cayman people, the island is not an attractive island, something come up out of the sea there it looks like join up a hundred of them or something like that way. But it's one thing that they've had, rigid control, I'm not suggesting as rigid a control as Bermuda, probably it is not necessary, but I am still advocating, and I'm still saying that I believe that this Government is a Government that is not run by gossip, it is run in facts, and if it is going to succeed it must continue to do that. I would hope that in any future planning in this country that certain amount of hard facing the facts will come up, because anybody today who's anybody will own some property, there's no doubt about it, and anything you do with land is easy to stir up people out on the outside and tell them your land is going to be taken away from you. I've heard people saying that land is going to be taken away and you have to buy it back from the Government. And yet as far as I know we have more than a thousand feet of good land along the West Bay road that someone hasn't claimed, that has fallen to Government unclaimed. Government is not looking for any land grab, but what I feel is this, that our natural resources in this island are so delicate, the natural resources in this island are so limited that we have to develop, we have to utilise those natural resources in the best interest, not only of ourselves - I don't feel today that as members of this Legislature or as grown business people out in the commercial world here should feel ourselves

HON. W.W. CONOLLY (CONT'D): selfish. I feel today that we have little more responsibility than that, I feel today that we should think about the future. It's alright for us to think about the past and say our forefathers built the foundation for us, well alright I feel that we should have that same feeling and feel that we didn't destroy this foundation and we want to pass it on to our children. And the only way that we are going to do that is if we exercise care, caution, and a well planned development.

Much has been said about irresponsible spending in Government, but so far I haven't heard any speaker get<sup>up</sup> and identify any area, I haven't heard that, probably the members behind me will say that. Some mention was made about the glass house, they should have put plywood instead of glass. Well that probably can bring an argument, I'm saying that someone might get up and say that, but after all the expenditures in Government are like the expenditures in our own homes. And I want to put it back to you, if either<sup>person</sup> here can tell me that they spent less this year than they did last year or the year before then I'll sit down, and a Government is no different from an individual, and if it is going to cost me more it's going to cost you more, and it's going to cost the Government more.

You've made much about the big projects. Alright that is so we have a Legislative Assembly Chamber, we have the Courts building, we have the Administration building, we have the Dock and we have the Roads. There are a few more big projects that<sup>are</sup> necessary, and one that I would like, - it was touched on but I would like to say something on this because I don't know who's going to do it, I'm not suggesting that comes in the future. But I believe a water and sewerage<sup>are</sup> very important developments that should take place immediately if not before in this territory.

When Mr. Jack Rose went to London in 1964 after he'd finished his tour of duty in the Cayman Islands he said if the mosquito problem in Grand Cayman is not controlled you will never develop tourism. And despite the fact his words are true, he went on further to say then, and I mean it comes down through the ages I am saying this that despite of the fact that we are doing well in tourism, and we have good projects for the future, that if water and sewerage<sup>are</sup> not improved in this territory, and improved to where there is a good supply of fresh water then we run a greater risk of losing our tourist industry, than we are of infecting the cattle with Swan Island meat. We have to think seriously about this, I'm not saying that Government should do it, but what I'm saying that if it is necessary for Government to jump into this I think it is a wise thing to do. It's a must, and despite the fact it may bring us a deficit, sure who can buy a car and have money in the bank too. If you have money and you don't spend it, and you want to do without the necessities of life, sure you can keep that money there. We wanted a building, and we needed a building, I wouldn't have been able to stand on my feet this long if I was over in the Town Hall, I would have died of heat. We needed the Court House, we needed the Administration Building, and even though the Members on this side are considered extravagant in spending, I should send this to Rippley's Believe It Or Not. Being a Member responsible for Tourism, Lands, Natural Resources, MRCU something else, and the first I'm ever getting a desk was two weeks ago, after being in office seven years. After being in office for seven years I'm getting a desk two weeks ago. So I don't think today that we can consider ourselves extravagant, regardless of what people on the outside say. I feel like as certain members have conceded that the public, the Caymanians deserve what they have been given, and I hope they enjoy it. Unfortunately we get less cooperation from Members of the Legislative Assembly at times than we do from the public. I'm saying this with the absence sometime of the Members at certain functions.

Mr. President, there was all good praise for MRCU, I haven't heard anyone say anything bad about it, or opposing any expenditure, and I'm sure that<sup>there</sup> won't be any opposition. That's why I would volunteer Mr. President to get up and speak at this time, because I'm sure there won't be any opposition. I believe that everybody is convinced that the Unit is doing a pretty good job. Recently we had, and I believe somebody mentioned that, we had a visit from a team in Florida which I must say that the Government and people are very fortunate to have such a team of

HON. W.W. CONOLLY (CONT'D):experts come in.. They're very busy people, very experienced people, and had a look at our operations, they had a look from the air, they looked from the land, - and I haven't had the report yet, but from the preliminary talks that we had at the Informal Meeting, I am a bit gratified to know that their findings were similar to the way we think here that in the ten years of operation of this Unit that they have done exceedingly well.

Of course one of the things that was brought forward in the discussion and that was very quickly, was the fact that we have a big problem. They didn't duck behind that, they said we have a big problem, and I mean we know that, we didn't know it before the Cadastral Survey came here, but we know it after they came. We know we have forty two square miles of swamp in this island, so that's the big problem. One of the experts that came down here deals with six hundred and forty acres of swamp and he has a terrific job to control that, and that gets out of hand at times, with the constant surveillance and the constant pounding and here we are ten times, twenty times as large a problem as he has with a limited amount of money, limited amount of staff. But I too would join the Members who paid compliments to this particular department, I believe myself that they're doing a good job, and I would like to say that it's not easy to be out in that swamp at times cutting those trails, and that is done by hard working people, and I believe if we are getting money's worth any place we are getting it here; and I would like to also endorse a compliment that has been given by others on this.

Now here is another expenditure in 1976 we probably only can hold the line, we haven't asked or we haven't got what we asked for in equipment or insecticides. We haven't got the quantity and we will try to hold the line, but again if people want to enjoy a Cayman where that you can go out and enjoy yourself without being tortured like we were twenty five to thirty yeags ago, it means spending some money, and I don't think today that we can be accused of being extravagant, because we go into these problems. I think today tht the Government should be complimented on attacking these problems as forcefully as we do with the amount of equipment and finances that we have.

This brings me to a point, I think the Honourable Member said something about Sir Hugh Foot, I believe I was there the same day this was at the end of the building of the Airport and Hospital, and this again tells me that it's good sometimes to go by the advice of people, but I don't think the Legislative Assembly went by the advice of Sir Hugh Foot. I remember he complimented the Caymanians on their great achievement of spending ninety thousand pounds to build an airport, no people in the world he said would have attempted it, yet they completed it, He says I tell you it's a great achievement and you should be complimented, he went on further to say as the Member rightly said this morning that you have a lot of things to do he says, and you should take them one at a time. And he says I would suggest to you that you tackle education, you tackle education, you educate your Caymanian boys and girls to run your country. You know every Member including the Member there jumped up and said we want roads, you know that, despite the good advice that the Governor gave everyone said we want roads, and that's how you got the road between Bodden Town and West Bay, I have the records of it, I was a Member of the House, so I know, and today we've got our roads and we still <sup>have</sup> not got our children educated. I say and I haven't heard any adverse criticism, last time it was you know about the educational system, but I believe this time I think that there've been some compliments, the Member wasn't certain whether it was a bouquet or a rose or what it was, or a thorn, but he throw it down anyway to the Member that is responsible, and I too would like to say that I believe that when this Government went all out in educating our children I believe that is money well spent. But on the other hand I have to disagree with what one Member said, and that is that when we send these children away and they come back qualified we must put them up the top, you mustn't push them down and this and that. Now here again this is a matter of circumstance, there are some people depending on the circumstances that can get in positions quite readily because as I've said the situation on the return. But surely this is not a new thing to people in the outside world, where you have qualified people but they have to work in an organisation, they get promotion on seniority.

HON. W.W. CONOLLY (CONT'D): Seniority in most companies today is a very important thing, you have a lot of qualified people, you have ten qualified people for one particular position, and they're taken then at their seniority. We have certain organisations that they compel you to retire at a certain age to allow young people to get promotion. This was a deterrent to us here, this was a deterrent to us in years gone by, because it was said you had to wear a dead man's shoes. If somebody didn't die at a job there was no promotion, because there were only one or two jobs; so you wore a dead man's shoes. Today it's different, departments of Government, banking institutions, the communication system, and all these organisations today take people right up the line, and I believe that Caymanians qualify, and if Caymanians don't get over ambitious to become the boss, I believe they'll succeed. I'm a seaman, and I'll tell you this, most Caymanians are seamen, and I'm going to talk in nautical terms now, but it is known that on ships, and I'm sure my Honourable friend there from Bodden Town will agree with me, that not because a person has a Chief Engineer's Licence or a Captain's Licence that he's captain of a ship or a chief engineer of a ship. I've seen guys sailing with a captain's licence, he was sailing as a Second Mate, he was qualified, he had his licence he had his ticket, but it took time before he got in that position. And I would like to say one other thing, that having a piece of paper is not just all of it, that is mastering the academic side of life, but to be placed in charge of a department you have to deal with people, which it takes experience. It takes maturity to deal with people, and despite the fact as Mark Twain has said, "now that I've got my certificate I'll go out and get my education." I think that is what we should teach the young people in Cayman today, now that we've got out certificate we should go out and get our education.

There's no one in Government today that does not want to see Caymanians fill these places, but one thing as far as I'm concerned, I don't want the young people to feel that because I'm a Caymanian I'm cloaked and I can do anything just because I'm a Caymanian and you can't do anything, that's a bad situation, Mr. President and Members, and if we get our island here saddled with such a situation we will be out in a few years' time trying to beg people to come back. We'll be another Freeport, where the hotels told the people if you come we'll pay your airline ticket. This happened, thank God we ain't got to do it yet. There're increases in airline tickets and they're still coming.

Someone mentioned about our National Airline, I might be drifting off a little and I believe that the Honourable Financial Secretary will take care of that situation when it comes in his winding up. But since we are at a free for all, I believe I would like to say that surely Cayman Airways has the full support of the Government, and I believe of the people of this island. But Cayman Airways would not have been a good airline, the service would not have been a good service, everything would not have been just what it should be if we didn't have a certain amount of competition providing the market was wide enough to offer that competition. And I believe that the market is unlimited, there're millions and millions of American people travelling out of that country every year going on vacation, and there's no reason at all why we can't have our fair share of those people, and there is no reason at all why Cayman Airways can't be one of the prominent carriers in bringing them here.

Cayman Airways has a lot of protection, Cayman Airways has the protection from this Licensing Authority here, because this Licensing Authority here controls the landing. The other airlines can't bring in a plane as they like, and as many as they like, even though they're given a run. If Southern is given a run or National is given a run, or Eastern is given a run they just can't bring planes any time they want and as many as they want. That Air Transport Licensing Authority controls their landing, controls the number of flights, so there's plenty control. And I feel today that we are just being open, we are just being fair, we are just showing our manship, when we offer ourselves to a degree of competition from an American Airline. And I feel today that an American Airline will do us a lot of good, because they can help us in advertising, sure their interest now is our interest, and our interest is their interest in working together we can bring in people

HON. W. J. CONOLLY (CONT'D): here. One watchful thing as I've said before and this is why I've stated that, we have to be if you care to use the words that Mr. Harmon has used in his guide - ~~Fielding's~~ Guide, selective, I would not be against you using that. I might use it myself, but I'm using it in a very constructive manner, I'm not saying that we are going out and turning back anybody. But there're ways and means of doing this, and we have laid the foundation here with anti gambling laws, with control at our Immigration. And another thing we have done is our advertising programme, I believe this was questioned as to our advertising programme, we advertise in some of the most popular magazines and journals in the United States, we are not able financially to go to the regular consumer market, because we couldn't touch it, our small budget is ~~used~~ primarily in the travel trade. We invite a lot of travel writers to our island, and a lot of travel agents with the support of the hotels and the airlines, and in these measures we are able to get our point across to the consuming public of the United States.

Mr. President, one of the points that was raised and I think I should answer this briefly, this was in relationship to the Liquor Licensing. Much has been said about the Liquor Licensing places and I didn't follow the argument because the Honourable Member wanted this House to believe that the reason why the police cannot prosecute is because the word "apparently" is in the law. Yet further down in his argument he stated that some people will sell beer to a child if he's just high enough to hand the fifty cents over the counter. Well surely if the word "apparently" shouldn't come in there, I would feel that the bartender or the police or the Member or me or anybody would know the difference between a child that high and a person twenty one years of age. This I think is only being blown out of proportion, but one thing I would like to remind Members, and I would like to do that at an early stage, that as Chairman of the Liquor Licensing Board my responsibility is not to implement the Liquor Licensing Law. My responsibility as Chairman of that Board is to call the Board and to adjudicate on applications, objections and what that comes before the Board. Once the Board has come to a decision in granting or refusing, with any conditions, this stands here, that's as far as our responsibility goes, it is not for myself as Chairman or any Member of the Board to go out to implement the Liquor Licensing Law. The Liquor Licensing Law is like any law that is on our Statute Book, if someone breaches the requirements of this law then the Police Department, or if an individual lays the information the Legal Department proceeds with the prosecution in a court of law.

We have under this law certain considerations in respect to a person who has been convicted the second time. If a person has been convicted a second time on an offence of the law, and recommendation of the Clerk of Courts comes to the Board then the Board in its wisdom can revoke the licence or suspend it as the case may be. But I'm not going out implementing any law, and I would like to say this, that if the public of Cayman, Members of the Legislative Assembly, Police Department want to bring prosecutions under that Law, that they can do it, and I'm saying that if the prevalence of breaches of the law is as most Members are saying here, there should be no difficulty in the Police Department bringing people to justice. I cannot see any failure in this particular section of the Law that is the reason why people can't be brought before the court. I am saying that this is a matter that had been discussed and you know it's very interesting, because in September 1961 the first part of this Meeting I'm talking about dealt with this age you know, the same twenty one, that's when it was changed, that same meeting. So this has been going on a long time, and there's no reason today if the bartender wants to be honest with himself, if he wants to be honest with his Government, if he wants to be honest with the future of this country he can see whether that person is of age to drink or not. If he comes to him as someone suggested with a lot of beard and a lot of beard hanging down that you don't know whether he's twenty one or not, he might be nineteen and a half or twenty and a half, then it is his responsibility to question him, and it still puts the responsibility on this person to prove he's twenty one. Because all the bartender has to say apparently you're not twenty one years of age, and the whole onus then goes on the person

HON. W.W. CONOLLY (CONT'D): for him then to drink he must produce some papers to prove that he's twenty one.

The bartender is the person who has the leve on his hand, because the drink is behind his bar. And if he looks in this guy's face and feels he's not twenty one, or he's younger than that and says I'm not selling you because "apparently" you're not twenty one years of age, the responsibility then is on the fellow to prove that he's twenty one or over before he gets a drink. But as long as people will sell to these babies as the Honourable Member said, then you could put the age ten, wouldn't make no avail, you could make it forty, it wouldn't make an avail. I don't criticise the Law, if licensed premises are selling liquor to these youngsters they know they're doing wrong, they're know they're doing wrong and I fail to see why that they can't wake up to the fact that they have a responsibility. And I'm sure if Members know of any instances where that bartenders are selling babies and a written statement to that effect comes to the Board I'm sure the Members of the Board will look into it very very carefully and very, very seriously.

Mr. President, I haven't said anything about Cayman Brac, I didn't forget Cayman Brac even though the Members on the other side said that we had forgotten our good friend here because he was on a mission to settle the disputes in Bangladesh or some place. But we didn't forget him, I can assure ~~that~~ the Financial Secretary was conscious of the state of the economy, and Cayman Brac got their equal share of whatever there was to get. There is no doubt in anyone's mind that those two islands are problems when it comes to inviting investment, it's not an easy job to have investment go to either Little Cayman or Cayman Brac. It is a hard problem to attract investment there, and it will probably be sometime before the right person and the right investment comes along, we don't get any investment at the time we do hear about oil and all this, but these things never come <sup>to</sup> fruition; so we'll have to wait until such time as a good opportunity knocks. In the mean time I believe that Cayman Brac is sharing and getting their portion out of the development in the Cayman Islands. I can tell the Member that I particularly in tourism made special mention of Cayman Brac this time in our ads, I had insisted on having one ad, we don't have too many on Cayman but one of those was Cayman Brac. It was an underwater <sup>picture</sup> taken about twenty feet off the beach at Cayman Brac, it's a beautiful picture and I believe that it's going to be our drawing card this year and next year. So this will help, when we get a lot of tourists here we're going to have a lot of spin over from here going on to Cayman Brac.

Mr. President I don't think that I will touch on the other subjects, we have the Honourable Member for Communications and Works who I'm sure is well qualified to take care of his lot. We have this Dock Project that is causing so much criticism on the outside; we do get a lot of criticism from people who probably are captains or engineers but I don't know if any of them are dock builders and this is what you get. As long as this Government takes decisions on facts rather <sup>than</sup> on this gossip, as long as people view a situation in a broad light which I'm sure Members do, and contrary to the suggestion of some of the other Members, I believe that this country is on the right road to success. At least if we were not on the right road there wouldn't be so many of our people on the outside trying to get in. <sup>was made</sup> Mention/yesterday of the cemetery that those that are in can't get out, those that are out don't want to get in, well we are a little bit different here, we can get out with two schedule airlines, and chartered flights going out, we don't want to go out, and a lot of people want to come in so things must be pretty good here. But I don't think, Mr. President, that Members here who are responsible for portfolios are lying down on their laurels, I believe today that they can think too as well as Members on the other side, as well as Members who oppose them, I believe that. I believe that Members here are grateful of the criticisms, because I believe that most of the criticism has been constructive criticism, and I don't think it has been altogether negative criticism. And this makes good there's no doubt about it, because despite how good one feels he is a second suggestion can always add to that goodness.

HON. W.W. CONOLLY (CONT'D): Personally, I look forward to seeing 1976 come in with a much brighter prospect than 1975, I look forward to seeing Members here even giving more blessings and more congratulations and more bouquets at the next Budget Session. I look forward to seeing a lot of our developments completed and I even have the hope that the Airport Terminal and this other great development that I spoke of being started or getting on its way. We need more money and I think today that the measures that have been proposed are measures that are reasonable, I believe that no one has come up and offered any suggestion to the contrary any other item where we could look after. So in that respect, Sir, I would like to thank the Members, those who have spoken before me for their criticisms and for their blessings and for their bouquets, and I would hope that those who speak after me will be similar in their approach, if not I will still go on working in my way, the best I can for the benefits of these islands. Thank you Mr. President.

HON. D.V. WATLER: Mr. President and Honourable Members, as it will not be possible to complete this debate today, I move that we adjourn at this time until 10 o'clock on Monday morning.

SECONDED BY HON. G.E. WADDINGTON.

QUESTION PUT:

MR. JOHN JEFFERSON: I wanted to say Mr. President that I know there's a lot even though we won't go through this afternoon, at least it will make the load that much lighter on Monday that we will be able to get into Finance quicker, and personally I have a lot of obligations I'd like to be able to look after and get through with. I'd like to see the business of the House move on as swiftly as we can, and I would be opposing the motion myself. I feel that we should get as much done now as we can, the day is still early, and we at least could get in four or five hours this afternoon. At least we would wear down some of the rest of the speakers.

MR. JAMES M. BODDEN: Mr. President, even if I was in favour of going on this afternoon, at this point I would have to object, because I didn't know it was possible for the Member in front of me to say no.

MR. T.W. FARRINGTON: I think it's a point of order Sir, this is a motion for adjournment, and I don't think that can be debated.

MR. PRESIDENT: I think that it's quite proper to take opinions before I put it to the vote.

QUESTION PUT: AYES & NOES. AYES.

.. USE ADJOURNED AT 1.20 P.M. UNTIL MONDAY MORNING  
THE 24TH OF NOVEMBER, 1975.

M I N U T E S

MONDAY, 24th November, 1975

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMA RUSSELL, CBE.- PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE. JP	FIRST OFFICIAL MEMBER
HON. G.E.WADDINGTON, CBE. QC.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A.B. BUSH, J.P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. B.O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. W. W. CONOLLY, OBE. JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE. J.P	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE.

ABSENT

CAPT. A.A. REID ILL.



ORDER OF THE DAY

MONDAY, 24th NOVEMBER, 1975

CONTINUATION OF THE DEBATE ON THE FINANCIAL STATEMENT.

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MONDAY

24TH NOVEMBER, 1975

10 A.M.

MR. PRESIDENT: Please be seated.  
Proceedings are resumed. I apologise to Members for being slightly late this morning.  
We resume proceedings on the debate on the Second Reading of the Appropriation Bill.

HON. V. G. JOHNSON: It would be unfortunate if I have to wind-up now, Mr. President.

MR. PRESIDENT: Unless Members want to speak on this Motion I have no alternative under Standing Orders but to proceed with a Motion that the question be put. Standing Order 43.1 states that the President shall forthwith put the question unless he considers that the Motion is in an abuse of the Standing Orders of the Assembly, or an infringement of the rights of the minority, while the original question is on the floor.

MISS ANNIE H. BODDEN: Mr. President, it is a great pity that I am only allowed to speak once, because I could carry on since these men seem to be afraid of something I don't know what.

HON. W. W. CONNOLLY: Mr. President, I move that the question be now put.

HON. TREVOR FOSTER: Mr. President, it looks like I'll have to try to break this problem here this morning, although an Executive Council Member spoke last - I thought that one of the Members would speak from the other side .....

MR. PRESIDENT: I think I must ask if the Honourable Member wishes to withdraw his Motion that the question be put before you speak.

MR. G. HAIG BODDEN: On a point of order, Mr. President, I don't think there was a Secunder for the Motion, or may be it doesn't need one.

MR. PRESIDENT: The Motion does not require a Secunder under Standing Order 23.

HON. W. W. CONNOLLY: Mr. President, since a break is coming I will respectfully withdraw my Motion, but of course I would make the point that it does not speak of good Parliamentary behaviour what is going on.

MR. PRESIDENT: May I take it that there is no objection to withdrawal of this Motion. The Motion is by leave withdrawn, the Honourable Member for Executive Council for Cayman Brac.

HON. TREVOR FOSTER: Mr. President and Honourable Members, first I'd like to congratulate the Financial Secretary on his able and well put together Budget Speech - I know it was in a very peculiar time due to the recession in <sup>the</sup> outside world - our own position, but still I think that his speech was well put together it fits our position and it does not worry me to that extent - I feel the Cayman Islands are still in a good position - particularly in my position just coming from

HON. TREVOR FOSTER: a visit abroad I can't help but think that no matter how badly off we are here we're still in a much better shape than other parts of the world, and after all in this modern day a deficit is not unknown of, of course I feel that Government is in the position to make this good in the months to come.

Mr. President and Honourable Members, 1975 has seen many capital projects going on in the Islands, which are all very needed for the benefit of the people in the various Islands. One may tend to think, or the public rather that there were too many of them started at one time - this I will buy to a point - many of them should have been in being years before, but evidently it was not able to do this. Nevertheless Mr. President, a lot of these projects help supplement employment as the Financial Secretary said in his speech so that this year the public did not really feel the recession overall as they would have if a lot of this construction had not been going on, so one can only tend to think that if Government is supposed to take care of the problems of the people - our Government did its best during this crisis and during 1975. One can only hope that as the new year comes in things will increase, and it is no doubt that it will get better. On the other hand under the able hands of a Financial Secretary, I think he knows when to tie not only his allocations but the hands of politicians as needs be according to his budget.

Mr. President, Tourism has seen an increase in the latter part of the year - the first part was a bit down - the Member was just telling me that he has every hope that at the end of December he will make a slight increase over 1974 - this sounds pretty encouraging and <sup>no</sup>doubt it will continue we hope to increase. Mr. President and Honourable Members, however, I do see one sector that can be increased with a bit of energy injected into it, I don't know whether you would call it under Tourism or not, but however, the development of housing for retirees would be very attractive particularly to the outer Districts and the outer Islands. Today more people at retirement age like to leave the hustle and bustle of the cities - I think our Islands particularly the outer Districts are conducive to this type of development - we have what the retiree wishes, and Mr. President, I think during the coming year every effort should be taken to launch an advertising campaign to attract these people. I feel that if necessary, and it will <sup>be</sup>necessary incentives will have to be offered for the start in the various manners that are seen fit, but I feel like we are looking into a complete new horizon in this field. I don't think we have really gone out to look for the business as far as this is concerned - sure, the Islands are here - visitors come, some retire, some go, but I feel an advertising campaign must be launched with descriptive literature offering incentives so that people will know what these Islands have to offer in this line. Mr. President, the overall conditions of the Islands lend themselves to this type of person. I think our greatest problem is that not enough know about it. I think during the process, if this could be implemented, of this campaign naturally the outer Districts and outer Islands must be the centre of attraction. The capital has its various economic development, over the years, and on the other hand the outer Districts and outer Islands are feeling the pinch. Naturally our population in these areas are only human when they come to the capital and see what is going on - they can only tend to feel within themselves that not sufficient is being done for their areas. On the other hand I would not completely buy this, but as I said they are only human and they only take these things at face value or sight value. I think that we have to centre the whole campaign on the outer Islands and outer Districts as the retirement centre, and I think if enough is done about this certainly we can attract people in this phase of development. Mr. President, as the old saying is you have raw meat we must look for the fire. I think we have ample place for development in this type, and we must look for the fire to go with it.

HON. TREVOR FOSTER: Mr. President, in my own constituency the owners of the local hotels evidently are taking this in sight - they have started construction of additional ten rooms and every effort should be made, and on the other <sup>hand</sup> /we there are making every effort to entice more visitors to our Island.

Mr. President, Agriculture though it is very limited in these Islands its no doubt it has a certain potential - its not necessarily the potential in the crops as such because we are limited with soil, and a lot of problems stand before <sup>us</sup> /in this type of development - water for instance and lack of suitable soil as I said before, and the other thing is local capital. And to a point the average Caymanian is not very agricultural minded in the first place. But as I see it Sir, there are people in the outside world who are interested in this type of development and here again efforts should be made to entice these people. I think we will have to set our agricultural policy properly with a view to what thought of development we can lead our people into - if necessary we will have to advertise for the foreign investor- the foreign capital, and one can only hope that if this can become a reality that some local participation would take place - I feel there is a lot that can be done in this field, and today or recently we've got a Director in that department who is very professional in his field, and I feel with his energy in agriculture, his loving for it coupled with the host of new ideas that he can inject into it, and if the capital could be forthcoming I think a lot could be done. One that led me to bring these few words here today was in tasting a small sample of liqueur which can be made from our sea grapes, which sea grapes are wild throughout these Islands. Also on a visit to Curacao some time last year I noticed, and toured their liqueur factory, which most of the stuff even in that factory - the raw material has to be imported, and today you see their liqueur all over the world, and I feel a lot can be done in this field, but of course the thing that directs all of this as is so in all our development is the finance, so this part no doubt will have to be entertained before a move can be made.

Mr. President, I do not intend to go in depth into the Budget Speech as some others have done, I feel it is self explanatory, but I did pick various points that I wanted to say something on, and Planning is one of them. Planning is needed in any Island, any country no doubt - we're all aware of this - sometimes I want to think that may be planning is a bit late to these Islands, or particularly the capital city. However we can only try to do what is possible at this time. But Mr. President first priority in planning in my mind, and which is of paramount importance is that it must be inducive and suitable to the local population and to the visitor or investor as well. Mr. President, I am aware that professional developers require good planning - this is their first requisite, however the area on the other hand must offer suitable incentives before one will spend large sums of money, particularly in a foreign country. Mr. President and Honourable Members, I would ask that Members as well as the public look on planning and on the Development Plan as it goes on from a progressive view, and one which is needed for orderly development, and to keep the environment conducive to the local as well as the visitor. On the other hand Mr. President, it is indeed necessary as representatives of the people that our first obligation is to them, and planning - in all phases of it must be suitable to majority of our population. If this cannot be derived from this measure we are going through right now with this plan it is evident that something is wrong. The plan will have to suit the majority of the people of the Cayman Islands if it is to succeed. And after all when you really tend to think about it - we need planning - our people are aware of this, but as I said it must be suitable and it is evident if its not suitable, well something else is wrong - I wouldn't go as far to say that it is not needed, because

HON. TREVOR FOSTER: I am aware that anything - any phase of business - any type of development needs a plan. We have planning in our very houses - its needed so its useless to say that the Islands don't need a plan, but the point that I am trying to make is emphatically clear - we must suit our people if we are to have Islands that lend themselves to peaceful living, peaceful development, we must keep this utmost in our minds as we go on.

Mr. President, revenue and expenditure - we have heard various ones speak about a deficit - this may be true but in this modern age I don't that there/<sup>are</sup> too many businesses, too many families and too many Governments that don't have this problem to deal with daily and yearly. I don't/<sup>feel</sup> that it is anything for our public or our Members to get over excited about, as I've stated under the leadership of Financial Secretary something will stop before it goes too far - he keeps our hands tied when it is necessary, and I feel that as sure as the outside world, particularly North America revives from its state of recession we know no doubt will feel the benefit here, on the other hand may be the slight recession was good for us -/<sup>it</sup> brings us back to memory of the old days, and to let us realise that its always good to put something up for the rainy days - I think after this period evolves you will find that the Caymanian on the whole will tend to have this utmost in his mind and realise that saving ought to be a part of his everyday budget.

Mr. President, of various projects that are under constructions I can only say that they look very favourable to me. We have experienced a set-back here and there, but this is always inevitable - <sup>have</sup> this is one of the great principles of life, and it is not only us who/<sup>be</sup> suffered in this way, but one thing the public no doubt will have seen that the projects that have been put forward during the last years were very well needed - they lend <sup>their</sup> themselves to better working conditions for the Civil Service, for /<sup>be</sup> representatives which no doubt the fruit that will be borne will/<sup>be</sup> enjoyed by the public of these Islands. Mr. President, during this session there have been some tax measures introduced. I agree and I dare say that its not one Member in this House that would have liked to have seen this happen if one could better do, but we all must remember that its two side to this story - our constituencies want facilities in their various areas - they ask for it, we come here we put <sup>there's</sup> them forward - we get a go ahead and we need money to implement them. /no doubt the one measure that hits the public most which they see is the tax measure on automobile, but if people instead of griping about this will look back at these Islands years ago, and even now they will recall the state for instance of roads. Today the position is much better, and as the months go on the whole system will be reconstructed and Mr. President, needless to say this operation from the equipment down takes a lot of money. I can recall not very many years back trying to leave George Town to visit and see the Member from East End and that was a day's work in itself to get to East End on that road, today the situation is not so. Even in our own Island of Cayman Brac we have seen the whole road on the North Coast black-topped, part on the South Coast and we have even had enough courage to try to build a road on the Bluff, so Mr. President, I don't think it really is that big a pressure on the motoring public when they think of the things that Government has been doing to make the roads better and I only say and ask that when other thoughts come in their minds that they tend to look on a little bit of the good before they look on all of the bad.

Mr. President, there are many other fields of the Islands are lacking/<sup>in</sup> with development, but I must say here again finances are the controlling factor and during this particular period - as the old saying is we're no doubt going to have to cut our garment according to the cloth, but still yet I feel that we have been blessed. The Cayman Islands right now are envied by many - many would like to come here and enjoy a pleasant life. Honourable Members its our job

HON. TREVOR FOSTER: to see that these Islands remain this way - it is our job to see that our development goes on in a manner that we retain the character/<sup>of our</sup> environment - that our visitors will find themselves happy with us, and again paramount in our minds must be that while entertaining our visitors our local population must be happy. In this modern age when development goes with such a rapid pace, when developers from various parts of the world are scouting looking for new fields - it is not very easy to keep all of these phases under control and to a point where it lends itself to peaceful living on both sides. This/<sup>is</sup> what we have been trying to do - this is utmost in our Government's mind because at this stage of the game Mr. President, its no time for any social unrest - problems and I feel with the co-operation of the public that their representatives can achieve this goal. I feel that the Islands have a great potential for future development, but again which we/<sup>have to</sup> keep in our minds that any country, any island has a point of saturation and once it becomes saturated and it is over done the problems start, this is quite a job in itself to define the point of saturation. And this as I have said before, must be defined to a point where the local population is happy with it. Now we might not get in course of this development a community which all people like, particularly businessmen on the whole - or developers, but this is very necessary to define to avoid future problems.

Mr. President, we have had various points during the course of the debate last week made/<sup>by</sup> Members, from the various portfolios, but up to the last speaker I can't say that I have heard really too much criticism that you would/<sup>term</sup> non-constructive - I feel that the tempo has dropped a bit, or if you would like to look on it from the other side may be the various projects are now better seen because they are getting towards implementation time - I have noticed particularly during this session that education and the hospital always stood for a lot of solid criticism, but it is no doubt that our Government has been moving forward in these divisions - renovations at the hospital - the the upgrading of standards in the schools - in the Brac we have seen over the last two years two additional class rooms put on so that we can take care of the inflow of children - its no doubt again that next year some more is going to be required. So this, Mr. President, makes one a bit happy to hear that the criticism is not that great in this session. I can only say that/<sup>it</sup> seems as if Members have doing something to the benefit of their country, and their Islands.

Mr. President, one Member stated that it was obvious io him that the Member from Cayman Brac and Little Cayman wasn't present during the compiling of the Budget - well, from the first view of the estimates I could have bought it, but I have found where hidden in certain places there are some allocations for various expenditures - it will be necessary to dig them out of these hidden spots, but this no doubt we will do in the course of the Finance Committee. I am certain that no Member has gotten in this year's budget what he would have liked to, but again we just have to cut it a bit, and no doubt as the year progresses we are hoping that we will find other funds available, we hope that there will be an increase in revenue and we should be able to go on without too much setback.

Mr. President, I have covered my few points, and although we we have some speakers I would personally like to thank those that have spoken, and gave Members credit for what they have done. I would like to leave you/<sup>with</sup> these thought that one doesn't mind being criticised even/<sup>it</sup> its constantly, but he would like a little credit for when he has done something.

Mr. President and Honourable Members, I thank you very much.

HON. A. B. BUSH: Mr. President and Honourable Members, I was surprised this morning when I entered the Chamber to know that if a Member from Executive Council had not have spoken the debate would have ceased on the Financial Secretary's address. I thought that there were really some Members who really wanted to expound themselves

HON. A. B. BUSH (CONTD.): to some great extent, and I still believe that they do, and I am hoping that after I have spoken that the two Members who are left to speak will do so.

First of all, Mr. President and Honourable Members, I'd like to congratulate the Financial Secretary on a speech well prepared and well delivered. I believe that the Budget Session of this House is one of the most interesting, one of the most looked forward to sessions by the public because it presents to the people the state of the country, and we have had this presented to us and although it has been described as some what gloomy I don't take it to be as gloomy as what some Members may expect it to be.

The very second paragraph of the Financial Secretary's address speaks of the world wide economic recession that has had impact <sup>its</sup> on the Cayman Islands. This is true but I think we should be grateful that it has been no worse than what it really is - it could have been worse - we have not been hit as hard as many of the other territories in our area. And two, it speaks also of us having to use reserves which we have had. Well, this too is some what not desirable but at the same time this is really what reserves are for - we save money as is often said for rainy days, and this money of Government's was saved for a rainy, and the rainy day apparently has hit us so we were compelled to use it. But I am sure that the same way that these reserves were accumulated in the years past in the years ahead more will be accumulated again. I am not one who believes in putting away money and <sup>not</sup> having my needs supplied, and this is just the way I feel about the Islands. If the money was spent to good advantage, which it has been <sup>on the Island</sup> - I don't believe that it could have been spent in any better way then to provide the essential - the necessities for the people of the Islands, and so I am satisfied that the money that has been spent by the Government, even though it was the reserved funds, has been well spent to provide the needs of the people. This is what the money is for - it is not really to stack away and look at or to say that we have so much reserves and then we really are lacking in the common amenities for the Islands - I think this is what has gone on too very long in this Island, and we've tried for too long to get along on our <sup>own</sup> little savings rather than going out and doing what the private sector has done borrowing money to finance projects - we've started this and I am sure it will come to a successful conclusion.

Much has been said about the spending of Government, but yet I note that Members still advocate more spending in providing new services. One of the things that I must say struck me forcefully was that we should more or less embark on our Navy - a police boat large enough to intercept boats that come around our shores who are suspected of dropping off drugs. I wonder really if Members realise what we would be going into. I wonder if Members realise that this is a job for the Royal Navy, and we should not try to take this away. I wonder if you realise that someone would eventually get hurt in such an exercise. There is only one country that I know of that patrols the waters like that and keeps people away from it and that is communist Cuba down in our region here - because sometime ago I remember when I went to sea myself we used to sail right up close to the coast of Cuba, today I understand, (although I haven't been any where around there for many years) I understand that they give it a wide berth and they never even see the Island any more this is for fear of being intercepted by their navy or their coast guard whatever they call it. So someone would get hurt no doubt in an exercise such as this. I would think that Members should concentrate on recommending to Government that a shore patrol - that is a patrol on the coast of our Island should be more effective than having a boat to go out to sea to chase down and accuse people of smuggling drugs into our Islands. Drugs, Mr. President and Honourable Members, I believe has been over exaggerated - may be I don't know so very much about it - don't even know what ganga looks like, but I know this is our main drug, I think that we are talking about, and is really a legacy we have inherited from Jamaica. This is the place I think this comes from and I feel like



HON. A. B. BUSH (CONTD.): this<sup>is</sup> pretty well under control. I am surprised to know that it was considered necessary to set up a special drug department in our Police Force, I thought that this certainly could have been handled by our police themselves - this no doubt will be extra expenditure on Government. What I am saying, Mr. President is that although Members disagree with the Budget with the expenditure - if in a way it was left to them they would really have more than what this present Government has done. Government is always reluctant - I know it has been during the time I've been in the position I am in now - they have always been most reluctant to introduce any measures onto what we have now for revenue, but this becomes a necessity at times and one just can't get out of it. I don't feel like what we have done will over burden anyone and I feel like it will produce results which the people as a whole in the years to come will be very happy about.

The economic recession here in our Islands if one listens to Members talking would think that planning had caused the whole recession, and I won't say very much on that because there is a Member who will speak on this I am sure who knows all about it, much more than I do, but I would just like to remind the House that the economic situation in our Islands was not brought on by the development plan which has been titled the destructive plan for the Islands. Surely the United States hasn't introduced a development plan and is where most of our recession has come from.

Mr. President and Members, I'd just like to say I just<sup>want</sup> to speak on more or less the subjects which affect me, and which I am responsible for, I won't delve into any of the Members' subjects because I know that they are quite capable and able to handle them.

Electricity rates has been one of the subjects of this House not only in this session, but for a very long and although Members have been told that Government is doing all they can about it it doesn't seem like Members are satisfied with it, but just let me say that although the rates are high - we know this - Government has this under consideration - it is in the hands of people who know more about it than of us here and when we are fully advised as to the next step we should take I think we will do this. The Caribbean Utilities no doubt has suffered great losses in the years gone by and they have made great profits before the fuel crisis, but when this was brought to Government's attention during the escalation of fuel Government took steps to make sure that they were not over charging for their electricity, and so as has been told to this House that Government had put this in the hands of an expert and who knows as I said more about it than we do, and who we are looking forward<sup>to</sup> very soon to have a full report on. But the company after the fuel price went up did lose money before any increase was given to it, and they were permitted<sup>to put an</sup> on which brought them out of the red. It was thought that after this exercise had been gone through with that there would be a decrease in the price of electricity. Now we still think that this may be possible, but again we hear that the price of fuel has again risen, and the outcome of this is uncertain as to just what will happen. I would<sup>like</sup> to<sup>House</sup> reply what the Member said about an undertaking that was given to this<sup>by</sup> Government that if there was an over charge for electricity rates that if Government would undertake to have the company refund it, I don't think this is what was said - what was really said was that Caribbean Utilities told the Government that if it was proven that they were incorrect in introducing the additional seven per cent then they would be prepared to refund to the customers any amount that was over charged to them, but Government gave no under taking that this would be done by the Government. However, this has not been the case and so as I said the future rates we don't<sup>know</sup> yet what is going to happen. I think that there are questions being put forward by Members on this, and no doubt there will be a further discussion on this when the time comes.

I would like to say too that I've had something like, I think it is over twenty questions put to me<sup>by</sup> the Member - if the Member believes that I am going to stand here on the floor and try

HON. A. B. BUSH (CONTD.): to undertake to answer these questions individually here today he is very much mistaken I don't intend to - if the questions are put in the proper manner to the House I will answer them.

Now much was said too about the Administration Building - I think in the very early stages - it was called a glass cage. Well Mr. President and Members, if it is a glass cage it is a big one, and it is a very expensive one and I can tell you as I said in the opening of the building I am proud to know that Government has a building like it - I feel proud of it and I am sure most of us, and I am sure all of us in fact feel proud of this building even though we may not say so. I think mention was made of it being of glass - that it would take an enormous amount of electricity to cool it off. This is not so. In fact its as I said I believe in the opening of the building, that it is a special reflecting glass that this building is surrounded by, and in fact it takes far less electricity to cool this building than any of the others. I won't go into the figures exactly of what it takes to cool the building off, but I just want to say that it takes much less than even the Courts Building, that is, taking into consideration that the Courts Building for instance is just about one third the square footage, and it takes more than half of the amount of electricity that this building uses. So this is by the way, no doubt Members will take this sometime later.

Now the furniture was described as something extravagant and I don't know what really - I don't remember exactly the description that was given to this furniture - it was elaborate furniture I think they said - well surely it is nice furniture there is no mistake in that, but it is a lovely building and it should have lovely furniture. Have any of you seen furniture like this in some Legislatures in any where you have been - I haven't so we can be called extravagant as well, but it is the very best of furniture that was possible to get, and surely Government had put - let us say ten cent furniture in a two million dollar building we would have been using false economy because in a few years, a few months I should say it would have all dropped to pieces and we would be compelled to find ways and means of getting new ones. It is nice furniture, and not all like what I've heard one gentleman outside describe as old wooden desk which is going to drop to pieces in a few months - this is not so. If any of you would like to come up in the Executive Council Members' offices you will see this is not the case - it is beautiful furniture and it is something that every human being that comes there can be proud of and know that the Government has done its best to provide the best for the people of these Islands.

Now the contracts of Government I heard mentioned here, Mr. President, and some Members are very much dissatisfied that all the contracts that Government enter into, in fact almost every business, everything that Government enters into is not brought to this House and laid on the table. It is not the practise of Government to lay contracts with private companies or individuals on the table of this House, and I think this has been ruled on and Members have been told that if they want to see these contracts they could go to the respective offices who have these in Government and they would be seen by them. But I must say that since that has been made clear to Members not one Member as far as I know has ever gone to see one of the contracts which they raise so much devil about. In fact I think - I don't think they really want to see them - I think they just want to have their own way to let them be brought before this House. I want to remind Members that when something is laid on the table of this House it becomes public, and therefore it has not been the practice of Government to do this and I don't think we intend to this now. There is nothing hidden away in the contract that Government doesn't want any Member of this House to see or any body else. The contracts are made with the best expertise available, and they are good contracts, even though I have to tell you that because

HON. A. B. BUSH (CONTD.): I have seen some of them. I don't know what else one could expect to be put in a contract.

Now the four big projects, Mr. President and Honourable Members, which have been under-taken by Government; I spoke of the Administration Building which has been completed, and which as I said I think you all are proud of, and I'll go back once again to this glass. As I said it is a special reflective glass and all about the heating - the amount of electricity that it would take to cool this building off in a tropical climate like ours was all taken into consideration when this plan was accepted by Government. The glass does reflect the heat and it is not as hot, or at least we say no hotter, in fact the figures prove that it is even cooler per square foot than the buildings which we have now. But this glass, I want to say to you I know there is also - I heard this outside and no Member has expressed this in the House, but I heard this outside that the hurricanes which we experience here in our Islands from time to time will blow the building to bits. This is not the case - this glass is a special type of glass and it is made to with stand hurricane winds of one hundred and twenty-five an hour, with gusts up to one hundred and fifty. It has a bearing strength of forty pounds per square foot. I understand from the architects that the floor of any building is only designed/sixty pounds per square foot. So you can see that the glass is quite strong. I am not saying that it won't be blown away, but I do hope that we never have, and I hope we pray we never have a hurricane of such severity to damage the building, because when that building is damaged there are others that will be damaged as well, and may be some of us won't even be living in our own homes. So it just as good in strength - it is more beautiful than any in the Island and it is going to be a long time before it is duplicated here in our Island.

Our dock facility - I was reminded that this is the biggest undertaking of Government - it is the biggest project that Government has ever under-taken, and this/<sup>is</sup> true. I didn't realise this until just some weeks ago. It is the biggest project that Government has under-taken, and we do hope that this when it is all finished will be very pleasing to every-body. There is a lot criticism about where it is; the location of it. But it was impossible for Government to have considered financing a dock any-where else in the Island. We heard about the various sites that was proposed for this facility but when we looked them all over George Town was the only one that Government could under-take. We consider, as has been said in the Financial Secretary's statement, that the dock will cost us something like four million dollars if we complete it, and I do hope we will because it is very badly needed - it should have been done long ago, and many times I have gone down on the old dock, and have been criticised by the people working there - "look at the conditions under/<sup>which</sup> we are working - Government won't provide any docking facilities - how do you expect ships to come to our Island" - everybody I believe said this, but yet when Government under-took to do something to improve the dock facilities of the Island there was great criticism because we did not go in the Great Sound or we did not go in Red Bay - places that would have cost - one would have cost thirty million the other fifteen - if/<sup>we</sup> can't find four million where are we going to find fifteen. So this is the reason why it is here, and I am sure that everyone when it is finished will be very proud of it.

Caribbean Development Bank which we borrowed the money from - most of the money - we have to find a lot of it ourselves - they are satisfied too that this is the place that it should be - so if we are thinking wrongly others are doing the same thing.

Now I would like to tell you about the progress of this. I know it was great criticism when the first North-wester came and disrupted the operations. We didn't expect that the building of the new dock would prevent the Northwesters from coming, but what we do expect is that the dock we are building will with-stand them.

HON. A. B. BUSH (CONTD.): It prevented the work from being carried on, and put it back a couple of weeks because just when everything was prepared to lay the blocks on the bottom - the first tier of blocks on the bottom it came down, and has to be gone over again. But I am happy to tell you that as of Saturday the blocks have been going down on the bottom and the Northwest corner - the first tier of blocks - that is the foundation on which these other blocks will be going have been laid. They are now starting on the marginal pier and I hope that by the end of this week you'll see some of the blocks coming out of the water, and the fill will be placed behind it and then from there on you will see great progress on the dock.

Now the road programme, - Mr. President and Members, I know it is a very pretty difficult job to convince Members - certain Members that we will ever get any better roads. Because I've heard this, but if Members could just stop a while and consider and take into consideration the state of the roads in the years gone by, and look at them today one would realise that there is very little that Caymanians can complain about as far as the roads are concerned. We had some heavy rains last week, and the week before which really played havoc with the roads. And as I said here in the debate on the increase in the traffic section and the increase of dues on motor cars that we hope to have this remedied very soon. We know that there are still bad sections of the road, but we know that we have some sections of road that are equal to any of the roads in any part of the Caribbean. My Principal Secretary, Communications and Works had a trip recently to a conference in Grenada and he said when he came back I would have liked for you to have been there to see the condition of the roads in Grenada, he said that our worse roads are better than the best roads they have there - you should see them then you would have something to complain about. Well, I am sure Mr. President and Members, that within a year from now there won't be anything for anyone to complain about as far as roads are concerned. We have the equipment and we are continuing with the work of hot mix asphalt, and I hope that we will continue to find the money to keep this operation.

I realise from years ago that the type of surface that we were putting on our roads was not the proper surface that we needed to handle the increase in traffic. I have said this many times over - and this/why when the decision came as to what we should do with roads for the future I recommended to Government that we do not adopt the same methods of roads building as we had in the past. Surely we could have built - the roads would have cost less and they would have lasted for five or six years, but after that what - then we would have to go back over it again. This was what we were doing before. We built what we considered was a good road at that time, but it could not stand up and it will not stand up to the traffic which we have in the Island to day. I argued this very point with the team from the Development Division who came here and making the survey said that there wasn't enough traffic to warrant hot mix asphalt roads. I said well I don't know where you can be looking - he said you'll need two thousand cars a day - I said if you look in the town here you will see two thousand cars per hour, so I said that is no criteria for not having better roads - we need these we are going to/ them this is the decision that this Government has made. I know that many have said that we should not have undertaken it by the Public Works Department, but again the economics of it I am sure in the long run will prove to every Member here and everyone else that this was the right decision to take. We could have had the roads built by contractors, but they would have cost us half the amount again, and this is the reason why we undertook it - Public Works Department, because we realise that we would always need to build roads. There is no let up with this. If we finish one today there will/ some request for another one to be opened tomorrow and I can't tell you how many requests that I haven't got to do something about roads for the different people, which is impossible to do, we just

HON. A. B. BUSH (CONTD.): do it because they are not really Government roads. Then again we have the sub-divisions which we will soon have to take over some day or other, and the equipment that we have will be ready to do all of this when the time comes, and when the money is available. But what we are trying to do right now is to surface and re-surface the existing roads which are the principal roads of the Islands. When this exercise has been completed we will go along on the other roads.

Now although we have embarked on four big projects we have completed one the Administration Building. We are well on the way with the road programme and the dock facility, but we have only completed the first phase of the airport development - this <sup>is</sup> something I don't believe should be overlooked by us Legislators here. Because although we have made some improvement there is a great more to be done. Unfortunately Government had to buy the land - this is quite costly, but the necessity of a terminal building is very great and I hope that during the coming year we will find it possible to do something about this. I hope that it will not remain for the disaster to over take us like what happened with the old administration building, because this could <sup>happen</sup> any time. As you know it was a building that was never intended for a terminal - it was made to house the people who came to work on the first airport to be built in the Island, and it has been taken as a terminal building and has gone from there ever since. It is by no means satisfactory - it is over crowded and surely we should look forward to something better for the Island in the future - I do hope that this will be so - it will be something that we really need and I am not saying that we can get this all <sup>at</sup> once the type of building that we have in mind, but I do hope that a start can be made to where we can do part of the work and keep going on until we can we get what is absolutely required for the Island.

Mr. President, I am not going to be as long as other Members, I know during the war years we had speeches by the war leaders I used to listen to, on the radio lasting for an hour but Members in this Legislature <sup>have</sup> really put them to shame, because they lasted for a whole day. I never thought that they could talk that long, but they did and I am glad to know that they found something to talk about - I am glad to know that the Financial Secretary's address was so controversial that it made them talk the whole day. I hope also that the New Year will come in much brighter - prove to be a much better year as far as revenue is concerned for the Island. I don't think we should be alarmed - I think we should realise that this is an Island it has a Government - it has people and it is true that it is from the people that Government gets its revenue, and we are considered a prosperous Island - everybody wants to come here - I don't know - sometimes I wonder myself why do they want to come here - they say it is for the peace and tranquillity and for the prosperity of the Island and the friendliness of the people and the good stable Government which we have - good clean politics - let us hope that it never changes - let us hope that it keeps going that way because we can always stand improvements, of course. But I have always said that of all the Islands in the Caribbean I like this one the best. Not all together because it is my home - I must tell you I went away from it once when I considered that it was worth nothing, and I didn't expect to come back - you will say that fate threw me back here - I came back with experience from the outside world in things which were needed to be done, and this is really what prompted me to get in politics. I think the Lady Member from George Town and myself were thrown in to this all at the same time, and I don't believe that since we have been in politics that we have done so very badly - I have seen the Island make tremendous strides - we have provided things for the people on the Island that have never been before and the people never thought of, and I am sure we are going to go on in this way. I haven't finished yet, my job isn't done as yet, and if I am permitted to serve again in this Legislature I will always do my best to provide the Island with what it needs - what

HON. A. B. BUSH (CONTD.): it should have. So Mr. President and Members, I will close hoping again that although we have deficits in our budget - we know its not the practice of this Legislature to pass a budget/<sup>with a</sup> deficit - we know its not the practice of the Government to present it, but at the same time there are times when it becomes a necessity in order for us to get the things which we so badly need. We have undertaken a great deal there is no doubt, but I am sure that the same determination in which we undertook these projects we will carry out to make sure that they are completed, and that the Island will survive this recession which we are in, and that the next budget will show a surplus instead of a deficit.

MR. PRESIDENT: Have all Members spoken who wish to speak on this Motion. Under Standing Order 39(a) after all Members who desire to speak have spoken the original mover of the Motion has the right to reply. I'll give Members a second chance, if there are no further speakers on this Motion I shall be obliged to ask the mover to reply, after which of course no Member has the right to speak until the question is put.

HON. B. O. EBANKS: Mr. President, there are just a few areas in the subjects for which I am responsible that I would like to clarify, but before doing so I think may be a few general words regarding the Budget would be in order.

Much has been made of the deficit that is facing the Government in the 1975 Budget. We will notice from the Budget that this is just a little bit more than a hundred and fourteen thousand dollars, and it is possible that if things improve during the final two months of the year this will be reduced even more, and that is after having budgeted for a deficit of forty-eight thousand dollars, which means that Government was able to keep its spending well within the figure budgeted in relation to the fall, or short fall in receipts. Not only was there a short fall in revenue, but there were also some savings in expenditure. This is always possible as Members will appreciate, and this I am sure would be the case should 1976 not live up to expectations. But as other Members has said I think that we should be very thankful for how these Islands have fared during 1975, during a world wide recession. If Members have been following reports they will know that in many developed countries, states and cities they are in a much worse situation than we find ourselves.

Last year when we were debating the 1975 Budget I defended the position then that Government was embarking on capital projects, and I have no reason to change my mind this moment on that. To echo what I said then had Government not been spending money on capital projects in 1975 the economy would have been in a very bad situation indeed. That is employment for the ordinary working man.

Now I have no intention, Mr. President, of going over answering every criticism that was made. It is obvious that Members were either deliberately wavering and attempting to muddy the water, or they were muddled in their thoughts. In one voice for example we heard Government praised for its expenditure in Agriculture, and then when it suited the same speaker he said that everybody knows that agriculture is an unprofitable venture in the Cayman Islands. This was when he got down to belittling the efforts of the planners having zoned certain areas as agriculture.

But in spite of the world wide recession and in spite of the charges that have been made that the Development Plan has stifled development in these Islands, and in spite of the charge made by Members that confidence is lacking in the Government, and this/<sup>what</sup> was responsible for the recession in 1975 in the Cayman Islands. It is not difficult to disprove those charges when we look into the statistics. We see that over one thousand new companies were registered in the Cayman Islands during 1975, this in a recession year represents just little short of one sixth of all of the companies on our register.

HON. B. O. EBANKS (CONTD.): Banks continued to register at a fantastic rate, and we are able to boast at this time of having on our register of banks the world's largest financial institution. So this in my mind Mr. President proves that the country still enjoys the full confidence of the financial institutions and centres around the world. It is true that in certain areas there has been fall-offs, but I doubt that one will ever see a return to the number of land sales transactions that we have seen in the past. I believe that prices in Real Estate have reached the point in Cayman where speculation is out and anyone who buys land now is buying with the view to development. And 1975 was not a year that was conducive to private development, it was a year of scarce capital, high interest rates and high inflation in the metropolitan countries. So it was not conducive to real estate development.

One Member quoted the fall in foreign deposits in the banks as sign of a loss in confidence. Now Mr. President, that is a ridiculous charge to be made. I think that I would suggest that if an analysis was made what <sup>one</sup> would find happening at the moment, and over the last several months has been that because of the revival in the stock market in the United States persons who had liquidated their holdings in stocks and shares placed them in cash are now reentering the stock exchange, and as one Member said if you buy an automobile you can't have cash, well if you buy stock you won't have cash either. But this does not mean that there is a lessening in the total portfolio held by those persons in the Cayman Islands.

The Member for Tourism has also reported that in spite of this recession year we are near level at the moment with last year's arrival of tourists, and that he is confident that the year will go out with an increase in arrival. Now this is something I don't believe many destinations in the Caribbean can boast of, and I think this can only be attributed to the peace and harmony which exists here, and overall confidence in the Island.

I realise that the question of the development plan is the subject of the Member introducing this Bill, Mr. President, but there are two aspects of this that was mentioned and closely touching on this on the same principal there was also another statement where it was suggested by one Member that all those persons qualifying for Caymanian status be granted this without any delay. And I would like to touch on those two subjects because that is the one which the Member regards as an isolationist, and racial hatred policy. I presume this <sup>is</sup> reference to the population policy in the development plan. I am not here to argue the merits or demerits of the physical plan zoning, but I must, Mr. President, defend the population policy in the plan, and make no apologies for this.

Government Members were accused of not coming out of the glass cage - that is the new administrative building - and getting the feeling of the people. I can only say that any Member who can advocate an open door policy to immigration in these Islands is sadly out of touch with reality, and with the feelings of the people of this Island. There is no doubt that Caymanians are among the most friendly and hospitable people in the world, Mr. President, Caymanians are human beings, and there is a point beyond which no society - Cayman included cannot absorb persons on a permanent or even temporary basis from outside without reaching saturation and thereby social disharmony. And I believe that the goal of sixty per cent Caymanians to forty per cent non-Caymanians that have been set in that policy is the maximum that one should aim for at this point. Naturally we can quibble over numbers but because if Caymanians were to return home, or if there was a large upsurge in the natural increase of Caymanians, well then the forty per cent non-Caymanians would be increased commensurately. But I believe if this last year should have taught us anything, it should be that when the chips are down, when employment is at an ebb Caymanians first think of themselves, and they demand their right. If we were to

HON. B. O. EBANKS (CONTD): abolish the quota on the grant of Caymanian status, and grant it when persons have been living here for five years, well then we may as well not have had the Caymanian Protection Law. Because that is the condition that prevailed prior to the coming into effect of the Caymanian Protection Law. Once a person was resident in the Cayman Islands for five years they were deemed to belong to the Cayman Islands - that is once he was a British subject - he was deemed to belong to the Cayman Islands and have the same rights and privileges as person born here. And this is the matter I think that certainly gave me more problems explaining to constituents during the past year of low employment than any other problem. That is that these persons who were here for five years prior to 1970 or 1971 when-ever it was, were belongers of the Cayman Islands, and there was nothing that one could do about it unless these persons committed some offence, and even then it was almost impossible to do anything about it. They were deemed to belong to the Cayman Islands. But the average person takes some time to grasp this and all they are concerned about is that/<sup>by</sup>his accent they know that he was not born in the Cayman Islands, and they demand that he/<sup>be</sup>given treatment not as favourable as themselves.

Now I have said all of this, Mr. President, to say that I believe for a healthy society to exist, we must have a situation where everyone who comes and settles in the Cayman Islands is made to feel at home, he is made to feel a part of the society, and this can only be done when persons are allowed in in numbers that can be absorbed by the community/<sup>in</sup>which we exist. It is no use of one or two persons who are broad minded enough to see the position a little differently saying well for the sake of development we are going to allow as many people as would like to come in to come in. Because the majority of our people do not see it this way, and we cannot sacrifice social harmony for a get-rich-quick-policy.

Much was made of the fact that Government has embarked on the road, or the method of financing development projects by loans. Mr. President, as a previous Member said that if we had to sit down and wait until we could/<sup>do</sup>everything from accumulated reserves the people would be getting all that they deserve, all that they are entitled to and certainly not all that they expect. And the public debt of the Cayman Islands is no way alarming at this point - it is well within the accepted figure; that is the repayment of these loans - is well below the acceptable percentage for developing countries, and as our budget grows this percentage will of necessity decrease. And there is no way that we could have undertaken the major projects which we did during 1975, and are continuing during 1976 without going out and borrowing money.

Now Mr. President, I am going to deal with subjects that I am particularly responsible for, and at this point I want to thank Members for the bouquets I think some of them call them, or garlands or whatever that were thrown at most of those subjects. There were a few matters which I would to clear up. I believe one Member when he said that something is wrong with the comprehensive system was rereading the notes that he had for last year. Certainly the results in the examinations at the comprehensive school this year have proven beyond a doubt that the system can work. This year saw the first group of children who went completely through the comprehensive emerge in the examination group this year, and there can be no denying that it is obvious that the academic stream can come through in the system. Naturally, we're looking forward to better results, the school had many teething problems, but there is no doubt in my mind and as most other Members have said that the system is functioning now.

The hospital - one Member mentioned a rumour about the new incinerator being connected with rusty pies.



HON. B. O. EBANKS (CONTD.): For the benefit of the Member and of others, Mr. President, I would just like to say that this is a special earth pipe designed for this purpose, and it is by no means worn out. I think you will have seen that the incinerator worked well in the burning of the large amount of ganja that was found on the Brac recently.

Some mention was made also of the grounds - well whenever building is going on on a site the grounds are a bit untidy, and in addition to this there are I know trenches being dug to hook-up the existing buildings - that is the domestic and human waste to the new sewerage treatment plant, and <sup>this</sup> calls for excavation. It is also necessary to carry water to the new complex, this calls for excavation and this work is going on apace, and the grounds are certainly not lost sight of. We hope that when the plant for the road gets in town we may be able to get some paved parking areas and so on there.

A Member mentioned about the grounds at the school - the flooding of the grounds and hoping that this would be attended to, I can assure Members this has not escaped our notice, and that this is provided for in the year's estimates. I can understand why this was not readily noticed by the Member because I think on page 188 the note 106 that is given there explains really what the money for 1975 represented, and not the 1976 allocation. But this year we plan to build covered <sup>between the</sup> buildings, and to improve the drainage so that we can move about the school without getting wet, but it was difficult to undertake this before we had an indication of what the full building programme of the school would be.

Mention was also made of the advisor that was recently brought to the Island on the school meal system, and some Members thought this was unnecessary. We actually did not bring the person here to tell us what to feed children with. The advice that is sought is to find out the most economical way - the most practical way of introducing a comprehensive school meal system in the Cayman Islands. The fact that what goes into the meal has to be taken into consideration, comes into play because of the method of preparation and storage that is envisaged, and of the distribution. I don't think that we will have to go outside of our present supplies in the Islands to find something that will work, and work well for the system.

Mention was made, Mr. President, of hopes for a Social Security System for the Islands, and I think the comment was made that we don't have to wait on experts to tell us how to get this going - that we want this modelled on the North American or Scandinavian plan. Well if what I have been made to understand is correct the last one we want to model off is the North American plan. If my information is correct its been in existance for forty years and it is estimated that anyone who is now forty years of age won't live to collect a penny from the system. We want ours to be more durable than that - we want <sup>ours</sup> that is properly and actuarially based, and if this is possible we will have the system. We are already looking into this - we've had one report and we are now awaiting the report and advice of others who were recommended in that report that their advice be sought.

The question of new laws regarding Juveniles was mentioned, Mr. President, I think the law which was passed through this House at its last session - our new Juveniles Law has gone a long way towards eradicating a lot of the problems which existed in dealing with Juveniles in the Islands.

There is just one final comment I would like to make, Mr. President, and that is I would like to assure my colleague from West Bay that the clearing of the common lands in West Bay has nothing to do with the establishment at this time of a botanical

HON. B. O. EBANKS (CONTD.): garden. I know that there was a lot of confusion around this point of the debate, but really what happened was this that under the Towns and Communities Law and under the Mosquito Eradication Law Government puts pressure on individuals to clean their own property, and it seems only reasonable that Government should keep its own property clean as well - so this/why that land was cleared - once the Cadastral Survey had been completed and we were sure that the land was really common land an effort was made to clear it.

Mr. President, I am sure the Member leading this debate or this Bill can answer the other points that have been made very well, and I will not delay the House longer. We will have an opportunity to discuss at length and detail many of the points that were raised when we go into the Finance Committee, and I am sure that in spite of the indications given from the other side that the moment I sit down they'll be scrambling to get to their feet - so I'll give them an opportunity to get started, Mr. President.

MR. PRESIDENT:  
2:30 P.M.

I am going to suspend proceedings until

HOUSE SUSPENDED

HOUSE RESUMED

MR. G. HAIG BODDEN:

Mr. President, on Thursday of last week the First Member from Bodden Town spoke for the whole day on the Budget, so it follows that there very little for me to cover, but there are some areas in the Budget that haven't been touched upon yet, although most of the Members have spoken.

This year we see Government presenting what I call a stretch to fit budget. We are trying to stretch the revenue to cover the expenditure. We have gone out not only this year but in the year immediately preceding to find large expensive projects, and now we are stretching the revenue to its utmost to cover these projects. We should not be doing this - as a small territory we should be embarking upon budgets which can well be carried out within the limitations of our revenue. It is true that the budget like the new synthetic materials can bear a lot of stretching, but there ultimately must come a time when the balloon will burst. The catastrophic decline in economic activity in these Islands has been reflected in this year's budget. Government by its policies has helped to bring about this decline.

I feel that the Budget Address should have opened with a strong and positive statement that Government is now about to tolerate economic growth. The reason why I am saying this is because Government has recently put forward a plan whose only aim was to curtail economic growth in these Islands, and unfortunately this plan came at a time when we were already in a recession. And so the ideals in the plan only helped to escalate the recession. We have a planning authority whose attitude we do not need they seem to be determined to stop building programmes at what ever cost. They seem to be determined to delay the building programmes until that great and final day when the Development Plan 1975 shall have come into law. So Government's Development Plan together with the restrictive policies of the Planning Authority coupled with Government's policy of increased taxation have brought all economic activity to a halt. These attitudes have dealt a crippling blow to our economy - no country ever raises taxes during recessions. Perhaps it may be done in the communist countries, but in the free countries of the world no Government increases taxation in order to help a recession. So our Government needs to make a right about turn if they expect to save the Islands from economic chaos.

Our Government over the last three years has been blatantly selfish, they have been misinformed by their con-

MR. G. HAIG BODDEN (CONTD.): sultants, and they have been flatly wrong in many of their actions, and I say that Government has been selfish because the Government bench refuses to consider any ideas that are thrown across the floor from this side of the House. They have been selfish in their attitudes. Their consultants have given them wrong information, in fact we heard a Member this morning from Executive Council tell us how wrong the consultants were when they were giving the advice about the road programme. The Member from Executive Council told us that we did not need a Barber Green road, that would only be needed if we had two thousand cars on the road in one day. And I am glad that we have a strong Member for Communications and Works, although he may not always be right, I am glad that he has a backbone and that he could stand up to the consultants and tell them that we could have two thousand cars on the road in one morning rather than four thousand, <sup>or</sup> that we do have four thousand cars that could be available, or could be on the roads.

So we do need the type of road that Government is building, but apparently the consultants did not know this, and I am glad to hear one Member acknowledge that Government does not always receive the right advice from its consultants. The consultants know about road building, but they don't know anything about the Cayman Islands, and they must first learn about the terrain and the topographical features of this Island before they can presume to tell us what is right and what is wrong.

While we are on the subject of consultants for the road programme, I must mention the canal that is being built in the Red Bay area no doubt at the advice of consultants. Government was right to try to take out the big turn at the junction of the South Sound/Red Bay/Bodden Town road. There have been many accidents there, and Government endeavour to straighten it by putting a road further up towards Bodden Town to cut out this turn. But since embarking upon the work they have found that the area through which this purposed road is going is nothing but a swamp. Now will Government continue to put this road through - will they follow the consultants advice and put this through despite the facts that are staring us straight in the face. This new piece of road must now cost about ten times what it normally would have cost if this place had not been flooded with water. I am glad to know that they had enough sense to get the heavy equipment out of that area or else they would have been obsolete. It is good to straighten the road, providing it doesn't cost too much - when the cost is greater than the good which it will do - we should not pursue the job. If it is costing too much we should not follow.

Now I can admit that a little canal in this area would have been a fine gesture - it would have been a compensating factor for the canal which was proposed under the Development plan. I can see that the Member for Communications and Works would really get himself into good books of the planners if he put in in Red Bay the canal which was designed for Prospect. But would the Member be doing justice, would he doing what is right and would he be doing what is best for the people of these Islands if he should continue the job which has been started on this road. He can no longer continue this project no matter how many consultants tell him to do so because we do not have the funds for this type of work. I am not really talking on roads now I am citing this singular case to show that Government is often misinformed by the consultants that they pay. The third part of my statement was that Government was flatly wrong in many of its actions, and I will try to make that the central theme of my speech when I get in to the main part of it, this is just the mere introduction.

A few years ago the ordinary people in the Cayman Islands thought that if their wages could be doubled it would be the

MR. G. HAIG BODDEN (CONTD.): greatest gift that God could give to man. Because in those years we were barely existing. It was hard to make two ends meet - the people were living in the shadows of unemployment. But as soon as it happened that wages were doubled and that people could live above the bare necessities of life then Government steps forward to cut down on the economic growth which had brought about the prosperity which we now enjoyed. They did such a marvellous job of stopping the economic growth of these Islands that one wonders whether days of Cayman prosperity are over, and whether the days of her adversity have begun.

Last year's budget helped to put this Island in the dilemma it is in - because last year's budget was too big. I stood here for about two hours in 1974 and the topic of my speech was - the budget is too big. In fact the newspaper carried the headlines that week saying that Haig Bodden had said the budget is too big. In discussing the 1973 budget I was one of those Members who said that it was foolish for Government to embark upon four major projects at one time. I was considered foolish at the time, and because it was my first budget address, I nearly also believed that I had talked foolishness, but subsequent events have proven that I was right. I remember saying during the discussion of the 1973 budget that we would have to borrow money, and we saw a loan bill put forward asking to borrow money, and I said that if we borrowed at the rate we anticipated we would be faced with a half million dollars just to pay interest and here again I was right. For in this budget before us today I see a figure in excess of a half million dollars just to pay interest on the money which we borrowed. So last year's budget and the few years preceding that have helped to bring us to the state we are now in.

In the Budget Address I read about our gross domestic products - in fact every address seems to mention the gross domestic product - the Throne Speeches have covered it - Government's statistical abstracts are filled with it, and we seem to be hooked on gross domestic products, in fact we seem to have a phobia for believing in the results shown by analysing our gross domestic product. I am here to tell you this evening that the foolishness shown by gross domestic product is all well and good if we consider every item in our total welfare. But when we take a few isolated cases such as the hotels and restaurants and banks - we do not get a true picture. When we take a few random sampling probably at the suggestion of United Nations; we do not get a true picture of our total welfare. So it is time that we wake up and we realise that our gross domestic product is not everything that matters. It is true that when ever there is a rise in the gross domestic product you will have a corresponding rise in welfare, but the gross domestic product is only one of the components of our total welfare; it is that part which can be measured by the movement of money.

So because the gross domestic product seems to be good we must not believe that we are pulling out of a recession; we must not believe that everything is going to be well. So if we do not know what our total welfare is like why not admit it why believe that we know the state of our total welfare by the readings from a gross domestic product chart. To give one example a survey done by United Nations might show, or rather it cannot show whether people are happier now than they were ten years ago or a hundred years ago. What a survey might show is whether people believe they are better off now than they were ten years ago, but it cannot really show whether they are happier. So in the same way our gross domestic product shows the truth about only one part of our welfare; that part which is measured by the movement of money. And I might say this by saying that if we're going to judge it by the hotels' and restaurants' trade we will have a totally unrealistic appraisal of our total welfare.

MR. G. HAIG BODDEN (CONTD): Leading up to the hotel industry the Budget Address mentioned that the biggest problem facing the tourist industry here is the shortened length of stay of the average tourist. They are quite correct. If the tourists are coming in greater numbers but staying for shorter times we do not really get an increase in revenue, and it is time that we examine the tourist industry and find out why the tourist is cutting short his or her stay; if we had the answer to that the Member for Tourism would have no more problems.

Sometime ago the tourist would come and would stay for a long time - I do not have that statistics on this - but the fact is today the average tourist is not staying as long as he used to stay. What has happened? In many respects nothing has changed here, our beaches are the same, our waters just as clean, our people just as friendly, the hotel beds are just as comfortable - why are they not staying? Only one thing has changed and that is prices. The food is just as good, the liquor is just as sweet, and the entertainment is superb, but the prices are unbearable.

I have attended every sitting of this Legislature since 1972, and every time I have come here this Assembly has increased the prices of something in these Islands. And nearly every time we meet we hit the tourist industry with higher prices. Just take one look at our current sitting - lets take just one look at last week's work and you will see what we have done to the tourist business. We have increased the travel tax, not by much just a mere twenty per cent, but it comes out of the tourist pocket. We have instituted a new tax - a tax that never existed before - that is the tax on the cruise ship passengers, and we've done this at the time when we are just beginning to get one cruise ship per week. Many of the Islands in the Caribbean have seven cruise ships in one day and we are not even sure we will get one every week, and before they even begin to land, before they even make the first stop we have slapped them with a tax.

We have increased the cost of motor cars, we have increased the taxes on cars this will certainly hit the tourist trade this year, and this was done <sup>at</sup> a time when the price of cars was up in Detroit - this was done at a time when at least one Member of Executive Council knew that the prices in Detroit would be up - this was done at a time when the price of gasoline was up in these Islands, and we must not only increase the taxes but we must increase the import duties so that the initial cost would really hurt people in the taxi business and the car rental business. One taxi driver told me during my lunch interval that he was told by a certain influential person - (I won't even tell you the person's occupation) that he need not increase his prices. But can it be expected that the taxi driver can absorb all of these increases, and all of these areas and still operate for what he was operating for prior to last week. If he can do that he was making too much profit in the beginning, but I doubt that he can. So we have put up the taxi fares, we have put up the car rental fares.

When a tourist comes to this Island apart from his hotel bill and his meals his largest single expenditure is transportation. We have struggled all year to increase the incoming figures for tourists and the minute it begins to show a little light in the darkness we have gone and increased the cost of transportation. We have increased, and I am dealing specifically with the items that will hurt the tourist trade. We have increased the duties on alcoholic beverages. It is true that the increase was only by a small measure, but nevertheless it was an increase. If my memory is correct the increase on a case of alcohol is probably just about three dollars on a two gallon case, but it is an increase and somebody has to find the money to pay that increase, and I don't think it will be the merchants. I don't think it will be the hotel managers, I believe that it will be borne by the children of Israel, the real consumers.

MR. G. HAIG BODDEN (CONTD.): While the increase in alcohol is very small it is going to hit most of the trade. I will be dealing with this in detail when I come to the new tax measures. The increase in alcohol is because we are taking out the preferential duty from Commonwealth countries. Although the difference was small most of our spirits come from Commonwealth countries, so it has to have its effect on the trade. We have increased again for the benefit of the tourist I suppose the cost of soft drinks. Most of our American tourists seem to prefer Commonwealth drinks - the Desnoes & Geddes drinks, the Schweppes - they are all high quality drinks, and in great demand by the tourist and we have increased the import duties from twenty per cent to twenty-five per cent, thereby increasing the cost of this item which is a staple item in the diet of the average tourist.

We have increased the price of all malt liquors, and for our North American tourist they seem to like our Red Stripe beer and our English stout, and this Assembly has again increased the cost of this item and in the ultimate figure it will be the consumer who will bear the cost of these increases.

We have increased the price of butter an essential item on the table of the dining room of a hotel, on the table of a restaurant. We have increased this from fifteen per cent to twenty per cent. This is one item which is going to bear the full brunt of the increase because it was the only item that is imported almost exclusively from Commonwealth countries. All the butter which we use ninety-nine per cent of it comes from New Zealand, Australia and I believe even a little from Canada. So we have increased the price of this item.

The United Kingdom has just found out that one of its big mistake in entering the Common Market was that they would have to pay a much higher price for food items from the Commonwealth, and their butter and cheese is suffering more than any other imported item in Britain. Butter has been taxed by three hundred pounds per ton, and the tax levied on cheese is something in vicinity of three hundred and fifty pounds per ton. So butter and cheese in England because of their entry into the Common Market have been priced almost out of the reach of the ordinary worker, in fact the estimate that by 1978 the cost of butter in England will have doubled. We have followed suit, and increased the cost of butter by slaping on it another thrity-three and a third per cent increase of tarrif.

We have increased the fees for certain business licences in these Islands. This too is bound to have an effect on the tourist in putting up the cost of his spending a few days here. So that although these increases may be small if taken separately the combined effect will have a pronounced effect upon the cost of living particularly for the visitor to these shores.

Now all of these measures that I have talked about, import duty on motor cars, licences, taxes on motor cars, increased taxes on alcohol, tobacco, beverages, butter, licence fees all happened last week in one sitting of the Assembly. In every sitting since the end of 1972 the cost has gone up some items. When these are put altogether it can be seen that today we are paying more for the services which we enjoy before our new constitution came into effect in 1972. We are paying more than we did before we embarked upon this elaborate collective-responsibility-membership-system. So if our statistics reveal that we are getting more tourists but they are staying for a shorter time, it is only because the cost has risen. Every person whether he be tourist, merchant or what not has a certain amount of money for his vacation. If you have X amount of dollars you can buy a hundred items, but if you only half an X amount you can only buy fifty dollars - fifty items - so if you come here and you were used to coming here and spending ten days and you leave home and come here with the same amount of money that you came with a few years ago you might now only be able to stay four days. So my contention is that the biggest problem facing the tourist industry is to try

MR. G. HAIG BODDEN (CONTD.): to lengthen the stay of the average tourist and not only lengthen it but make it so good that he will be a repeat customer; because it is only when you get repeat business that you really enjoy the fruits of your labour. A repeat tourist is the icing on the good cake which our Member of Tourism presumes to build. But if the tourist found that it cost him more this year than it did last year it cannot follow that his stay this year will be shorter than last year's. So we will have to stop increasing taxation if we expect to curb the shorting of the stay.

I have had the privilege of talking to may be two hundred tourists this year, and I've never heard one of them tell me that his mattress was too soft, or too hard - I've never had one of them tell me that his coffee was cold in the morning, but nine out of ten of them say we wish we could stay longer, and the reason why they can't stay is because we have entered upon this stretch-to-fit-budget - find the projects, milk the people to pay for them.

In this sitting we have also increased the postage - this is not the work of the Members - this is the work of Executive Council - Members have no control over this and the increases are small - what does it matter if you put the price of a letter from eight cents to twenty cents - that is nothing, that is only two hundred and fifty per cent increase, and it really doesn't matter if you look in terms of money - it is only a twelve cent increase, but multiply that by five thousand - the five thousand brochures that the tourist industry will mail to attract people in the forthcoming year. So no matter how small the increase is it certainly has its effect. The Member for tourism is wondering where I get my figures from because I said eight cents to twenty cents <sup>that is the rate for Jamaica</sup> / The rate of U.S. postage is slightly better, that has only gone from twelve cents to twenty cents an increase of only less than a hundred per cent.

We were told by the Member for tourism that we are fortunate because the Islands of the Caribbean have suffered more than we have - he tells us that hotels were over-built because we had no good planning authorities to control it, and he said that they are closed because they were over-built - I tell you that simply is not true - that is not the reason why they are closed - they are closed because of stupid controls - because of high prices - because of violence in those Islands that is why they are closed. We must no longer pat ourselves on our backs, or get somebody else to pat us on the back and believe that there is something special about us, and that the tourist will always flock here regardless of our petty, picky and selective attitudes, and despite our policies. In the area of tourism we do have some things going for us - we have as has been emphasized by the Member good beaches, clear water and friendly people like me. But other areas of the world have the same things and apart from beaches, or as they say in the rest of the Caribbean sun, sand and sex, our facilities are very limited - there isn't much sight-seeing - they can go over the whole Island in one day - we really don't have any historical sights - we don't have any Niagara Falls - we don't have any of these things - so that what little we have has to be handled delicately - has to be handled with care, and we must remember that we are now faced with severe competition; rates are much less in some areas, airfares are less and all these things should be taken into consideration when we are fixing the rates which people have to pay, because as far I am concerned you can get just as good service in other places for less money. I wouldn't say that we are really charging exorbitant rates, but for the services we give in return there is some exorbitance in it.

The Member responsible for Tourism is also responsible for Agriculture, and I am making a suggestion, Mr. President that next year if you're still here when you are allocating responsibility to the Members that you separate these two subjects. I'll deal with that in detail later on in the speech.

MR. G. HAIG BODDEN (CONTD.): Government has come a long way in shaping its agricultural policy, and in changing its attitude towards agriculture. Although I was told, I believe it was in a reply to the Throne Speech that Government has not really changed its attitude towards agriculture it has always had this favourable attitude that it now has.

The reason why we should separate Agriculture from Tourism is that a man cannot serve two masters, because he love the one and despise other. We have reached a stage in our development when agriculture is about to become a viable business demanding the attention of a Member who can give it his full time. Another reason why these <sup>two</sup> subjects should be separated is that the two industries are in a sense diametrically opposed to each other, although both of them are good for the community and could well compliment each other if handled skilfully enough - it is very difficult for one Member to handle two industries that have such divergent interest. When we live in a tourist oriented society all the pressures are on to inflate the cost of living to extract as much from the tourist as you can, and it is a fact that in every country not only in the Caribbean, but throughout the world that has catered to tourism the cost of living has risen.

On the other hand in an agriculturally oriented society the emphasis is on keeping the cost down. We are told if we want to be self sufficient, if we want to reduce the cost of living we must grow vegetables and other food crops including live stock, and this is true it has always been so. And because these industries are so different in the nature I think it was a grave mistake to have put both industries under the portfolio of one Member regardless <sup>of</sup> how capable he may have been. Of course this is the first time in our history that we have had a Member an Elected Member responsible for certain subjects and your predecessor was really experimenting with the Constitution, he was carrying out the provisions laid down in it, but nobody had yet been tried for the jobs and he made an error in putting two subjects of divergent natures under the portfolio of the same Member - so this is something I would ask Mr. President for you to bear in mind after next year's election. Because next year's Member for Agriculture has a stupendous job facing him.

I heard from a reliable authority by way of a speech made at the Rotar Club some weeks ago that fifteen acres of well farmed land can grow all the vegetables we need for this Island - any more than that we would have to export. Why I am saying this <sup>Member</sup> is going to have a stupendous job is that although fifteen acres can grow all the vegetables we need I notice that the Development Plan has commandeered forty-seven <sup>thousand</sup> acres for agriculture. We only need fifteen acres and they have commandeered forty-seven thousand acres - forty-two square mile for agriculture, park lands, protected coast line and what not - this is just one classic example of how our United Nations' Consultants give us bad advice. So next year's Member, if there is a change, and if there is no change the Honourable Member who now holds that post will have a stupendous job to find out how to utilise the forty-seven thousand acres which have been taken for this purpose.

Mr. President, in my introduction I mentioned the recession caused by the proposed Development Plan, and I would like to deal with that statement. The plan has only done what it set out to do. When one reads it one notices that the emphasis is to slow down our economic growth, so whether the plan is passed or whether it is not it has already done what it set out to do. The plan does not merely comply with the statutory requirements set out in the Development Planning Law of 1971, it does not only control land and <sup>the</sup> use of land but it has stretched its long arm out to control the way we live, we move, we breathe, we have our beings, and as if this were not enough it has gone further than that to put controls upon generations yet unborn. So this plan must be scrapped. It



MR. G. HAIG BODDEN (CONTD.): must be discarded in its entirety or amended until it is unrecognizable - it does not mean well to these Islands, and I believe there is a reason why this plan does not mean well and I think the reason is that powerful people would like to keep the Island as it is for the use of a privileged few. I can't help but go back to the tourist trade - you know a few years ago it was a sign of affluence for some to come to the Caribbean and go back home sporting a tan in the month of January, but today that is no longer a sign of affluence for the privileged few, it is no longer the hall mark of the very rich, for a few dollars that tan can be shared by half a million secretaries if they take a trip to the Montego Bay Holiday Inn or the Grand Cayman Holiday Inn. The point I am making is that the world has changed - mass travel, rapid communications have taken away the play grounds of the very rich and put them within the means of the average worker.

A restrictive plan if it is restrictive enough could well single out one Island and make things so costly and so selective that only a very few could enjoy it, but is this right and must we allow it or must we consider that thousands of people will benefit if we do not have too many controls: The Budget Address mentioned the many reactions to the plan; I believe the Third Official Member jokingly said in another debate that there was any thing between total acceptance and complete rejection. But it also mentioned a class of people who want to believe that this plan will retard progress and development - I want to be amongst that number when the saints come marching in - I want it to be known publicly that I believe the Development Plan which was put forward, if we had allowed it to go through as it was presented to us, would have retarded the progress and the development of these Islands. And if it had not been for the ingenuity and for the courageous action of certain Elected Members, myself included, this plan would have been Law long ago. But I am glad to say that even if we are considered fools we are never considered weak, and even if we are considered ignorant we are still considered courageous.

This Budget, as the Third Official Member himself said was the most difficult in his eleven years (I believe it was) of presenting a Budget. And there is no wonder because last year - that is the '75 year for the Budget was the one year in which Customs revenue did not come up to expectations. We were unable to make ends meet - is it any wonder - I am surprised that we could get off the ground at all - when the attitude of Government and the Planning Authorities has been to keep construction to a minimum until after the plan can go into Law. Every home built means thousands of dollars of revenue for the public till. One Member said here last week that the revenue from one house is about equal to the revenue from a hundred and fifty tourists. Now I am not saying anything discouraging about the tourists I am just drawing a comparison that while we want tourists to come we also want construction work to continue because construction work does bring revenue for Government.

You know the reason why we have to wait until the Development Plan is passed to get approval for houses, because when that happens you will not be able to build on the protected coast line. You will not be able to build in the forest reserve, you will not be able to build in the agricultural land, you will not be able to build in the open parks and public spaces, you will not be able to build in the low density areas; that is why there is this delay. Somebody - some sinister devil must be looking forward to the day when all economic life will have to a halt, and they will be able to do as I said earlier on, keep the place for a privileged few. I mentioned that Government gets wrong advice sometimes from their consultants - we should not follow everything that United Nations tells us - one Member touched <sup>on</sup> this briefly last week - who are these people to tell us when we <sup>have</sup> reached a stage of sufficient growth and when our gross domestic product has reached the proper figure - who are these

MR. G. HAIG BODDEN (CONTD.): people to tell us? In the Budget Speech I see that our gross domestic product for the year 1972 - there are no figures or there is no survey apparently by United Nations since that - our gross domestic product for 1972 was 23.56 million dollars. But what is so wonderful about 23.56 million dollars? Wouldn't 23.65 million dollars be a better figure, and suppose we were applying those figures to the year 1975; if the gross domestic product is shown to be whatever figure it is - what is so wonderful about a figure? Wouldn't a half of one per cent be a better figure? - or .005 per cent increase be a better figure? So how can these people presume to tell us when we have reached the age of economic growth and we have the proper gross domestic product. These people should be told to go and fly a kite because they do not know what they are saying.

Mr. President, I will be brief in some of the points I'm touching now, because I don't want to take away the record of the First Member from Bodden Town who spoke four sittings I only expect to use three; I'll be finished by noon tomorrow.

In the Budget Address mention is made that during 1975 there was a significant upward trend in passes at the Comprehensive School. I know that is true; but in my opinion it is nothing to gloat about. The close examination of the passes will reveal that in the C.S.E. examinations out of 90 odd students only seven had passes in five subjects or more. Which to my mind means that only five out of the 90 odd would be eligible for university entrance. Thirteen had grade one passes, which is the equivalent of the G.C.E. 'O' Levels. Only one child with two subjects of 'O' Level rating. The London G.C.E. 'A' Level only two had two or more 'A' Level passes, and in the London G.C.E. 'O' Levels only one child had three passes and it is quite significant that this child was from Cayman Brac. No child had more than two - on the same page of the newspaper it is noted that a child in England had eight passes - a child who had previously lived here. In the Cambridge exams in the G.C.E. 'O' Levels only four had five or more subjects. So that while the school may be doing a better job than it had done there is still plenty of room for improvement.

One of the failings has been that a child does not seem to take as many subjects in the examination as the child should take. Apparently the child is allowed to take whatever it wants to take, and in some instances the selection of subjects has not been very good. In the same newspaper which was published on a Thursday evening there was a notice saying that those who wanted to take the exam next year must register by the next evening; if this was the first notice it would be a physical impossibility - this doesn't seem like something to make an issue over, but certainly we could do better than this.

We are also told in the Budget Address that the Education Department continues to be the second biggest spender of public funds, and I agree that it should be so; let us spend money on education, but let us watch it to see that we get the results. Education takes a big slice out of the Budget. But on the examination of the Budget I see that only seventeen thousand dollars is set aside for training of teachers, and this seems to be a small sum when we are paying in salaries 1.3 million dollars. Teachers and other officers will receive over a million dollars yet we only spend seventeen thousand dollars on training - we need to spend more money on training so that the majority of teachers can be from this Island and that when the 1.3 million dollars is spent it comes back to the tax payers.

In 1974 we actually spent 1,97,697 dollars on education - in 1976 the figure is up to 1.6 million dollars. This is a tremendous increase, an increase of about half a million dollars, but I am not against it - I am all for paying hard working teachers - they deserve to be paid - teachers and probation officers are two

MR. G. HAIG BODDEN (CONTD.): classes of people that I would readily vote double their salaries tomorrow. But what I am against is when I examine this same budget and I see posts created with high sounding names to give <sup>high</sup> salaries to people - I am alarmed about this. One Member mentioned some time ago in this debate that a Dietician would be brought in to tell the people what to eat, to tell them what to serve to the school children - I don't think all of this is necessary. I see a bursar who will draw 7,808 dollars next year - I must claim my ignorance but I don't know what it is. There are other posts in the budget that I would like to question - I see a Librarian - School Councillor and a Warden which carry salaries of nearly 12,000 dollars per year, and under new services when I get to that I will be dealing with the appointment of an Assistant Librarian which is asked for this year, but these three posts will in 1976 carry salaries of nearly 12,000 dollars per year.

In 1975 these same three posts Librarian, Warden and School Councillor were paid salaries of over 11,000 dollars, but in the approved estimates for 1975 these posts were approved at only 7,000 dollars this is very alarming. In 1975 we budgeted for 7,000 dollars for each of these posts (I'm just using a round figure) and they were paid approximately 4,000 dollars more in the revised estimates - this certainly needs an explanation as to why these posts which were marked 7,000 dollars were paid a 50% - far more than 50% increase. One Member in his debate mentioned the large amount of money that is paid for the transportation of children to schools - I might also remark that the same question was raised last year. I agree we must spend money for the transportation of our children to schools - I see nothing wrong with it - the Member who questioned this item last week said that Government should not spend the money for transportation they should take it to build a canteen and feed the children. What is the point in making the shift - if Government is spending the money does it matter how we are spending it, whether it is on transportation or on meals, and does this same Member realise, and I'm sorry that he is not here to hear what I am saying, that the cost of feeding the children would be far greater than the transportation. I understand that at the present time it costs Government about thirty-eight cents to bring a child from West Bay to school; certainly you could not feed a child for thirty-eight cents, so if we reverse this system and let the parents pay the transportation and Government absorb the food cost we would be paying much more.

We at the present time only have to transport about 700 children from the outer Districts of North Side, East End, West Bay and the beloved Bodden Town. But if we are going to provide meals we will have to provide meals for all of the children, including George Town and its suburbs. So that where we now bring only seven hundred children an average cost of sixty cents per day we would have to feed 13,000 at more than double the average cost of transportation, so that was a ridiculous suggestion, and I hope Government does not adopt it. It is true that we have to pay for the bus service, but it is my contention that it is one area where we receive value for money spent. Now I am not saying this because I am in politics - long before I entered politics my children had gone to school on the school buses and we never had a single complaint, we never had a single accident, we never heard about them being late, the service is reliable. The bus drivers that our Government employs are amongst the most respectable and the most trust-worthy gentlemen in these Islands.

Now what the Member did not point out to the House was that while we spend 91,000 dollars for transportation of our children to school we also spend 92,000 dollars just to keep the tourist offices in Miami and Chicago open - this fact seems to escape the Member who talks nonsense about the high cost for the most vital service there is in this Island. When education takes the second biggest bite from our revenue it is to be expected that it will cost to have a reliable transportation service. And so I say to the Member concerned that he will always have my support for the busing of our

MR. G. HAIG BODDEN (CONTD.): children - it is no use having a school which we are told is doing well if the pupils are stranded in Gun bay and Bodden Town, North Side and West Bay. Because if Government were to do away with the supervision and carrying the cost of the transportation of the children the parents would have to go out and find vehicles to send them to school. The bus drivers would still get their fares, but would the service be as good - so we must not entertain such rubbish, if we had in our Island a public transportation system with adequate number of seats may be you could talk about Government doing away with this small item, and even if we had a public transportation system it would not be desirable to have the school children mixing up with the public.

Imagine a private bus travelling from Gun Bay or East End making so many stops along the road, what time would the child have to get up in the morning to get to school on time; with a school bus especially for this service he leaves home, he travels virtually non-stop and arrives on time. I know there are underlying reasons for Government giving up the busing of children, I know there are political reasons for it, but I am not going to stand here and see our children hurt, because somebody might want otherwise. I have another item that falls under the same Member, the matter of the hospital, but I can't seem to put my hands on my notes right now for that and it will have to wait - he will get a breathing space in the meantime.

According to the Budget address the Savings Bank has undergone a union with the Currency Board. There was considerable criticism of Government at the time the post of manager was advertised, and while we know that appointments to the Service is not a matter for the Members of this House to decide there is no one that can stop me from questioning the manner in which appointments are made. One can only wonder how Government arrives at the requirements for these several posts. I happen to know from the ad which I saw that the post of manager was advertised with a minimum age level, I understand that the post of Assistant Attorney General which was approved last year is also advertised in that fashion. Why are these limitations put? Another requirement, and a very stringent requirement is that an applicant must have a particular number of years of experience. Are we being picky, selective and choosy in this matter? And although the post of Assistant Attorney General was approved last year I noticed that it remains unfilled, I'm wondering if it is still being advertised. Promotions seem to have disappeared from the Service amongst the higher echelons. I know that there are officers in the Service that have been on many training courses abroad - why send them on these training courses if we do not give them the promotions as they come along - how are we ever going to be able to take over our local services if we do not promote our local people when the situation arises.

I also notice in the Budget this year, and this is the last item I will mention under promotions that <sup>whose</sup> we had one Superintendent of Police and two Assistant Superintendents last year that this year we will have two Superintendents and one Assistant, this means that one of the Assistants has been promoted. I wonder which one it is.

At the outset I mentioned that my topic today would be our synthetic stretch-to-fit-budget. To understand this I want to take a detailed look at revenue. The biggest source of revenue is Customs. We see that our revenue for 1975 will not come up to our budgeted figure, in fact it will be a good way below the approved estimates for 1975. This is probably the first time in living memory that Customs has failed to produce the revenue which we expected - it is the one Department that has always tickled the Financial Secretary - he could always depend on Customs to bring in the revenue - why is it that we are down, and why is it that the

MR. G. HAIG BODDEN (CONTD.): estimates for 1976 are also below the estimates for 1975, and my answer as I made in the beginning is that we have taken steps to guarantee that our revenue will be down. We want no more construction - we want no more motor cars - the two biggest producers of revenue under the Customs Law, perhaps alcohol might vie for a position there too. But we have taken steps to guarantee that our revenue from Customs will be down in 1976.

Another look at the revenue will show that our harbour dues will also be down for 1976, in fact it will be down from 151,300 dollars to 161,300 dollars, despite the fact that we have seen fit to increase the light dues in this sitting. Light dues is one of the several items under harbour dues.

Fees from the Judicial are estimated at only 38,000 dollars, although 40,358 dollars were actually collected in 1974, so that in 1976 we estimate that we will collect 2,000 dollars less from this source of revenue than we did in 1974.

Our revised estimates from Postal for 1975 are below the actual collections for 1974 by half a million dollars, and the estimates for 1976 are also below the 1974 figure, and this is despite the fact that Executive Council has now increased the postage in areas by as much as 250%; we expect to collect in 1976 less revenue than we did in 1974, so we are geared for a bad year.

I also see in the estimates that Government properties in 1974 produced 61,000 dollars in revenue our estimates for 1976 are down by more than 50% - Government is really geared for the continuation of the policy which it has been following recently. And what are we doing - we are not trying to stimulate the economy so that it will be more importation - so that it will be more correspondence - this would be one way to bring up the revenue - what have we done - we are drawing three-quarter million dollars from our reserve - this is a sad state of affairs. When we have to go to the reserves which we have been building up and draw them down by three quarter million dollars to make the budget look presentable. In addition to this how else are we balancing the budget - we are very hopeful that our new tax measures will yield one million dollars but this is really hopeful thinking - the new tax measures will reduce the revenue in the areas taxed.

Now when we examine the details of our revenue things are even worse - the revised estimates from import duties down by a full quarter of a million dollars, yet we expect to collect 300,000 dollars more than we did in 1975 - how are we going to do this when construction is down, controlled by the anti-growth policy of Government - restrictions of the Planning Authorities and the devastating effect of the Development Plan. Package Tax for 1976 down by thirty-three and a third per cent, and Package Tax is a clear indication of importation - Package Tax normally collected on a per package basis shows that we expect to receive only two thirds of the packages we received in 1975. The approved estimates on this item for 1975 was 310,000 dollars - the revised estimates for 1975 was only 200,000 dollars a decrease 110,000 dollars. So we see that not only are the estimates for 1976 below 1975 collections, but they are also below the actual collection in 1974, in other words we are two years behind time, so if our number of packages are going to be down where is the increase revenue to come from.

We notice that Personal Taxes in the revised estimates for 1975 are also down by thirty-three and a third per cent, although this is a small item. Estimates for Motor Vehicles Taxes during 1975 did not keep up with our actual collection, or the collections did not keep up with the estimates. In fact the collection on motor vehicles taxes for 1975 down by 10,000 dollars. The revised estimates for taxes on Firearms 1975 are also below the 1975 estimates. The revised estimates of revenue from Liquor Licenses in 1975 although above the approved figure fell below the actual collection for 1974.

MR. G. HAIG BODDEN (CONTD.): The Trade Licenses in 1974 produced 49,000 dollars, yet our revised estimates for 1975 were only 35,000 dollars, and the estimates for 1976 are well below the 1974 figures, and this is despite the fact that we have increased the Trades and Business Licenses in some instances by as much as 1200%.

We also notice that the Banks & Trusts Companies Licenses fell below the estimates for 1975, and this is despite the fact that early last year we doubled the fees payable by the Banks and Trust Companies - there was an increase I believe of 100% - yet the revenue was down - this proves my point that increasing taxes does not always give increased total revenue. Licenses from companies were down this year below the 1974 figures, and the last item I'll deal with is the revenue stamps. In 1974 we collected 1,34,648 dollars from revenue stamps. Now the bulk of this money came from land transactions. In 1975 we budgeted for a collection of only 700,000 dollars, or seven tenths of the collection in 1974, and I see that the revised estimates for 1975 have been further cut to 600,000 dollars, and this again is despite the fact that last year had the benefit of the increase in stamps under the Stamp Duty Law. This may not be readily apparent to some Members, but I'll just give you one little example of how the increases in the new Stamp Duty Act increased the revenue of Government. In the area of life insurance policies Government was not collecting any stamp duty - it was a mere ten cents per policy, but by changing that from ten cents per policy to fifty cents per thousand of the insurance written Government has collected a good revenue. It would amaze you to know that one little operation by one insurance company sold last year two million dollars life insurance, which produced in stamp duty 10,000 dollars for this Government. The point I'm trying to make is that in your stamp duties - in your revenue stamps for 1973 and 1972 you did not have the benefit of this additional tax. With the total life insurance sold in this Island last year you have collected may be 50,000 dollars of additional revenue under this law, yet the revenue is down from 1974 1,34,648 dollars to only 600,000 dollars. In other words revenue from revenue stamps has been cut in half, despite the fact that they are collecting revenue from certain areas where you never collected it before. Can you see what has happened to the real estate business which at one time was the only contributor to revenue under the revenue stamps.

Before we leave the matter of revenue, I would like to go on record as saying that there are two ways to balance a budget - one is to increase taxation, the other is to cut your expenses, and apparently our Government has never heard the latter.

Capital Projects: This is old stuff to us these four capital projects, but because the four capital projects which we embarked upon three years ago become the major source of our problems I think we should look at them constantly. At the time in 1973 when Government considered these four projects I was a severe critic of Government - the Lady Member from George Town was a severe critic in saying that we should not start all of these projects one time, but her words like my words, and like the words of some other Members went unheeded; Government had made a decision and like the laws of the Medes and the Persians that could not be changed. Now we are finding that <sup>they</sup> have bitten off more than they can comfortably chew in one mouth full. One of the projects has been completed - I think the Member himself referred to it as the glass cage, but we are far from paying for it - so that while the structure has been completed at a cost that we could not afford we are still a long way from getting out of this project. A glass structure like the one we see is just as much out of place in this Island as an igloo would be in hell.

The second project - the resurfacing of the roads has <sup>just</sup> about started - here again I was one of the few Members who were against the job being done by the Public Works Department. I felt that if we were going to do the roads we should give the job to

MR. G. HAIG BODDEN (CONTD.): A private constructor, and I think if I had a chance to vote I would still vote that way. Nevertheless, I must say that the Member did make one good point and that was that if Public Works built the road they would have the equipment to repair the roads when repairs are needed, and that is about the only good part of the policy which followed. I am truly alarmed in the manner in which the roads are being surfaced, and I have no hesitation in saying that a private contractor would not have gone about it in the way we are going. I don't know what are the reasons behind it, but we took all that machinery down to West Bay and we did one little strip in West Bay - the West Bay Road was in fairly good shape and could well have been the last portion of road done. Then we took weeks or days to shift all that heavy machinery up to the School House Road - the School House Road at that time was the only road in the Island that you could travel over comfortably - it was the one road in the Island that if any road<sup>had</sup> to be left out it should have been the School House Road. That back road didn't have - and today doesn't have any traffic on it. We're told that the reason for making this into a satin finished road is that motorists would be diverted from the centre of town and use the back road. The people will never use the back road unless we move the banks, shops, offices to the back roads. So this didn't make sense, and I must say that it must have been reason for going about the work in this fashion. Then we did a little strip from Thomas's theatre up to Crewe Road that was pretty bad, and then we shifted all that heavy equipment twelve or thirteen miles up to Bodden Town and while we are grateful for the work done in Bodden Town I say it was a foolish thing to do. The work should have started in Crewe Road where the equipment was, and work towards Bodden Town. And the Bodden Town motorists, or the motorists from the Eastern District coming to Bodden Town would have the same benefit of the new road as they now have. What would have happened is that coming towards George Town the latter part of your ride would have been better than the former. So for the sake of economics we would not have spent all that time and all that money to shift all that equipment from Crewe Road to Bodden Town, and now I understand that after they have completed about five miles of the road they find out they have done wrong, and they are going to move back to George Town.

I hear that the plans are to shift the equipment from Savannah down to George Town because they have now discovered they should have worked from George Town to Bodden Town, instead of from Bodden Town to George Town. So if you have to move one truck - it doesn't cost much money, but when you're moving a whole battery of heavy equipment it costs money - it costs money in always - it costs money for the drivers - money for the supervisors (they must always be along) - it costs money to operate the vehicles. Then you have to remember that there is a bigger cost of moving the supplies - the equipment isn't so bad you can start up a bulldozer and put it on a lowboy and go away with it, but what about the materials - sand and gravel and what not - this is being stock piled all over the place shifted about - we find one pile of marl built up along the North Side Road and two weeks later that is shifted to Red Bay, and then when it has served its term there it is moved somewhere else - this is costing our Government money - it is wasting the tax payers' money needless, and no private contractor would have done the roads in this fashion. But then the private contractor would be looking for the most efficient way to do the roads, rather than looking for the most political way to do the roads, and I maintain that we have gone wrong in the way that we have gone about the roads.

While on the subject of the roads this morning I promised to come back to the canal which is being built to ferry the cars across so as to eliminate the South Sound turn. This is the most foolish bit of spending that the Public Works engaged

MR. G. HAIG BODDEN (CONTD.): during the whole exercise. Now that it has been brought to their attention I will hope they will utilise their wisdom and scrap this nonsense - leave that for the planners. We in Bodden Town were to a certain extent happy when we heard about the canal which would have made four Islands instead of three, but the little canal which is now under water in the Red Bay area will not even do this much. So we asked them to stop this project - doubtless the Member from North Side (if he gets to speak tomorrow because I may continue all day) - the Member from North Side will probably be telling the House how he protested, or how some North Side people protested against this extravagance of Government in putting a canal in the Red Bay area. If putting a road where the canal now lies would straighten the turn - the big turn at the South Sound junction I would go along with it. But we are going to have two turns where formerly we had one, and in my <sup>DOORS</sup> ~~two~~ half circles make one complete circle. But we also will have the same road open because we have to have access into South Sound.

It is a good idea to straighten the turn in the road, providing it is not too costly and providing it is not too harmful to the land owners. But in that particular area I don't think sufficient consideration was given to the owners of the land. The mighty arm of Government stretched out its Land Acquisition Law and took the land, may be they paid for it, but I understand that the owners are discontented. And whether this be true or not, the plain fact remains that if we go on with this project we will be spending hundreds of thousands of dollars and we won't be achieving anything, because the road will be no straighter than it was before. But what really gets me with Public Works doing this job, is that they seem to spend so much time doing things that could wait, I am not saying that they're not necessary, but money is being spent to put an island in Smith Road, and we've put the Barber Green there long ago - money is being spent to paint white lines all over the place at a time when the Bodden Town/George Town Road is impassable.

The Member from Cayman Brac told us of his struggle to get to East End some years ago - it is a lucky thing that he didn't have to make that trip during <sup>last</sup> week's, (or the week before) rains, because with his short stature and with him being new to the area, he would certainly have foundered in one of the many holes. One other point I must mention in this continual movement of our heavy equipment is the wear and tear of this machinery. We are lucky indeed that the asphalt plant was not a portable one, or that would be going too; every time somebody gets the whim or the fancy to shift to another locality. Every time a new job is started time is lost - the workers are immobilised and it takes them some time to get down to the job. I heard in this Assembly that this road the same Bodden Town/George Town Road would have been completed at the rate of one mile per week, but <sup>the</sup> weeks of Public Works must be longer than any body else's leap year. We were also told that the cost of these roads would be nine dollars and sixty cents per foot; it is costing more than that per foot to move the equipment.

The third big project is the Dock. The cost of the new dock staggers the imagination. When our new dock was talked about in the beginning we were told in this Assembly that the dock would be put in George Town because it could be built for 1.5 million dollars. The Lady Member from George Town, although not an economist, said that she didn't believe it - she didn't believe you could get something like that for that price - she is right. This year in the throne speech we were told that the cost of the job if we built the Administrative Building and acquired some more land would probably be about 4.6 million dollars. Today Government's conservative estimate is 4 million dollars, but the project is just beginning and although we have a conservative estimate we know that instead of 4.6



MR. G. HAIG BODDEN (CONTD.): million it will probably be 6.4 million. We were lucky in that we didn't have a real Northwester some weeks ago, but what little we did have caused some damage - this was natural. The Newspaper carried a story that it hadn't cost very much, and that the project hadn't been delayed very much, but I am wondering if that is true, and I am wondering who bears the cost. Somebody on the outside discussing this article with me said that is true - it wouldn't cost much because the contractors wouldn't know whether it had cost them or not .

The most alarming part of the dock is that this dock will be outmoded long before its completion. This dock as I see it will not be able to accommodate much bigger ships than we now have. And even if it can what are the ships coming here for when our importations are down. Today this type of dock is obsolete. Most of the cargo coming to this Island is now coming in container ships, and that was all we needed one smooth spot for the containers to roll off on. So we have nearly strangled ourselves and probably will strangle ourselves to complete and the facility will be outmoded long before its completion.

The fourth Capital Project is the Airport Terminal Building, and I am glad to say that it is good to see that Government has delayed this a little. We understand that the first phase of the project has been completed. I also understand that the freight shed has cost an astronomical figure, and that if the Terminal Building costs in proportion to the freight shed that the terminal will cost more than the dock. I'll probably soon be leaving the portfolio of our Member for Communications and Works, but before I do I would like to mention Cayman Airways. Probably more questions have been brought in this House about Cayman Airways than any other subject with the exception of Caribbean Utilities.

Cayman Airways has felt the competition of Southern Airways, but we can do nothing about this since they have a reciprocal right of flying into here, but what alarms me is to hear on the outside, and to read in the newspaper that top Government officials favour the advent of Eastern Airlines. If one takes a look at the Southern Airways flight schedule one will see that Southern will be a threat to Cayman Airways, but one takes a look at an Eastern time table one will see immediately that if Eastern should come in here as a carrier it will be the requiem for C.A.L. The reason is that Eastern Airlines has many direct flights from the major U.S. cities to Miami. That means that if you <sup>have</sup> passengers coming down from one of your big cities they would fly Eastern, and would naturally come on to Cayman by Eastern. On the other hand if a traveller was coming from Chicago or New York, or one of the other big cities the person would hardly come by Southern, because <sup>Southern</sup> ~~does not~~ have a direct flight from these far-away large cities. And this is the reason why I feel that we should do nothing to favour the coming in of Eastern Airlines. Not only is it a big carrier, not only is it an established carrier, but it is also in a position to monopolise all the travel into Miami. Southern is not in this position - Southern does not have direct routes to Miami from the far-away large cities, and Southern is not giving Cayman Airways one tenth of the competition it would have from Eastern.

So I am asking the Member for Tourism and the Member for Communications and Works to study the time tables of Southern and Eastern and find out if what I am saying is not correct.

We see from a report which was either sent to us by the Financial Secretary or tabled in the House that C.A.L. gross a lot of money recently. I believe something like four million dollars, enough money to buy two or three aircrafts. But we definitely paid to Lacs Airlines enough money to buy an aircraft. So it is time that C.A.L. looks at purchasing its own aircraft. If we can pay Lacs's mortgage or give them enough money in lease to pay their mortgage every month, why we can't we pay the mortgage for ourselves. The difference is the difference between renting a house and living in your own. When you borrow money and build your house and pay back to the bank each month you're building up an equity which you will have after a number of years - when you pay rent at the end of twenty years you'll have your

MR. G. HAIG BODDEN (CONTD.): rent receipts. And we are collecting a lot of monthly receipts from Lacsca by way of lease, and <sup>if</sup> we continue for a hundred years we will have nothing but rent receipts. The same money paid for lease could be paid for the purchase of an aircraft. When we acquire <sup>we</sup> may be <sup>have</sup> already acquired the sixty per cent in C.A.L. I hope we will then be in a position to rule the roost. When we owned fifty-one per cent we did not have any say, we had a superficial say which carried no weight - the forty-nine per cent was controlling everything. So now that we are about to acquire the sixty per cent interest in C.A.L. I hope we will show them who is boss. One common complaint, but one that I have had several times is that the people in the Miami office seems to favour the Southern flights, and the people in other offices that are paid for by Government seem to favour the Southern flights. I don't know if this true - I hope it is not, but if we have anybody abroad and we're paying their salary and if we're paying their passages we must tell them they must travel C.A.L. whether they like it or not, or pay their own fares.

What I am going to embark upon Mr. President now is the new tax measures, and this took up a great part of the Budget Speech, and will undoubtedly take up a great part of my speech. Under the first big new tax measure I know I touched a little on this in Tourism, but I am going into the profound depths of it.

MR. PRESIDENT: I wonder if the Honourable Member would take an interruption at this stage if he is beginning a new trend of his speech, perhaps it might be a good time to adjourn and continue tomorrow morning.

MR. G. HAIG BODDEN: Yes, Mr. President, I am willing to go along with that.

#### ADJOURNMENT

HON. D. V. WATLER: Mr. President and Honourable Members, I move that this House adjourn until 10 o'clock tomorrow morning.

HON. G. E. WADDINGTON: I beg to second that motion.

QUESTION PUT: AGREED

AT 5:56 P.M. THE HOUSE ADJOURNED UNTIL  
10 A.M. TUESDAY, 25TH NOVEMBER, 1975

MR. CRADDOCK EBANKS: or two has laid-off a number of people, and seemingly a lot of these are our own local people. I understand that there is one Department that has only one Caymanian in the office, how many others, I don't know - whether it is six a dozen or how many. All of this Mr. President, I will go into in detail tomorrow, the Lord's willing. So at this time Mr. President, if it is convenient to you for the adjournment, I would prefer to stop at this stage, if it would be acceptable, Sir, to you and the House, rather than going on any further.

MR. PRESIDENT: I take it that the Honourable Member is interrupting his speech at this stage, and maintains the right to continue it tomorrow morning.

ADJOURNMENT

HON. D. V. WATLER: Mr. President and Honourable Members, I beg to move that the House adjourn until 10 o'clock tomorrow morning.

HON. G. E. WADDINGTON: I would like to support that motion, Sir.

QUESTION PUT: AGREED

AT 12:30 P.M. THE HOUSE ADJOURNED UNTIL  
10 A.M. WEDNESDAY, 26TH NOVEMBER, 1975.

MR. CRADDOCK EBANKS: Sir, that I will not be giving any heed to any appointment under New Services, and if we got at this stage to further burden our tax payers with taxes, taxes to provide revenue to meet some of these things, then I wouldn't be fair to the tax payers to support this. Its nothing wrong - its no harm - an office working under a skeleton staff sometimes, and in my opinion Mr. President, some of these appointments should not be at all, for some time to come, not this year nor next year, nor the year after. Its getting time for some of our people whether they be Caymanians or expatriates filling a post in an office to get up and do more than some of them are doing.

So with all the hard work that the Financial Secretary has put into this - preparing it - its with regret that I am not going to support this part of the Budget, and not only this part, many other sections of it, I am going to propose amendments, and some deletions as well - ~~because~~ <sup>how</sup> ~~would~~ <sup>we</sup> ~~be~~ able to survive, or in other words why should we be burdened with such a struggle to survive by adding additional cost. What I have found - to try to borrow from banks - you might borrow 500 dollars, paid up 350 dollars, or 450 as the case may be, you're still in debt 50 dollars, you go back to try and borrow another 200 hundred, they say no - how are you going to pay the 200 dollars and you're in debt now 50, in other words if you can't pay the 50 how are you going to pay the 200 - then it looks like all we ought to try to do at this stage - to keep our present staff - which is in the estimates / <sup>that</sup> a review needs to given to this, and see what reduction can be made, and still then on the other hand they are proposing to bring in others.

Mr. President, the time is at the threshold of Government's door - when Government must give a serious look into the affairs of this Island, or the Islands on the whole, because Government realises - Government is aware, as I said a minute <sup>if</sup> ago - things are not booming now like they were three years ago, and ~~we~~ don't protect our employees, our local people, then the unrest could well be created. Not too many days ago in one of the banks here, an English employee clerk walked out - quit the job - one of the local staff expected to have gotten this post - before one of them could get that post - this walk-out who had quit the job was brought back in and put in the job - a number of them went to lawyers for advice - they planned on a strike on the bank, but he advised them not because it wouldn't get them any place, they didn't have a union, but I am just trying to point out Mr. President, there are the seeds of things - things are sprouting that all is not well, and it won't go well if these things are not looked into, and see that justice is given where it belongs. We got a lot of foreign expatriate employment in the Island - we know we couldn't get along without some of it - some of it still needs to be, but Government should look into these things and try to make it as easy for both sides as possible, and let the local people have the benefit where it is reasonable that they should have a priority in a job. These are the things, Mr. President - that will cause the unrest, and human beings, being what they may be, we all stand so much and no more. You've got some people they have the right to choose, or all people have the right to choose their way of life - you've got a few people who like to spend all their life in jail - that is their is choice - that is their desire - then when you have the other people that ought to be treated according to their desires, and what they would like to be in a place that <sup>they</sup> would like to fill in their community.

Mr. President and Honourable Members, I wouldn't like to go any further at this time, as the President indicated that he had some obligations that he would like to meet, but I am prepared to stand here tomorrow morning and go into details on the expenditure of this Budget, notes that I have made dealing with Departments, and to try to point out where, and how that our people will be better looked after. One Department particularly over the last week

MR. CRADDOCK EBANKS:

One Member speaking a few days ago made remarks as to hear-say debate. If Members were better informed, other words why should some of the hear-say that we refer to or bring to the House is only second hand information to us and it is first hand to certain sectors or certain people of the public. In other words the public can tell Members what is going on when Members are not aware of it, and in most cases, most times this is true; where there is smoke there is fire.

Mr. President, I must like other Members commend the Financial Secretary for his major and outstanding Budget Speech, its hard work, I am positive he didn't sit down in his home one evening on his porch and put that all together - to bring his speech to this House to outline - to tell us in detail what has happened over the present year coming to its close, and what he is looking forward for in the new year - it takes a lot of time and concentration, sacrifice and hard work to put all of this together, and find figures to put in their right places to meet what he hopes, and the Members as well - that will turn out to be a success for the year 1976. Mr. President, as always we don't see eye to eye, and if it was so that we agreed on everything in principle one hundred per cent, then it would still be something wrong. One Member said a few days ago while speaking that - words to this effect - that why should we go on continuing to criticise Government with all that Government is doing, what it has attempted to do, and what it has done, and what it is still trying to do. What should we do then - all of us should come in here and sing the doxology, Praise God from home all blessings flow, or praise Government for all its done.

Government is no different from a home, comparatively speaking - we have to criticise our children for not doing some of the things that they should do, we have to whip them, and probably if this Government was in the hands of Commissioner Cardinal in his days, probably some Members would get some whipping. We have these things to encounter with, none of us are faultless, none us don't make mistakes, and if we don't criticise then we won't bother to look for the mistakes to try and correct what seems to be wrong, or the opinion of the public, and try to make things a little smoother, a little better, a little more comfortable. With all the Heads of Department<sup>s</sup>, or all the different departments, it seems that there is one department that gets little or no criticism, which I am just saying this in passing because I will come to that subject later - is the Mosquito Research. How is it when I ask this question that I am putting forward - if the public on the outside - if Members in this House can see that the Mosquito Research is doing a magnificent/<sup>job</sup> that warrants little or no criticism, then why is it so difficult to see the other Departments in what has been stressed and termed as waste and squander.

I know it is not possible, and I don't want to be here when that should come about, or if it should come about that every individual in this country is satisfied and happy, because we won't live to see that, we don't want to see that, but to the majority, the big majority then ought to be able to see and understand when things are good from/<sup>when</sup> its bad. Some of the most happy years I suppose for some people, have been over the past three to four years because they could pick choose and refuse a job, but that has changed, its many people, many of our own people, may be some Government people, may be some Members in this House thought the boom would continue, but getting to the peak of the highest mountain, you don't stay there, you either come back down this side, or go down the other side. Now we find like many other countries - depression - many people are out of jobs - they are not able to pick and choose the jobs as they once did, many are looking and trying hard to find a job to go to - what is Government doing about this. Being bogged in our recession - is it advisable - does it make sense to create new posts, new positions - as always we generally have on the last page or two of our estimates for the year - New Services, Mr. President, I will not go into this in detail, but I can assure you

MR. G. HAIG BODDEN (CONTD.): gradually stifling the free enterprise system. We can do this, we can stop stifling the free enterprise system if we avoid these controls. It is true that our revenues have not fallen all that sharply, but if you look at the way the revenues increased over previous years, any short fall would have to be big, so that we went from having a reasonable increase, and in some years a giant increase to where we now see a falling off, and this is a warning, this is a signal that we have reached in certain areas the optimum level which is possible.

Custom duties can only produce so much revenue because there are only so many people to consume the goods which are imported. If we look at the history of the developing countries we will find that in the early stage customs revenue is the main source of Government income, but as the country develops you will find that customs revenue will take a lower place. It is estimated that at the time Canada became a dominion, a hundred or so years ago, customs duty was at that time providing about 98% of the revenue. Today the customs revenue is down to about 10% of the total revenue, and I think we have reached a stage here where our customs revenue is starting to decline, and so we cannot look to it to provide more and more revenue, if we do we will get a shock. Increasing the tariff rates will not produce additional revenue forever, it is true that if you single out a certain item you may in a given year get a little better return from your revenues, but by and large increasing the tariff tends to prohibit the importation; as the price goes up people turn to substitutes, when there are substitutes, and even when there are no substitutes you find they try to get more mileage out of one article. For example I believe this will happen in the case of motor cars, we have increased the revenue to such an extent that the public will know the difference in the price, and the result will be that you will have far less cars coming in, although the duties on each vehicle would be more.

Mr. President, I promised to give the Member from North Side an opportunity to speak this morning, and I will close, but I would like to say that I feel that the free enterprise system is the best, and we don't want too many controlled businesses by Government because no matter how well meaning Government may be, it is not capable of matching the vitality, the wisdom and the ingenuity of the free man.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, at least I can attempt to introduce my opening remarks, and then go in to details tomorrow. I would first like to say that I am very conscious of the vacancy of the Member from my right that sat in here with us for three years, and during those three years we became very close, and I do feel the absence of him not being with us to day, I am sure we all realised in the last sitting he was like any of us jovial and happy, and looked probably forward to this, but such is life and my heart goes out to him at this time.

Two old friendly darkies met once, and one said to the other, John how are you getting along, oh he said just fine, how are you making it Tim, good, how do you get along with your boss, good, I have to curse him out once in awhile, but we get along good, oh you curse you boss, yes, well I can't do that. Few weeks after they met again, so he said John how are you getting along with your boss now, I don't have any job now I had to curse the boss out one day, and he fired me; He said when I curse my boss I curse him in my mind, I didn't curse him openly. Mr. President, what I am trying to say - I don't have intentions of losing any respect for you or Members, or any one else, but I am not going to create or house-up something in my mind that I would like to say, and am not going to say. I am going to stay in the ropes or bounds of being disciplined or behaved, but I feel that there are things Mr. President, that I ought to openly say without making hints at, that you might be wondering why you say some of these things.

MR. G. HAIG BODDEN (CONTD.): and restrictive policies that we had then. The most vexing problem is that of dealing with the Government Boards; Government Boards now exercise control over every phase of our existence - you can't get a direct answer - everything is put off no body willing to make a decision.

Early next year we will have a Government controlled radio station, another crippling blow to our freedom. It is true that certain people will be able to preach over the air, but I feel that this station as far as the freedoms of the people are concerned will be a crippling blow. We find that the Government writes regulations - set up sometime ago might have been set up in good faith, might have been set up for sound reasons, but like the Development Plan and the Planning Authority they have now become complex, cumbersome, inefficient and over protective of the industries they regulate, all at the expense of the consumer. If I wanted to build a hotel, I would have to go through so much red tape that the project would never be completed, why, because Government regulations are made to protect certain industries - this Island - they use to protect certain people and certain businesses. Economic wastage in our Government is costing thousands of dollars. I tried to give you a picture yesterday of how much it is costing to move equipment back and forth to do the roads, instead of doing them in a straight forward course as a private contractor would have done.

Mr. President and Honourable Members, the Budget Address mentioned - we have about completed the five year plan which we set <sup>out</sup> on five years ago, and I believe it goes on to say that we must now look for a new plan and to me this seems that we will look on capital projects over the next five years. I would like to say on this subject that I feel we should not have a plan which will call for any heavy expenditure over the next five years, or any new expenditures over and above what we are already committed to. We should first find out how we can pay for the four big projects that have been completed, and the other little ones that were in this five year plan.

One Member from Executive Council mentioned a water system for perhaps the Western part of the Island, if not even for the whole of it, and I know that as soon as <sup>the</sup> drum beat of anything is heard in Executive Council by the next session it is brought forward to the House and passed. I will not forget how the Finance Committee voted down the Natural Resources Study when it was brought before the Finance Committee. In the very next session that same matter was introduced, although it had been voted down by the Finance Committee. It was introduced as a matter of urgent public importance, and needless to say it was passed with the whole Executive Council voting for it, and I don't remember whether it was just one or two additional Members voting, or whether some Members were absent, but the point is this project <sup>was</sup> clearly voted down by the Finance Committee and it was put forward in the next session and passed, and this year this project will cost 26,500 dollars it is up more than a 100% over 1974, and I agree with the Member who said sometime last week that we don't have a dot nor a tittle to show for it. So when are we going to say no to all of these experimentations and exploitations of public funds.

When the new five year plan is put forward I can only hope that it will not be as elaborate as the one which we have just completed, and I hope it will not cost as much because we are having to transfer too much money to Government. The public and the private business is putting too much money into the part of the economy where it does the least good. They are taking cash from the private sector where the money does the most good, and putting it into Government taxes where it does the least good, and it is time that we slow down on this, and the only way to slow down is to slow down on these fancy projects. Lets us do what is necessary and do that alone. Government this year will have to look towards de-regulations cutting out some of the controlled and stringent policies that have been

MR. G. HAIG BODDEN (CONTD.): person cannot understand what is fourteen million dollars - when we spend fourteen million dollars, we are spending at the rate of thirty-eight thousand, three hundred and fifty-six dollars per day. If someone gave you one dollar per minute it would take you twenty-eight years to receive fourteen million dollars. These are astronomical figures. We have had a surplus nearly every year since time began, but we have had two deficits in the last three years - one out of every <sup>six</sup> people employed works for the Government, it is no wonder that <sup>the</sup> budget address says that they are getting a consultant to tell them that they have too many people, and who they should cut out.

Government has become the biggest boss in this country, with more employees than any other single business. It is clear to me that we have more Government than we need - we have more Government than the people want - we have more Government than we can pay for. Big Government is not so undesirable, but in our case big Government has become bad Government, and that is bad because of what it has done to our economy, and to what it is doing to our freedoms. I would say most of the woes of the 1976 and 1975 budget can be traced to excessive spending. I stood in this Chamber on my first Budget debate and condemned the many projects Government was starting at one time, and every session since I've been against this excessive Government spending. It is true that we were having a good time, we were passing through boom years, and it was difficult to control your spending, especially when you have a lot of money, and when you know that a lot more will be flowing in, but we made a fatal mistake because in those boom years we have set aside some money so that we could <sup>now</sup> balance our budget.

I know we had reserves, but they were not big enough. Our incessant desire to have the most prestigious buildings in the world, and to have the most sophisticated services have turned us from a generation of surplus funds to a generation of deficit spending. Heavy Government borrowing to take care of all these projects have had a drastic effect on the public sector. The million dollar loan which our Government had from a consortium of local banks took that much money away from the private sector. If Government had not borrowed this money from our local banks the money would have been available for the man on the street to borrow, but Government in one big grab scooped up from the banks all the money they were able to borrow, and today there is no money left. So the more we look at this and the deeper we go into it, the more we see that Government is responsible for the collapse in our economy. Because of inflation and lack of capital we saw construction come to a halt - one Member delights in telling me that plans have been approved, but nothing has been built because no funds were available - I'm telling you today why no funds are available from the local banks is because the big borrower, the Cayman Islands Government has scooped it all up. The banks have a certain amount of money to lend, and no prudent bank will lend beyond a certain amount

So Government is responsible for the short flow of money, and although the construction industry was in a slump we put forward the Development Plan to stop investors from building - we increased the duties last week on construction items, zinc and cement - what are we doing - we are crippling a business that is already crawling on its knees. Inflation has been the major cause, or one of the major causes of our recession - inflation along with the Development Plan has caused our recession, and although inflation remains our most fundamental long time problem Government is doing nothing about it. We brought in an expert here Dame Elizabeth Ackyord, or something like that, and her report has never been heard of since. But I feel that today we could pull out of it, if Government would lift its restrictive policies, which were implemented in the Development Plan and which we have carried out in our boom years, we don't need all those regulations



MR. G. HAIG BODDEN (CONTD.): the Cadastral System today, I am saving my anger for next week when we will be dealing with our Private Members' Motion on it.

Criticisms have been made of some of the Government buildings, but no Government structure should come in for more criticism than our renovated hospital, if ever money was wasted on any structure its wasted there. I invite the Members to go and look at what I understand was done by American designers. The hospital is built with single rooms - one room, one bed, one toilet, one basin, one patient. The world's richest countries do not build their hospitals that way. I have been in many large hospitals, not only in the United States and Jamaica, but in other countries and I have never seen a room complete with bath - this what you get in a hotel, you don't get this at home, if build a three bedroom house you put two bathrooms in it, or may be you only put one, but I don't know of any three bedroom house in this Island that has three bathrooms, and a bathroom is an expensive thing. So when you build a hospital one room, one bath, that is waste, a squandering of public funds. Hospital rooms with no windows, I hear they are airconditioned, God help the patients when the airconditioning is out. In one respect the hospital is like a hotel, in another respect it is like a medieval dungeon, in no respect is it like a hospital. They have in it the most sophisticated oxygen system, each room is furnished with individual oxygen, never been heard of before, unless you travel by a luxurious aircraft, then you have your individual oxygen mask, but here money has been wasted, absolutely wasted, there is no other word for it. I know that there are times in a hospital when more than patient will need oxygen, I am quite aware of that, the answer would be a spare set or two, but you don't need oxygen for every person that has a broken toe nail, it is a waste of public funds. There are no corridors in the hospital, the nurses will have to go outside, I imagine to get in the rooms, how can the nurses look at these patients. A patient is encased in a room unless the person can get a private nurse there is no way for the one or two nurses on duty in the night to look at all these patients, but why are the patients treated this way, there is nothing better for a convalescent than another patient, and if one patient is in one room it will be impossible to talk to neighbouring patient, this is madness of the highest degree.

Last year I visited one of the largest hospitals in the South, and I never saw any rooms that had only one bed. You know what the rooms had, they had two beds, but they also had enough space to put in a third bed if they were crowded with patients. We have rooms that are very small. It would be impossible to put a child's bed into one of them, and I say this was improperly designed, it was improperly constructed, and it is a waste of public funds. The first Member from Bodden Town and I have championed the cause of the hospital. We felt that you could have built a new hospital and use the old one for something else, there was plenty of need for it, but what did they do, they spent enough money breaking down the old one, destroying all the furniture in it, and building this new one, and the completed cost cannot be much less than if they had undertaken the building of a new one. This hospital is equipped with a three-way hi-fi radio system, a ridiculous squandering of public funds. You only have to turn the knob on the wall and you can get the sweetest strains of music from the far away corners of the earth. This was not necessary, this was not necessary, this is the world of transistor radios, any patient going to the hospital can take his or her transistor along, and we must install the most expensive hi-fi system, the most up-to-date system available, for what, for the aggrandizement and the edification of certain people.

We have in that radio system apart from the music side, we have buzzer system, a two way call system, not only can the patient press a button upon the wall, but you can talk from area to the other, what a ridiculous waste of money in a place so

MR. G. HAIG BODDEN (CONTD.): the agreement. So what is there in this that says that Government owned land. I am going to show you where they own the land, because I do not have as big a map as was stuck up on the wall over there last week, but I too have a map, the map that is contained in this black book, and that shows the 3,000 acres. You can take your pencil, and it doesn't need any expert to do this, and you can use the scale on this map, and you can watch that little area zoned for industrial purposes along with a half of this finger and you will see that that will come to 3,000 acres. Yet the area to be reclaimed was the entire area from Duck Pond to Cayman Kai and Rum Point, the 46,000 acres now being zoned, being commandeered by Government for agricultural purposes. So there never was, and there never will be, if I can do anything to prevent it, any title for Government to these swamp lands. And if you believe, or if you do not believe what I've just told you, take a further look at the enlarged map with all the fingers, and you don't need a scale to tell you that that is no mere 3,000 acres. So where does the Member get the idea that Government, because somebody had drawn up an agreement to buy land that Government had title, no such thing.

We need to examine but two portions of the minutes of the Assembly, (this is not the black book, this is the minutes of the Assembly) and on page 6 of those minutes two significant questions were asked and were answered. I know it is difficult for the Members on the other side to follow this, because they have always suffered from aphasia and today they seem to have an acute case, but we will <sup>be</sup> going into details of this in about two weeks' time when we come to the motion dealing with it, but just as an introduction I want to read those two very significant questions. One of those questions was asked by the late Malcom Eden of Bodden Town, who was a Member of the House at that time. Mr. Eden asked how the law determined the mark of tidal swamp to be Crown Land, this same question that we are now asking, and you know what the President said, he said that private lands extend to the limit of the tidal action, and that a proper survey would have to be made to delimit the area concerned. So how can anybody believe that in 1961 Government owned the swamp lands which they are now claiming. And another significant question on that same page was asked by Dr. Roy McTaggart, the man who is still fighting Government's claim to all these agricultural and swamp lands, he said - this is really not a question its a statement - in actual practice ownership of dry land gave ownership of half the swamp, and that is the crux of the whole matter, under our local system ownership of dry land gives ownership the half of swamp, but ownership of the high water mark does not give ownership to half of the swamp.

The same argument for the last fifteen years, was just to uphold our local customs, and when the Land Development Law was passed it was enshrined in that law that our local customs would be upheld, and today through a kangaroo system of making decisions, of people without authority setting guide lines, we find that this is about taken away from the people of these Islands. And you know when Dr. Roy McTaggart made that statement, that only dry land gave ownership of half the swamp, you know what the President replied, if you had had any doubts this should set you straight - he said that there would be no claims to individual ownership of tidal lands in any cases of dispute the Courts would decide. Can Government today come out with such a resounding statement, and say that no claims will be made, when they have made claims, when we have in our possession documented claims where Government has taken through the adjudication system lands from the people of Bodden Town. This Cadastral System, which has claimed and which has taken by brute force land from people unable to defend themselves, it is a disgrace to this Government.

I will be telling you the case of a widow in my constituency who has lost, or who is about to lose the only little thing her husband left her a piece of swamp land, to the mighty arm of collective responsibility. But I do not want to be unkind to

HON. G. HAIG BODDEN (CONTD.): I got into hot water over this system, and the water has been getting hotter all the time, and it is now reaching a boiling point because for the first time in the history of these Islands, there are three ways to acquire land - one is by title, the other is by local custom and the third is by the cadastral system. I'll be touching very briefly on this, because there is a motion on the agenda to be dealt with in the coming weeks asking this Government to give back to the people of the middle and eastern districts the land which they have taken, the swamp lands which they taken under the Cadastral System. The Member from Bodden Town took almost an entire day to explain to this House how the system of adjudication has been changed, I need not repeat that, but I must clear up a few points that were made. The Member responsible for lands produced a black book to show that in the early 1960s this Government owned lands in the North Sound, swamp lands which they were about to sell for one pound per acre, and in looking in my dusty old trunks I too came across a copy of that black book stuck into minutes of the special meeting of the Legislative Assembly held on the 1st September, 1961, and this book reveals to me an altogether different picture, and while I will not go into every phase of this I will keep this for next week when we get to our motion.

I would like to call the attention of this House to certain portions of this black book, and certain portions of the minutes of that special meeting. Apparently some company approached Government to buy swamp lands, and a preliminary meeting was called with the Members of the Assembly to make a decision, as far as my knowledge goes that was the end of the matter. The deal was never consummated, Cayman Reclamation Company never bought the land, Government never sold the land and the most underlying reason for the stoppage of the transaction was that Government did not have, and today does not have any title to those lands. I beg the indulgence of this House to read Clause one of a proposal put forward to the Members on that historical day, that historic day September 1, 1961. The Government agrees to grant to the company the right to enter and survey the whole of the area described in a schedule attached to the agreement marked "A" subject to the company obtaining the necessary permission from any persons who own land in that area, and I'll repeat that final part - subject to the company obtaining the necessary permission from any persons who own land in that area - a clear declaration, although clothed in legal jargon that Government was not the sole possessor of the land in question.

We know that Government owns the high-water mark, and we know that Government had a right to allow somebody to survey this, and we know that this was at a time when land was just beginning to become worth while in the Island, and we know that the adjoining land owners would be glad to sell their land, and so Government was asking, or was drawing up an agreement whereby Cayman Reclamation Company could enter upon these lands and survey them, but this does not give Government any title to the land in that area. I also want to read Clause four of that document - The Government agrees that subject to its approval of the project as disclosed by the plans and drawings, and on its being satisfied that finances are available to the company to carry it into effect to grant to the company the right to reclaim the land described in Schedule "A" annexed to agreement and develop it in the manner disclosed by the plans and drawings. In that event the Government further agrees on payment of the sum provided under Paragraph 5:1(a) here up to be paid by the Company to the Government to pass freehold title to approximately 3,000 acres to the said land described in Schedule "A" attached to agreement in so far only as those lands consist of Crown Lands, the precise location of which will be determined when the preliminary survey has been completed, but which will be situated in the Southern portion of the said area, and will be contiguous with the Eastern side of the ship's channel provided under Paragraph 5:1 (d) of

MR. G. HAIG BODDEN (CONTD.): efficient for use in the tropics, you would find other material that is more suitable, and so we are faced this year with more than a 50% increase in electricity, just to satisfy the prestigious side of our economy.

Now as if we were not already spending large sums of money I see that provision is made again this year for new services in the estimates. What I have against the new services, and by this I mean new posts being created that as soon as one post is created, as soon as the thin edge of the wedge has been driven in we find that next year that person needs an assistant, that person needs a secretary, that person needs a deputy, that person needs a messenger and it goes on and on until that person then needs a whole department, and the service grows and grows. And we have certain departments where twelve people are needed now to do what no one was needed to do a few years ago. I see in the department of the Governor that provision is made for a new post, the post of Telex Operator as far as I know telexes are not sent nor received on a continuous basis in an ordinary administrative office. Cable & Wireless may need a full time Telex Operator, but I don't see an office or a bank or a store room needing a full time Telex Operator, because this person would only <sup>be</sup> employed for a total of one hour per day, some days there might not be a single message to be sent, so there is no need for this post. What is wrong with the people already in the service, any secretary, any typist can operate a telex, in fact today's telex machines are less complicated than the old Underwood typewriter, and any girl can be taught in one hour to operate a telex, and if there are top secret messages that have to be sent they too can be sent by the private secretary, or some top official, but the ordinary day-to-day running does not require a specialist. I know the answer to this will be that the Telex Operator can do other things in the office, but it is also true that the other people in the office could do the telex.

Under New Services I see that we are asking for an Assistant Librarian, the post of Librarian is a post that did not exist sometime ago, and this is what I mean by each one bring one .....

HON. B. O. EBANKS

Look at that head again.

MR. G. HAIG BODDEN (CONTD.): Whose head? - we have in our services now a Librarian, this year we are asking for an Assistant Librarian, or may be a little even more sophisticated name Library Assistant, I don't think the assistant will be to the library, I think the assistant will be to the Librarian, but it is necessary to have a person, an additional person where last year we only had one, this year we must have two. What alarms me about this is the point I mentioned yesterday, that although the post of Librarian was approved some time ago, and in 1975 the figure approved for the Librarian was 7,428 dollars in the revised estimates for 1975 that post will be paid 11,340 dollars, an increase of 3,912 dollars, this would be a good thing if the Member wants to interfere with my speech to explain why this post like two other posts in the same department is paid 4,000 dollars more than was approved in 1975, and why it is that we have to get an assistant. Can the Librarian do all the assistance that the library needs since it is disguised as a Library Assistant, the plain fact remains, Honourable Members of this House, that the library this year will cost 8,640 dollars more than it did in 1975, here again a 100% increase, we only budgeted for 7,000 dollars, this year we are asked to budget for 11,000 plus 8,000 which makes it nearly 20,000. And I hold the Elected Member responsible for this subject, I hold him responsible to keep these costs down, people must be told that you must do some work yourselves and not continually ask for assistant, deputies, clerks and what not.

The Cadastral Survey was instituted before I became a Member of this House, and on my very first day in this House

MR. G. HAIG BODDEN (CONTD.): Now, someone might get up and say what is a half a million dollars. Its a big slice out of a fourteen million dollar budget. If you want to know how big it is - it is going to take the revenue from <sup>every</sup> item of revenue that produces less than 40,000 dollars in our budget, with the exception of one item - it is going to take the combined revenue of The Judicial, Government Property, Personal Taxes, Miscellaneous Taxes, Fire Arms, Liquor Licenses, Drivers Licenses, Licence Plates, Traders Licenses, Court Fees, Court Fines, other fees, Radio Licenses, Cattle Dip Fees, Cemetery Fees, Sale of Government Property, Profit on Bank Lodgements, Fees from Government Dental Officer, District Clinics, Medical Fees from the Lesser Islands, Garbage Fees, Sale of Stores, Rental from Airport, Civil Aviation Licenses, Fees from Planning Applications, Land Registry, Company Fees, Overseas Service Aid Schemes, Rental of School Books, Royalty from Dredging, Loan Repayments and Interest on Loans, all the revenue from all these little sources will go to pay this one item. And if some Members fail to comprehend the significance of this I also put it in big figures, I can say that if it were not for this 446,000 dollar figures we would not have needed to increase import duties on motor cars to give us an additional 300,000 dollars, and we would not have needed to double the taxes on motor cars to give us 213,000 dollars.

So this is a big figure, and it is time that we look at it. Last year's budget I condemned the same figure, at that time it was slightly under a quarter of a million dollars. This year the figure is up. So steps must be taken to cut down on this expenditure, and while we are spending a lot of money for contracted officers and for salaries we seem to be spending very little on training, yet alarming sums are spent on the recruitment of contracted officers. In a session of this House questions were brought to find out about how many people had travelled abroad to recruit one or two teachers. We see in the estimates that while the approved sum for the recruitment of staff in 1975 was only 17,000 dollars we actually spent 28,000 dollars, and year - that is 1976 - we expect to spend 25,000 dollars. So this thing is lop-sided, while in 1976 we will spend 25,000 dollars for the recruitment of staff, we will only spend, according to this budget, 10,000 dollars for the training of staff. Is it any wonder that we have to spend money on recruitment, and money spent on recruitment is wasted, it is like paying rent on a house, but money spent on training is building an equity, which you will always have.

Another big item in our revenue - this is continuing the same "Where has all the money gone" - another big item is telephone calls will take 80,000 dollars from our budget this year, and that is more than 300 dollars per day just for telephone calls, can you imagine this Government is spending on telephone calls more money that some people earn in a month, and yet Government allows the franchised company Cable & Wireless to continually put up their rates. There are two reasons for the big sum of 80,000 dollars - one is perhaps unnecessary calls, and the other is that we have one of the highest rates in the Caribbean. The vote for electricity this year is 200,000 dollars, that covers electricity and telegrams, I assume the telegrams would cost about a 1000 dollars. Because last year the vote for electricity and telegrams was 130,000 dollars, this year that vote has been increased by 70,000 dollars and in the explanatory notes we are told that the additional 70,000 dollars is due in part to the new glass cage. I am making this point because from the dawn of history it was recognised that glass is a good conductor of heat, and it takes a lot of airconditioning to cool the glass house - if you wanted to build a house to raise tropical plants you would build it of glass, and if you wanted to build a house that equal in magnificence, the Taj Mahal or one of those buildings you would <sup>build</sup> it of glass, but if you want to build something which would be economical, and which would be

MR. G. HAIG BODDEN (CONTD.): on my time I will have of necessity to cut out parts of my speech, which I believe can be brought back in the Throne Speech early next year, or in the other measures that are to come before the House after the meeting of the Finance Committee, and because I am forced to reduce my words I will be very kind to the Members and very kind to the Budget from now on, and in the name of brevity I will also defer the speech which I promised on the new tax measures, until we come to deal with the new tax laws that are on the agenda for this sitting.

The most popular calypso on the Island is the Interbank song "Where has all the money gone" that might well be sung to a certain extent of next year's budget. I have pointed out some areas that take large slices <sup>from</sup> the budget, and the one I would like to deal with now is payment of gratuity to contracted officers. This year we will pay nearly a halfmillion dollars in funds to contracted officers. The exact figure is 446,000 dollars an increase of 120% over our actual expenditure in 1974, and while this in itself is alarming it also alarming, more alarming to notice what happened in 1975. In 1975 we budgeted for this expenditure a sum of 240,000 dollars, but I notice from the revised estimates that we will actually spend 350,000 dollars or 110,000 dollars more than was budgeted for, an increase of 46% over the actual budgeted figure. The money which we spend this year will go <sup>to</sup> one hundred and twenty-one contracted officers this means that they will receive an average of 3,685 dollars and ninety-five cents and this <sup>is</sup> a handsome anniversary present. It means that the highest paid officers must receive in gratuities something in the vicinity of anything from four to ten thousand dollars per person.

I feel something is wrong. Gratuities should be paid for certain jobs, it should not be paid to every contracted officer. If the job is a highly sophisticated job, if it is a job <sup>that</sup> carries a great amount of risk, by all means there should be a bonus or gratuity at the end of the period, but I feel we are paying too many officers gratuities and I feel that we are paying too much. We are paying a sum equal <sup>to</sup> 25% of the salaries which they earn, and this sum is too much it should be reduced to fifteen or twenty per cent. This sum <sup>is</sup> far greater in proportion to the sum we pay to our pensionable officers. This sum is many times greater than what we pay to pensioners who have put in a life time of work. Most of our pensioners today are receiving their pension for thirty years labour in the Government service, while the contracted officer puts in something like two years or three years, or may five years and he receives a handsome bonus. I believe the total sum paid to our pensioners this year is something just around 100,000 dollars, while we are paying four times as much, nearly five times as much for gratuities.

Now if the figures for gratuities continue to rise <sup>as</sup> they have risen since 1972 we will find that by the year 1986 we will <sup>be</sup> paying for gratuities alone a sum equal to what we were paying a few years ago for our total services. How can we put a stop to this? We can do it by training and educating our own people to take the jobs. We can make sure that when a contracted officer is brought here that he is supplied with an under-study who will take over the job when he leaves, because those on the regular pensionable establishment will not have to be paid a gratuity, they will be paid a pension at the end of their services. Of course, I am not one that would say give the job to a local person if the local can't handle the job, I believe in efficiency, and I believe if our Government service is to do well we <sup>must</sup> have the right person for the right job. So we must find the right people, educate them, give them the training they need and when they get this training we must give them the job.

So many times this Government has spent money to send people abroad on courses, and when they come back these people, these well trained people are given such a hard time that they are forced to quit the service, and this is what is costing this Government so much money.

T U E S D A Y  
25TH NOVEMBER, 1975  
10 A.M.

MR. PRESIDENT: Please be seated.  
Proceedings are resumed.

MR. CRADDOCK EBANKS: Mr. President, before we resume the duties of the House; I understand a little while ago that there will be a funeral in George Town this evening around 3:30, and I feel that more or less all Members would like to attend this funeral - it happens to be Mr. Ormand Panton's daughter that has passed on and he was a very active Member of the House for <sup>some</sup> period of years, and every Member being well acquainted with the family and their surroundings, I am wondering if the House would give consideration of probably adjourning at 2 o'clock to attend this funeral.

MR. G. HAIG BODDEN: Mr. President, I take it that is more or less a motion before the House, and I would second that.

MR. PRESIDENT: I am willing to take this as a motion before we start today's business - it is without notice but I will allow the Honourable Member to put the motion, is there anybody who would like to talk to the motion - the House, because of these unfortunate circumstances should suspend business at the end of this morning's proceedings.

MISS ANNIE H. BODDEN: Mr. President, I think it would be quite in order if we could adjourn at 2 or 2:30 Sir., after <sup>all</sup> I mean all of us feel very sympathetic in the case, and personally I would have to absent myself this afternoon I feel that it would be my duty to go, and I feel other Members should feel the same way.

MR. PRESIDENT: Unfortunately I must declare that I personally have made engagements for 1 o'clock so if Members wish to suspend proceedings I think we will simply adjourn at the usual time at the end of the morning.

Is there any objection to doing this; it means I think that we would complete the Budget debate tomorrow, and perhaps if that took place then the first meeting of the Finance Committee <sup>would be</sup> on Friday morning I think, allowing one day's gap if we finish tomorrow that will be Wednesday, allow one day between the House rising - on Thursday morning.

Well I'll put the question that the House should terminate its business at close of play this morning when the Honourable Chief Secretary puts the motion for the adjournment.

QUESTION PUT: AGREED.

MR. G. HAIG BODDEN: Mr. President, I didn't know that events would take this turn, and while I had informally said to you through the Clerk that I would endeavour to finish at the coffee break this morning, I think I may go on until lunch, or probably even into tomorrow, but I will see that the Member from North Side who is the only Elected Member that hasn't spoken will have sufficient time, and will also give the Financial Secretary nearly all of tomorrow to wind up so that we can finish the debate tomorrow, but by having to cut down

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TUESDAY, 25th November, 1975

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE., JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE. QC.	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, J.P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE., JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE. JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN. D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE.

ABSENT

CAPT. A. A. REID

ILL

ORDERS OF THE DAY

TUESDAY, 25th NOVEMBER, 1975

CONTINUATION OF THE DEBATE ON THE FINANCIAL STATEMENT

WEDNESDAY, 26TH NOVEMBER, 1975

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE, JP	FIRST OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR POSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. BENSON O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE M. HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDER OF THE DAY

WEDNESDAY, 26TH NOVEMBER, 1975

CONTINUATION OF THE DEBATE ON THE FINANCIAL STATEMENT

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WEDNESDAY, 26TH NOVEMBER, 1975

MR. PRESIDENT: Please be seated.  
Proceedings are resumed.

DEATH OF CAPT. ALVA ASHTON REID

HON. TREVOR FOSTER: Mr. President, Honourable Members, before we move into the business of the day, I assume that the President and Members are aware of the DEATH of Capt. Reid, the Member from Cayman Brac and I would like to move a motion that one minute's silence, in respect of the deceased Member of the Assembly, Capt. Ashton Reid be observed.

I am told that the funeral will be at 4 p.m. tomorrow at the Presbyterian Church in George Town. I am sure that all Members will be attending and I would suggest, Sir, that, as was done in the case of Mr. Clifton Hunter, Members form a Guard of Honour outside the church at the end of the service.

Mr. President, I would also move that a wreath be sent to the bereaved widow and family from the President and all Members of the Legislative Assembly.

HON. BENSON O. EBANKS: I would second that, Sir.

MR. PRESIDENT: The motion is that the Assembly hold one minute silence in memory of our deceased colleague, Capt. Reid, that a Guard of Honour be formed by Members at the funeral tomorrow, that a wreath be sent on behalf of all Members of the Assembly.

HON. D. V. WATLER: Mr. President and Honourable Members, I take it that also a note will be sent from the Clerk expressing the sorrow of the House and the condolences of the House when the wreath is being sent.

MR. G. HAIG BODDEN: Mr. President, if it is possible also recommend that the House stand adjourned today. I know the Member from North Side is much upset about Capt. Reid's death and as he was speaking this morning I think it would be fitting if we adjourned for the whole day. I would also like to add that as far as I am aware this is the first time in the history of this House that a Member has died during the actual sitting and I fully support the motion put forward by the Member from Cayman Brac and would hope that it would be amended to add that the House also stand adjourned today.

MR. CLAUDE M. HILL: I second that, Mr. President.

MR. PRESIDENT: Is there any other comment on that suggestion for amending the motion that the House rise as a mark of respect?

HON. A. B. BUSH: Mr. President, Honourable Members, I see the situation we are all in here, but it means evidently that the House will have to be adjourned for two days. I wonder which of the two days we would prefer to be adjourned. I don't think we can afford two days in this sitting as things are very tight here for the budget and Finance Committee and I was wondering, Sir whether we wouldn't take into consideration that if we adjourn today that we resume tomorrow morning until the luncheon adjournment for the balance of the day, because I am sure everyone here will want to attend the funeral. So I think we should, Mr. President and Honourable Members, come to some agreement, whereby we use as much time as possible. We are all very sad on this occasion of losing the Member, but then again the

HON. A. B. BUSH (CONTD.): business of this House has to go on and although we want to show our very best respects on his passing, we really want to see that the business of this House is expedited as quickly as possible also.

I would suggest, Mr. President, Honourable Members, that if it felt that we adjourn today but we resume tomorrow morning at 10 o'clock and we carry on until 1 o'clock tomorrow when we adjourn the House.

MR. CRADDOCK EBANKS: Mr. President, if I may say that is something of what I had in my mind that we probably could do and I could, and in fact I would delete, cut down on much of the notes that I had made and when we resume tomorrow morning then do a bit of briefing and move on into Finance for a couple of hours, as the case may be and then, as proposed, adjourn at the lunch hour. I do feel, Mr. President and Members this morning that with another very close friend of mine passing on in Bodden Town last night that I don't feel very well able or strong enough that I should attempt to say what I would like to say and I would appreciate Members giving some consideration to this adjournment for today, at least.

MR. PRESIDENT: I think that the proposal is that, in addition to the early part of the motion, that the House should rise this morning after one minute's silence and should resume business 10 o'clock tomorrow, which will be the day of the funeral, but in any case, we only expect to have about half a day's business before moving into Finance Committee.

Can I put the motion as one motion?

I put the motion as amended with the three suggestions moved by the Honourable Member for Cayman Brac and as amended by the Honourable Second Member for Bodden Town. So I will put the question.

QUESTION: AYES. MOTION PASSED.

#### ONE MINUTE'S SILENCE

THE HOUSE STOOD FOR ONE MINUTE'S SILENCE AS A MARK OF RESPECT IN MEMORY OF THE DECEASED MEMBER OF THE LEGISLATURE, CAPT. A. A. REID

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#### ADJOURNEMENT

HON. D. V. WATLER: Mr. President and Honourable Members, I beg to move that the House do stand adjourned until tomorrow morning at 10 o'clock.

HON. V. G. JOHNSON: I beg to second the motion.

MR. PRESIDENT: The motion is that this House do now adjourn. This is being done as a mark of respect for Capt. Ashton Reid, our colleague, now deceased. I shall put the question.

QUESTION PUT: AYES. AGREED.

MR. PRESIDENT: I've given instructions that flags on Public Buildings will be flown at half mast tomorrow the day of the funeral as a mark of public respect for a man.

AT 10:20 A.M. THE HOUSE ADJOURNED.

M I N U T E S

THURSDAY, 27th NOVEMBER, 1976

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE., JP

FIRST OFFICIAL MEMBER

HON. V. G. JOHNSON, OBE.

THIRD OFFICIAL MEMBER

HON. A. B. BUSH, J. P.

SECOND ELECTORAL DISTRICT, GEORGE TOWN  
(MEMBER FOR WORKS, COMMUNICATIONS AND  
PUBLIC TRANSPORT).

HON. TREVOR FOSTER

THIRD ELECTORAL DISTRICT, LESSER ISLANDS  
(MEMBER FOR CO-ORDINATION AND INFORMATION)

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MR. CLAUDE HILL

SECOND ELECTORAL DISTRICT, GEORGE TOWN

MR. JAMES M. BODDEN

FOURTH ELECTORAL DISTRICT, BODDEN TOWN

MR. G. HAIG BODDEN

FOURTH ELECTORAL DISTRICT, BODDEN TOWN

MR. CRADDOCK EBANKS

FIFTH ELECTORAL DISTRICT, NORTH SIDE



ORDERS OF THE DAY

THURSDAY, 27th NOVEMBER, 1975

1. CONTINUATION OF THE DEBATE ON THE FINANCIAL STATEMENT.
  
2. REFERRAL OF THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1976 TOGETHER WITH THE APPROPRIATION BILL, 1976 TO FINANCE COMMITTEE.

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CONTINUATION OF THE DEBATE ON THE SECOND READING  
OF THE APPROPRIATION BILL

MR. CRADDOCK EBANKS (continuation of debate )

Thursday, 27th November, 1975

10 a.m.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Continue the debate on the Second Reading of the Appropriation Bill.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, I will not be too long in my debating the Budget Speech. I have reduced some of my notes - I will make some of my observations a bit shorter, taking into consideration all the surroundings and the need to continue in the other sector of our budget. So I will go straight and speak briefly on some points arising out of the budget address.

It seems like my colleague on my left robbed me some place of some of my notes and since he has so elaborately covered up some of the things that I intended dwelling on, I will skip along from some of these things even if I touch briefly.

He went into detail into our financial circumstances and his argument, his figures, brought out a lot that will well bear water, as we use in our saying.

We have before us proposed bills of taxation and again, Mr. President, I must say and I will say that I am not here to oppose taxation when its brought at the right time, in the right manner and on things that will not badly hurt, I would say, the population on the whole.

It has well been stressed that whatever might be the amount that motorists, vehicle owners would have to pay in the new year it won't affect their budget, it won't affect their planning. But, Mr. President, I will stress it, Sir, however little, it will hurt. And the public will pay for it, as always. I do feel on the eve of Christmas it was a wrong time to bring such taxation, with such major increases, because we have many a family in our Islands, that have been planning for the past six months, may be, laying a few dollars aside to do something another for Christmas, to make life a little bit more comfortable, some place, and now they are faced to accept what has gone into effect. I would have thought, Mr. President, even though the bill was brought at this stage and it was passed, I honestly feel that any such bill to be passed here at this stage should only come into effect in the new year, 1976.

Regulations covering traffic - it reads here will come into operation on the 1st day of January, 1976 - as has already been stated you can go and inspect your car but we are not going to accept any taxes. Very unfair, Mr. President, very unreasonable. When we have regulations in the law it has been straddled to where you can have your vehicle inspected from the 1st of December to the 31st of January and pay your taxes to cover it quarterly, half year or full year. Now, on this bill that has come before us, that has been passed and gone into effect, as I said, it has already been stated, that they will not accept any taxes until 1976.

Mr. President, I hope it will, like many other things, leak out, because I would venture to put my head on a chopping block that there are people into this Island that will get their vehicles passed and pay the present rate of taxes before 1976. And I hope, as I say Mr. President, it will leak out. Because, something has to come to bring something to an end. No Government should operate under any system where corruption may be inclined to sprout - we can't continue to have a good government, we can't continue to have a clean Government, we can't continue to have a satisfied people, if these things have to continue - and they will.

When we met not so many days ago with the Commissioner of Police the Supervisor of Police that visits the Island occasionally, he went into detail on certain things, and I just as a reference, drew attention of one thing that was happening with the Police. We blame the Police, I myself blame the Police some-

MR. CRADDOCK EBANKS ( CONTINUING ) times but when the Police are not upheld in their duties, then it becomes discouraging to them and the public has all room to criticise and when they see things need to be done and are not being done, and they are a bit negligent about it.

When a Police attempted to give an expatriate a ticket for a No Parking area then the man went directly to the traffic department and gave his preamble to the Officer in Charge - he threw it out, forget about it.. If that had been an ordinary individual from the street, as we term it, may be he would have been locked up, if he went there to argue with the traffic officer to have his case disregarded. Seed of corruption, Mr. President,

In this year's inspection, one bus operator, (not me) got a bit muddled with some inspection certificate, an English girl came in with the same problem because it was deposited over here where it was then being carried out - she was given a new inspection certificate and the other chap had to carry out an inspection again. Corruption, Mr. President, I hate to have to use these words, but it don't spell anything else, Sir. And I repeat, Sir, if we have or plan to continue to have a good, clean Government, we must keep our homes clean we must keep the Departments clean, or the Department that is responsible, the Heads that are responsible for these Departments to see that it is kept clean, to see that the duties that are being paid by tax-payers are carried out, without fear or favour.

I am sure, Mr. President, we could have found some other avenue of taxing the people - we would have gotten a lot of money, in my opinion, and it wouldn't have hurt very much.

Luxury is something we don't have to have I am not saying that we shouldn't have the best of anything that we can afford or some place to go, we have a number of theatres why not consider to put some tax per seat of these theatres. If they can find two dollars, three dollars to pay nightly, I presume many of those go that way, like the carpeted Cinema, 25¢ on a seat those customers wouldn't mind that.

My colleague, the First Elected Member of the Executive Council, its part of his livelihood, probably fifteen cents on his. We have the drive-in, probably ten cents on that and this for one year would have put into revenue thousands and thousands and thousands of dollars, and it wouldn't hurt half as much, half as bad as what is being imposed by this. They are thinking in terms that there will still be probably an oil industry, bulk storage, plant, what-not at our little neighbouring Island, Little Cayman - there are good grounds for good, reasonable, taxation and other avenues that we could have searched around, and had it better spread out and it wouldnt have hurt half as bad.

When they say that it won't hurt the vehicle owners, no it won't hurt the vehicle owners, as much as it will hurt the public - if we had a system of public transport, it may not hurt many people so much then, but when there's only one means of getting back and forth to work, to pleasure, to church, to funerals to anything, its by a motor car.

The taxi fellow - does anybody expect for him to pay double, treble, taxes the same as any other vehicle owner - rates will remain the same - how could it be expected?

When the truck operator charges the supermarket another \$10 for a trip, then is not the supermarket going to figure that \$10 into the goods that the public is obligated to buy?

How can we say it won't hurt? They won't mind it, they won't feel it - we all will feel it, Mr. President.

A prominent woman of this island approached me two days ago - "What should we do about the election? Because there are a few people in there should be moved out NOW". How should we go about it." I said, "my good lady, with regret, watch and pray and

MR. CRADDOCK EBANKS (CONTINUING): hope to see the next election and attempt to do what you want to do or you can't do then. But presently under our Constitution there is no ground, no room for the public to do anything about an election, about any member, unless he becomes criminally involved, a criminal act, criminal behaviour, then if the public is not satisfied with an individual in such as that then you can make your grievances through some place to reach the Governor and you may get some satisfaction. But presently, there's nothing you can but hope and wait".

"Well, I will be campaigning too," she said.  
I don't know for a seat or what.

Mr. President and Honourable Members, we should realise that we are not the only ones in here, who have, saying to myself, a half bucket of common sense. Others on the outside have a bucket full against myself having half a bucket. Even though I don't see as many up here as I would like to see they get on to some of the things that are going on, and they can understand.

As I said, in the beginning, Mr. President, I had made a lot of notes and what not but I intended to cut down and I still will stick to that.

We had a bill before us, as well, to exempt the Preferential tariff rate - it has gone into effect to avoid try to eliminate the importer from speculating, profiteering and what not, I suppose. Mr. President, I again can't agree with this going into effect. If we are that desperate, financially, then I think we had better go back into the Estimates or at least, the Financial Secretary and see if we can't cut this by half. Why should Government take the people then for speculation. Why not be fair- if you can't get along then how will they get along - then it will come back that we have to pay for it again and as I said, particularly on the threshold of Christmas. If what Government may gain from this, if we couldn't survive till the first day of January, 1976 for this to go into effect, then our circumstances are bad.

This has taken the importer probably if he had known this was coming up, and I feel, Sir, since it has come up with the intention of putting it into effect they ought to have been warned to get their goods out of the warehouse if they don't pay extra taxation on it. Lets be fair to people - lets be clean to our own tax-payers. Why take them as the old saying goes catch them with their pants down and then they can do nothing to pull it up.

Then we wonder why rates go up. Something has been said in the Budget Speech as to cost of living, dropping down by some small fraction, but the public hasn't got to see that yet. The prices havent changed to that extent.

Mr. President, and Honourable Members, much has been said about the Development Plan. I will say a little bit about it myself. Its true we don't go through life without Planning and in our every day we plan days ahead, weeks ahead, so that we may be able to view the things we plan to do, the things we want to do and the way we want to do them, that we don't plan one day that we'll go to George Town the next day, and when you get up, instead of turning west, as the case may be, you turn east, that's something of our plans. It just seems to be to tear apart something that we would like for a plan.

As has well be said in the infancy of the Cadastry Survey people would suffer, people would get the bad end of it, and primarily the Eastern Districts - as always, with all things. It appeared that one of the major reasons why they proposed <sup>the</sup> canal across the Red Bay area was to divide the East from the West. Probably it would be better because we in the Eastern Districts did live loving, happy, contended and I believe we got along as good and better, along many lines, then this end of the Island did without the Eastern Districts.

MR. CRADDOCK EBANKS (CONTINUING). It was the commercial end of the Island, if you wanted a barbed-wire pole, you wanted a house-post, you wanted a house-frame, you wanted a timber to build a ship, a cat-boat, you wanted fire-wood, you wanted yams, you wanted cassava, you wanted sweet-potato, anything you wanted, you had to go to East End and North Side and get it. Yet now, when you talk about agriculture, like I said to the Honourable Member a few days ago, "What are you going to do to help us maintain our roads?" "Oh, no, no, that's private road" - then we are talking about supporting agriculture.

Some one has taken the initiative, has spent thousands and thousands of dollars to push a road through the area which happened to be where I live and fortunately enough it has gone through one of my deceased family property that I could drive now and cultivate it. Because they have spent that amount of money, two two and a half miles of road, then the Member responsible for Agriculture can say Its a private road, we should get together and do this and do that and yet in the same breath, we are going to support agriculture. We are declaring land for agriculture. How two-sided can any of us be.

It would be good, Mr. President, if some of these portfolios were given to some members of the public, they would do and take as much interest and do as well about it, but I can assure you, Mr. President and Honourable Members of this House, as far as I know how, my blood pressure is still good, and I can assure members of Executive Council whatever comes under their portfolio that pertains to my area, in the year 1976 I am going to see that they get a reasonable portion out of this budget because I am going to stay on the backs of those members that are responsible till they spend what should be spent in the district of North Side, whether it is for agriculture, whether it is for land, or whether it is for roads, or whether it is for townhalls, schools, post office or what not.

I see here in the Estimates where \$1,000 is provided for the renovation of Town Halls, not Town Hall, "s".

The last work that has been done on the Town Hall, North Side has been a year ago when the President of this Assembly visited the District for the first time. The floor was painted to try to blind the eyes of the Chair of this Island that all is well in this community.

Mr. President, it will take more than \$1,000 to renovate the Town Hall of North Side, it needs new windows, it needs floors - the roof is bad and what not and I'd like to see the job that Public Works can do for \$1,000. You can almost put it in your pocket.

Now, Mr. President, I was going into this in detail argument in the Finance meeting and I can assure you and I will assure the Member responsible for this that on the 2nd day of January I will be reminding him that work is to be done on the Town Hall, and it isn't going to be forgotten after the 2nd day either. As I just said a few minutes ago, I intend to be a hornet, a wasp, or anything else in the backs of Members for the benefit of the Island on a whole and particularly when it comes to the district of North Side. I am not going to sit down, which I don't mean to say that I have done that but relax and take for granted and wait impatiently. I am not going to do that anymore.

In February this year when the clinic was opened at North Side I pointed out to Mr. Foster, who was present, that I would like a light put here for the benefit of the premises - "Oh, yes, yes, we'll get that". Ten months gone and it was only a matter of burying a very short pole, because the Town Hall has current, to put a light there - ten months gone - one light.

The last couple of years, I asked for a table for the Town Hall. When you are going to have a meeting of any consequence or somebody visiting, like the President of the Assembly, you have to run

MR. CRADDOCK EBANKS (CONTINUING) around to a neighbour to borrow a table. For the sake of ten or fifteen dollars.

Three months ago I went into West Wind Building and said to the Principal Secretary "I want a table for the Town Hall in North Side". "Just wait a little bit, When we are moving out of here you'll get one of these". The week Government staff moved into the new building (which I am proud to know that they have moved in to ease and comfort and I hope their work will be remunerated to the public with the convenience that they have), I said "Where is the table that I was to get?" "Uh - uh - uh" (Members - laughter) I don't know if they have either one left. I will get in touch with the Public Works and find out. When I walked out of the office, walked into Mr. Cook's, Director of Public Works, I told him what the Secretary intended contacting him about. We go back there - "Yes, I'll have one made". We haven't got it yet. Now, I will go along with it for the next four weeks, five weeks but it'll be another sword of torture until I get that table as well, because as I have said, I am not just going to leave these things alone. Its going to be a weekly something.

My people, the people of North Side have never been considered in their taxes - we don't expect to, we expect to pay what West Bay pays, we expect to pay what George Town pays, but let us get our portion, whether it is ten dollars, fifteen dollars, let's get that and don't have to fight for it. Don't ever have to beg.

Mr. President, it is time for some of these things to be changed and they will be changed - I can assure you that Sir. I am going to endeavour to behave, stay within the law but I am going to get or get cross, one of the two - I don't know which.

We have a road programme - I don't know which programme or what programme it means, because we have so many seemingly road programmes going and, as always, each member seems to have some subject or subjects as we term it, pet subject. I remember my deceased colleague on this side, when every time we met here, I believe, he used to take the opportunity whether it was afforded to him or not and referred to water - this was his pet subject. Roads has been one of my ever since I have been here. Along with my colleague, the First Elected Member of Executive Council, I don't believe we had two members in the House for a long time that agreed in principle about road conditions, and trying to make every effort to see what could be done about roads but it seems to be a break-down some place.

Mr. President, just for a little had reminder of the first road construction in this Island. In 1959 or somewhere round about there, nevertheless the money exhausted. When it got to about three and three quarter miles across to Frank Sound to North Side, which ended, I am not quite sure, 1971 or 1972 or round about, 1961 or 1962 as the case might have been, the remaining approximately one mile of road remained there for a period of two and a half to three years just in its dirt condition. And in 1964, Mr. President, that remaining piece of road was started by Government, the foundation laid, and I well remember the time in August, 1964, the previous bus I owned to this one, I had it come out from the States in August, 1964 and this is 1975 - 11 years, approximately 1 mile of road was left to be completed across to Frank Sound land.

Would I be telling the truth, Mr. President, if I said we still have seven hundred, eight hundred feet of road left there yet to be completed, after eleven years? If Government even spent \$2,000 a year on that approximately a mile of road, over the past eleven years, would have been \$22,000. But in my opinion, Mr. President, it has cost and they have spent far more than \$2,000 a year, it could well have been \$5,000 a year. On approximately a mile of road over 11 years and still not completed. How many hundreds thousands then does Government intend to spend on this one little sector of road? Wasting money is the wrong

MR. CRADDOCK EBANKS (CONTINUING) word for it, according to most members so I don't suppose I will use that word, only if you have spent the money and haven't got the return.

Mr. President, all human beings are human beings, some can stand more than others, but I would like to draw to the attention of this House to the Honourable Member before I make any further remarks on this road construction, road building, road caring, road looking after what not. Recently there seems to have been an indication of a small march, if you want to call it that, I would like to remind this House that I well remember when the Land March came about my colleague was the fore-front in that as well as I was, yet he is prepared to slight the public for it now. When Montreal Bank was ready to put in the curb, they wanted to extend it three feet, outside of where they have it now, in the road, who demonstrated against it - myself and my colleague. The Town Planner stayed out of the picture, he gave them the authority, and apparently Public Works must have supported it - they wouldn't come on the scene. After they moved back then to make the curb they intended putting an L. In another day or two my colleague and I appeared there again to block that. What I am trying to say, Mr. President, is this me and the member have worked together, he seemed to have seen eye to eye a lot of times, but a few weeks ago when the small demonstration....

MR. PRESIDENT: I must remind the Honourable Member that the conduct of Members of this House cannot be raised in debate under Standing Order 38.

MR. CRADDOCK EBANKS: Thank you, Mr. President, but I cannot say that I am interfering with the conduct of the member, Sir, I am only trying to point out his behaviour and if I cannot behave as a public, Sir, I am due for criticism and I am expecting to be criticised. There's a way to do things, Mr. President, I didn't know anything about this demonstration but I am only trying to say, it appears, Mr. President, that they are trying to treat the people of North Side, when it comes on roads, to aggravate them for them to do things that they didn't intend to do. Because, 1 mile of road for 11 years and still got 700 to 800 feet left there and have already spent hundreds of thousands of dollars on it, Mr. President. How can I be satisfied or my people be satisfied? This is what I was going to say, Mr. President, and I am going to be in the next demonstration, If the Member can't inform me honestly that in the very near future that Government is going to finish that piece of road, then there is going to be a demonstration and I am going to be in it - I was accused of leading one, but I am going to lead this one.

When the Public loses interest, confidence in any member in this House, if it is even me, I don't have any more business to be in here and they ought to be out of Government, because when the confidence is gone then we don't get any place.

The 27th of February this year the first load of hot mix was dumped on the West Bay road, where I would have to say, Mr. President, by the direction by the guidance of a qualified civil engineer, responsible to the people for road building, and he told elected members, including myself, " I am planning to do approximately one mile of road per week". Come from February till the end of November - see how many weeks you get, see how many months you have - and we have approximately eight miles of road done, in nine months. If that is good calculation, if that is good figuring, if that is good estimation, if that is the fruits, the knowledge of knowing, if I had the money I would pay them off and ask you to please send them home. We won't have enough money - the Financial Secretary could well say that the roads will stop when the money is finished - and it is going to stop many a time, because under the supervision, under the management, under the seeing that things are done, if it is not changed, Mr. President, then we will ever be going on providing millions and millions and millions.



MR. CRADDOCK EBANKS ( CONTINUING ) The worst roads in this country when the hot mix started was from Savannah including George Town.

Mr. President, could any engineer, anybody, satisfy me, could satisfy the public by doing the best roads first? And leaving the bad roads? If it wasn't even for no one else, it looked like they should have done that road first for the sake of trying to save Public Works' equipment, but the conditions of the roads those trucks dragging material over, day after day, week after week, just tearing them to pieces, destroying them - no wonder the maintenance of motor vehicles of Public Works is so high, when they destroy, they are beaten to pieces, not wilfully but the road condition. And anyone who has any interest in Government, in the people, then if they couldn't have seen that this road from Savannah to George Town, including George Town, needed to have been done first, then we better get a few psychiatrist in here and get them for some treatment or for some examination because something has to be wrong, Mr. President. It makes it worse if it is a wilful act.

All is not well, Mr. President, and, as I said, if Heads of Departments don't wake up, work and see that work is being done and things are not in a favouritism manner, in a haphazard way, in a sloppy way and what not, then things will go wrong.

Ever since motor insurance came into being did Government provide any safety measures for the pedestrians? Did they ever one time put a penny's worth of paint for the public, say "this is your road to walk". It was always "Wait until we get roads, wait until we get roads, and then we will do all of this". They don't want to do anything temporarily, but three quarters of what is being done, Mr. President, is on a temporary basis, because they go over and over and over and do the same thing, so what else does it boil down to but a temporary basis?

It has been said by some members, we shouldn't criticise, then what should we do? As I said the other mornings, sing glory hallelujah all the time?

I give my service for a few hours and I have done it free. When we went to West Bay to see the laying of the first sector of the hot mix road, when I came back in town to get into some place to park, through the wisdom of the experts again, those that we can't share anything with, I got one of the windows of my glass smashed in one of the signs, traffic signs on the curb, cost me thirty-five dollars or round about, I never asked no payment for it, I don't intend to ask for any, but when I really reviewed the picture then and saw where they have gotten these signs planted, an obstacle to motorists. Right in the front of the Bank of Nova Scotia, there is a traffic sign there, sort of in the middle of the Bank, and that traffic sign is planted 22 and a half inches out from the curb, the plate being 24 inches, makes it another 12 inches out of that, that is sticking out into parking being an obstacle - how many vehicles haven't clashed into it. Why not could it have been planted against the curb that would have given free parking, moving out and getting in? Any idiot can see that. One right on the corner of Kirk Plaza, with a no entry sign of wood right across it, you can just walk in and hit your face in it. The one of the corner, where used to be the Tourist Board office is where I got my windows mashed, standing out there in the road, they expect these long vehicles, thirty-five, forty, and forty-five feet long to make a curb as short as a mini moke - give no consideration.

Mr. President, we had major developments over the last three or four years - we needed a lot of people and there were job opportunities for a lot of people to come in, obtain, but since development is evening off, falling down, its giving time at hand when the Protection Board should go into this in detail and see what can be done. I dont mean now, Mr. President, that they should just grab

MR. CRADDOCK EBANKS (CONTINUING) people by the shirt collar and say "you get out of the country" - no, go about it in a good way but try to ease our labour situation so that these expatriates, regardless of what nationality, they can keep moving out and our own people will keep obtaining the jobs. We are to live here, but I don't know - we have many a foreigner who would like to reside, there are many attempting, they are many planning to reside in our country, some of this is good, at least. And another thing Government should give close, keep a good look on not to be bringing in people that there is a possibility of finding in the Islands to fill jobs, whether it be a new one, a new post, a vacancy to be filled, or what not, Government should be very careful about that.

We just, I have understood, got a Deputy to the Establishments Officer - I couldn't agree with that, Mr. President, would it be that that Department has that much work, that much applications to deal with, that many recommendations to make to Government or the transferring of Civil Servants from one office to another, or from one Head to another, or from one post to another, that it needed a Deputy to assist us? And even so, if there was a need, as many Civil Servants as Government has, and as has been stated into this, it seemed to be a little bit top-heavy, then you couldn't find one to fill this post without bringing in a new one?

What I see, Mr. President, in that, is that somebody will be shielded, as it were, to say "it wasn't me - it was so and so".

We have got a Bank Manager for the Government Savings Bank. I can't see the need for that either, Mr. President. Or one from such or in such a bracket. When a notice was sent out, like always, when Government sends out notices asking for applicants for any one place or another, it's so well built, so well worded and framed, it's done to kill the intention or the interest of our own local people. Yet we are saying that we want to educate our boys and girls - we want to educate them so they can do this, they can do that and they can do this and do everything. When they go to college and come back with their degree they are hammered around - they are beat around - waiting to see if we can find some place to put you - and what not.

With all the young men that have gone out into the field of banking, our local boys with their experience in knowledge now in banking and the position that they are holding some of them in the banks, I am sure there would have been some of our boys would have applied for that job if they hadn't put the stumbling block in it - must be thirty-five years old.

Mr. President, when will our Members that are responsible for doing these kind of things wake up to the fact and say that this job is for our people.

The very successful applicant - he was reminded a few hours before the Board met - "You know you haven't sent in your application yet?" All cut and dried by some sector of some Department because he was going to leave the bank. He had a house here - he don't want to go back Barbados - he didn't want to go Jamaica - he wants to live here. All roses - peace and quietness - luxuries. It gonna change, though, Mr. President. Saying with due respect, Mr. President, to the Honourable, the Financial Secretary, if it's ten years hence he should resign (I hope his years will be many), the very Manager, now in Government Savings Bank, will walk straight into the Financial Secretary's shoes - that's my opinion, Mr. President, and I hope I live good many years yet. That's not being fair to our people.

I could cite a number of those very cases, very incidences, and some of our own people, with regret, would cater to smothering and stifling and to keep our own people down.

Recently, when they wanted a Mechanical Engineer for Public Works Department, when I said to the Principal Secretary the next morning, asked some questions about this, when it came out in the press, came out on a Thursday evening, on Friday

MR. CRADDOCK EBANKS (CONTINUING) morning, the first thing, I went to his office and asked him some questions on this, "Well, you know, so and so has already applied for this". A position like that, however high, however medium, however low, that applicant got the full details and run-down on what Government will do for you, what you can obtain and what you can get and what not.

Mr. President and Honourable Members, again I repeat, if those things are not the seed of corruption in this Government then it is something worse. The Principal Secretary could say "Well, you will have to go overseas for six months' training in diesel" (because that was what was required - gas and diesel combined). They had a number of applications and the very applicant that made the application before the notice came out to the public was the chosen applicant. Why? Because it was so manoeuvred, it was so worked out, it was so cut and dried, between party and party concerned that what is the custom when applications to be opened the Head of Department be there to make recommendations that "I want so and so", but that was all machined to that before the day before it was opened. So there wasn't any problem in endorsing who the Head of the Department required out of the applicants. Yet they could have gotten an applicant, I am positive, with as clean and untouched back-ground as the present applicant they got, saying with due respect that his background, in the present life, his whole life is Bible-clean, but when an applicant that could have filled the post as a qualified gas and diesel, they said "We don't want that, we only want the one with the gas so we can send John Brown to train", take more tax-payers money, send him for six months' training.

When the Clerk of this Honourable House made recommendations for somebody to come in as a Deputy, the Committee unanimously supported her and yet the Department, before going to the Governor for his approval, twisted it and wiggled it around and did what he wanted to do about it, and sent somebody just there to fill the gap and brought somebody from the private sector to fill her post. Is that what we call - that's what we call clean? Clean people?

Mr. President, with your permission, if we could adjourn for ten minutes, so I can get a little water, my throat is a bit dry? I would appreciate it, if Members agree.

MR. PRESIDENT: Very well, I suspend proceedings for fifteen minutes, interrupting the Honourable Member's speech, so that he has the right to continue after the debate.

HOUSE SUSPENDED

HOUSE RESUMED

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, I will not be long, I will just sum, I have a few more remarks. But as I said awhile ago, Members of this House seemed to have gone all out to support our young people being educated to fill the post, run the affairs of this country. And I agree.

One member speaking a few days ago made the remarks to the extent he remembered when, as we say, wearing dead man's shoes, in other words if you are qualified for a position, if two, three or half a dozen people didn't die you wouldn't get in that position. I don't think, Mr. President, any of our young people that go away, Government send them, qualify them from tax-payers' money, I don't think that they come back here with the intention that they should be placed in the top bracket. I feel that they come back feeling that they ought to be accepted with warm out-stretched arms, if they have achieved the qualifications that they set out for. That's quite true, Mr. President, that does not include the practical side of it, but if it takes a certain percentage of marks on any subject

MR. CRADDOCK EBANKS (CONTINUING) for you to get a pass and if you get that pass well, then you must be sort of prepared to accept the job or able to do the job.

You take, Mr. President and Members, we have a lot of young Caymanian seamen that I think they can very well challenge seafaring countries as to their ability at young, tender age of 20, 22, 24, 26 becoming Masters of some of the biggest floating pieces of iron across the ocean today. Chief Engineers, and I have been told that when one of these chaps sits his final exams for his Master's degree within three months, to six months, on the recommendation of the Captain, present Captain, Master of the ship that he might have sailed for six months or a year "I recommend this young man to take the job".

A Master, 10, 15, 30 years of experience, the Company finds another place for him - the young man walks aboard of a ten million dollar project ship and responsibility of 50 lives. He made that grade - what's the use of going to school, what's the use of sitting an exam, what's the use of getting your passes, if you can't be considered responsible within a few months to fill some place to exercise your knowledge of what you have achieved over the past four or five years in school?

My youngest boy just recently graduated - he wrote me just before completing his school, a sort of resume" and he said "Daddy, I am glad I made this choice myself to go to college and you didn't tell me that I should go to college". Well, it leaves a spot with me but nevertheless he has taken the look at it that he has achieved this on his own effort, the strive here where he could get to go to college, he qualifies that Government could spend money on him - he spent four years, now he is back in Trinidad for his graduation. He wrote me this on another occasion "I know you criticise Public Works and I suppose most of it should be heard; if I should go there to work I expect you to criticise Public Works as you did before". In other words, he didn't want to be left out of the criticism and he will get it, if it comes my way, but I can assure members that with him working there I have no communication with him. I don't ask him where he worked today, where he will be working tomorrow, what he did today, what he is going to do the next day -- no communication, because I know how Public Works feels about me. I hope he'll make, I hope he'll make it.

The Honourable Member said sometime, speaking a few days ago that everything should go well now because we got our own, - I don't know - I don't see very many added here, new ones, I don't know who they are or what responsibility is imposed on them, but I would say again, if our young people are given the opportunity they will produce their ability, but when they are taddled around, this way and the next way and don't find a place for them to settle in, sure they get careless and indifferent, disinterested - dont make any difference. Give them a chance to exercise and expound their knowledge and see what they will do. Many of them can't do much worse than what has been done, I am positive of that.

In my opinion a lot of this is only done to aggravate the young people so that others can be brought in, We have a number of people here that have jobs which they shouldn't have had. I see in the Estimates here where asking about Assistant Storekeeper. One man job and they want three in it - when you get the assistant, then he'll want another one. The present holder shouldn't have had that job, that should have been a local - but that was so manoeuvred too. That a man could leave his home, sell out his property and come back here and say " I am going to reside here" and pick up such a job. Unfair, unfair.

Mr. President, a lot has been said about the Hospital - I hope in every field, in every phase, in every way it has improved. Its a place that none of us wants to go, but I do hope the surroundings, on the whole, are better.

We are asking for the fees to be increased, well, I know, medicine isn't as cheap as it used to be and we don't make that out of our local shrub, which we do have a lot of bush here

MR. CRADDOCK EBANKS: (CONTINUING) that's good medicine, but most of us if it is not in a plastic bag, or a plastic bottle we don't bother about it.

The Police I will skip since we had a long run-down some days ago with the Commissioner of Police and the Adviser here.

But on the over-all, Mr. President, there has been a lot of improvement - things could be better and people that are responsible for doing certain jobs, for doing their jobs and see to the running wouldn't have to work any harder, shouldn't have to work as hard if it is properly organised set into motion, things done when they ought to be done.

I heard some member of the public some days ago, some foreigner living here in the Island, somebody took him around in the new Administrative Building, showed him around and visiting from department to department he never <sup>saw</sup> so many young people sitting down cleaning and polishing finger-nails and doing what not and looking at this, that and the other. Then when you go there and ask to do something, you have to wait.

One break-down, I see, Mr. President, in Government or no consideration given to the public or people that may be interested in the field of importing, whatever Government wants to purchase they just run to some sector, if they even want to put in a bid, they seal it up with some individual and don't publish it asking for tenders - all this is not good, Mr. President. When Government wants to buy things in bulk or a certain amount of things, they should put it out for tenders and get bids and compare price with quality and see what they should arrive at, not just deal with an individual or two, as the case may be, because right now in the Public Works the vehicles, trucks, they have the cheapest trucks on the market. They drop to pieces faster than any other vehicle you could find on the market - so somebody must be helping one another, that's all it looks like. Why not spend a couple thousand more to buy a White a Mac, a Reno or something or other that has some more quality and duration - it that can stand something. No, they would rather spend just extra continuous buying.

Its like someone who said he wants to buy a pair of shoes - two \$20 too much to pay for a pair of shoes. Buy one for \$12.50 - six months later they buy another one for \$12.50. In a year's time they will spend \$25.00 on the same make shoe, same brand - if you had bought the good shoe for \$20 you would have gotten probably thirty months, and that's some seemingly Public Works' way of purchasing things.

Mr. President, I said in the beginning, I would make this reasonably short and I will not continue any further, but I can assure you, Mr. President and Members of this House, when we go into Finance Committee that there are things that I am not going to let go until it goes to a vote and then carried and that's going to happen more than once, I can assure you that, Sir. So I thank Members for hearing with me. I hope my criticism will help each one of us to realise that we ought to do more for our people, to see that they are better represented, hear their cries and pleadings if you can't even do anything about them.

If its not my desire that I wouldn't say that I wouldn't want to be back in the House, but if my people feel that they can find someone to do a better job, I go along with them, which I have promised them that when they replace me I am going to sit up top there a lot and hear who they put here deliberate.

So I trust, Mr. President, the New Year that is about to face us, that we are about to face the New Year on its incoming, I hope we will face it with courage, determination and with a good, clean, honest spirit to go about running the affairs of this country and seeing that our people get, not what's left over, get what they ought to get, get in the position that they ought to have gotten in and not for Mr. So and So to be pushed in and somebody

MR. CRADDOCK EBANKS (CONTINUING): else to wiggle around and wait impatiently. So I thank you, Mr. President, for this opportunity, and as I said, I was going to make it somewhat brief and if Members feel that it isn't brief they'll know if my life is spared, health and everything when I get the opportunity to reply to the Throne Speech, when I will finish it. I thank you, Sir.

ADJOURNMENT 11.55 a.m.

HON. D. V. WATLER: Mr. President and Honourable Members, its almost mid-day now and rather than to have the Third Official Member try to wind up, I think it may be a good opportunity to adjourn now until 10 o'clock tomorrow morning and thus give him time to do so properly. He's liable to take longer than an hour.

HON. V. G. JOHNSON: I second the motion, Mr. President.

MR. PRESIDENT: The question is that this House do now adjourn.

MEMBERS: AYES.

MR. PRESIDENT: The ayes have it and the Assembly stands adjourned until 10 a.m. tomorrow morning.

M I N U T E S  
FRIDAY, 28TH NOVEMBER, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE, JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONNOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDERS OF THE DAY

FRIDAY, 28th NOVEMBER, 1975

1. HON.V.G.JOHSON, OBE., FINANCIAL SECRETARY -  
WINDING UP OF DEBATE ON THE SECOND READING  
OF THE APPROPRIATION BILL, 1976.
  
2. REFERRAL OF DRAFT ESTIMATES OF REVENUE AND  
EXPENDITURE FOR 1976 TO FINANCE COMMITTEE  
TO BE MOVED BY HON. V. G. JOHNSON, OBE.,  
FINANCIAL SECRETARY.



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FRIDAY, 28TH NOVEMBER, 1975

MR. PRESIDENT:

Please be seated

Proceedings are resumed.

Continue debate on the Second Reading of the Appropriation Bill.

WINDING UP OF THE DEBATE ON THE SECOND READING OF THE APPROPRIATION BILL, 1976.

HON. V. G. JOHNSON: Mr. President, Honourable Members, first of all I would like to thank all those members who spoke so kindly of the preparation of the Budget Address and of the proposals which were put forward by Government.

Apparently the last hours of the debate on the Budget Address were not as heated in the debate as the earlier part of it, this was perhaps because death had intervened of a member of the Assembly.

Mr. President, I would like to begin my reply by saying that it is unfortunate that there were so many criticisms at the new measures that were proposed by Government. It was unfortunate in some respects at the attitude, perhaps of elected Members, the attitude which was adopted. I know that Members of this Honourable House have prerogative, the privilege of opposing Government's recommendations or any business proposed in this House, but one of the things that we must always realise is that whatever we say here is not only being heard by a few people who sit in the balcony and are amused at what is being said below; what we say in this Chamber is supposed to be spoken by responsible people and it is read by many people in the Minutes as recorded.

It is unfortunate to have heard quite a number of mis-leading statements, inaccurate quotations. Perhaps had it not been for those, Mr. President, I would not have to reply to the debate, but I am afraid that I will have to refute quite a number of things that were said during the debate.

Another point which I would like to raise at this time, Mr. President, is the attitude of the press at the new measures which were recommended in this House. Now, Mr. President, I remember when I was a school-boy one evening, a bigger boy wanted to fight me for some little petty thing. I was afraid of him, he was bigger than I was and I was praying all the time that we didn't get into the fight. But two bigger boys came along and nothing they liked better than to see a fight and so they prompted it and in a little while the fight was on. Well, I didn't do too badly in the fight because I was more annoyed with the two bigger boys than I was with the boy with whom I fought. This is an obvious case with Government versus tax-payers and you have intervening the press and of course, as I have said, politicians, - politicians have a duty in this House to oppose and to reject, but nevertheless I think the press should adopt a different attitude. I think that the press should always be a mediator - the press should always seek to bring peace and harmony between people, to bring right information to the public and especially when there is any such thing as a tax measure in which the public and Government are involved, I think the press should either be silent or at least bring whatever information that can be produced from either side.

But, Mr. President, I am referring to the editorial to the issue of the 20th of November at page 4, where the press criticised Government for introducing the new measures in a time of recession.

I am quite aware, Mr. President of the principles applying to taxation in times of recession - I am also quite aware of the principles of taxation in the time of boom. The real need for the new measures which were introduced were explained and, Mr. President, let me say that had Members recalled the Budget Session of even just a few years ago, then I don't think we should have had too much concern

HON. V. G. JOHNSON (CONTINUING) about this one, even though we had been passing through a year of recession. For instance, we go back to the year 1969 and we find there a revenue of one and a half million dollars and an expenditure of over two million dollars. There is a short-fall. Fortunately, those were the years of boom and the year ended with a surplus.

We look at 1970, the revenue was 2.3 million dollars and the expenditure was 2.8 million dollars - again, an over-draft, depending on surplus revenue and new taxation to finance that short-fall. These figures on expenditure that I am quoting, Mr. President, are expenditures which are met from local revenue, not expenditures from British grant and loans.

1971 again we found a revenue of 3.4 million and an expenditure of 3.6 million, again a short-fall. 1973 the revenue of 4.9 million and expenditure of 5.2 million. Again an over-draft. 1974 revenue of 7 million, expenditure of 8.3 million, an over-draft again, Mr. President. 1975 8.7, expenditure of 11 million. In all these years the Government has had to depend on surplus revenue balance or new taxation. In this very year 1975 we were faced with a short-fall of a million dollars when the budget was presented, which involved a salaries review of \$440,000. And Members were told that in order to finance this short-fall two new measures would be introduced, the increase in Bank licence fee and the increase in Companies' registration fee

We've come to 1976 when we were again faced with another short-fall in the budget of a million dollars, so Mr. President, what is wrong with 1976 over all the other years in which we were faced with deficits. Deficits, which were financed by surplus revenue balance and new measures of taxation. 1976, unfortunately, had no surplus revenue balance and we are all aware of the reason for this, because of the recession year, and Members are aware of what the surplus was used for, and that is to supplement expenditure, supplement short-falls and keep Government jobs going.

And, Mr. President, before I leave this, I would say that over the last week-end you know, I made an investigation around town to see what the feeling of the public was as far as these measures are concerned, because the public is quite understanding as far as Government is concerned but the public becomes upset when they hear, you know, people in responsible positions going around and criticising and saying a lot of things about Government. And this is the reason why I am concerned about the editorial in the press, this is why I am concerned when people make a lot out of small things, rather than to pacify the public. And the public, many people said to me that they had no concern about it, because they knew that Government had to find revenue from some source, but what got them concerned was the editorial in the press and that seemed to have upset a lot of people, after that there were little groups all over the town discussing the motor import duty increase. As I said before, Mr. President, the service of the press was to enlighten the public, to pass useful information, not to incite or to excite. I thought it was to establish peace and harmony.

The Cayman Islands is not the only country that must consider taxation from time to time, God bless the country that hasn't got to do this, and, as I said before, I will say it again that we have been very fortunate in this country, as far as taxation is concerned. We have faced a boom period within the last five years and that has served this country very well. We have achieved very much - just look around and see all the things that we have done and from what - no taxation whatsoever.

A Member said that the new measures would tend to reduce revenue and that the increase in revenue will affect tourism. Mr. President, the effect of the new measures is something we must test and see the result of, one cannot say that because the import duty on motor cars is increased from 20% to 33 1/3% that

HON. V. G. JOHNSON (CONTINUING) the Government will earn less revenue.

As Mark Anthony said "even the sting of war is forgotten in a lifetime". I am sure that regardless of what one may think of rash tax measures, and I don't for one minute propose that this was a rash tax measure, the increase of import duty on motor cars people are not going to mind this. They may, at this particular time, say, "Well, I did intend to buy a motor car but since the duty has increased I am going to forego it", but how long will this attitude continue? If a person really needs a car he is going to buy a car. And I am sure in a very short time these measures will be forgotten - life will go on in the normal manner.

And as to affecting the tourists, I know that tourists do mind prices, the fact is that they check on prices before they travel around but 40¢ is not going to prevent a tourist from coming here, I am sure of that. One dollar and sixty cents to the cruise ships' passengers is not going to prevent cruise ships from coming here. All the cruise ships requested were sufficient time so that this could be built into their system without affecting any one before.

The Member went on, Mr. President, to state that we should not stretch Revenue to cover the expenditure because there comes a time when the balloon will burst. Well, you know what causes the balloon to burst - by people interfering with it on the outside most of the time. It's not the air on the inside that bursts the balloon, and if we keep on, you know, toying with the balloon and pushing it around it's certainly going to burst.

Another point the Member made, Mr. President, was that the budget address should have stated that we are now ready to tolerate economy growth, well, that's really a joke, because this is what the Government sought to do from seven years ago when a team visit was invited to the Cayman Islands from the British Government to examine the growth and to make recommendations. This is when the capital programme was prepared, this is when controls were instituted and this is when the country was off to a reasonable economic growth. As far as I know that growth started and it went very well all during the years from 1968/1969 onwards, even through the demonstration, it continued, very well, and the first thing that brought it to a halt, Mr. President, is this year's recession. Recession will bring anything to a halt and we have seen exactly this. Members have also attributed the proposed Draft Development Plan to the present condition of the economy.

You know, Mr. President, it is quite simple to criticise and to attribute blame from wrong sources, but if one stops to look at what happened, we will see that the plan unfortunately co-incided with the oncoming recession and so nobody talks about the recession, everything is the Development Plan -- Plan, Plan, its unfortunate that that Plan is such a bad boy. And then, further, they went on to say that to top it all, taxation brought the last crippling blow to the economy. Well, I was quite amused at all these allegations - I just kept writing them down one by one.

Mr. President, the Development Plan did not stagnate the economy and neither did the Central Planning Authority, in its administration, place any restriction on planning within the Cayman Islands as was also the allegation. It was said that there was a policy to restrict building, there wasn't any policy to restrict building at all. As far as I know, Mr. President, the Planning Authority has to date approved over nearly two hundred beds in hotel accommodation, and there are perhaps another five hundred in the pipe-line being examined by the Central Planning Authority, and in value the Central Planning Authority has approved already this year over twelve million dollars of projects. The thing is that people are not building. These projects are not being implemented because of the financial position, difficulty in arranging finances and the rest of it. And so one would normally place the blame on something, again it is the Development Plan and it is the restricting

HON. V. G. JOHNSON (CONTINUING) policy of the Central Planning Authority. I have looked into the functions of the Central Planning Authority to see whether, in fact, they had been restricting any building - they have not been restricting any building. In fact they have tried to assist all applicants, as far as possible, to complete their applications and to have them approved, where this is possible. They are still doing so. They are aware of the state of the economy and they are aware of the need to boost the construction industry, so, Mr. President, these allegations are definitely unfounded and incorrect.

Speaking about the Plan, Members are somewhat concerned when the Development Plan is presented to the Legislative Assembly. They are afraid of the collective vote of the Government bench and that the Plan will, perhaps, succeed in the same manner as the tax bills. I think it was the intention, from the very early stage, Mr. President, and I think you intimated this that the Development Plan would be studied by a Committee of this House, I don't think there was any intention at all of putting it to a vote in this House until it had been well studied. But in any case I wondered whether it is the intention of some members, to accept the plan because we heard about a Plan that was introduced by a very prominent Caymanian 25 years ago, and we heard the fate of that Plan. I remember that Plan, Mr. President, I looked at that Plan on many occasions, it was a plan of George Town and it was, in my opinion, a reasonable plan. A plan that would make George Town a fine little city and it was most unfortunate that when that Plan was put on the Government Notice Board for public viewing that another very prominent citizen, who is perhaps opposing the present Draft Development Plan, went and built a warehouse on the site of one of the proposed streets in George Town and other people, seeing this, followed him and destroyed the entire concept of that Plan. And this is the reason why that plan had to be rejected because of those actions.

Well, if a Plan, you know, prepared by a Caymanian, like Mr. A. C. Panton, I mean who I had a great deal of respect for myself, prepared something of this nature, put it forward and it was rejected in that manner, I wondered you know what would happen to a plan prepared today, a Plan that they say is prepared by foreigners, its not prepared by foreigners, Mr. President, it is prepared by local people, with the expatriate assistance that we have here, just putting the plan together from the dictates of Caymanians, but no doubt it will tend to suffer the same fate as the Plan of 25 years ago of George Town. Do we need a Development Plan? I mean this is a question we should ask ourselves and then decide whether we should have a Plan or not.

Mr. President, I am sorry that I had notes all over the place and I mightn't go in order of the Budget Address so I'll have to take items here and there.

I heard Members criticising the Hospital. Mr. President, I remember when the project was being presented to the Finance Committee, the Honourable Member responsible for the subject brought with him to that Finance Committee the plan of the proposed phase I development of the Hospital and there he explained the proposals to members and as far as I can remember, Members were very elated over the proposals, because they had been previously criticising conditions of the Hospital and calling for improvement to the system, and the Member thought that there would be no difficulty. He went into detail to explain so I think the Members were satisfied to such an extent that they didn't want to hear too much of the details, but in fact a lot of it had already been brought to their attention. For members to say that there isn't a corridor in the new inpatient block is not correct - there is. The proposal in that block was put forward by people who knew the latest in the particular development of hospitals and Mr. President, we are here praising the Cayman Islands as being different from other territories around us and here when we do a development which is, I would say,

HON.V.G.JOHNSON (CONTINUING) comparable with the best you find anywhere, and perhaps not comparable with anything you find within the regions, we are criticised. It leads me to wonder sometimes, Mr.President, what really do we want, because we praise on the one hand and we criticise on the other and its not a very good thing to do. You know, inconsistency is not a very good thing. If we want to grow, if we want to progress, we want to be atable, we want to be reliable and dependable, we have to be consistent with our views. I saw no reason, really, for the Member to have criticised the new construction the way that it was done.

The cost of the project, Mr.President, was mentioned when the project was presented in Finance Committee, in fact, we went to Finance Committee for approval of the balance of funds which was something in the vicinity of the total of \$605,000. Members were told that the project could cost a total of \$630,000 but we were hoping, at that stage, to complete it for a less figure. It depended on costs and other things; so far the total cost has not yet reached \$600,000, it is well within the original budget except that there is a claim from the contractor which is now being examined and certainly the claim is not being supported fully by the consultant, It is not known yet what portion of it will eventually be paid, but so far the project is within the original estimate, and that cost was reported at the last meeting of the Finance Committee. If Members referred to the paper presented there, they will see what the cost was. We asked for a re-vote of the funds that were not spent in 1974

The fees of the Hospital were increased from the current year's estimate of \$128,000 to \$250,000 which is less than 100% increase. Members talked about hundreds of percent increase. They tried to devise means and ways of getting several hundreds of percent increase in everything.

A mention was made Mr.President, that the post of Government Medical Officer should be up-graded. I think this is something which should be left to you to be dealt with at a future re-examination of positions. I think it will be an undesirable situation for the Government to politically go ahead and upgrade posts one by one because these things usually have chain reactions, the minute one post is up-graded then there is a request for others to follow and there are other people in the position of the Government Medical Officer who would, perhaps, feel that they too, their position too should be upgraded and it is a matter of whether there is any justifiable grounds for this. The first place, you have the Principal Secretaries who have responsibility for these Departments and it would be folly to have the Heads of Departments graded above the principal Secretaries. So the grading of positions has to be carefully examined and it can't be done arbitrarily because a member rises in the House and says that a post should be up-graded. I know that there have been quite a number of requests from other officers for the up-grading of their posts and these have all been placed on record and will remain there until when the time comes for these to be properly examined, at the proper time and in the proper manner.

Mr.President, we heard about Education, the transport of school children which is costing over \$90,000 and we heard this being compared with the expenditure under the Miami Office under the Department of Tourism which is \$90,000. Now, quite a lot of things have been said about tourism but I am sure that the Honourable Member responsible for that subject has already outlined to you the need to advertise tourism and the consequences of not advertising. I am sure he mentioned to you the need to operate the Miami office and other offices outside of these Islands and the need to provide a certain level of expenditure for tourism. We are not providing that level of expenditure because of our financial position. Tourism is a big part of the economy and if it is not supported one can immediately see what the result will be. Its quite all right for us to talk about the transportation of school children, I know politically it is desirable, I personally have said from many, many years ago that Government was offering free education in this country, it started in the primary division, it extended to secondary education and I think, or it is my opinion that

HON. V. G. JOHNSON ( CONTINUING) the least the parents could do is to pay the transportation or put their children in the school-room, and I still hold to that belief. One might say it is because I haven't got to find transportation for my children or my children are living close to the school - its not so, Mr. President. If I was living in East End, I think I would adopt the same attitude. There are not many countries that offer complete, free, secondary education - we are here, we offer a lot of free things here. Still, when we bring a few measures before the House there is a lot of squawk about it. We have to live with transportation of school-children, because, as I said, it is political and we wouldn't be able to do otherwise, but what I am trying to say, Mr. President is that we should not try to stifle tourism. I don't think we should attempt to say anything disrespectful about the operation of the Miami office either because it is one of the most important organs of the Department of Tourism today and the \$90,000 that is being spent on that office is money well spent.

The result of the recent examination again was mentioned and I don't know where the Member got his information from I think he quoted the Compass, the newspaper, and in his summing up of the passes (he is an ex-teacher and I take it that he should be acquainted and well versed with these examinations, and the results) but he said that GCE O Level passes there were only 2, maximum of 2 subjects passed by any student and that is quite incorrect, Mr. President, there were 2 students with six passes, one of them was from my own home. There were students with five passes and there were many students with four passes, so I think the Member needs to ask the Education Department to send him a copy of the results again, so that he can re-acquaint himself of the figures of passes. But it is mis-leading, you know, for people to sit around and to read these minutes, who are not aware of the position otherwise, to see these results.

A great deal, Mr. President, was said about Public Works budget. The Member said that the small budget was only a sham and that in a short time we will be coming for supplementary. Well, I did say that in my Budget Address - I did say that the Public Works' budget was small - it was below the 1975 estimates and if funds were available in 1976 I think a supplementary from Public Works would be justified, so I don't think the word "sham" needed to have been put into it because the fact <sup>was</sup> already stated.

Speaking about some of the performances of Public Works Department and especially the Red Bay diversion, Mr. President, I am sure that Members are very intelligent here and that although they may have their opinion about the Members on "this side" and how we deal with our various portfolios, I am sure that the Member for Communications and Works would have not undertaken that Red Bay diversion if he had not gone carefully into the costing to ensure and assure himself that the cost of that diversion would not exceed what it would cost to pave the present road. The figures were produced by his engineers. If the engineers have mislead him, well, that's another matter, but we have to accept advice from our technical staff and in this case our qualified engineers. If they come up with a costing which is incorrect, then that's another matter, but as far as the information available is concerned, the cost of the Red Bay diversion is not going to be beyond what it will cost to pave the present road.

Members again stated that they were alarmed at the way in which the roads were being paved, West Bay, George Town, Bodden Town back to George Town. Well, this is a programme for paving the roads - there is one thing about it that what is paved is there to stay and regardless of when you get back to join what has been done or to complete what has been done, its going to be there, because this paving is first class. The paving in West Bay started from the original site of the 1957 road programme, Town Hall in West Bay and they thought that it was a reasonable point to begin and to test their machines. Although I think Public Works did a very good job

HON. V. G. JOHNSON (CONTINUING) on it. When they completed the run-through West Bay they came into George Town to pave the school house road to encourage heavy traffic to the airport to take that side of the town and to relieve the other areas. Then they started on Crewe Road towards the Eastern Districts or Bodden Town rather. When they got to Crewe Road where the diversion was to take place they decided to start in Bodden Town and come towards George Town so as to give sufficient time to clear the tract for the diversion. This was a matter of programming the paving, but there had been difficulty with the plant - the manufacturers had to send someone down to look at it because it had been giving a bit of trouble. I think everything is off to a good start again and no doubt the work will proceed at a reasonable pace again. I think a start has been made in George Town since yesterday.

The four capital projects, Mr. President, were also criticised. Members said that they knew that it was going to cost a half million dollars on interest alone. Mr. President, we are aware of this - those projects were under study from as far back as 1970 when the Capital Projects Programme was prepared and it is not as early as all that to take a decision, for instance, on the siting of a port and the other project, airport, study was done on that some years ago. Administration Building, that was undecided until the old building burnt, the Legislative and Court Building were to be the first on the programme and so it was a matter of what came first and how we were able to implement the other projects that followed. Unfortunately, the big projects all followed quickly, one after the other and again unfortunately, the implementation and completion of some of these projects happened in a year of recession when money became scarce, when financial difficulties increased and when Government was faced with these burdens. But we are hopeful that in the new year 1976 we will be able to overcome a lot of these burdens.

We certainly will not be moving on with any new projects until when our financial position is quite certain, but as to the present projects and the four projects that are being talked about, nothing is surprising to Government, because, as I said, these were under study from 1970. In 1970 they were estimated to cost about three million dollars, 1972 they were estimated to cost about four million dollars and today they will probably cost about six to eight million dollars - this is how prices have escalated. I mean, who are we going to blame for this, Mr. President? As a reasonable Government we must accept these facts - we can't criticise our own Government for what has happened. We certainly did not have any part in bringing about the recession - the recession started outside of the Cayman Islands, it came here after many, many months. I am sure that had it not been for the recession that these Islands would have been in a much better position today. And perhaps Members would have been better satisfied.

The Government has made provision for the payment of the interest on these loans - it is part of the current budget. It is a big sum of money, don't borrow four or five million dollars and expect to get it free of charge. At the going rate today you pay a lot of money for the use of money. We must live with this and we must meet our obligations.

I was delighted to hear so many members praising the new Administration Building, except for, perhaps, a couple members, who were still doubtful about it, however, we did expect a certain amount of criticism; regardless of what we do in Government we expect that amount of criticism, but I would like to thank those Members who praised it - it was a great effort on the part of Government. One can see today that Government has been put in the driving seat of this country and that there is no doubt that we have a beautiful office, especially the Headquarters Building. It is much to be proud of - small territory, 13,000 people, a hundred square miles - more than many Caribbean countries can boast about, so I don't see really any latitude



HON. V.G. JOHNSON (CONTINUING) for criticising, unless of course, Members wanted it built from concrete. We have a lot of concrete buildings all over the place, it was termed a concrete jungle some-time ago, but the word concrete jungle is used for an area which has developed without planning.

A great deal was said about the port, Mr. President, the damage caused by the Northwester. When the contractors take a project the Government is not responsible for any damage that is caused during construction. The contractors usually insure a project - the Administration Building was insured and in the early days of construction there was a fire in the basement which destroyed or caused a good bit of damage. The damage, I understand, afterwards, amounted to something in the vicinity of twenty thousand dollars which was paid by the insurance company. So, I would think that the contractors of the port project would also have that project insured and that any damage caused by Northwesters or any other act of God would be covered by the insurance company.

Speaking about the dock being outmoded before its completion, well, perhaps we have seen in other countries, for instance, airport built to modern specification and before the opening of that airport it is termed outmoded - could be - all depends on what you want and what you wish to have. The design of this particular port is something which was accepted by this Government and something which we saw could serve this country well over the next 10, 15 years. So why should it be outmoded before its completion? Just can't understand the statement at all. No one is going to change the design during construction - that's why we have the consultants there to ensure that the project is built according to the original design and according to the design that is approved.

That's so far for the four projects, Mr. President, but before I leave the four projects I should say that Members know that a loan law was passed by this Honourable House to raise a sum of money to finance the projects. One of the loans that was raised was a local consortium loan from six local banks. Members said that Government had taken up local loans which apparently had depleted the local funds which would otherwise have been available for the use of local people for mortgage purposes. Mr. President, Honourable Members this was one of the first thoughts that was given when this loan was being negotiated and the Government made it quite clear to the banks that it did not want to interfere with the small amount of Cayman dollar funds available locally, the Government would be prepared to take a foreign currency loan preferably, a United States Dollar loan and the banks agreed to this and the loan which was made available to this Government was a United States dollar loan contributed by the six banks - so Government can't be accused of using what bit of local funds there was for this purpose.

The increase in tourist accommodation tax or rather Members claimed that there was no increase in tourist accommodation tax and wondered the reason for this - the Honourable Member for Tourism mentioned a part of it. The other part of it, as far as I know is that many of the hotels are separating the restaurant from the Hotel and operating the restaurant as a separate entity and therefore are not paying Tourist Accommodation Tax on the element of food. That reduces the Tourist Accommodation Tax payable to Government. I did mention in the Budget Address that simultaneous with the coming into effect of the Cruise Ship passenger tax Government would be introducing a measure to remove tax from the element of food from Tourist Accommodation Tax. No mention was made of this by any one in the Budget Debate so I take it that Members agreed in principle that this could be done. However, as stated in the Budget Address hoteliers would have to assure the Department of Tourism that they would not take advantage of this reduction of tax by Government by increasing their own fees to replace Government's tax.

HON. V. G. JOHNSON: (CONTINUING) As soon as they are prepared to give that guarantee to the Department of Tourism then Government will proceed to prepare the amendment law to give effect to the removal of tax on the element of food, effective the 1st of August, 1976.

MR. PRESIDENT: If the Honourable Member is prepared to accept an interruption, we might suspend at this stage.

HON. V. G. JOHNSON: Yes, Sir.

MR. PRESIDENT: I suspend proceedings for fifteen minutes.

HOUSE SUSPENDED  
HOUSE RESUMED.

HON. V. G. JOHNSON: (CONTINUING) Mr. President, normally I would not have taken this long in replying to the Budget Address debate, but the reason on this occasion was obvious. It is unfortunate that some elected members adopted the attitude they did in the beginning of the debate and that is not to speak until all Members of Executive Council had spoken.

Mr. President, as the Honourable Member for North Side mentioned, the address (that is, the Budget Address), is not casually written. No drafting of the Address can begin until after the draft Estimates are completed, but in the meantime, many weeks of thought are put into what is going to be the general outline of the Budget which would include the state and condition of the country since the last statement was made to the House. At that time the Members of Executive Council through their principal secretaries, are requested to provide me with any material available to assist in the writing and commenting on their various portfolios. When many days and perhaps weeks have been put into the preparation of the Budget Address it is placed before Executive Council for approval. When the Address is approved by Executive Council then it is ready for presentation to the Legislative Assembly. Because the Members of Executive Council are already associated with the Budget Address and because their portfolios are already covered in that Address, it is really not necessary for them to speak on the Address, unless they wished to clarify any statements made by other members during the course of the debate. And so it is really not necessary for Members of Executive Council to speak in the debate until when all other members have spoken.

Now, I could very well see the strategy that was used at this meeting, that was <sup>that</sup> certain debate should not be refuted by the Members concerned and this is unfortunate, Mr. President, because although I am trying to do my best in the reply I am sure that I cannot do as good a job as the Member who is responsible for the portfolio. I mention this because I think it was important for me to do so. I am sure that Members of the Executive Council have only spoken because they didn't want the Government Bench to be embarrassed and so they decided to go ahead and speak but actually up to that stage there was very little really to reply to and I think this was intimated by the Members when they spoke.

The revenue which will be derived from the Broadcasting Station, Mr. President was mentioned and Members expressed the hope that this would not be a burden on local people. No one wished to put any burden on local people. If there is a merchandise for sale it is put on the market - if people want to buy it, they buy it - if they don't want to buy it they leave it alone - they don't have to. The Broadcasting Station is placing a part of its time to commercial advertising and this is being done to assist it financially. It is estimated that it will earn approximately \$125,000 during the first year of operation. And Mr.

HON. V.G. JOHNSON (CONTINUING) President, the people who are going to use this facility are perhaps big foreign firms because already there are quite a number of applications, especially religious bodies, they are the best customers of a commercial radio station today, and further-more, if it is available and I am sure that a lot of times it will be available to local people, if they wish to use it - its entirely up to local people - I don't see where it is going to place a burden on anyone.

Mention was also made, Mr. President, of the increase in postal rates. I thought Members would have looked on this as something logical. I mentioned in the Budget Address the proposal that in some administration the increase in postage rate is done within the year, perhaps every six months. Here we haven't increased postage rates within the last few years. I received a bill from the postmaster yesterday morning, Mr. President coming from the United States Postal Administration for a charge in the sum of \$73,000, which covered a period of a year and a half for mail and parcels handled by the Administration. This is not including mail which goes through London, through Jamaica and other administration, so when we talk about the need to increase postage rates <sup>to</sup> cover charges from other administration, I hope the Members here will have an idea now what we are talking about, these big charges that come through for the handling of our mail abroad. We do get a credit for other parcel mail that comes in, but the charges are very small. In that \$73,000 which was net there was a credit of some \$8,000 to the Cayman Islands for parcel mail. We get nothing for the other mail, because Cayman Islands is the destination.

The revenue, that is Stamp Duty from the Real Estate Business was mentioned and it was said that Government collected over a million dollars in 1974. We had an estimate of \$700,000 in 1975 - we are hopefully estimating \$750,000 in 1976. Well, people who are involved in the Real Estate Business will know, Mr. President, that is quite an uncertain revenue. In one year you might have transfer of two or three big properties which can fetch Government quite a sum of money under this item. Other years, the revenue will be reduced because there aren't that many transactions and in fact, the real estate business is not as bright today as it was perhaps two or three years ago. But nevertheless, we think that as soon as the economy has recovered somewhat that the real estate business will start booming again. If there is a change of hands, management of hotels, for instance, or any big establishment, then we could expect to earn a good bit of revenue from this area. There were a few cases we were hoping would come through during this year, unfortunately they did not and so I think the revenue under this item had to be revised downwards. But there are some items of revenue, Mr. President, that we cannot always be assured that what is estimated will be collected. Its like Court fines - depends on the Judge you have sometimes.

I would like to touch a bit on Cayman Airways - it was said that no mention was made of Cayman Airways in the Budget Address. I particularly did not mention Cayman Airways because there was nothing other to mention than a sad story. I had already given one about the Government - I didn't want to follow it up with one about Cayman Airways and especially before the meeting of Directors which is scheduled to be held at any time now. The Airline has been operating under severe financial difficulties ever since the beginning the year - well, in fact, ever since November last year and it has been, in fact, operating at a loss. For a few months it has come out with a profit in operations, but over the one year of operations the losses, I think, have been equivalent to the capital of the Company, which means that the value of the Company is now almost nil.

The Costan Rican Directors are very concerned about this and every endeavour is being made at this stage to look

HON. VG. JOHNSON (CONTINUING) at the operation with an endeavour to improve the financial position where possible. The lease arrangements are being looked at, a part of the time of the aircraft will be sold to Lacsair airlines and they will in turn pay the proportionate part of the lease and the cost per hour of the operation of the aircraft. So that Cayman Airways will only pay for the portion which it uses.

The flights have been examined and a new schedule is coming out reducing it further to what the company thinks will be a reasonable operation through the Tourist season. I think that with the proposed re-adjustment to schedule and the financial operations that the company will survive, but if not, at the end of tourist season, I think, some decision will have to be made as to the future of the airline, but I doubt very much that it will be able to enter into the summer season if it does not recover over the next four or five months.

This is just, Mr. President, brief comments on Cayman Airways because we haven't met in the Board of Directors yet, but I am mentioning this to Members since they are, I am sure, concerned about Cayman Airways and don't know what the future will be. But anyhow, we hope for Cayman Airways, as we hope for the economy of the Cayman Islands.

Members talked about the proposition of purchasing its own plane, well, it's all right for an airline to own a plane. Mr. President, when this happens it means that the airline must operate all its schedules on one plane, because the back-up resources which it now enjoys with another airline is not available. When a plane is grounded, well, it means that you just wait until when that plane is put into the machine shop and is ready for service again.

Cayman Airways, under the arrangements of lease with Lacsair airlines has enjoyed a lot of facilities with the spare parts arrangement, servicing arrangement, the back-up arrangement and so on, and this is a reason why when a plane is grounded on a certain flight, although there is a bit of delay, but that schedule is never cancelled - that schedule is operated even if it's a few hours late, sometimes, which is quite a grand thing. Plane costs, perhaps, say six to eight million dollars - it's not as cheap as some members think it is. One of the requirements to operate a plane (and you don't just operate a plane just so - it must be operated under international arrangements, ) that you must have a certain amount of spares, you must carry spare engine and certain other spare parts, which will, perhaps, cost you a couple of million dollars - you must establish your service arrangement, either with somebody else, for which you pay for, so it is an expensive operation, not just merely buying a plane.

Ships' registration: Mr. President, a Committee has been set up by you, chaired by the Attorney-General to deal with this matter. The Committee has had two meetings, so far and I am sure that in the New Year it will be moving on with the business before it, but I can assure Members that the registration of ships in the Cayman Islands, in the context in which we are looking at it here, is not as easy as all that. If it had been, I can assure you, that from ten years ago it would have been introduced in the Cayman Islands, because the Government had been investigating it from then - it's not just today - not just since the motion was brought to this House. There are many hurdles to cross and more than anything else one of the big hurdles is to get the British Government to agree that the Cayman Islands should become a port of Ships' registration. There are International Conventions which must be available to the Cayman Islands if it is to operate the system, because it is no use of a ship coming here to register and go elsewhere for a Load Line certificate - it must be able to obtain a Load Line Certificate here and the other International Certificates. And so all the requirements of the British Merchant Shipping in this respect must be applicable to the Cayman Islands and this must be done by the British Government

HON. V.G. JOHNSON (CONTINUING) by an Order in Council or by some form of legislation. Its a matter of whether this Government can convince the British Government that the Cayman Islands can qualify, that the Cayman Islands are eligible to operate the system and that we should have the legislation extended to us. We can't introduce the legislation in this House - its not for us to do it - its the British Government to do this, so Mr. President, we are talking about a subject which requires a great deal of investigation and I am afraid that it is going to be quite a long time before we can achieve or come to a decision.

I was in the Bahamas recently and I heard the Prime Minister explaining Ships' registration in the Bahamas to the meeting - they are, apparently, just reaching the stage where the Conventions are being extended to the Bahamas and they have been trying at this for a long time. The Bahamas are exposed to a lot of facilities which we haven't got - its taken them a long, long time to achieve this, and they are not too certain yet when the system will begin to operate, however, they are on the way to introducing the arrangement.

Mr. President, the Cayman dollar was mentioned and the Member wondered why the exchange rate could not be brought to par with the American dollar. This again, Mr. President, is something which we had gone through from years ago, especially at the time when the first law was introduced to the legislative Assembly to introduce the Cayman Currency - we had the exchange rate at par with the American dollar, one Cayman dollar equal one U.S. Dollar, and we thought that this was all right, and this is quite feasible at the issuing of a currency. But after a currency has been issued and a value has been put to it the value against other currency, then its difficult to change that value. And when we are talking about the exchange rate of the Cayman dollar against another currency, we are talking about the value of the Cayman dollar. If we are going to introduce a par value of the Cayman dollar with the American dollar we are talking about devaluing the value of the Cayman Islands by something like sixteen and two-thirds per cent. Do we want to do that? Do we want to devalue all the wealth of the Cayman Islands by sixteen and two-thirds per cent - I would say no. I think the currency is doing quite well - I think everybody has learned to live with the present rate of exchange, even the tourists, I think, have learned to live with it - although they are difficult sometimes in this respect. So I think the Cayman dollar should remain as it is.

Following on that, Mr. President, we heard a great deal about the recent appointment of the Manager of the Government Savings Bank, but I would have preferred more emphasis being put on the appointment of a Manager of Currency, not the Manager of Government Savings Bank, if it was meant to be a Manager of Government Savings Bank we would not have employed the individual that we did. Mr. President, the operation of the currency system is a complex thing, it is not as easy as all that, especially when you are dealing with switching and transferring of funds in various destinations, Cayman - London - New York and all the rest of it. When you have to deal with transactions each day when you have to make decisions on investments and when you have to decide on other important issues - it requires somebody with the knowledge in that subject, somebody who is experienced. We have been coasting along, Mr. President, the Currency Officer who did the day to day operations of issuing and redeeming currency, but that is about all that we could do. We had someone from the Bank of England at the very outset - to deal with the introduction of the currency, to train a local officer to carry on, the local officer did carry on the best she could. The local officer confessed on many occasions that she did her best and it was seen by the Currency Board, Mr. President, that there was need to increase the activities of the Board

HON. V.G. JOHNSON (CONTINUING) if the operations of the Currency system was to mean anything to the Cayman Islands on a long term basis and there was a demand from the local financial community and especially the local clearing banks that the Currency Board provide facilities whereby any surplus funds from these banks could be lodged with the Currency Board, instead of having to convert these funds from any long position and invest them abroad. This would immediately create a risk and because of this risk they had to introduce the very wide exchange rate. We are pleading with them to try and narrow this exchange rate and we have promised them now that the Currency Board management has been reorganised, we will endeavour to put forward their requests to provide the deposit facilities for them. This was one of the main reasons why the present appointment was made and Government thought that at the same time the officer could also be manager of the Savings Bank, join both operations and so have one person to do both jobs. Personally, I see nothing wrong with it - I am only happy that there is somebody to help me and to take some of the added burden off my shoulder. If this is not done I am afraid that pretty soon it is going to be done somewhere, because one person can do so much and no more. These operations were small at one time, but one must remember that each year they all grow and they are growing to reasonable size, and so it requires special management and not only management, but you need people who are fairly qualified to do the administration.

The present officer is appointed on a contract basis for two years. We would have appointed a local person, the local person was available - we had local boys who were here. Someone talked about the age limit, well, we did amend the age limit in the notice - this was discovered afterwards and we immediately sought to remedy this and allowed other people who wanted to apply for the job to do so. I spoke to one or two of the boys - they weren't interested - they were holding quite good positions in the bank. We had application from two local girls, the Public Service Commission did not see fit to accept these and the only qualified and acceptable applicant was the present person, who was appointed. At this stage, Mr. President I would also like to say that a lot of emphasis was put on the manner in which appointment is made to the service, by Members. Now, when we speak about this, we must remember that there is a Public Service Commission which deals with these matters but besides this, and ultimately, the Governor approves or disapproves of every single appointment made in this service and when one talks about appointments in the manner which was referred to in this debate, I think we are stepping on the integrity of even the Governor himself. I don't think this should be.

Very often especially in the case of technical posts, you don't pick people up in the street to put in these positions. I mean, if you want someone for technical position here and that person is recruited abroad, you are going to make applications on the open market but you are going to state specifically what you want - you have a bunch of applicants who will be examined by some representative of this Government and someone is going to be selected who is best qualified. The same thing applies here - it is a matter of who is better qualified for the post. It's not a matter really of who someone prefers. Because otherwise you can discount your Public Service Commission and as far as I know, the Public Service Commission examines every application in every respect and places the recommendation before the Governor who, in turn, examines the file completely and is satisfied of the PSC's recommendation before he gives his final approval. And so I hope Members are aware that the appointment of people to the service is not done on an ad hoc manner and being done by someone's whims and fancies and just because someone feels like bringing in his buddy or his pal into his service.

HON. V.G. JOHNSON: (CONTINUING) Mr. President, the first member who opened the debate on the Budget Address, the Honourable Member from George Town, said that although there would be no increase in salary now, he hoped that we would see fit to introduce it at a later stage. Well, what I said in the Budget address was that there was no case for a salaries increase, according to the Cost of Living exercise that was done and that nothing is recommended, and unless a reasonable case can be made out by anyone between now and the next Budget Session, there is no intention of Government putting forward any salaries review for the Civil Service. I hope this is understood.

A great deal, Mr. President, was also said about gratuity to contractor Officers and the number of officers was stated and the sum of gratuity quoted in the 1975 estimates \$446,000, which was something like 120% increase over actual expenditure in 1975. Apparently unless these increases exceed one hundred per cent it is not mentioned. Mr. President, again what is gratuity paid for? Gratuity is paid to the people who we bring to the Islands to fill positions for which there are no local persons available and most of these contracted officers are teachers. Now, on the one hand members are boosting the education system and this apparently is all right, but on the other hand they don't want the teachers because we have to pay so much gratuities to the teachers - we don't want the teachers because we have to pay so much house rental to accommodate the teachers - so, really, what do we want? Do we want the education system or we do not want it? I mean, we must be consistent, Mr. President, I wish a Member would get up and preach a sermon on consistency.

Some of this gratuity or the increase in gratuity was paid to Policemen - this is perhaps one of the reasons why policemen are so frisky these days - their financial arrangements have been revised - they are now put on a contract, most of them and they are being paid a gratuity in lieu of a pension.

In most countries where there is not a police Pension Law in operation, policemen are paid gratuity in lieu of pension and here we have no special police pension law, unless a police elects to come under the general pension law, then he should be paid a gratuity in lieu of pension. And this is what has been put forward - all policemen have been paid their gratuities, those who elect to be on contract, up to the end of 1974, simply because new conditions commenced at the beginning of 1975. And so there was the need to increase the provision under gratuity.

Now it was said that it is more economical to put people on the pension scheme rather than to pay a gratuity and normally I would agree because some people really never reach retiring age, they die before then; some people reach retiring age never live to enjoy pension benefits and so on. If it is for that reason, I will agree with the member that the pension scheme is more economical. When it comes to dollar for dollar, the calculations of the gratuity with that of the pension arrangements, make no difference at all. One is equivalent to the other and it depends really on what you want and what system you want to operate. In the case of the gratuity it becomes an immediate commitment of Government, but when the officer leaves the services then that commitment ceases. In the case of the pension the commitment starts when the officer retires. When the officer is retiring he usually asks for a lump sum payment and he usually takes a big sum of money with him, with reduced pension afterwards. In the calculation there is no difference between the gratuity, that is the total sum of gratuity paid and the pension which is officer is likely to receive.

HON. V. G. JOHNSON (CONTINUING) Mr. President, there are quite a number of small minor things that were mentioned, recruiting of staff, for instance. Members queried the fact that the estimated figure was \$17,000 and the revised figure is \$28,000. This is not expenditure which can be controlled because recruiting, if it takes place say, in the United Kingdom, a portion is borne by the British Government; if it takes place outside of the United Kingdom, it is borne by this Government and I think that the recruiting expenses for this particular year was borne mostly by this Government and that's the reason for the increase in the revised estimates.

It is also said that the money provided for training was not very much but if all of Government's expenditure, if all of the expenditure under other Government's grants, like the British Government, United Nations, University itself, were pooled together then I am sure that one would see that the money spent on Training is quite a large sum of money. It is not yet what is provided in the estimates for in-service training. A lot of the training which is done for Civil Servants is paid under Scholarships. In-training is just smaller expenditures.

Mr. President, the Cayman Islands is developing and the development requires to be controlled. We are unfortunate to be in a period of recession and because of this people have become a bit concerned about the situation. I think that we have done very well in this year. If all we have done is to spend the revenue reserve balance that came forward from 1974. The new year 1976, I am sure, promises some change. We have seen quite a lot from the beginning of this month with the traffic in the hotels, and I am sure that this will continue.

The criticism which has come to Government is quite in order. I am sure that our shoulders are big enough to take it. What we like is constructive criticism. We like criticisms to be based on facts. Members of Executive Council have been each given responsibility for various subjects and I can vouch for them that each one is working hard, spends long hours in office and puts a lot of effort into all aspects of the job. It's really disappointing to hear the remarks at times being passed to this side of the House, although some members don't like us to use that expression, but this side of the House is really the Executive Council and I am sure that as long as it remains this way, the expression will always be used. But Mr. President we should criticise, as I said, when there is constructive criticism. We should oppose when there is need to oppose, but when we face a period of recession, when we have the hungry public sitting in the gallery and listening to the legislators of the Cayman Islands debating important subject, we should enlighten them and we should encourage them and we should endeavour to avoid creating an image which would tend to lead them to lose respect for the Government, and especially those who hold important positions in the Government. We are very concerned about this, Mr. President, I know that Members talk at times because they are gifted, they have the gift of speech, they can speak for hours and for days - they can create laughter and they can create amusement for the people in the gallery, and they do so sometimes at the expense of criticising Government in areas which, in my estimation, there is no need for such criticisms.

As we move on into the Finance Committee I would like to ask Members' support in examining the 1976 Estimates. We have there New Services and under the Governor's Department three additional bodies are being requested. Mr. President, I am sure that with the position as it is at present you will agree that rather than bringing in new bodies into the service that these three positions could be filled from within the service. I will ask the Finance Committee to approve of these positions and that as they are filled people coming from the other offices will be transferred here and those former positions cancelled, so that the three new positions



HON. V. G. JOHNSON (CONTINUING) are filled and three old positions are cancelled. There will ~~not~~ be an adjustment of the salary. In other words, Mr. President, the establishment will not increase, its only that we are asking for these positions to be available under Head 1, for the appointment, as suggested here.

Under EDUCATION DEPARTMENT I will be asking for two teachers who are now on temporary appointment in the Primary School to be approved as from 1st January, 1976, but that the other teachers will only <sup>be</sup> approved with effect as from the 1st of September, the new school year, 1976. I think this was the intention of the Member, in any case, to ask that these teachers be available for the new school year in September, 1976. Otherwise, Mr. President, I shouldn't think that there would be any serious objection to the proposals in the Estimates of Revenue and Expenditure. The New Services have just a few items, Capital Expenditure, not very much and if we have to cut any of the proposals there then only two projects could suffer from this, that is the port project and the road programme. The balance of it is just small items, what we would call chicken feed. In the Recurrent Budget what has been put forward there, as I said, is the bare minimum, add even below the minimum. We have examined those figures until we have erased until we spent more on erasures this last exercise than we did anything else, so I doubt very much that there will be very much to adjust there, unless members want to do any further juggling.

Mr. President, its getting close to one and although there were a few other small things that I could go on speaking on, I think I will bring the reply to a close and to again thank Members for their contributions, for the support which they have given.

I am sure that after it is all over they will all be happy of what has been put forward. A lot of work and effort has been put into the preparation of the Budget by everybody concerned. Its not just a simple document and simple thoughts put forward - all members have put a lot of effort and thought into it and I hope that this Honourable House will appreciate what has been done on it and hope that it will serve well in the coming year. Thank you, Mr. President.

MR. PRESIDENT: The question is that a bill entitled the Appropriation Law, 1976 be now read a Second Tie.

MEMBERS: ayes.

MR. PRESIDENT: The ayes have it.

BILL GIVEN A SECOND READING.

REFERRAL OF DRAFT ESTIMATES OF REVENUE AND EXPENDITURE, 1976  
AND APPROPRIATION BILL, 1976 TO  
FINANCE COMMITTEE.

HON. V. G. JOHNSON: Mr. President, I will move at this time that the Draft Estimates of Revenue and Expenditure and the Appropriation Bill, 1976 be referred to the Standing Finance Committee.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL AND ESTIMATES REFERRED TO FINANCE COMMITTEE

DATE OF FINANCE COMMITTEE MEETING

HON. V. G. JOHNSON: Mr. President, could I just intimate here to Members that the Finance Committee will meet on Monday morning at 10 o'clock.

ADJOURNMENT

HON. D. V. WATLER: Mr. President and Honourable Members, I beg to move that the House adjourn until after the Finance Committee has had an opportunity to examine the Appropriation Bill and the Draft Estimates.

HON. V. G. JOHNSON: I second the motion.

MR. PRESIDENT: The question is that the House stand adjourned until the bill and the Draft Estimates of Revenue and Expenditure have been referred to the Finance Committee. I would propose that there's a gap of one day between the termination of Finance Committee and the resumption of business as I am sure that Members, all of them, are finding the concentration of effort affecting other sides of their activities. We might appreciate 24 hours grace. So on that understanding I will put the question to the House that the Assembly do now adjourn.

QUESTION PUT: AYES.

MR. PRESIDENT: The Assembly stands adjourned until the day following conclusion of proceedings in Finance Committee.

AT 12.50 PM THE HOUSE ADJOURNED.

MONDAY, 8th DECEMBER, 1975 10 a.m.

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE., JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE., QC.	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, J. P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT).
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE., JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE., JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE.

ORDERS OF THE DAY

MONDAY 8TH DECEMBER, 1975 10 a.m.

PRAYERS. REV. DR. A. N. BANKS

1. PRIVATE MEMBERS' QUESTIONS

- (a) MISS ANNIE HULDAN BODDEN, CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE A. B. BUSH, J.P. MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

What is the total cost of the Administrative building to date?  
What is the cost of the furniture for the Administrative Building  
What is the cost of the Port Facilities (Dock) including the purchase of land to the 27th October, 1975?

What is the cost of the repair of Roads with barger green surfacing to 27th October, 1975?

Will Government state -

- (i) Revenue earned from Cayman Airways, Limited from 1st January, 1975 to 27th October, 1975.
- (ii) Expenditure for the period 1st January, 1975 to 31st October, 1975
- (iii) What amount was spent for catering (Food) from 1st January, 1975 to 27th October, 1975?
- (iv) What is the number of the personnel including Pilots, Stewards and Stewardesses of CAL and Office Staff?
- (v) What is the salary per month paid to the Employees in order of their several positions?

Is it a fact that since April, 1975, the CAL planes have never on any trip had a full compliment of Passengers?

- (b) MR. JAMES M. BODDEN CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE A. B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

Recently wide coverage was given by the press to a party of notable personages hosted at Caribbean Club by representatives of Eastern airlines who came to the island by a special flight. Can you advise whether this meeting was by the invitation of the Cayman Islands Government, were any private meetings held with them and Government Officials? If so, who were the officials present and were any decisions made?

- (c) MR. CRADDOCK EBANKS CONSTITUENCY OF NORTH SIDE TO ASK THE HONOURABLE A. B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

Has the Government custom storage shed at the airport been completed and put into use? What is its cost to date?

How many bids were received to construct this building?

Which one was accepted?

What is the square footage of the building?

What is the outside framework if it is not a butler type warehouse?

Does it contain a cooler or freezer section?

- (d) What was the cost to purchase the Government mail van, who was it purchased from, was it by tender notice and has it had any break-downs? It was purchased to improve mail service - has this been noted? The mail carrier for George Town to West Bay was employed in the Post Office, why was no employment found for the mail carrier from Bodden Town?

2. PRIVATE MEMBER'S MOTION: LEAVE OF THE HOUSE SOUGHT FOR WITHDRAWAL OF MOTION DEALING WITH FIRE FIGHTING EQUIPMENT BY MR. G. HAIG BODDEN

3. GOVERNMENT BUSINESS

- (i) APPROPRIATION BILL, 1976 (REPORT THEREON AND THIRD READING)
- (ii) THE LIGHTHOUSES (AMENDMENT) BILL, 1975 (1st and 2nd Readings)
- (iii) THE COMPANIES (AMENDMENT) BILL, 1975 (1st and 2nd Readings)
- (iv) THE FIREARMS (AMENDMENT) BILL, 1975 (1st and 2nd Readings)
- (v) LOAN (CAPITAL PROJECTS) LAW, 1973 (AMENDMENT) BILL, 1975 (1st and 2nd Readings)

GOVERNMENT MOTION NO.3 APPROVING DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1975 - TO BE MOVED BY THE FINANCIAL SECRETARY.

- (vi) THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL ( 1st and 2nd Readings)
- (vii) THE PATENTS AND TRADE MARKS BILL (1st and 2nd Readings)
- (viii) THE EXPLOSIVES BILL, 1975(1st and 2nd Readings)

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M O N D A Y

8TH, DECEMBER, 1975

10 A.M.

MR. PRESIDENT: I'll ask the Reverend Neil Banks to say prayers.

DR. REV. N. A. BANKS: Let us prayer. Almighty and everlasting God, on this day of the reopening of this Assembly, we pray for thy blessing upon all who have authority over these Islands, Her Majesty the Queen and the members of the Royal Family, for our Ministers of Government, especially for the Governor of these Islands, the Executive Council and the Members of this Legislative Assembly. We pray our heavenly Father that all may be done in <sup>these</sup> Sessions to forward the true good of these Islands that all may be done to thy glory, in Jesus name we ask it. Amen.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

MR. CRADDOCK EBANKS: Mr. President, before we go into the business of the House for the day, I would like to clear-up, by your permission, remarks made by the Financial Secretary in reply to remarks that I made in debating the Budget Speech. He felt <sup>that</sup> on a certain section that I had referred to - as you dealing with the appointments of Civil Servants that in my remarks I had sort of touched <sup>on</sup> the toes of your integrity. Mr. President, I can assure you that if its anyone who has been in the chair for quite a while that I hold the highest respect for as President of this Assembly, its you Sir, and if I in any way led to you any feelings that I might have done, that I apologise, but I still feel, Mr. President, that you only dealt with the report as was handed to you. I thank you Sir.

MR. PRESIDENT: I shall allow that personal explanation under Standing Order 32, and <sup>for</sup> the Honourable Member's information I took no exception to remark made, and certainly did not take it as a reflection on my integrity, either as President or Governor.

MR. JAMES M. BODDEN: Mr. President, could I be permitted under the similar thing to bring up a point Sir. It was covered in the papers by saying that the Financial Secretary referred to some Members' motion, or points, the impossibility of putting the Cayman dollar on par with the United States dollar. I'd like to clear that. I did not mean a Cayman dollar for an American dollar, but based on the old exchange rate of \$2:40 to the pound, to where actually our Cayman dollar would be worth about \$1:25 U.S. that is the context in the way that I meant it in my debate, so I'd just clear so that it doesn't get across that I meant it dollar for dollar to affect the evaluation. Thank you Sir,

MR. PRESIDENT: I take that again as a personal explanation under Standing Order 32.

MR. JOHN D. JEFFERSON: Mr. President, under the same Standing Order 32 - during the debate on the Budget my colleague from West Bay spoke on the cattle being imported from Swan Island, and I feel that I am entitled to make a reply, an explanation in that relation.

MR. PRESIDENT: No debatable material is allowed under Standing Order, it can be a personal explanation of/<sup>what</sup>the Honourable Member said.

MR. JOHN D. JEFFERSON: Yes - well thats - the point that I wanted to make clear Mr. President is that under the Law 1971 - Customs Law - Swan Island's cattle were included into the Schedule. Cattle could be brought in from Swan Island duty free. Mr. President, the other point is that when a cut-off date - when the cattle was seized - beef was seized by the Cayman Islands Customs Department, there had been no published date. Dr. Holland a few years ago was sent to Swan Island to.

MR. PRESIDENT: I cannot allow the Honourable Member to enter into debate again on this, if he is clarifying a point that he made previously this is permissible.

MR. JOHN D. JEFFERSON: Alright - the point that I am making very strongly is that there was no date published for the cut-off of Swan Island cattle, therefore there was no illegal activity going on in the way of bringing cattle in. Once the Government had published a date as a cut-off date - nobody said anything about it. We felt that it was only being fair to the people that were bringing cattle to be able to say this cut-off date to them, so that they would have time to get out what they could, and the thing I didn't quite understand Mr. President, is that after a published date in the Gazette of November 30, 1975, after that day it was published, I couldn't understand why all the furry was about it. I wanted to make that clear, and the other thing is that as far as the health in the cattle is concerned the cattle in Swan Island was attended to by U.S. Department of Agriculture, our own Department of Agriculture attended to the health wise, so therefore it was incorrect to say that the importation of cattle from that Island was posing any threat to the cattle on this Island. Thank you.

MR. PRESIDENT: We will proceed to the first item on the agenda for the day which is "Questions".

#### QUESTIONS

MISS ANNIE HULDAH BODDEN, CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE A. B. BUSH, J.P. MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

- (1) WHAT IS THE TOTAL COST OF THE ADMINISTRATIVE BUILDING TO DATE?
- (2) WHAT IS THE COST OF THE FURNITURE FOR THE ADMINISTRATIVE BUILDING?
- (3) WHAT IS THE COST OF THE PORT FACILITIES (DOCK) INCLUDING THE PURCHASE OF LAND TO THE 27TH OCTOBER, 1975?
- (4) WHAT IS THE COST OF THE REPAIR OF ROADS WITH BARBER GREEN SURFACING TO 27TH OCTOBER, 1975?
- (5) WILL GOVERNMENT STATE -  
REVENUE EARNED FROM CAYMAN AIRWAYS, LIMITED FROM 1ST JANUARY, 1975 TO 27TH OCTOBER, 1975;  
EXPENDITURE FOR THE PERIOD 1ST JANUARY, 1975 TO 31ST OCTOBER, 1975;  
WHAT AMOUNT WAS SPENT FOR CATERING (FOOD) FROM 1ST JANUARY, 1975 TO 27TH OCTOBER, 1975;  
WHAT IS THE NUMBER OF THE PERSONNEL INCLUDING PILOTS, STEWARDS AND STEWARDESSES OF CAL AND OFFICE STAFF;  
WHAT IS THE SALARY PER MONTH PAID TO THE EMPLOYEES IN ORDER OF THEIR SEVERAL POSITIONS;
- (6) IS IT FACT THAT SINCE APRIL, 1975, THE CAL PLANES HAVE NEVER ON ANY TRIP HAD A FULL COMPLIMENT OF PASSENGERS?



ANSWERS

- (1) \$1,773,885:00
- (2) 174,762:75
- (3) THE TOTAL COST WILL BE \$1,009,833:39 BROKEN DOWN AS FOLLOWS:  
CONSULTANTS AND CONTRACTORS FEES \$672,418:29  
PURCHASE OF LAND 337,425:10
- (4) IT IS ASSUMED THAT THE HONOURABLE MEMBER IS REFERRING TO THE HOT MIX ASPHALT SURFACING WHICH IS BEING DONE. THE COST TO 31ST OCTOBER, 1975 WAS \$1,307,270:00
- (5) THESE QUESTIONS ALL RELATE TO THE INTERNAL MANAGEMENT OF A LIMITED LIABILITY COMPANY WHICH IS NOT NORMALLY AVAILABLE TO GOVERNMENT AND WHICH THE GOVERNMENT DOES NOT FIND IT NECESSARY TO REQUEST NOR TO PUBLISH. HONOURABLE MEMBERS OF THIS HOUSE HAVE BEEN TOLD MANY TIMES BEFORE THAT THE CAYMAN ISLANDS GOVERNMENT IS ONLY A SHARE HOLDER IN CAYMAN AIRWAYS LIMITED. AS A LIMITED LIABILITY COMPANY, ENTITLED UNDER THE LAW TO MANAGE ITS OWN AFFAIRS, THE GOVERNMENT CANNOT INTERFERE INTO THIS TO SATISFY THE CURIOSITY OF ANY PERSON. THE HONOURABLE MEMBER IS RECOMMENDED TO SEEK THE INFORMATION DIRECT FROM CAYMAN AIRWAYS LIMITED.
- (6) IT IS NOT A FACT THAT SINCE APRIL, 1975, C.A.L. PLANES HAVE NEVER HAD AT ANY TIME A FULL COMPLIMENT OF PASSENGERS. THE C.A.L. PLANE HAS ARRIVED ON MANY OCCASIONS FULLY LOADED.

MISS ANNIE H. BODDEN: Mr. President, I resent that it is curiosity on my part, certainly not, it is for the good of this Government and its .....

MR. JAMES M. BODDEN: Supplementary, Mr. President, I too could not agree that Members of the House are/<sup>not</sup>entitled to these answers, being its a limited liability company, because the 60% equity in the company owned by the Cayman Islands Government is public money, and is represented by the Elected Members of this House, I think that we do have, or we should be entitled to know what is going on, particularly when it has been covered so much in the debate in the House of the financial difficulties which has made front line/<sup>in</sup>the papers. So in view of us not being able to find out a particular fact, I would/<sup>like</sup>to pose a question to the Member asking him what he is proposing to do to bring the company out of its financial position, that it is supposed to be in now.

HON. A. B. BUSH: Mr. President and Honourable Members, this I think is a matter for the company itself, I don't think I have any proposals to make to bring the company out of its financial situation that it is in.

MR. G. HAIG BODDEN: Mr. President, I would like the leave of the House to make amotion that we debate the reply given to these questions, in-as-much as the replies are totally unsatisfactory, and unacceptable.

MISS ANNIE H. BODDEN: I beg to second that motion.

MR. G. HAIG BODDEN: Mr. President, I refer you to Standing Order 27.

MR. PRESIDENT: I am aware of Standing Order 27, I am looking at Standing Order 23 about notice of motions. Subject to correction by the Clerk I think that it is perfectly proper to put down a motion for debate unless - but I think that notice must be given.

MR. G. HAIG BODDEN: In that case Mr. President, I give the House notice that I will put down the motion for tomorrow morning.

MR. JAMES M. BODDEN: I second that.

MR. PRESIDENT: Under Standing Order 20 normal period of notice is eight days, but the President may allow questions to be asked without notice if in his opinion it is an urgent character. I think that this does touch on the responsibility of Government for answering for statutory boards, and private companies like Cayman Airways, and may be it is well this clarified on the floor of the House so I am prepared to accept twenty-four hours notice in this instance. I'll ask the Clerk to put/on the agenda for tomorrow morning. The Honourable Member will put his motion in writing to the Clerk so that Members may be aware of the exact terms.

MR. G. HAIG BODDEN: Yes, Mr. President, I will supply the Clerk with the written motion.

MR. JAMES M. BODDEN: Supplementary, Mr. President, following on to question number one - what is the total cost of the Administrative Building to date, I'd like to pose a question to the Honourable Member as to the amount of the various bids that were placed and the figure of the one that was selected, Sir.

HON. A. B. BUSH: Mr. President, I am sorry Sir, I am unable to give this - these figures now. I have answered the question which was put to me in writing, and I think the Member will have to put his question in writing so that I can get the figures for him if wants them at a later date.

MR. JAMES M. BODDEN: Could he give us then the figure that was accepted in the original contract for the building of this building.

MR. A. B. BUSH: Mr. President, I really can't do that at this stage.

MR. JAMES M. BODDEN: Supplementary Mr. President, how much was allotted in the contract for the completion of this building.

MR. A. B. BUSH: Again Mr. President, I am unable to answer this.

MR. JAMES M. BODDEN: How much time over-run was caused in the contract due to it taking so long to complete. That is a supplementary, could we have an answer.

MR. A. B. BUSH: Mr. President and Honourable Members, I can't recall the exact time, that's been over the contract, I really can't answer that at this time, Sir.

MR. JAMES M. BODDEN: Supplementary, was there a penalty then in the contract for the time over run.

MR. A. B. BUSH: Again Mr. President, I don't have the contract before me, so I really don't know.

MR. JAMES M. BODDEN: Supplementary Mr. President, could the Honourable Member send for the contract so that he would be able to answer these questions.

MR. A. B. BUSH: No.

MR. JAMES M. BODDEN: In regards to that then being he will not send for it to give us the answers, I ask your indulgence to let me query it a bit further. Would the Honourable Member care to state to the House what amount of bond surety was escrowed to guarantee the completion of this contract.

MR. A. B. BUSH: Mr. President, these are all in the contract Sir, and I can't keep these things in my head, its just impossible for anyone to do it, because there is not just this one contract, there are many contracts, and then we will get the figures confused. I again would say to the Member that if he wants these questions answered, he could either come to the office or put them to the Legislature in writing, when he will get the proper figures presented to him.

MR. JAMES M. BODDEN: Mr. President, I cannot agree with that, because I usually get evasive answers like we're getting now. I would ask the indulgence of this House to adjourn for fifteen minutes while the Honourable Member sends for the contracts so that he could answer these questions, because I have quite a list of supplementaries that for the benefit of the Members of this House we would like to get answers for.

MR. G. HAIG BODDEN: Mr. President, I second that motion.

MR. PRESIDENT: Would the Members not be prepared to put down specific questions unless - its getting very far away from the actual cost. I think it is asking a bit too much of the Member to expect him to field these supplementaries, which I think are getting away slightly away from the actual affirmative questions. I think <sup>if</sup> the Honourable Member would write down these questions, the Honourable Member could either let him have the replies in writing, or further questions could be put down, which would give him time to give exact replies.

MR. JAMES M. BODDEN: Mr. President, I am prepared to bow to your ruling, but we must bear one thing <sup>in</sup> mind that the reason for supplementaries is to keep a Member on his guard, and a Member on a particular subject then should have the material available, expecting that there will be supplementaries, because if we submit questions Mr. President, we usually get very evasive answers, and that is the reason that sometimes our questions have to be couched in the manner that they are couched, and I would very much like to be able to query, and I do not think I am getting that far off the original question. I would bring one thing to the mention of the House, and that is this, that we did submit sort of detail questions on this, but as there was a question already by <sup>one</sup> of the other Members submitted, which was submitted before ours, ours had to be withdrawn, so I still would like very much, either for the Member to let me pursue my line of questioning, or send for the contract, so that he will be able to answer the questions, Sir.

MR. PRESIDENT: Well Standing Order 27, says that supplementary questions will be allowed for the purpose of further elucidating any matter or fact not made clear by the reply. And the question is - what is the total cost, and that has been specifically answered, so that I think the Member is entitled to further notice if we're going into the terms of the contract, penalty clauses and so on.

MR. JAMES M. BODDEN: Bearing on the answer then, Mr. President, and also the question - the question deals with the total cost of the Administrative Building, and in order to arrive at the total cost of the Administrative Building, labour for one thing has to be taken into

MR. JAMES M. BODDEN (CONTD.): consideration. I would like <sup>to pose</sup> a question then to the Honourable Member asking him, that in the original contract which was written two years ago, what was the price that was written in to that contract at that time to be paid to carpenters, electricians and so forth, in order to arrive at a base figure under which the contract was let.

MR. A. B. BUSH: Mr. President, this is just impossible for me to say what wages were paid to workmen when that contract was entered in - I just haven't got those figures in my head. The contract was based on those figures, but I haven't got them in my head, if he wants the answer I would suggest to him that the proper thing to do is to put them in writing, and he will get the answers from me in this Assembly - but it is impossible for me to give him - I would just be giving him figures from the air.

MR. JAMES M. BODDEN: Mr. President, following along this this is very relevant to this House because the Government has had to pay it, and it has been a drain on our resources. I understand that the contract when it was let wages were figured for carpenters, electricians and plumbers at \$2:00 an hour, which meant that that was figure on which labour of that type was paid six or seven years before the contract was entered into, and in order to have <sup>an</sup> over-run which we have had pay it means that we are going back on figures that were based six or seven or eight years ago in order to figure the cost over-run on labour since the contract was let. So that is why these questions are very relevant to this House to find out exactly what was involved in this contract Mr. President, and I would hope that the Member would take it in the manner in which it has been put forward, and try to answer these supplementaries for us so that we could get our minds cleared up on this side of the House. In view of him not being prepared to do this, I will pose another supplementary - will the Honourable Member on behalf of the Government Bench agree to table the contract in this House during this Assembly sitting.

HON. A. B. BUSH: Mr. President, as has already been explained to Members it is not Government's policy to lay any contract between the Government and any company on the table of this House.

MR. JAMES M. BODDEN: Another supplementary following on this Mr. President, in view of the added expenditure which this building has cost, would the Honourable Member care to state whether Government has received all of the discounts, or he is assured that Government has received all of the discounts that should have come to Government from the purchasing agents etc., in regards to furniture and other supplies.

HON. A. B. BUSH: Mr. President, this contract - this project had consultants on it, and I am sure, I feel sure that the consultants on Government behalf took advantage of everything that they possibly could.

MR. JAMES M. BODDEN: Further supplementary, based on the total cost of this building, would the Member care to state what discount did the Cayman Islands Government receive on the recommendation of the consultants in regards to materials that were purchased, was it 10% off a list price, 20% off a list price or 50% off a list price, would the Member care to state.

HON. A. B. BUSH: I don't know Mr. President, I can't answer.

MR. JAMES M. BODDEN: Further supplementary, he does not know, I wonder whether it has been checked into to find out if we did get all of the discounts that were supposed to come to us, or whether some third

MR. JAMES M. BODDEN (CONTD.): party may have benefited.

HON. A. B. BUSH: Mr. President, I think this must be speculation on the Member's part, but I have no idea that any third party was ever brought into any contract for Government, and I am sure as I said before that our consultants on Government behalf have received every advantage for Government that they possibly could.

MR. JAMES M. BODDEN: It is not speculation, it is highly relevant. We are dealing with the people's money, we've spent quite a bit of it on this building - what I am trying to find out is whether the material was purchased - the person purchasing that passed on the benefit of the discount to the Cayman Islands Government, and they do receive these discounts Sir, in purchases of this nature, so I would like to know on behalf of this House whether the Cayman Islands Government received these discounts.

HON. A. B. BUSH: Mr. President, again I must say to the Member if he puts in a question to the House I will go into the matter, and see whether all this what he is asking was done or not. I can't go any further with it Sir, I am sorry.

MR. G. HAIG BODDEN: Mr. President, supplementary question; with regards to the cost of the furniture of this building, can the Member say whether the cost given here compares favourably with other bids, and can the Member tell us where this particular cost stands amongst the other bids.

MR. A. B. BUSH: Mr. President and Honourable Members, I would say it compares favourably with other bids, but we must take into consideration also the type of furniture that is in the building, and this was the type of furniture that was recommended for the building, and I don't think it could be had from any where at any better price.

MR. G. HAIG BODDEN: Mr. President, another supplementary; can the Member say if this was the lowest bid obtained or the highest bid, or actually where did it place amongst the different bids.

HON. A. B. BUSH: I don't know just where this was placed among the other bids, Mr. President, I really don't know. This bid I think was accepted by a Tenders Committee, and I had nothing to do with this, and I know there were several bids, I don't know just where this came in, whether it was under above or what of the others - I know that this was the one that was accepted by the Tenders Committee.

MR. G. HAIG BODDEN: Mr. President, can the Member say if this bid was double that of some of the other bids.

HON. A. B. BUSH: I cannot.

MR. JAMES M. BODDEN: Supplementary, would the Member state whether the delay in the furniture delivery had any cause to increase the overall cost of the furniture to Government.

HON. A. B. BUSH: I don't think so - I don't think that had anything to do with it at all.

MR. JAMES M. BODDEN: How many bids were received, and could you give us the amount of each bid.

HON. A. B. BUSH: I cannot give the figures of the bids Mr. President, other than what is here, the one that was accepted by Government.

MR. JAMES M. BODDEN: Supplementary, would the Member state who recommended the particular companies that this furniture must be purchased from.

HON. A. B. BUSH: I don't know, Mr. President.

MR. JAMES M. BODDEN: Will you on behalf of Government table the list prices and the discounts that the Government received on each of these items, or from each of these companies.

HON. A. B. BUSH: I think this will come in the same as the contracts - I don't think I will be able to table these for you.

MR. JAMES M. BODDEN: Mr. President, I wonder how the Member can be so affirmative in denying us these rights when he can be so evasive when the other questions are put to him.

MR. PRESIDENT: Is that a question.

MR. JAMES M. BODDEN: Yes Sir.

MR. CRADDOCK EBANKS: Mr. President, may I ask the Honourable Member a supplementary question as to the cost of the furniture; does this cover the total amount furniture for the building, in other words has all the furniture been received, or is it other furniture to come.

HON. A. B. BUSH: All the furniture has been received, and this covers it all Sir.

MR. JAMES M. BODDEN: Since we have received all of the furniture, and the Administration Building is completely furnished, would the Member state what has happened to the other furniture that Government had on hand.

MR. PRESIDENT: I think this is going very far from the cost of the furniture for the new building. We will move on to the next question I think.

MR. JAMES M. BODDEN: Mr. President, we have other questions on the port facility and a couple of other things that haven't been dealt with under the question that was put in by the Lady Member from George Town. We were only taking them down the list, I wouldn't want the Member to go to my question next.

MR. PRESIDENT: Are there further supplementaries, please let me have them.

MR. JAMES M. BODDEN: There is a question tabled by the First Elected Member from George Town - what is the cost of the port facilities including the purchase of land to the 27th October, 1975, and we would like to deal with supplementaries under that, and my first question to him would be, as a part of the cost which he has submitted to the House as \$1,009,833.39 whether there was a certain amount of excavation that was not covered in the contract, and which Government had to pay in addition to this, or whether that was paid for by the contractor.

HON. A. B. BUSH: Mr. President, this was the cost up until the 27th October, 1975 as was asked for in <sup>the</sup> question, and this does not include any other cost than what is here, consultants and contractors fees, which is the contractor on the job and purchase of land.

MR. JAMES M. BODDEN: That is not the question Sir. The question I have asked is - whether this particular sum that he has given to us here covers a certain amount for excavation that was done...  
.....POWER FAILURE

HOUSE SUSPENDED  
HOUSE RESUMED

MR. PRESIDENT: Please be seated. Proceedings are resumed.

MR. JAMES M. BODDEN: Supplementary Mr. President, on the third section of the private Member's question - we have been given an answer by the Member responsible that <sup>to</sup> date 1,009,833 dollars have been spent, as a part of that figure I am querying whether this covered a certain amount of excavation, or whether that was paid separately by Government and not included in this figure, or whether that had to be paid by the contractor himself.

HON. A. B. BUSH: Mr. President, Honourable Members, the amount is for what is stated here, its not what the Member is talking about.

MR. JAMES M. BODDEN: Well the work that was done was not done for free, and as it is a part of the port project and the question dealt with the port project, why has it not been brought in.

HON. A. B. BUSH: Mr. President, the figures relate to the cost as of the 27th October, 1975 as was asked in the question.

MR. JAMES M. BODDEN: This money was spent before the 27th October, 1975, why has it not been added to it.

HON. A. B. BUSH: Mr. President, I can't elaborate on that any further, Sir, this is for what it is stated here in the answer in reply to the question that was asked, and no doubt there will be other expenditure which will come later, but not as of the 27th October, 1975.

MR. JAMES M. BODDEN: Further supplementary, being the Member doesn't have the answer to that I will not pursue it any further, but this figure that is given to the House could be affected one way or the other, by a non-fulfillment clause which is normally in contracts, and I would ask the question of the Honourable Member whether there has been a daily fine to the contractor for non-fulfillment in his work to date in regards to this figure that has been given to the House.

HON. A. B. BUSH: I don't <sup>think</sup> it has Mr. President, I don't know what the Member means by non-fulfillment clause, I think the contracting has been going on under the circumstances as well as can be expected, and it has been accepted by the consultants that the work is going on as best as it possibly can under the circumstances.

MR. JAMES M. BODDEN: Another supplementary, again to affect this figure, either to increase it or decrease it, certain contracts of this nature, and this one has I think a similar clause in it that there is a per diem cost for non-fulfillment, and I would not like an evasive answer on this one, Mr. President, because I have the answer to it. What is the per diem cost for non-fulfillment in this contract, and whether the contractor responsible has been called on to pay any of it.

MR. PRESIDENT: With respect I think this is getting too far away from the question - the question is how much money has actually been disbursed on the contract up to a certain date, and this answer has been given.

MR. JAMES M. BODDEN: I abide by your ruling Mr. President, but I still submit that we are in entitled to ask these questions as that is a part of the overall expenditure, and we are trying to find out why this money then was spent. And I will pose another question then that will be - lets say more relevant to this. As part of this cost I am sure that this includes a certain amount of blasting, which was done. Does this price include the blasting, and did Government give permission for this blasting to be done.

HON. A. B. BUSH: Mr. President and Honourable Members, the blasting was the responsibility of the contractor and Government did give permission for the blasting.

MR. JAMES M. BODDEN: Further supplementary, we <sup>have</sup> consultants and contractors fees as \$672,418.29, would the Member state what part has been paid to the consultants.

HON. A. B. BUSH: I cannot state that here, Mr. President, I would have to go to get the exact figures as to what was paid to consultants and what was paid to the contractors. If I give him the figure it probably wouldn't be correct. So the consultants fees as the Member probably knows are not paid all at one time, and there is a certain amount of retention fees held back as the work progresses.

MR. JAMES M. BODDEN: Further supplementary, based on the price that has been given to us for the consultants and contractors fees of 672,418 dollars; does this include the amount that was paid to the U.S. contractor for the work that he did, and could the Member state what that amount that was agreed to be paid was.

HON. A. B. BUSH: No Mr. President, I cannot state this.

MR. JAMES M. BODDEN: Further supplementary, based on the same question and the same answer what was the actual amount that was paid then if you do not know the amount that was agreed to be paid, what was the amount that was paid.

HON. A. B. BUSH: I don't know the exact figure as yet, Mr. President.

MR. JAMES M. BODDEN: Is it true that the fee for doing this job was roughly a 120,000 dollars.

HON. A. B. BUSH: No

MR. G. HAIG BODDEN: Mr. President, supplementary; we understand that the Member is not able to give us the exact figure, but could he give us a rough estimate of the amount that was paid to consultants and the contractors. In other words can he say roughly what percentage would be consultants, and what percentage would be contractors fees.

HON. A. B. BUSH: Mr. President, as I said before I cannot break the figures down to consultants or contractors.

MR. PRESIDENT: I think if the Honourable Member hasn't got this information it will be quite simple for him to give it in writing to the questioners, but he definitely needs <sup>he</sup> access to papers which has not before him at the present time.



MR. JAMES M. BODDEN: Further supplementary Mr. President, this is a subject that is dealt with by the Honourable Member every day, and it is difficult to believe that these questions cannot be answered to the House. I am posing another question to him, Sir; as a part of the figure to consultants and the contractors fees, did the U.S. contractor perform his duties as per the contract and complete it according to the contract before the amount was paid to him.

HON. A. B. BUSH: Mr. President, this work has not yet been completed, but it will be completed by the contractor.

MR. JAMES M. BODDEN: Mr. President, another supplementary; about four months or more have gone by since this contract was begun. A local contractor was to be fined 500 dollars per day for every day over ten days if the job was not completed. Why is it that this job is not completed, and why is it that this contractor is not being charged for this rate every day that the contract is being non-fulfilled, could I have a specific reply to that Sir.

HON. A. B. BUSH: <sup>Government</sup> Mr. President, such a fine was never put in any contract the/ entered into with a contractor to do the excavation. This was agreed that this would be done, and it will be done, I can assure the Member that, and no 500 dollars a day was ever put into it for non-performance, in fact the work has to be done in stages because the contractor and the one who is doing the excavation could not work together at the same time, one had to give way to the other, so this is the reason why most of it hasn't been done.

MR. JAMES M. BODDEN: Would it surprise you Mr. President, and this House if I told you that a local company which I own shares in was approached to do this job, the quote was 40% of <sup>what</sup> the American has done it for, and the fine/that contract that was being negotiated with me as a private person, I think was either 400 or 500 dollars per day for every day over ten days for non-performance. Now this is really a shock to know that this would be levied against a local company, when it was not levied against a foreign company, and I would really love for that to be explained in this House, Mr. President, why? We would have received enough money by this time to pay for the port project if that had been inserted into the contract like it was being rammed into me. I'd like an answer Sir.

HON. A. B. BUSH: Mr. President, I think the Member is probably trying to get in an argument with the House. I wonder if he would tell the House whether this proposed contract which was to have been entered into by him, or some company which he was interested did ever materialize.

MR. JAMES M. BODDEN: Mr. President, could I have your permission to answer that one, Sir.

MR. PRESIDENT: You can ask questions, it is question time.

MR. JAMES M. BODDEN: Well Mr. President, he has levied a question in reply to a question which he should have answered with a direct answer. I cannot answer that unless I have your permission because I am not the one that should be questioned, it is him. I would like to clear it with this House Sir.

HON. A. B. BUSH: Mr. President, if I may say Sir, the contract that he/talking about never did materialize: I'll answer Sir.

MR. JAMES M. BODDEN: Mr. President, I agree that it did not materialize, could I have the chair's permission to explain why it did not materialize.

MR. PRESIDENT: I think you can make a personal explanation under the original question, but I hope the Member can keep it relatively brief, because we're getting into debate on this - this is not the subject for question time. But the Honourable Member may make a personal explanation of his original question.

MR. JAMES M. BODDEN: I thank you very much for your ruling on that Sir. The Honourable Member with consultants approached me in a mad rush to find out how quickly we could get the equipment on hand to do this job, and how long it would take. Originally it was supposed to be done in seven days, through negotiation it was extended to 10 days, on a deal that if the job was not completed as per the contract there would be no money paid - no cost to Government at all for what was done. That was in lieu of putting up a performance bond which they know that most local companies cannot put up. During that time it was stated by every one concerned that a certain amount of blasting had to be done - it was agreed, blasting would be done - two shots of limited power was put in, and that was all. We were then told by the consultants that the Government could not give permission for any blasting - the ecologist was against it - everybody else was against it, and it couldn't be done. We were <sup>then</sup> told that they were surprised that our equipment was on hand two days later ready to do the job - we were then told by the consultants that he had recommended that the job be given to McAlpine for over 200,000 dollars, when we had bid 45,000 for it. The job was then given I understand to an American for roughly 120,000 dollars. Under our contract we had to perform and complete within 10 days or not get paid - 45,000 dollars for the job, and if it went over 10 days pay a fine of either 400 or 500 dollars a day. I am querying it as to why this was not inserted then into the American's contract. Everyone knows that for approximately every day for one month blasting has been done in the dock area - if Government could not agree to let a local contractor blast for say one day; how has it been able to allow McAlpine to blast in the same area for over one month. Mr. President, these are telling questions, and the people of this Island, not Jim Bodden, but the people of this Island are entitled to answers to this, why this amount of money has been spent, and why it was not under the same terms as it would have been to a local contractor, and I will not pursue this subject any longer - at this point I still reserve the right to query the Member on a few supplementaries. Thank you very much Mr. President.

HON. A. B. BUSH: Mr. President, with your permission Sir, if I may - correct some of what the Member said. It is true that as the Member of Government responsible for this subject, along with my consultants went to the Member, because of his interest in a dredge which we thought might have been capable of doing this work for us. But it was discovered - he brought his dredge around and he tried the bottom and he could do nothing at all with it, so the consultants ruled it out altogether, and we had to seek <sup>in order to have this</sup> work done. There was no mention of blasting - we would only have accepted blasting as a very last measure under which this work would be done, and it is not right to say that a U.S. contractor was given 120,000 dollars to do the job, that is incorrect, because it was no such figure even mentioned about it - the main contractor on the job offered to do the work for Government for a sum which Government would not accept, and did not accept, and the blasting as I said before was all on the contractors contract in the digging of the trench, the extra excavation which would have to be made to bring the depth to the required depth for Government was at Government's expense, and this was to have been charged proportionately by the contractor according to the figure which was inserted in the contract for the digging of the trench - this was the excessive material above a certain depth which was agreed upon, or which was required by Government that it be taken down to. But Government did not accept the figure - the overall figure which was charged

HON. A. B. BUSH (CONTD.): them, or which was offered to them by the contractor to do the job.

MR. JAMES M. BODDEN: Mr. President, I am surprised to hear the Member state that no blasting had been agreed on, because that can be proven otherwise, and I will not pursue it. I injected the price of 120,000 dollars intentionally Mr. President, because I had just previously fielded a question asking the cost and he did not know. The American contractor told me that he did the job for 100,000 dollars Sir, and I put the other 20,000 on to see the reaction I would get.

HON. A. B. BUSH: Mr. President, that is absolutely a false statement, Government did not pay 120,000 dollars to any contractor to any work there - the contractor from the States to any work there, or did not agree to it.

MR. PRESIDENT: I'll remind Members that we are still on question number one.

MR. JAMES M. BODDEN: Sir, based on this particular question - how much has been paid to McAlpine under this figure for the trench area that they are working on now in the harbour.

HON. A. B. BUSH: Mr. President, we go right back to where we were before, I really don't know the amount that has been paid under this figure to McAlpine. It was a figure inserted in the contract for the digging of the trench by the contractor, which was bid on and accepted by Government, but I cannot pick out in this figure that I have placed here just what was paid to the contractor, and what was paid to the consultants - this has been asked already.

MR. JAMES M. BODDEN: Now under that particular section then how much do you anticipate paying McAlpine for the trench area.

HON. A. B. BUSH: I really can't truthfully answer that question Mr. President, I mean .....

MR. JAMES M. BODDEN: I'll withdraw it Mr. President. Further supplementary Mr. President, would the Member care to give us the estimated cost that is inserted on the contract with McAlpine for the dock.

HON. A. B. BUSH: I am not sure whether he means the actual bid on the dock by McAlpine, or the contractor or what.

MR. JAMES M. BODDEN: Mr. President, I would have to put the amount that has been entered because I would not want to bring out the supplementaries because they might be too many - just the cost of the contract as is entered there for what they are going to do.

HON. A. B. BUSH: The overall contract I think you're talking about, the overall figure of the contract.

MR. JAMES M. BODDEN: Not the overall contract, because there are a lot of supplementaries which we will have to come back in and vote money for, I am asking what is the amount for A, B, C, D, of the contract that they are going to do.

HON. A. B. BUSH: I really can't state that Sir. I think he is talking about the trenching - there was a sum .....

MR. JAMES M. BODDEN: I withdrew that question Mr. President, the question is the actual cost of the contract that we have with McAlpine - what is the amount inserted on it.

MR. PRESIDENT: Does the Honourable Member mean the total cost of the contract.

MR. JAMES M. BODDEN: The total cost of the contract not including the supplementaries, Sir.

HON. A. B. BUSH: I can't remember the exact figure Mr. President, but I think it was something like a million and fifty something thousand dollars, or something like that, no three million and fifty-seven thousand dollars, I think that is what it was.

MR. JAMES M. BODDEN: Mr. President, following under the fourth section of the private Member's question dealing with the repair of the roads, with your permission I'd like to direct a few questions to the Member in charge. The question - the answer that we have for it is 1,307,270 dollars for the small amount of road repairs that has been done. I would like to ask the Member at this time whether that figure includes the purchase of the hot mix plant, and what was the list price of the hot mix plant.

HON. A. B. BUSH: Mr. President, this includes the price of the hot mix plant, but I cannot tell him the exact figure for the cost of the hot mix plant at this time.

MR. JAMES M. BODDEN: Supplementary, did we get the usual discount that is given on purchases of this nature, and if so what was the percentage when <sup>we</sup> bought the hot mix plant.

HON. A. B. BUSH: I don't know what discount was had on this, this was ordered from the manufacturers in United Kingdom, I don't know what discount was given.

MR. JAMES M. BODDEN: Further supplementary, this is a very large sum of money 1,307,270 dollars, and the hot mix plant we have been told was a part of this figure, was the bid for that submitted to tenders or did we just buy something that somebody advised us to buy.

HON. A. B. BUSH: It was not submitted to tenders because there were no suppliers of such a thing around the Islands, and this was the best quote that we had from all the companies which we enquired about a plant of this size, and the only place that a plant of this size could be obtained was in the United Kingdom.

MR. JAMES M. BODDEN: Further supplementary, following the lines of this question, we have been told that up to the 31st October, 1975 1,307,270 dollars have been spent; would the Member tell us how many miles of road did that cover.

HON. A. B. BUSH: Approximately eight miles, I believe it is 7.8 miles, something like that.

MR. JAMES M. BODDEN: How many miles do we have to do.

HON. A. B. BUSH: We have twenty-eight miles altogether to do in the programme.

MR. JAMES M. BODDEN: Mr. President, just give me a second before I field my next question.

MR. CRADDOCK EBANKS: Mr. President, the Member stated that it wasn't put for tenders because there were no suppliers of this type of equipment, could the Member say how Government got in contact with who then to supply this plant.

HON. A. B. BUSH: This was communicated to the manufacturers in Britain who referred us <sup>to</sup> their agent here Kirkconnell Brothers Limited.

MR. CRADDOCK EBANKS: Mr. President, how can the Member state or know for a fact that there was not any other supplier if notice wasn't put out for tenders.

HON. A. B. BUSH: Mr. President, as I have explained this is a special piece of equipment, we were not aware that anyone here in the Island was suppliers of such equipment - we first communicated with the United States that really supply plants like this, and we heard from several companies, but none of the prices quoted to us were within our reach at all, so this is why we went to the United Kingdom who referred us back to their agent here, Kirkconnell Brothers Limited as their agent.

MR. JAMES M. BODDEN: Oh, so it was done locally.

HON. A. B. BUSH: It was purchased through Kirkconnell the agent for Parker Equipment.

MR. JAMES M. BODDEN: I thought the Member had just told us, Mr. President, that no one locally had any interest in these things or knew anything about it .....

HON. A. B. BUSH: Mr. President, at the time we knew nothing about this, we did not know that there were suppliers of this, until we communicated with the United Kingdom then we discovered that they were the agents, and then the business was done through them. I must say that this is the only type of plant that we could possibly buy - the smallest plant that we could have gotten from the United States, and which we had quotes on and which was far above the price of these - it was one for 85,000 tons of asphalt an hour, which was impossible for us to handle, so we had to resort to this <sup>type</sup> plant because it was the only one which our finances could afford and which we could manage to handle, and this is a 50 ton an hour plant.

MR. JAMES M. BODDEN: Further supplementary, how much did this plant cost us.

HON. A. B. BUSH: The exact cost of the plant I am unable to state right now Sir, I would think that the Member if he wanted these figures he could come to my office and he could certainly have them.

MR. JAMES M. BODDEN: Mr. President, for my next question it really would have been important to receive an answer to the last question, because if my figures are correct it means - based on what has been spent we are spending some-where in the neighborhood of 150 dollars to do what is done in Jamaica for twenty-three dollars. In other words a ton of asphalt, or a ton of this treatment in Jamaica usually covers an area thirty feet wide, five feet long and it cost twenty-three dollars a ton to do it - based on the figures that the Member has submitted to us - we have done forty thousand, five hundred and sixty feet of road with a cost of 1,307,270 which I think would work out to roughly 150 dollars or five times as much. At that rate Mr.

MR. JAMES M. BODDEN (CONTD.): President, it is going to cost us 4,575,445 dollars to do twenty eight miles of road .....

MR. PRESIDENT: Is this a question.

MR. JAMES M. BODDEN: Yes Sir, I am not through with it Sir. I would want the Member to tell the House why is it then that the cost here is so much greater than it would be any other place to be costing us nearly five times as much - what would he account for it - is it the labour - is it the material cost or is it because someone doesn't know what they are doing.

HON. A. B. BUSH: Mr. President and Honourable Members, I guess the Member can make figures - its no doubt about it, but I think he should go over them because his figures are incorrect - I think he is taking - as has been said this is the cost of the equipment - the cost of labour - the cost of material and there is a great amount of material that has been bought that has not as yet been used - there is quite a storage of rock material for the roads and asphalt - the most of this material for the road programme has already been bought and paid for, and has been stored on the site - all the equipment has been bought, so it is not what he is figuring is that this amount of road which is approximately 8 miles of road has cost 1,307,270 dollars - this is not so - this includes material that has been bought and paid for and is stored on the site - most of the material for the road programme has already been bought, and so this includes it all, so its really not as he has figured it - it is that material cost, labour cost, equipment and every thing else is all into this figure.

MR. JAMES M. BODDEN: Further supplementary Mr. President, I am glad to hear the answer that Member just gave us because I qualified my previous question by saying that if he had been able to give me the figure for the material then we would have been able to know how much the rest was going to cost us, so he couldn't/<sup>do</sup> that so the only way to figure it then was to figure the ultimate cost which I see - I see by probing these questions, Mr. President I am really getting down that they do know some of the answers to these things. Any-how my next question I'll leave the costing out. have/<sup>there</sup> been any break-downs on this hot mix plant, and how many hours of production does it cover that we have lost.

HON. A. B. BUSH: Mr. President and Honourable Members, there has been a break-down on the hot mix plant, I'm unable to say just how many hours it covered, I can/<sup>tell</sup> the Member in order to satisfy him that this was repaired and all done by the manufacturers who sent a man down here to have the plant all repaired and is in proper working condition again - it was the fault of the manufacturers not of any operation of the plant by the people who operate it.

MR. JAMES M. BODDEN: So we did have guarantees on the equipment from the plant, is that correct.

HON. A. B. BUSH: Yes.

MR. JAMES M. BODDEN: In view of these break-downs; would the Member care to state if/<sup>he</sup> has a crew of say or ten or twelve working on this, and a break-down occurs 9 O'clock in the morning after the men have started to work at 7:30 .....

MR. PRESIDENT: I am afraid this is introducing new matters to the original question - we're getting very, very far away from the cost of the road programme - we're debating about the Barber Green equipment it-self, and it is becoming a debate.

MR. G. HAIG BODDEN: Mr. President, can the Member say if the cost given here is in keeping with the estimates which we were given at the outset - just to refresh his memory I would say that sometime ago we were told that this road would cost about nine dollars and sixty cents per foot - can he say if the expenditure so far is above that estimate or below it.

HON. A. B. BUSH: Well, not taking into account the escalation in prices - the price of bitumen and everything else that goes along with it - but we're well within our figure of the work done that was estimated for, so it does in a sense cover it, taking away what escalation in bitumen and, I think we had a firm contract on the rock which I don't think has risen, but the bitumen has, so it is an increase there, but we're well within our figure to do what work we had to do up until the time of the escalation of the bitumen.

MR. JAMES M. BODDEN: Another supplementary, Mr. President, in view of us having spent 1,307,270 dollars would the Member state whether that figure includes wages that have been paid to the employees who have reported for work in the morning and the hot mix plant was broken down, and they had to leave, and how many days would it cover that type of payment.

HON. A. B. BUSH: I don't know how many days that covered, Mr. President, surely I think the Member should understand that if a man reported for duty and through no fault of his that he was unable to work, I think that it is reasonable to expect that the Department would pay him for the day's work - if he is getting on to where he is thinking that this has gone <sup>on</sup> from day to day, or week to week or month to month I think he is absolutely wrong, I don't think the Department has paid anyone for just sitting down because the plant was broken down - if any of the men working on that plant were reporting for work after that they certainly were doing other jobs besides that.

MR. JAMES M. BODDEN: Mr. President a further supplementary, see the reason we are trying to find this out - this amount of money has been spent - the plant was not put out to tenders so no one knows whether we got the best for our money that we could have gotten, and we have had a lot of break-downs which may not have occurred in another equipment so we still have to find out what has necessitated this additional expenditure, and this is the reason we have to probe this way in trying to find out whether it has happened. My next question would be whether this figure of 1,307,270 dollars covers any Government material that may have been lost from Public Works that was bought to do this job with.

HON. A. B. BUSH: Mr. President, I know nothing of any material that was lost by Public Works, this has never been reported to me, I don't know anything about this, and this covers the material that was bought for the purpose of the road programme.

MR. CRADDOCK EBANKS: Mr. President a supplementary, could the Member say approximately how much time has been lost from the break-down of the plant over approximately nine months since the road project started.

HON. A. B. BUSH: No Mr. President, I cannot say.

MR. CRADDOCK EBANKS: Further supplementary Mr. President, could the Member say if <sup>his</sup> has any knowledge, or what seems to be the starting time most of the time of the first delivery of hot mix to the site that seems to start between 10 and 12 in the morning.

HON. A. B. BUSH: Mr. President, the Department has been trying to start as early as possible on the work on the roads in the morning. May be the Members here don't fully understand all the implications of having the plant heated up. I understand that there are two men who report for duty at 5 o'clock in the morning in order to have the hot mix plant going. There are a lot of factors that have to be taken into consideration that is; the dampness of the material which has to be put into the machine thoroughly dried before it can be mixed - I think all of this has been looked in to - the Department is doing everything possible - I have been at them myself, and I've heard complaints from people who say they never start work until a certain time in the morning - I've gone into all of this and I can assure Members that they get to work as quickly as possible; it all depends of course on the plant being able to dry out the material and have it mixed.

MR. CRADDOCK EBANKS: Another supplementary Mr. President, could the Member say how long does it take the plant to be heated to be ready to start production of drying the material for mixing.

HON. A. B. BUSH: Mr. President, I don't know exactly just how many hours it takes the plant, its not altogether the plant to be heated, but it depends as I said on the condition of the weather - whether it has rained over night and the material is wet, which has to be put into the mixer, dried thoroughly before it can be mixed; I am unable to state exactly what time - ordinarily they try to get to work between 9 and 9:30 in the morning under normal conditions, but if the material is damp and very wet, naturally it has to be given a longer time to dry out than if it was normally dried.

MR. CRADDOCK EBANKS: Mr. President, that is far away from the question I asked, if I could clear the thinking of the Member as using this as an illustration - to get so many pounds of steam from a boiler the furnace has to <sup>be</sup> going for so many hours to give you 500 pounds of steam pressure before the engine can be in operation, I am only asking; the question how long does it take the plant to be heated; is it ten minutes, fifteen minutes, one hour or two hours to start mixing the material - drying out the material; my common sense would tell me that when the material is dry after it goes into the plant its only a matter of a few seconds then to be cleaned up and what not, but if it is wet it will probably take five minutes; I am only asking what or how long does it take the plant itself to be heated.

HON. A. B. BUSH: I don't know Mr. President, I think I answered that question that I didn't know just how long it took the plant to heat up, and then I went on to explain about the material.

MR. CRADDOCK EBANKS: Mr. President, the Member ought to know this, and then he will know whether the job is started on time or whether - or what is happening, and I can't see that under the instructions of operation that Public Works should have to operate the plant that it doesn't give a timing as to the time of the plant being heated ready to work. A further supplementary Mr. President, could the Member say then what does it cost per ton to mix.

HON. A. B. BUSH: No Mr. President, I cannot.

MR. CRADDOCK EBANKS: Another thing the Member ought to know Mr. President, he don't know then so he don't know how much it cost. Can the Member say Mr. President, if he can recall approximately what the contractors said that they would do this twenty-eight miles of road for.



MR. PRESIDENT: I am afraid that's far, far removed from the original question.

MR. CRADDOCK EBANKS: I accept your ruling, Mr. President, a further supplementary - I hold back Mr. President, thank you.

MR. JOHN JEFFERSON: Can I ask a supplementary question Mr. President, the Member stated that so far we spent 1,307,270 to do 7.8 miles of road, does the Member still feel that the twenty-eight miles of road can be completed for what was estimated originally.

HON. A. B. BUSH: No Mr. President, it cannot be completed I think I explained that already, there were escalated prices in bitumen which will account for the additional cost.

MR. JAMES M. BODDEN: Further supplementary, in view of <sup>what</sup> the Member has just said would he tell us how much additional the twenty-eight miles of road will cost other than we had budgeted for.

HON. A. B. BUSH: Mr. President, it would be useless for me to try to arrive at a figure of what it will cost, I think the estimated cost of the whole road programme when the Public Works undertook to do it was something like \$1,400,000, the Member I think previous to this one who asked the question wanted to know just how much a contractor would do it for, let me say this to Members here that the Public Works will do the roads for much less than what the contractors would have done it for, and I am unable to estimate at this just what the additional cost will be, but if the Members would like this I could get this from the Chief Engineer at Public Works as <sup>to</sup> what the estimated cost of the completion of the road programme will be, adding the increase in cost of bitumen and other materials.

MR. JOHN JEFFERSON: Mr. President, on supplementary question that is to the Member, with the increased cost of this bitumen could he say approximately how much per mile will <sup>it</sup> cost to build the road.

HON. A. B. BUSH: I really don't know Mr. President, it wouldn't be any good of me trying to guess at a figure for the Member.

MR. JAMES M. BODDEN: Mr. President, sometimes there are lots of remarks made about my figures from the other side of the House, but if I gathered correctly what the Member said he said originally Public Works undertook to do this job for \$1,400,000 for twenty-eight miles, at the rate of expenditure to date this amount of money will only cover about eight miles, so it seems like somebody in Public Works really needs to put their figures together, so I wonder whether the Member could tell us whether Public Works will be able to come up with a figure now that the other twenty miles will cost, so that this House may be able to intelligently consider it. Eight miles have cost so far what originally twenty-eight miles was supposed to cost, could he have an idea then of the other twenty miles are going to cost us.

HON. A. B. BUSH: Mr. President, it is incorrect for the Member to say that eight miles have cost <sup>that</sup> what twenty-eight miles would have cost. I explained that this figure <sup>is</sup> before us here takes account of all the plant and the materials that has been bought, the greatest expenditure that is left for the road programme is labour, and I know the Member might see in the estimates a figure inserted, <sup>not</sup> all this will <sup>it</sup> together cover it, the twenty-eight miles of road, but it will go a long way in doing so, and I cannot estimate the cost of the completion of the roads at this time, but I can go into this with the Chief Engineer of Public Works and the Member can have the figures whenever he so requests them.

MR. JAMES M. BODDEN: Mr. President, would the Member then tell us whether the \$1,400,000 that Public Works originally estimated that this job would cost, did that include the purchasing of equipment as well as labour, or was that just strictly a labour figure.

HON. A. B. BUSH: That included the road programme Sir, at the time it was accepted by Public Works.

MR. JAMES M. BODDEN: Well Mr. President, I hope then that this House will see the relevancy in our questioning, because if Public Works originally estimated the twenty-eight miles including equipment would cost 1,400,000 dollars, and to date that amount of money has been roughly spent on eight miles, then it is time, Mr. President that somebody get a slide rule a computer or something else and do better figuring, because we were going .....

MR. PRESIDENT: I must ask the Honourable Member to ask a question.

MR. JAMES M. BODDEN: I am going to ask my question Sir.

MR. PRESIDENT: You're making a very long statement.

MR. JAMES M. BODDEN: Well Mr. President, I'll pose this question then; will the Member inform us as to where we are going to find roughly three more million dollars to do the other twenty miles of road with.

HON. A. B. BUSH: Mr. President, as the Member knows we have provided in the estimates, if I am not mistaken 225,000 dollars for the roads programme, this will not as I said complete it - I think the Public Works Department requested 600,000 dollars, but because of the lack of funds it was seen that we should put in just 225,000 which we could afford, and wait and see if the financial position improved in the year ahead to get the 375,000, I think this is the position, and this will be the additional cost should we say 600,000 dollars.

MR. JAMES M. BODDEN: A supplementary then Mr. President, based on the figures the Member has just given us 225,000 at the cost at which we are going now will do roughly a half of mile of road. What is going to happen for the rest of the year when that half mile road is done, are we going to do any more or are we going to stop.

HON. A. B. BUSH: I think Mr. President, the Member is confusing the figures - 225,000 dollars he said will do so many miles of road again - this is not so Sir, what I tried to explain if he is basing it on the figures which have been submitted there is a tremendous amount of material which has been purchased, and as I explained that the greatest cost left on the roads is the labour cost - out of this was bought the equipment, all the equipment and bitumen, and rock for the road programme, if <sup>he would</sup> just go to Public Works Department he will see the tremendous amount of material that is stored there, not altogether to complete the road, but the greater part of it has been bought, and what has been submitted is the additional cost that it will take - increase in labour and bitumen and every thing else - so I think he has his figures all crossed up Sir, he is basing it that 225,000 dollars will do a mile or so of road more - this absolutely wrong.

MR. JAMES M. BODDEN: Mr. President, my figures are not mixed up I am dealing with his figures. Originally we were told nine dollars and sixty cents <sup>was estimated</sup> for a running foot, that means that 225,000 dollars would cover roughly about twenty-four .....

HON. A. B. BUSH: Interruption Mr. President, where did he

HON. A. B. BUSH (CONTD.): get the nine dollars and something cents for a foot of road, I never divulged that in this House, I never made no mention of it here at all, I don't know where the Member has gotten his figures from, we never measured it by the foot Sir.....

MR. JAMES M. BODDEN: Mr. President, I think the Member better refresh his memory or either look at the Hansards - that would do approximately twenty-four thousand feet of road, which is only a little over four miles or about four and half miles of road, but at the cost that it is costing us now Sir, it can only do about half a mile. Can the Member tell us then what is going to happen then when this amount of money is spent, are we going to stop our road project or what are we doing to do.

HON. A. B. BUSH: Well I think he is as good judge as I am, if there is no money to go on with the road programme, we will have to stop it Sir.

MR. JAMES M. BODDEN: In view of that then why have we allowed the road project so far to cost us so much additional money than it should have cost.

HON. A. B. BUSH: Mr. President, it has not cost us any additional money Sir, the amount of money was voted for the road programme \$,400,000 was the estimated cost of the road for twenty-five miles of road, which was to purchase the equipment, to purchase the material and to pay for the labour, the Member should understand that there has been an increase in the cost of bitumen over which we had no control, and so far we have not spent even the 1,400,000 dollars.

MR. JAMES M. BODDEN: Mr. President, certainly the cost of bitumen would not have increased this 350% and that is what we are talking about there has only been .....

MR. PRESIDENT: I must ask the Honourable Member to put a question, he is continuously making statements before making a question, this out of order.

MR. JAMES M. BODDEN: Well Mr. President, based on the Member's figures we will only be able to do about four and half miles of additional road, are we going to stop when that much is done.

HON. A. B. BUSH: As I say again Mr. President, he is as good judge of that as I am. We are endeavouring to get all we can for the money we are spending, if it cannot do the amount of road that was anticipated then we will have to stop it.

MR. PRESIDENT: Can we make progress towards the second question on the Order Paper.

MR. JAMES M. BODDEN CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE A. B. BUSH, JP., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

RECENTLY WIDE COVERAGE WAS GIVEN BY THE PRESS TO A PARTY OF NOTABLE PERSONAGES HOSTED AT CARIBBEAN CLUB BY REPRESENTATIVES OF EASTERN AIRLINES WHO CAME TO THE ISLAND BY A SPECIAL FLIGHT. CAN YOU ADVISE WHETHER THIS MEETING WAS BY THE INVITATION OF THE CAYMAN ISLANDS GOVERNMENT, WERE ANY PRIVATE MEETINGS HELD WITH THEM AND GOVERNMENT OFFICIALS? IF SO, WHO WERE THE OFFICIALS PRESENT AND WERE ANY DECISIONS MADE?

ANSWER

THE GOVERNMENT HAD NO RESPONSIBILITY FOR THE LUNCHEON WHICH WAS HOSTED BY OFFICIALS OF EASTERN AIRLINES TO WHICH A NUMBER OF LEADING CITIZENS INCLUDING SOME SENIOR OFFICIALS OF GOVERNMENT WERE INVITED. NO PRIVATE MEETINGS WERE HELD WITH ANY GOVERNMENT OFFICIAL.

MR. PRESIDENT: If there/<sup>are</sup>no supplementaries we will proceed to the third question.

MR. CLAUDE M. HILL: I would like/<sup>to ask</sup>supplementary Mr. President, I think the Member did not answer the question as to any decisions made.

HON. A. B. BUSH: Mr. President, if there was no meeting with any officials how could there be any decisions made.

MR. PRESIDENT: Proceed to the next question.

MR. CRADDOCK EBANKS CONSTITUENCY OF NORTH SIDE TO ASK THE HONOURABLE A. B. BUSH, JP., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

- (a) HAS THE GOVERNMENT CUSTOM STORAGE SHED AT THE AIRPORT BEEN COMPLETED AND PUT IN USE? WHAT IS ITS COST?
- (b) HOW MANY BIDS WERE RECEIVED TO CONSTRUCT THIS BUILDING?
- (c) WHICH ONE WAS ACCEPTED?
- (d) WHAT IS THE SQUARE FOOTAGE OF THE BUILDING?
- (e) WHAT IS THE OUTSIDE FRAMEWORK IF IT IS NOT A BUTLER TYPE WAREHOUSE?
- (f) DOES IT CONTAIN A COOLER OR FREEZER SECTION?

ANSWERS

- (a) YES. ITS COST TO DATE IS \$45,270:57
- (b) THE BUILDING WAS A PRE-ENGINEERED STRUCTURE AND ONLY HAD TO BE ERECTED FOR WHICH NO BIDS WERE INVITED.
- (c) SEE ANSWER TO (B).
- (d) 7,200 SQUARE FEET.
- (e) THE QUESTION IS NOT UNDERSTOOD AS THE FRAMEWORK OF THE BUILDING MUST BE ON THE INSIDE. THIS HOWEVER IS COVERED WITH A STEEL CLADDING. THE REFERENCE TO A BUTLER TYPE WAREHOUSE IS NOT UNDERSTOOD SINCE THE WAREHOUSE IS A PRE-ENGINEERED OR PRE-FABRICATED BUILDING AND BUTLER TYPE BUILDINGS ARE SIMILAR.
- (f) NO.

MR. CLAUDE M. HILL: Mr. President, with your permission Sir, a supplementary question - can the Honourable Member state if the building is subject to leaks from rains at present.

HON. A. B. BUSH: I didn't get that Mr. President.

MR. CLAUDE M. HILL: Is the building at present subject to leaks from rain.

HON. A. B. BUSH: Well subject to leaks I suppose you can say that most any building is subject to leaks, but if the Member is getting at - after the construction of the building after the rains it was discovered that there were a few leaks around the lights in the building in the top, and this has already been taken care of I can assure the Member.

MR. JAMES M. BODDEN: Further supplementary Mr. President, if there were bids in the construction of this who was responsible for the construction was it the Public Works Department.

HON. A. B. BUSH: No it wasn't. Hadsphaltic International was the contractor.

MR. JAMES M. BODDEN: Yet we were told that it was <sup>not</sup> necessary to put it out to bids, but yet a private contractor has gotten it. Am I sure that the figures that I have are correct that the cost of this shed was 45,270 dollars, or is that <sup>a</sup> typographical error.

HON. A. B. BUSH: No that is the cost of the shed.

MR. JAMES M. BODDEN: Does this storage shed area contain also a cistern.

HON. A. B. BUSH: Yes but this is not in the shed Mr. President. The question I was asked was what is the cost of the Government storage shed at the airport.

MR. JAMES M. BODDEN: How large is the cistern.

MR. PRESIDENT: I think that is an extra question. The cistern I think is separate from the building if I'm .....

MR. JAMES M. BODDEN: Mr. President, with all due respect to your ruling, but a cistern is always considered in the Cayman Islands a part of the building, because we have to depend on it for a water supply. If we do an appraisal for a home, we do of a building or anything else the cistern is considered as a part of that thing. Any how I will put a further question - what is the total cost so far of the structure at the airport that we as Legislative Members know of as a custom shed, what is the total amount of money spent to date in that little enclosure there.

HON. A. B. BUSH: That wasn't the question Sir. The question let me read the question to the Member Sir. Has the Government custom storage shed at the airport been completed and put into use? What is its cost to date? This is the question I answered Sir. If he wanted the cost of the cistern he should have asked me then.

MR. JAMES M. BODDEN: With all due respect on a supplementary, but we are cutting things very fine here, the Member quite knows that he is a local man same as I am - the local custom. Would the Member then tell us what brand of building this is, and who it was purchased from.

HON. A. B. BUSH: This was purchased in the United States Mr. President, and it was purchased at the best price that we could possibly get it, I can assure the Member that, no body made any off it.

MR. JAMES M. BODDEN: Further supplementary, who purchased it for us.

HON. A. B. BUSH: The Department - it was purchased through the Department of Public Works.

MR. JAMES M. BODDEN: What was the original cost then of the material when it was purchased.

HON. A. BUSH: Mr. President, I think the first cost of this building purchased in the States was something like, if I am not mistaken was 26,000 U.S. dollars or something of the sort - I haven't got the exact figure.

MR. CLAUDE M. HILL: Mr. President, with your permission Sir, I have a supplementary question to ask on question (F) which the answer to question (F) was no. Now I am asking can the building be used as a freezer section, or certain sections of that building be used as a freezer section.

HON. A. B. BUSH: Mr. President, as I said there is no freezer in the building, surely we could put coolers in it if the money is available to do<sup>so</sup>, but there is nothing like that in it now, in fact it has never been the policy of Government to store refrigerated stuff any how, so this was not provided for.

MISS ANNIE H. BODDEN: Mr. President, I would like to ask if in the purchasing of this shed the materials did any member of Government go abroad to purchase it, or was it purchased through the person who did the erection.

HON. A. B. BUSH: Yes Mr. President, I went to Miami and I saw a building similar to it, and I came back and went into the matter with the Director of Public Works, and we agreed that this was the type of building that we needed, that it was something apart from the other buildings of that type that were erected here, and we decided that this was the best buy that we could get for the money.

MR. JAMES M. BODDEN: Supplementary, would the Member care to state the amount that was paid to Hadsphaltic to do their job then on this - the freight shed.

HON. A. B. BUSH: Mr. President, I can hardly remember the exact amount that was paid to the contractor for actually the erection of the building, I haven't it in my head just at the moment, Sir.

MR. JAMES M. BODDEN: Mr. President, my next question I would like for the Member to think about it a bit before he answers it - he has stated that the size of the building is 7200 square feet, the cost to date is 45,270 dollars, which works out at six dollars and twenty-eight point eight cents per square foot, and he has told us that the first cost was around 27,000 which with the freight on it would mean that it would have cost about \$28,000 Cayman by the time it landed here, which means that there is only 17,270 left, or about 2 dollars 40 cents per square foot for labour, the incidentals and so forth and so on, can the Member state whether it was constructed by Hadsphaltic for roughly two dollars and forty cents per square foot, or that they did not receive more than about \$17, 00 to do the job.

HON. A. B. BUSH: Mr. President, as I said this was the total cost of the shed, I don't have the figures of just what was paid to Hadsphaltic, he can work out his own as to what Hadsphaltic might have had from it, this is the cost of the freight shed and this is what they wanted, and this what it is before them, I mean I told them it was approximately something like 26,000 U.S. dollars, the first cost of the shed, well the freight all like this was added to it, and actually what Hadsphaltic got out of it, I haven't got the figure.

MR. JAMES M. BODDEN: A further supplementary Sir, it seems difficult to believe that for the many months this building was under construction that Hadsphaltic did not receive more than 17,500 dollars to do that job, and I am certain, Mr. President, that some place in the Hansards here or in some other records you will find that we were told at one time that this <sup>was</sup> costing roughly 120,000 dollars, and I am not putting the other 20,000 dollars on in this case, and we would like to know whether this 45,270 dollars, just what does that cover Sir, because it is impossible on these figures with construction costs in Cayman for that thing not to have cost more than six dollars and twenty-eight point eight cents a square foot to do. What is the correct figure, does this thing include the whole thing or just does this include purchasing it, just what does it include, some figures are wrong some place, because they are not mixing up with the other figures that we had been previously given.

HON. A. B. BUSH: The cost I have given Sir, is the cost of the building, he must understand that other work was done which was a cistern, I think it is a 120,000 gallon cistern was put in up there, and the grounds and everything were cleaned up and filled - a lot of work done there, but this <sup>is</sup> actually the cost of the building itself, any other cost is additional, it doesn't mean that that was all you spent at the airport or in the vicinity of the freight shed, but there were additional cost as I said - fill, grounds and cistern and things like that, and also what was added to this which was done by Public Works Department was the Customs and Airlines offices all of this was done, and I think altogether what was spent on this was something like 217,000 dollars was spent on the whole area, well but we are talking about the shed remember, you're not talking about the entire area.

MR. JAMES M. BODDEN: Mr. President, further supplementary if we can get this type of work done for two dollars and forty cents a square foot, will the Member assure us that in all Government contracts in the future they will not be put out to bids, but they will be given to Hadsphaltic at this rate Sir.

HON. A. B. BUSH: No I can't assure you.

MR. CRADDOCK EBANKS: Mr. President a supplementary, since the Member has stated that it was not put out to contractors or out for bids, can the Member say what agreement was reached between Government and Hadsphaltic as to the payment whether it was by a contracted agreement or on a daily basis.

HON. A. B. BUSH: Mr. President, with your indulgence Sir, if I could explain to the Assembly - first of all we thought that this work might have done by the Public Works Department, but because of the frame being so heavy, the building being so high - over twenty feet from the plate - the Public Works had no equipment in which to erect the building. Hadsphaltic - we inquired from other contractors - just verbally of course - no tender as I said was put out - but we inquired from other contractors and we got the best price from Hadsphaltic. Hadsphaltic was just about to complete the Police Station and they agreed that they would take the building on the very same terms as the Police Station was taken for Government, which was at that time satisfactory to Government, and they had all the equipment in which to do this work, and there wasn't anybody else here at the time who was free really to do this, I think there was only one other contractor beside McAlpine who does any of this type of work at all, and their figure was far in excess of what we expected to pay for it, and we didn't accept it, so we approached Hadsphaltic and he offered to do it when he was through with the Police Station on the same terms for Government as what the Police Station was built. Of course there was extra cost on labour, because labour went

HON. A. B. BUSH (CONTD.): up I think after that, but I can assure Members that we got the best price possible on the erection of this building, and may be this accounts for the very small figure in the cost of the shed, and as the Member said it is a pity we couldn't have this on all of our contracts.

MR. CRADDOCK EBANKS: Mr. President, it was mutual contract between Government and Hadsphaltic. Can the Member say Mr. President, why a cooler/freezer was not included into the building, there could be times when perishables may have to stay overnight or a day as the case may be.

HON. A. B. BUSH: Mr. President, as I have explained there has never been the policy of Government to store refrigerated cargo, and apart from that the finances were not available for equipment to do so, so this is the reason why it wasn't put in there, if of course in the future the policy of Government changes, where this may become a necessity we may be able to find the money to do it, and I can assure the Member that if the money is found to do it we can put in.

MR. CRADDOCK EBANKS: A further supplementary Mr. President, why the office part of the warehouse was not included when the whole thing was under construction, why was that left to be done after.

HON. A. B. BUSH: The Customs and Airlines offices were not included in the original plan for the building, it was thought that we would just have a small place set aside in the building for the Customs, but after the shed was constructed the Airlines were anxious to have an office, and there was no accommodation in the shed itself for them, so it was decided to put this building out by the shed in order to accommodate the Airlines and the Customs. There are three offices there - two for the airlines and one for the customs.

MR. CRADDOCK EBANKS: A further supplementary Mr. President, will the Airlines be leasing these offices in the warehouse.

HON. A. B. BUSH: Yes, they will be using them, as of yet they haven't really organised themselves into this, but they certainly want to do it to separate the freight from any communications with the terminal building itself.

MR. CLAUDE M. HILL: Mr. President, another supplementary question Sir from the Honourable Member - if a freezer section was installed or plans made for in this present building wouldn't we be better off than placing frozen goods into private places all over the Island.

HON. A. B. BUSH: I don't understand the question - who is placing frozen goods in freezers all over the Island. This is the responsibility of the consignee to take his goods from the warehouse, whether frozen or otherwise, we have no storage for it.

MR. CLAUDE M. HILL: Mr. President, with the greatest of respect Sir, frozen goods does not mean a consignee all the time, sometimes you have planes that do stop here and are broken down with frozen cargo, and the cargo has to be sent to various parts of the Island Sir.

HON. A. B. BUSH: Mr. President, this is a matter which Government hasn't gone into Sir, hasn't had any request for any storage I can assure you, at least not that I know of, I don't know whether the Financial Secretary knows anything about it, but I haven't had any request for any storage of refrigerated cargo in any Government building.



MR. CRADDOCK EBANKS: One last supplementary Mr. President, with the statement - the Member replying to the question - he said that he didn't understand out of the question what Butler warehouse meant, but in his closing answer he said - practically the same, so somebody must have understood what Butler meant by giving the answer as practically the same.

MR. PRESIDENT: Perhaps we can move on to Her Majesty's mails.

MR. CRADDOCK EBANKS CONSTITUENCY OF NORTH SIDE TO ASK THE HONOURABLE A. B. BUSH, JP., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

- (a) WHAT WAS THE COST TO PURCHASE THE GOVERNMENT MAIL VAN, WHO WAS IT PURCHASED FROM, WAS IT BY TENDER NOTICE AND HAS IT HAD ANY BREAK-DOWNS?
- (b) IT WAS PURCHASED TO IMPROVE MAIL SERVICE - HAS THIS BEEN NOTED?
- (c) THE MAIL CARRIER FOR GEORGE TOWN TO WEST BAY WAS EMPLOYED IN THE POST OFFICE, WHY WAS NO EMPLOYMENT FOUND FOR THE MAIL CARRIER FROM BODDEN TOWN?

ANSWERS

- (a) THE PURCHASE PRICE OF THE MAIL VAN WAS \$2,964.00. IT WAS PURCHASED FROM VAMPT MOTORS LIMITED. IT WAS NOT PURCHASED BY TENDER SINCE VAMPT MOTORS LIMITED WERE THE ONLY DEALERS IN THE ISLAND SUPPLYING THAT TYPE OF VEHICLE. THE VEHICLE HAS HAD NO BREAKDOWNS.
- (b) YES.
- (c) NO MAIL CARRIER WAS EMPLOYED BETWEEN GEORGE TOWN AND WEST BAY. A CARRIER WAS EMPLOYED FROM WEST BAY TO GEORGE TOWN. THIS CARRIER WAS ALSO THE MESSENGER IN THE WEST BAY POST OFFICE AND HAD HELD THAT POSITION LONG BEFORE SHE BECAME THE MAIL CARRIER. WHEN THE SERVICE WAS DONE AWAY WITH, THE EMPLOYEE MERELY CONTINUED IN HER SUBSTANTIVE POST OF MESSENGER. THIS WAS NOT THE CASE WITH THE MAIL CARRIER FROM BODDEN TOWN.

MR. G. HAIG BODDEN: Mr. President, can the Member explain the difference between from West Bay to George Town, and from George Town to West Bay.

HON. A. B. BUSH: I think Mr. President, if I may say that the answer explains that that they were not employed in the Post Office in George Town they were employed in the Post Office in West Bay, so we take it that it was a mail carrier from West Bay to George Town and not George Town to West Bay.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member that when this carrier was employed from West Bay to George Town, did not the Carrier take mail from George Town to West Bay.

HON. A. B. BUSH: Yes Mr. President.

MR. PRESIDENT: Are there no further supplementaries.

MR. CRADDOCK EBANKS: Yes Mr. President, can the Member say what is the benefit of improved mail service to the Eastern Districts out of this new mail system.

HON. A. B. BUSH: The benefit I think Mr. President, is that the mail is being carried regularly now in the mornings instead of the afternoons as it was in the case in most of the Districts, and it is delivered as soon as possible after it arrives in the Post Office, and I think it is an improvement over the service, I am told that it is working very satisfactorily and the Postmaster is very pleased with how it is going on.

MR. CLAUDE M. HILL: Mr. President, with your permission Sir, I'd like to ask the Honourable Member another supplementary question - I would like to find out from him if the purchase of the mail van from Vampt Motors cost less than importing one, which I would say would be more designed for mail carrying.

HON. A. B. BUSH: Mr. President, as I said in the reply to the question that Vampt Motors were the only suppliers of this particular type of wagon which we considered was suitable for the mail service, and so we simply stopped there, we went nowhere else to look one, or we didn't certainly go abroad to see if we could get a better price, because we didn't know where we would find the type of wagon, but after being shown the one from Vampt Motors we decided that this was the type of thing that was suitable to carry the mail, and this is what was bought.

MR. CRADDOCK EBANKS: Mr. President a further supplementary, the Member stated that the mail <sup>goes</sup> /out daily, seemingly more or less in the morning - what is the difference in the mail going out daily in morning through Monday to Friday, than going out in the evening on a lot of occasions, lot of times from Monday until Saturday. Mr. President, what I am trying to find out what is the improvement into the system.

HON. A. B. BUSH: Mr. President, as I said the system has improved according to the Postmaster, she is satisfied that there is an improvement in the system of mail carrying in the Districts.

MR. CLAUDE M. HILL: Mr. President another supplementary question with your permission Sir, I would like to ask the Honourable Member if the van purchased is actually a mail van or any van used for any other purpose, because a mail van is <sup>of</sup> /a different design from any ordinary van.

HON. A. B. BUSH: I don't know just what the Member is getting at Sir, but as I said it was a vehicle that was considered suitable for our mail service.

MR. CRADDOCK EBANKS: Mr. President, the Member further stated that they didn't put this out to tenders, so again they still don't know whether they could have gotten a better or worse deal from any other supplier. Mr. President, if you will just allow me one brief minute to clear up on this point why I ask this question. When the Honourable Member and His Principal Secretary looked after a similar vehicle that I offered or could offer Government for that service, the first rebuttal I got was that it was far too small for the inflow, the influx <sup>of</sup> /mail, and the mail containers in the crated cans that we got coming in, we couldn't handle <sup>it</sup> /in this, it was this wrong about it, it was that wrong about it, it was everything wrong about it. The glass would get broken handling these mail containers - we left it at that - now they have purchased one much smaller - I don't know then where they put these containers, and at the price that they paid for this, the price that I could have offered to Government, the matter of approximately \$300 difference more - and when they could have gotten a much bigger vehicle, a superior quality, and what I was offering them Government

MR. CRADDOCK EBANKS (CONTD.): would never attempt to have purchased it, radio, aircondition, luxury this and luxury that, and luxury what not, but yet they walked across the street and picked up one that is inferior in every way more or less, and never even put out asking for tenders, whether they wanted my tender or not they didn't approach the public, and that is what is going on Mr. President - in our Government one scratch one another and that is it.

HON. A. E. BUSH: Mr. President, if I may say Sir, I had a look at the - I think this is a personal matter, which I would have thought the Member would never have brought up. I went as he said with my Principal Secretary to look at the vehicle he had - the vehicle was surrounded by glass to begin with, and I am sure that Members will realize that this wasn't something that one <sup>would</sup> want to put into the hands of people carrying mail, throwing bags and stuff about - it would soon be broken <sup>up</sup> and Government would be faced with the situation of broken glass windows and having to replace them and what not, and as I said in my answer that although the vehicle might have been a little bit bigger, it just wasn't suitable, and Vampt Motors were the only one who had a vehicle that we thought would fill the need for this, so we bought it, and I don't think the price is anyway exorbitant - if it is worth any thing at all surely - a motor car today costs 15,000 and odd dollars, and for a vehicle for less than 3,000 dollars I don't think one can complain - I think it is a vehicle that is suited for the purpose, and of course if we're proven wrong the next one will be a little better, and we hope we will have a little more money to buy it with too.

MR. CRADDOCK EBANKS: Mr. President, all I was trying to say is that he condemned mine - my offer in the first day - it was entirely too small and they turned around purchased one smaller that is all I am saying.

MR. PRESIDENT: I think if that is the last of the supplementaries we will declare close of play for question time, and we will continue this afternoon at 2:30 to go ahead with the suspension of Mr. Haig Bodden's motion, and the Bills on the Order Paper. I suspend until half past two.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Please be seated. Proceedings are resumed.

MR. G. HAIG BODDEN: Mr. President, in asking leave for the withdrawal of Private Member's Motion dealing with fire fighting equipment, I would tell the House that the reason for withdrawing this Motion is in order to shorten the length of this sitting. We have already entered into the fourth week, and I would beg leave of the House to withdraw this Motion, and also give notice that I will bring it back at a subsequent sitting of the House.

QUESTION PUT: AGREED. MOTION WITHDRAWN

MR. PRESIDENT: We will proceed now with Government Business.

REPORT OF FINANCE COMMITTEE ON APPROPRIATION BILL 1976 AND DRAFT ESTIMATES

HON. V. G. JOHNSON: Mr. President and Honourable Members, I beg to submit the report on the Appropriation Bill and on the Draft Estimates of Revenue and Expenditure for 1976 which were submitted to the Standing Finance Committee for examination and report thereon.

HON. V. G. JOHNSON (CONTD.): The Committee held five meetings, the first meeting was held on Monday, the 1st of December, and the business continued until final completion.

Mr. President and Honourable Members, before submitting the report I would like first of all to thank the Honourable Members for the co-operation and for expeditiously dealing with the business of the Committee, I think its one of the shortest Finance Committees that was held - its not that Members did not examine carefully all the business before it, but I should say that there was every co-operation in dealing with the business matters.

The revenue as presented in the draft Estimates under the various Heads and Sub-heads amounting to a sum of ten million six hundred and eleven thousand, three hundred and eighty-five dollars was accepted. Also accepted was the sum of one million dollars which is estimated to be produced by new measures, some of which have been passed and accepted by this Honourable House already, the others to follow shortly, and therefore the total revenue for 1976 as will be reflected in the Estimates for 1976 will be eleven million six hundred and eleven thousand, three hundred and ninety-five dollars.

Dealing now with the expenditure side, and this is also dealing with the Appropriation Bill, 1976, since that Law provides authority for all expenditures of Government during the year, we will go through the Heads one by one. In the case of Head 1: His Excellency the Governor and Staff - the first amendment made there was in respect of the Governor's salary - I'm sorry of this Mr. President, sorry for the embarrassment here, but apparently the estimates did not take into account the adjusted salary during the course of the year, but instead carried the old salary from 1974, and so an adjustment was required to amend the figure from 18,672 dollars to 20,436 dollars, the difference of 1,764 dollars, that is found on page 23 of the Estimates item (A). The next amendment Mr. President, was the deletion from page 27 item (BC) of the item Social Service Officer, this was found to be a duplication of the established post Social Development Officer, and the sum of 8,136<sup>dollars</sup> against the post was also deleted. That sum of money was used - 1,764 dollars to adjust the salary which I referred to a while ago, and the balance of the funds 3,372 dollars was used to increase item 22 on page 35 Overseas Medical Cases, it increased the provision from 9,000 dollars to 12,372 dollars, so that, Mr. President, the Head of Expenditure was not increased or adjusted, it remained at the original figure of 951,100 dollars. There were a few other amendments under that Head as will be seen in the report. The Sub-head: Social Welfare on page 25 was amended to read Social Services instead, and in Sub-head (H): Labour Officer that Sub-head was removed from the section Immigration and put under the section Social Services on page 27 of the Estimates.

In dealing with Head 1 Mr. President, a mention was made of the proposed structural alterations and renovations of Government House as is being proposed, and Members gave their support to the proposal, in fact it was Members opinion that this was long overdue and that Government House should be looked after and renovated as required, if funds are available then the proposed renovations and alterations will be dealt with during the coming year. The other Heads District Administration - Head 2 were accepted without any changes. Mention was made by the Honourable Member for Cayman Brac of the need to increase the provision under item 5 - Office Expenses and item 8 - Entertainment, but he agreed that since many Departments could not be provided with all the funds required by their Department for the 1976 year, that he would be willing to await the opportunity for a supplementary should funds become available, and so the Head was accepted without any amendment, the sum is 330,473 dollars. Head 3 - Legislative Assembly no changes - total sum 139,814 dollars.

Head 4 - Police and Prisons - the sum of 824,287 dollars accepted without any amendments. Head 5 - Finance and

HON. V. G. JOHNSON (CONTD.): Development. There was Mr. President, eventually a motion from the floor to strike out item (aa) on page 71 and also the financial provision in the sum of 13,368 dollars. The motion to strike out was carried and the matter was reported to the Governor who accepted the decision of Finance Committee. However, in re-examining the matter at a later stage with the Currency Board - (and this item Mr. President pertains to the post of manager of Savings Bank and Currency)- it was discovered that the Currency Board would be making a contribution to Government during 1976 in the sum of 14,610 dollars towards the expense of staffing and office, and if this item was struck out then of necessity the contribution from the Currency Board would have to go as well, furthermore the appointment to the post was already made, it was made through the usual process of recruiting in Government, and the officer was under a two year contract with Government - it was thought that as in the original proposal both the bank and the Currency Board would operate on a joint venture where the vault facilities, the office facilities and the managerial facilities would be available to both operations in the same site and to disrupt that form of operation at the present time would not be in the best interest of Government, and Members were asked that on these two grounds they reconsider their decision to strike the item out, and I am happy to report Mr. President, that Finance Committee was reconvened this morning to consider this matter, and Members gave their approval although they stated that it was still their opinion that the recruiting was not done in a manner which in their view was just and equitable, however they would go along with the request made by yourself, and so the item is now reinserted in Finance and Development and the Head is therefore passed without any amendment to the total sum of 1,604,931 dollars. Members complained about many of the votes which were carried with token provisions - it was necessary to maintain those items in the estimates because there were no funds under which to place reasonable provisions under those that could carry provisions, that they would be retained with just a token figure, in most cases ten dollars, but Members were given the assurance that none of these token votes would be used for any purpose during the year, unless the matter was first brought to Finance Committee for approval and they could have the assurance of Government on this, and so they allowed the votes with token provisions to go forward. In the total expenditure under Head 5 - Finance and Development there is also a sum of 666,172 dollars provided by Law, which is in addition to the sum I just named.

Head 6 - Postal Department, the sum provided there was accepted, that is 249,476 dollars. Head 7 - Customs 405,514 dollars accepted. Head 8 - Legal Department 79,172 dollars accepted. Head 9 - Judicial Department 111,341 dollars plus forty dollars provided by Law accepted. Head 10 - Agricultural Department 98,736 dollars accepted. Head 11 - Lands and Survey 113,380 dollars accepted. Head 12 - Town Planning 9,512 dollars accepted. Head 13 - Personal Health Services 981,796 dollars accepted. Head 14 - Mosquito and Control Unit 505,174 dollars accepted. Head 15 - Education 1,620,702 dollars accepted. Head 16 - Public Works Department 726,198 dollars accepted. Head 17 - Civil Aviation 316,153 dollars accepted. Head 18 - Tourism 514,223 dollars accepted. Head 19 - Broadcasting 107,974 dollars accepted, that is the total for recurrent expenditure.

Under Capital Expenditure the section Local Revenue Expenditure 1,095,122 dollars accepted. Under the section British Grant Aid 33,951 dollars - under the Loan section 2,436,220 dollars - the total Capital Expenditure of 3,565,293 dollars. New Services - the New Services proposals Mr. President recommended an three bodies under Head 1 - Governor's Department, with a total salary of 20,244 dollars - this matter was examined before the meeting of Finance Committee and it was decided that Government would request Finance Committee, or this Legislative Assembly to approve of these particular posts in the Governor's Department, but that Government would

HON. V. G. JOHNSON (CONTD.): not request an additional three bodies in the total establishments of the service, instead three bodies would be moved from other Departments of Government to fill these positions, and the salary from those <sup>posts</sup> would come forward to finance these posts in the Governor's Office, and therefore the 20,244 dollars would be removed from the Estimates, but in examining this again it was difficult at this stage to determine where the bodies would be transferred, what Department they would come from, and what sum of money would come along from those Departments, and so this morning I asked Members if they would agree for these provisions to go forward in the Estimates with the understanding that in the total establishments the number/staff will not increase will not increase by these three bodies, and in the total salaries provisions the sum will not be increased by this 20,244 dollars, but in order to provide for the posts, and provide immediately for salaries <sup>to the</sup> posts we would have to utilise the provisions as set forth in the New Services Estimates, this was agreed to Mr. President, and so the New Services Estimates will not vary from the original figure.

The other recommendations - New Services were acceptable - the Radiology Technician that would be effective as from the 1st January, 1976, because in fact the officer is now in employment. In the case of the Teachers - two graduate trained teachers will be employed as from the 1st January, because in fact those teachers are now in employment on a temporary arrangement. The other teachers will not be employed until the commencement of the new school year in September next year. The Library Assistant was also approved. Also the provisions under Other Charges - Books and Equipment and School Furniture. And so the total sum of New Services is 84,492 dollars.

Mr. President, in the Appropriation Bill - the New Services provisions of 84,492 dollars would need to be distributed among the various Recurrent Heads of Expenditure, and so the Heads that will be affected would be Head 1 - on the schedule His Excellency the Governor and Staff, and 951,100 amended to 971,344 dollars, which is an increase of 20,244 dollars coming from New Services, the amended figure is 971,344 dollars. Head 13 - Personal Health Services Department, the figure of 981,796 dollars will be amended to 986,728 dollars, an increase of 4,932 dollars, the salary of the Radiology Technician. Head 15 - Education Department, the sum of 1,620,702 dollars will be amended to read, 1,680,018 dollars, an increase of 59,316 dollars, and so the total Recurrent Expenditure will increase from 10,435,549 dollars to 10,520,041 dollars. The New Services provisions will be struck out, and so the total of the Appropriation Bill will remain at 14,085,334 dollars. This is the end of the report Mr. President, and all the amendments to the Estimates and the Appropriation Bill.

Mr. President: The report has been made and tabled - I think we might take a motion for the adoption of the Report, then it will be open for debate if Members wish.

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED. REPORT ADOPTED.

MR. PRESIDENT: Before we proceed to the third reading, I'd like to clarify one point whereas the title of the Bill on the cover is the Appropriation Law '75 - under Clause 1 of the Bill it is cited as the Appropriation Law 1976, presumably the title should be altered to accord with Clause 1. If there is no objection to that the amendment can be made before we proceed to the third reading.

THE APPROPRIATION LAW, 1976 THIRD READING

CLERK: THE APPROPRIATION LAW, 1976 THIRD READING.

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED. THE BILL GIVEN A THIRD READING AND PASSED

MR. PRESIDENT: Proceed to the second Bill under Government Business - the Lighthouses (Amendment) Bill, 175.

THE LIGHTHOUSES (AMENDMENT) BILL, 1975

CLERK: THE LIGHTHOUSES (AMENDMENT) BILL 1975  
INTRODUCTION AND FIRST READING.

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. V. G. WATLER

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING.

SECOND READING

CLERK: THE LIGHTHOUSES (AMENDMENT) BILL, 1975  
SECOND READING.

HON. V. G. JOHNSON: Mr. President and Honourable Members - Memorandum of Objects and Reasons - this is one of the revenue Bills of the series which was mentioned in the Budget address - it seeks to amend the charge as set out in the schedule of the Law for Lighthouse service of all ships plying the waters of the Cayman Islands, and the charge as recommended in the amendment law is on a per entry per ship basis instead of a charge per annum per vessel as it is now provided for in Law. The revenue which this will bring to Government Mr. President, is not a great deal, but it was thought that this as in the case of many other Laws require to be up-dated, and the charges need to be revised and so the recommendation here was considered to be reasonable and equitable, and that ship owners should find no difficulty in paying the yet' small fee as recommended.

Mr. President, at this stage I would like to mention a question which I saw posed in the Press regarding the new measures recommended by Government, and suggesting that Government should have also given an indication of what effect these would have on the economy or on the inflationary trend of the Island. Certainly increase in prices have a chain reaction, because one price causes another to rise and this/<sup>is</sup> what gives a great deal of effect to inflation and the rise in cost of living. Considering these new measures Government took this carefully into consideration, and thought that the measures being introduced would have very little effect on inflation, and on cost of living. I should say that if the import duty increased on motor car from 20 to 33<sup>1</sup>/<sub>3</sub>%, naturally one buying a new motor car would expect to pay a bit more for it, and this could be proportionate to the increase charge brought about by the increase in duty, plus a bit of interest on the dealers' outlay of capital, this is often where dealers and other people speculate because a penny rise by Government means a pound to the dealers, this/<sup>is</sup> where sometime Government would be happy if there was a system whereby some form of direct tax could be imposed on the consumer item rather than going the long way around of increasing import duty, because its open for a great deal of speculation. But Mr. President, none of

HON. V. G. JOHNSON (CONTD.): these items or new revenue measures recommended here, are going to give any great amount of effect to inflation, as I said its only if anyone wants to use it as an excuse to create inflation itself, or to speculate I should say.

I think Mr. President, that we in Government have experienced from time to time that there is one and only one increase of anything in Government which is inflationary as far as the public is concerned and that is the increase of the wage of Civil Servants. I don't know why people on the outside should look at it this way, but if a Civil <sup>servant's</sup> wage is increased by 2% every-thing in town must rise by 2%, this is just the attitude in the Cayman Islands. So I should say that in the absence of any increase in the wage of Civil Servants salaries during 1976 there should be no problems. Motor car tax is increased by 24 dollars and if you divide that by the months of the year you get <sup>two</sup> dollars per month - if it is a taxi driver I can't see where this will affect his rates any because <sup>he</sup> has an extra <sup>good month</sup> ~~he~~ will cover that and much more, so with a bit of improved business there should be no need to think about rates increase, and so it goes with all the other measures Mr. President, I don't think that people need to get alarmed or concerned about any inflationary trend which they may bring about. As I said it is only if people want to speculate that this will happen, I hope they will not because I have already invited cooperation between importers, merchants and consumers, and I feel that as long as this can be established that there will be a certain amount of control in the rise of inflation.

Mr. President, without any further comment I will ask Members to accept this small Bill and to give it their entire support. Thank you Sir.

SECONDED BY HON. D. V. WATLER.

MR. PRESIDENT: The question is that the Bill entitled The Lighthouses (Amendment) Law 1975 be now read the second time. The motion is open for debate.

MR. JOHN D. JEFFERSON: Mr. President, Honourable Members, I rise to speak to this Bill - Lighthouses (Amendment) Law 1975. Here again we use the words increased taxation, certainly there has been a tremendous amount said through the local newspaper in the last two weeks on the new tax measures introduced by this Government, and I must go on to say Mr. President, in all respect to the press that the local newspaper as far as I am concerned has done a tremendous job in the last two weeks in publishing so many inaccuracies, and not taking the time to into the details to be able to tell the public the facts, and I think that it is high time that the press be told that as far as we are concerned that all we ask of them is to print the facts, not lies or fabrications, inaccuracies, I think it is a real disgrace to think that in a country like ours where a few tax measures have been introduced that so much has been said, and blown out of proportion - the Financial Secretary used the words the press should pacify the public I don't even believe he meant to use that word, as far I am concerned I say the press should be made to tell the public what the facts are, the truth, which I think it is high time that they do, I think they have a responsibility to themselves and to the Government of these Islands, the people which support the local newspaper.

We find that in speaking of this Bill - an increase, and certainly there is no doubt that we will get into statistics pretty soon - the increases, how much it has and how much it hasn't, but I am saying this Mr. President, that it is high time that we realise that we have to pay our own bills - certainly nobody wants to increase anything, and certainly the nominal amount increased here in this Bill - this measure, I think it is a very nominal amount, I



MR. JOHN D. JEFFERSON (CONTD.): think it is so little an increase that probably in the long run couldn't even support the services to which it is intended to do. I feel Mr. President, that we have come through a recession year, and we have and we are still in a recession - and what country in the world hasn't been in <sup>the</sup> recession - what company hasn't suffered in this last year. When you see a local newspaper give front page to the financial difficulties of the Cayman Airways, as far as I am concerned you'd think they have got some axe to grind and somebody's battle they are going to fight. I think our airline <sup>provided</sup> has/us with good service, I think they ought to be commended for what they have done, they have suffered like every other company in this country in this year and any-where else. I think we are still better off than a lot. I feel Mr. President, the thing that we need to do in this period of stress is to provide leadership for our people, I feel that the most important thing is <sup>to</sup> deal with our people is to lead them into facts - be able to help them to realise that for years we have been asking for more services, eventually we are providing more services, and we've gone through a recession year, and certainly nobody better to go to ask to pay those bills than to ask our own people for which the services are provided.

I feel Mr. President, that by and large the people of this Island - my own constituency, I also speak of in the fact that they are very understanding, certainly they know what the facts are, they know that increased costs have been in the homes, and what we then had to do in the homes, but to continue to pay out the necessary bills. Well, we are providing new services on every phase of Government we look we see increases - where you're increasing - we're stepping up the service - we're providing more services - we're providing more amenities for our people, and we're asking now lets make a small contribution. <sup>make</sup> To/my point very clear Mr. President, I want to draw an illustration to a friend of mine a few days ago was telling me that a few weeks ago he took his dog to the vet, and the dog received very little - very little was done him, a bill was rendered for 92 dollars, and a few weeks later the same dog was taken back and our own veterinarian dealt with that dog, it was a tremendous amount of work involved, shots and bill was rendered for 6 dollars and cents - thats the public - those are the services we are providing and yet <sup>we</sup> blow everything else out of proportion, but we don't take the time to see what we are trying to do at a minimum cost.

Take our hospital, I am trusting that the increase is going to work favourably, in the way of revenue, and yet not in a way of extortion, but it means that if we have to send people overseas, or we've got to do other things there is a tremendous amount of money involved. I know I am straying from the subject of The Lighthouses (Amendment) Law, but I am saying, Mr. President, that as far as I am concerned I think this Government has done everything possible to be able to try to provide services at a very nominal cost. I speak in support of this Bill. I think Mr. President, its time that we take time to look at what this Government is providing for the people, what it is doing for our people, and it is time that we help our people to realise that no where else in the world is anybody, any citizen being provided with so many amenities at such a nominal cost. Thank you Sir.

MISS ANNIE H. BODDEN: Mr. President and Members, I rise to support this Bill. Government is asked to do a lot of things for most people, and money has to be found, and when it comes to a trifle like this, I think that we should support it without any questions, in fact I don't think this Bill should have been debated very much, but I am saying Sir, I support any measure that Government makes to try to keep us a good strong stable Government. Thank you Sir.

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I rise in support of this Bill - this Bill is providing a service which we have been rendering for a matter of years, and I think it is quite time that we place the amendment to this Bill where we can raise funds since <sup>we are</sup> on the verge of raising funds on many different things, this is one that we can raise funds from; this provides a service for ships coming into this country, or going by the country here, but those coming in whether foreign or local should pay a fee on entry. Thank you Sir.

MR. G. HAIG BODDEN: Mr. President, Members, this Bill seems to afford an opportunity for Members to enter into irrelevancies, and things that are immaterial to the Bill, in fact I think the Third Official Member set the pace when he attempted to soften up other new tax measures. We have heard about the role of the press and other matters, but personally I want to confine my observations to the subject under discussion.

I do support this Bill. A few years ago light dues were collected at the rate of ten cents a year per ship, I think the ship would pay its light dues whenever it made its first entrance into our port, I must admit that because I am supporting I did not <sup>do</sup> any home work on it, and so I did not work out the percentage increase, in fact it would be very difficult since this tax will be collected in a manner that defies statistics, because instead of being collected once per year it will now be collected each time the ship enters from a foreign destination. Unlike the other tax measures that have been presented in this sitting of the House, I must say that this particular one does not seem to put too much hardship on that fraction of the population which will be called upon to pay this tax. The suggested figure in the amendment is twenty dollars, and twenty dollars is a reasonable figure for a ship to pay upon its entry into our ports.

In the Memorandum of Objects and Reasons it is made clear that the reason for increasing this entry fee is because of the increased costs in providing a lighthouse service. I have only touched upon this because it helps to clear up, or it helps to elucidate an argument I made in the Budget Speech, and that is when we listen to our cost of living index, and our gross domestic product from United Nations we do not get the correct picture. Not only do we see in this Bill that there are increased costs, and not only throughout the Budget we have items which are increased because the cost is expected to rise, but the amazing thing is that in the Budget Speech we were told that the cost of living would not be up, and therefore there would be no increase for the Civil Servant. I am not arguing for any increase for them, but I am just pointing out that when we depend upon surveys done on the recommendation of experts that we do not get a true picture. Everywhere we look in these tax laws and in the Budget we find there are increases, yet - and we are told these increases and the tax measures are necessary, because we are now providing services which have increased costs, yet the cost of living has not increased this year.

This Bill as the Financial Secretary, or the Third Official Member said will not put much money in our Treasury, but every little helps. I suppose as the old lady said when she was putting the water in the sea, every little helps, and we will need all the help we can get this year. This particular tax is one that had lagged far behind for many years, and it is only reasonable and equitable that the Third Official Member should be putting forward this amendment, and while throughout this session I have opposed many of the new tax measures, I am happy to say that for once I can agree with an increased tax, and the reason for agreeing is not merely to show you

MR. G. HAIG BODDEN (CONTD.): that I will go along with you, but because I feel that this is a just increase. Mr. President, I believe that the revenue which is collected from this source will help us to keep up with our expenditures during the forthcoming year. One of the most vital services which our Government provides is to keep the lights burning in our lighthouses around the Islands, and we have been doing a very good job of it, in fact there have only been <sup>two</sup> wrecks within living memory on our reefs, and we must be doing a good job, perhaps some of the older people miss the thrill and the excitement of having a wreck upon the reef, nevertheless, this Government can be commended for the worthwhile job that it has done throughout the years in keeping our lighthouses alight, and I know that the ship owners themselves must be very thankful to Government, and I therefore support this increased tax.

MR. JAMES M. BODDEN: Mr. President and fellow Members, we usually like to display how cooperative we can be - this is one case that I think we can do it, but we had really thought, my colleague and myself that neither one of us would have spoken on this, because we agreed with it, but to be frank with you Sir, after listening to the second speech I thought that we were in a rival service, and I was waiting for the announcement for the singing of the hymn lead Kindly Light, in view of that I decided that I would speak.

I think that it would be something not worthwhile to collect if we were not collecting at least twenty dollars for each arrival, even at that rate I don't know how it will be able to care of the service, but to stray from the subject and comment on something that has already been said Mr. President, the press from time will probably be critical of all of us, and will be critical of the house, and I think that <sup>is</sup> a job that the press does play, I am not espousing the cause of the press, but I think we would have sunk to a very deplorable condition if we in this House got to the state that we thought we could muzzle the press. The press must be free whether they criticise me, criticise you as President of the House, or they criticise the Assembly as a whole. We have seen what has happened to countries that have tried to muzzle the press, and none of <sup>us</sup> should be against the criticism, and Mr. President, I hope that that is not a policy that this House in any thinks that is going to follow up; if a certain Member has that view I hope it will remain as just an individual view, and not be a Government policy, because I think the Government or anyone else should be criticised when there is justifiable reason to criticise.....

MR. JOHN D. JEFFERSON: On a point of order Mr. President, I was not trying to insinuate, or trying to cast any way of muzzling the press, that is not <sup>my</sup> intention at all.

MR. JAMES M. BODDEN (CONTD.): Mr. President, I don't think it was a point of order raised, I didn't object to Member's psalm singing a while ago, and I would only say this Mr. President, that we have heard a lot in this session about Swan Island beef, and I don't care where the beef comes from, but I do not think that we should take Swan Island meat as something to come into the House and criticise on a debate of raising it to twenty dollars to try to criticise the press, and I for one hope that that is just a limited view and will not be the view of this Government at all. Mr. President, as far as this tax measure is concerned I support it, and would have liked to have supported it by just saying aye without any debate. Thank you Sir.

MR. PRESIDENT: No other speakers I'll ask the Honourable Member if he wishes to reply.

HON. V. G. JOHNSON: Mr. President and Honourable Members, I have nothing to reply on other than to just thank the Members for their kind support on the expeditious/<sup>manner</sup> in which they dealt with the Bill. Mr. President, I move Sir that this House resolve itself into a Committee of the whole House to consider the Bill clause by clause and amended as may be deemed necessary.

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED. BILL GIVEN SECOND READING.

COMMITTEE THEREON

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED HOUSE IN COMMITTEE

CLERK: CLAUSE 1. SHORT TITLE AND COMMENCEMENT

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. CHAPTER 85 AMENDED.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE LIGHTHOUSES LAW

QUESTION PUT: AGREED. TITLE PASSED.

HOUSE RESUMED

REPORT THEREON

BY HON. V. G. JOHNSON

HON. V. G. JOHNSON: Third reading tomorrow morning Sir.

MR. PRESIDENT: Report has been made on the Bill which will set down for third reading tomorrow morning.

THE COMPANIES (AMENDMENT) BILL, 1975

CLERK: THE COMPANIES (AMENDMENT) BILL, 1975 INTRODUCTION AND FIRST READING.

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

SECOND READING

CLERK: THE COMPANIES (AMENDMENT) BILL, 1975 SECOND READING

HON. V. G. JOHNSON: Mr. President, I beg to move Sir the Second Reading of a Bill entitled The Companies (Amendment) Law, 1975. The Memorandum of Objects and Reasons - Mr. President, this is another series of revenue Bills - The Companies (Amendment) Law seeks to do three things; one is to increase the incorporation and annual fees for non-resident companies; secondly it seeks to vary the <sup>scale</sup> of filing fees and other fees as set out in the recommendations of the Law; and thirdly it seeks to remove the requirement for six repetitions of certain company notices which appear unnecessary consequent upon the Gazette now being in operation, and therefore it perhaps requires only one notice published in the Gazette.

Dealing with the first recommendation Mr. President, that is to introduce a new fee on non-resident companies; this is a matter which has been examined in some depth - at the present time a non-resident company is a company which is designated as such by the control of exchange, and the non-resident company is privileged to operate outside of the Cayman Islands with certain facilities in an unrestricted capacity. Now-a-days Mr. President, quite a number of people prefer to use the vehicle of non-resident companies because its simple and easy to have such designations made - the Controller of Exchange has delegated authorities to authorised agents to designate companies non-resident, and all the Banks and Trust Companies in the Cayman Islands that is those with Category "A" - Banks and Trust licenses are all authorised agents, and they can designate companies non-resident on behalf of the Controller of Exchange, and as I said these companies prefer to use this vehicle, and in recent times we have discovered that they are using it even more so than the facility of exempt companies.

Now, an ordinary company can be a non-resident company as well as an exempt company, but for a cheaper operation an ordinary company which pays a small fee can also be designated non-resident, and operate practically in the same manner as an exempt company which pays a much higher fee, and it was thought that as long as exchange control continues to be administered, and as long as companies continue to use this facility under the Companies Law that a third category of fee should be introduced for non-resident companies. The indications are that operators will not mind paying the fee which is recommended it is a fee which is mid-way between the ordinary companies fee, and that of an exempt companies fee. And so the recommendation here <sup>is</sup> that upon incorporation the company will pay the fee of 300 dollars and annually 150 dollars. As I said, Mr. President, I doubt very much that there will be any objections to this, I have had indications from the private sector that this will be acceptable.

The other amendments are straight forward, and I need not go into any details to explain these because the recommendations are set out in the Law. I will therefore Mr. President, request this Honourable House to give their due consideration to the recommendations of this Bill as well, and to deal with it as expeditiously as possible. Thank you Sir.

SECONDED BY HON. D. V. WATLER

QUESTION PROPOSED.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I rise to support this Bill. I feel that when these companies are formed we are facilitating them, and I am very sure that it is a benefit <sup>to the people</sup> who register these companies, and I further feel sure that they should not hesitate to pay an ordinary fee, and I feel with the facilities which are afforded that this fee of 300 dollars is not at all exorbitant.

MISS ANNIE H. BODDEN (CONTD.): Only Saturday I was talking to a man who lives in the Bahamas, and for him to procure a Work Permit, of course he has a very prominent job, his company must pay 500 dollars to get that Work Permit for him, here we are asking may be twenty, thirty, forty, fifty or a hundred dollars, and I feel that we are in no way trying to extortion, or be unkind, but we must get money to run our Government, and this fee of only 300 dollars for the facilities which are afforded to these companies, I think it is quite normal. Thank you Sir.

MR. G. HAIG BODDEN: Mr. President and Honourable Members, I am afraid I can't agree with the lady Member in supporting this Bill, and I am not really trying to take advantage of the Third Official Member because some of the Members are absent.

Since the inception of the Companies Law this Assembly has increased the fees several times in different areas. In fact on a very superficial examination I see that we have had increases in the last seven years, we have had about three increases in different areas, I feel that these companies will soon become tired of our pussy-footing around with this Law, they will soon become disgusted and may eventually take their business elsewhere. We must remember that we do not have a monopoly on the tax haven business, we cannot command these people to do their business here, we can only invite them, we can only provide a favourable climate in the hope that they will operate in it, and we should not forever tamper with it - increasing the fees everytime they turn around - establishing new categories of fees for every conceivable loophole, and we are now receiving a very lucrative business from this source, and we should not do anything that will endanger the continuance of this revenue.

Perhaps, I did not talk to the same people that the Third Official Member talked to, but in every case that I mentioned this matter to in the private sector dealing with these companies I was told, and in fact some of them came to me, that they had strong objections to the ill-timing of this increase, you know these fees are due on the 1st of January every year, and many of the Lawyers and the Financial Houses that <sup>take</sup> care of these non-resident companies have already mailed out to these companies the fees payable for 1976, remember this is due as I said on the 1st January, 1976, in fact in one or two cases I was actually shown checks that had already been received to pay the taxes that will be due on these companies in 1976, so here is a strong reason for not making this effective on the 1st of January. It may be a small amount, but it does put say a Lawyer or a Business House to a lot of unnecessary work when a company representing any non-resident company will have to write to several hundred of them, and tell them that your old fees no longer exists, and for those who have already sent in fees that they will have to send additional cheques.

No, we have seen in this House that we can set whatever date we want for the coming into effect of a Law, when it suits us. In a matter of revenue Bills it is usually customary for us to put the Law into effect as soon as it is passed by the House, and this is a good thing in some respects because it stops one from profiteering before the Law goes into effect, but in this very session we passed a Bill to introduce a Travel Tax on tourist cruise ship passengers, and that Bill specifically states that it will not come into effect until August, 1976, and the reason for that is that it will give the operators of the cruise ships time to build this additional cost into their cruise ships fare. Perhaps, it is because the Member for Tourism is in his field/very strong person, and I don't know if he used his influence to get this special requirement put in to the Travel Tax Law, but I can see the usefulness for it, if such tender consideration could be given to the cruise ship operators why could not similar consideration be given in this Bill to those non-

MR. G. HAIG BODDEN (CONTD.): resident companies who bring in a tremendous amount of direct revenue. It is a matter of speculation as to whether Tourism today is bringing in any revenue or not, there is no question as to whether direct fees collected from a specific source is a source of revenue. So Mr. President, I can't support this Bill because in the first Clause it says that it shall come into operation on the 1st day of January, 1976, here we are almost in the middle of December, and we are just dealing with this Bill, there will be several days before its coming into Law, depending on how long the First Member from Bodden Town decides to talk on this Bill, it will take several days before it is printed into the Gazette, and before it comes into Law, and with the Christmas holidays intervening it is quite possible that by the time this Bill goes into Law the 1st of January will have arrived. So here we are deliberately putting an extreme hardship on the non-resident companies that supply us with the golden eggs. We are here putting an uncalled for hardship on those people in the private sector that have to do with the administration of these companies. If it were thought that this revenue would be required on the 1st of January, 1976, why did we not bring the Bill to the House earlier so that people could have had time to put their houses in order.

This Bill, as the Third Official Member stated sets out to do three things; one is to increase the registration fees for non-resident companies, that minimum fee shall be 300 dollars, I will not go into the percentage increase as I've done on the other tax measures; the total sum involved is quite high without referring to percentages. In the proposed amendment the fee for non-resident companies will not apply to exempt companies, the Third Official Member explained this, and I think his explanation was sufficient for the withdrawal of this Bill, because he told the House that at the present time some companies are using the non-resident company status rather than the exempt company - the reason for this can only be that there is some advantage to the company taking the opportunity to use a non-resident company. There are so many categories of companies in our company Law that I doubt: that any Wall Street lawyer can really understand what is meant by foreign company, non-resident, exempt company, ordinary company, extra-ordinary company and all the other hundred and one different kinds of companies, but be that as it may Mr. President, the fact that a corporate body has been set up and is useful to somebody, and the fact that those people who set up the companies know what they want, and they have chosen to use whatever tax facilities are afforded by a non-resident company, that alone should suggest to the Third Official Member that he should not put forward this Bill.

This Bill is in my mind endeavouring to plug a loop-hole, and as it were to put a deterrent on the would-be users of non-resident companies. So we should not at this stage of our development in the tax haven realms be doing something to deter the use of a particular type of company which here-to-fore had been of some financial help to us. We should rather be looking for incentives to encourage the further use of non-resident companies, and other types of companies. When I examine this, and the Company Law as a whole, I was not too clear on what a non-resident company is, whether it was a person living in New York and having a company here, or whether the person was living here and had its company else where, but one thing seems clear that the most of these are used for dealing in foreign currencies; for example a company would be set up here which would deal in a currency other than our own legal tender, such a company would qualify in some respect as a non-resident company, and with the amount of foreign currencies on the market today I can see that this is one area in which there is great hope for expansion in the use of our tax haven facilities. So I can't agree with this amendment

MR. G. HAIG BODDEN (CONTD.): which seeks to increase the registration fee for the non-resident companies. The second amendment to this Bill seeks to vary the scale of filing fees, and I love that word vary, in fact I think its the first time that it has been applied in our Laws in replacement of the word increase, but nevertheless the memorandum says that the second amendment is intended to vary the scale of filing fees, this amendment I presume will apply to all types of companies, and in some instances it/~~not~~<sup>is</sup> a very large increase unless you take it percentage wise. I believe that in the old Law under "A" and "B" for the filing of any document and issuing of any certificate the fee had been two dollars. Here again I did not do my home work on this, but it has been varied to three dollars, and I know that we have never varied anything unless the variation was fifty per cent, so I can rightly assume that this variation means an increase of from two dollars to three dollars. The increase is only by one dollar, no company would really fight very hard to stop that one dollar increase, but here again it comes on/~~a~~<sup>at</sup> time that is so close to the 1st of Janaury, when most of the returns are filed, and when, if there is any change in the directors of the company, or whatever necessitates the filing of a document it brings it at a time when the changes would have been made, and the fees would in the process of being paid.

So that while in the first amendment we have only put hardships on the non-resident companies to increase their fees at a time when most of them have already been paid, we have in the second a more innocent looking amendment committed a grave crime, because we are asking that not only a particular type of company, but all companies pay this increased fee, and to make it clear we have set out in the Law it must be paid for the filing of any document for the issuing of any certificate, and for providing a copy of any document so that there can be no getting away from the fact that this must be paid, not only by sundry, but by all. Why would we go to such trouble to extract one dollar more from a company when the very extraction of this in itself must be painful indeed by having been done at this particular time of the year when, probably as I said couple of times before, all fees would have been in the process of being paid.

The Third amendment seeks to remove the requirement for six repetitions of certain company notices which now appear unnecessary. I can see nothing wrong with that amendment because I feel that having /<sup>to</sup> repeat a notice six times is really too much for this matter. We have had instances during this year and last year when certain Members of the House tried to have notices published in the newspaper for two consecutive weeks, and we were always told that no such thing could be done, this was before the coming of the Gazette, and it was thought to be a great hardship to have to publish certain notices of vital concern to the inhabitants of these Islands in the newspaper even two consecutive weeks, and so the removal of the requirement for the six repetitions of a publication under this Law seems to be the only commendable thing about this Bill, and I would venture to say that if the rest of the Bill had not been so disgustingly ridiculous this proviso would not have been put into the Bill for amendment.

To sum up my two objections to this Bill I would say that it is ill timed, if this had been brought before the House in June 1975 we could deal with it intelligently. Here we have to hastily put it into Law, we will probably have to bring out an extra-ordinary copy of the Gazette to get this in by the first of January, and remember that companies far across the globe will be affected by this amendment. Second reason is that we've had too many increases in this particular Law in the last few years, and although what is called here an increase is really not an



MR. G. HAIG BODDEN (CONTD.): increase, but the creation of a new category of fees, so we should not tolerate a Bill that has been hastily put forward on the very eve of New Year's day 1976, we should not hurry along to make this Bill into law. I look forward to casting my vote against this Bill.

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I rise in support of this Bill. The Bill seeks a law to amend the Companies Law, I would say we have been used for various reasons in the past, and I need not go into any statistics or long argument as to the prevailing conditions with companies. Looking at the past, and making a note of how many companies have withdrawn themselves from our books as registered companies, I feel that it is quite time for us to make a collection of fees, and the collection that we are asking for is a meagre 300 dollars which I am sure that if any company operating in the Cayman Islands which cannot finance 300 dollars for registration fee should not be a company in these Islands. I thank you Sir.

MR. JAMES M. BODDEN: Mr. President and Honourable Members, I take the liberty of speaking on this subject, but I will have to advise the House at this point that due to having a financial interest, or a substantial/interest that deals with such matter, as well as a minimal in another one I could not vote, but I would take the liberty of speaking on a few points.

I have to echo the sentiments of my colleague from Bodden Town in saying that in my opinion it is a bit ill-timed because some of the companies dealing with this type of work are already beginning to collect for the next year, and they will have to absorb this in the money that has already been collected, in other words its going to mean a reduction of money that will/circulating I would say in the private community, so it would be a good idea I think if this could be passed, but yet put into date at a later date, although as I said before I could not vote on it, but some of things that I think we need to start thinking about is the Cayman Islands in relation to some of the other tax havens of the world. Panama caters to a similar trade, and it is very cheap in Panama to get a company formed of this nature, and to keep it on the statute books; Bermuda probably has one of the highest rate structure on fees of any place in the tax haven world, and we are getting to a stage now where our rates are coming pretty close to the Bermuda rates. We also have to think about that many other areas of the world today are beginning to compete for this type business, and are offering themselves to the financial world.

Now I go along with this in the sense that Government must be supported, and companies of this nature as well as any other company should bear the respective part because they all have a lot to gain. A company would not be formed here if it wasn't of some financial gain to people forming that company, so they should contribute towards the well being of the country. I would say that in regards to the re-registration I would call it, or the reinstatement of the company that again I think we're asking a bit too much when we say that the reinstatement fee would be equivalent to the amount that was originally paid, probably this was say fifty per cent of it it would be sort of an equitable deal. So those are the few comments I would make on this Mr. President, come time to vote on it I will have abstain. Thank you Sir.

MR. PRESIDENT: If there no other speakers I'll ask the Honourable the Member if he wishes to reply.

HON. V. G. JOHNSON: Mr. President and Honourable Members, I know that Members are free to deal with these revenue Bills as they wish, but I would remind Members that they did accept in Finance Committee the new revenue proposals to produce approximately one million dollars of revenue, and therefore the proposal which we are now dealing with forms part of those new measures. Again I think we need to be consistent in what we do.

Mr. President, this is a matter which affects the private sector, and especially the financial operations within the Cayman Islands. Before any measures of this nature are introduced in this House we clear this, and endeavour to get the feeling of people who are involved in such operations as to whether they will accept these proposals or not. In fact even before I gave any serious thoughts to introducing such a measure people in the private sector brought it to my attention that there were operators using the facilities of non-resident companies in the Cayman Islands who should be charged a special fee for the facility, and in fact these people were endeavouring to use this instead of paying the higher fee under exempt companies arrangements. After I investigated the matter I discovered that in the registration of companies arrangements there were a large number of non-resident companies there, and in fact people discovered that after they could use this facility at a very cheap rate they were avoiding using exempt companies, and such vehicles to do their off shore operations, they used non-resident when it was only necessary to do.

I have not had anyone to make representation to me regarding the fees under The Companies Law for a non-resident company. I have had one letter from a law firm which requested <sup>me</sup> to be patient with them because his fee would be a bit late in the coming year since <sup>the notice</sup> to his clients would be a bit late for these new fees, and he asked me if I would extend the period from 31st of January after which the penalty <sup>applies</sup>, until the 31st March when all these fees could be collected, and I replied and said yes that I would extend the period for the penalty in this particular instance. Secondly Mr. President, there has been no time yet that there was an amendment to The Company Law that this was not put into effect the 1st of January - there is no other time to put this into effect, because all fees are payable on the 1st of January, and all Budget Sessions are held between the end of November and the early part of December, so all Laws must come into effect to be operative on the 1st of January, so I don't see where this year is an exception to any of the other years. I can't understand the Member taking all the points that he did about this law, I don't know who might have made representation to him, might have been somebody who has nothing to do with non-resident company, perhaps some people who don't know the meaning of non-resident companies, they heard about this law and probably think that it applies to something else.

In that respect Mr. President, the tax that will apply to cruise ships passengers to be effective on the 1st of August this Government was not introducing that tax until sometime next year, but the Honourable Member responsible for the portfolio appealed to Government to have the tax introduced early enough so that all operators would be aware that this tax would be coming into effect on the 1st of August, and for that reason it was introduced. There is another measure that is coming into effect on the 1st of August and this <sup>is</sup> to remove tax from element of food under the Hotel and Accommodation Tax, that is not being brought into effect until some time next year, but in order to facilitate the cruise ship operators the law was brought into effect early enough, and that was the reason for it. The Laws will have to be published in an extraordinary issue of the Gazette, but this is not the only law that will be in that issue; I mean we've just passed one here a little while ago in

HON. V. G. JOHNSON (CONTD.): Which nobody gave any objection to it - passed through unanimously as far as I remember - that will be effective on the 1st of January, I wonder - how we were going to publish that one if it wasn't in an extraordinary issue of the Gazette - we don't publish one law in a Gazette, we publish all the laws available in a Gazette, so that is no excuse again. Any how Mr. President, I do believe that there are some Members who get excited when the increase which is recommended by Government exceeds twenty dollars, and I think it was in this case, I don't think there is anything for any of us to be excited about in this particular issue, I think it will be quite acceptable to the entire financial community - they know about it - nobody has said anything to me and I take it that its going to be acceptable, and so I will ask Members to accept the Laws in that spirit, and as we go into committee of the whole House I hope that they will go with that spirit. Thank you Sir.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

COMMITTEE THEREON

MOVED. BY HON V. G. JOHNSON

SECONDED HON. D. V. WATLER

QUESTION PUT: AGREED. HOUSE IN COMMITTEE

CLERK: CLAUSE 1: SHORT TITLE AND COMMENCEMENT

QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2: INTERPRETATION

QUESTION PUT: AGREED: CLAUSE 2 PASSED.

CLERK: CLAUSE 3: CLAUSE 3 CHAPTER 22 AMENDED.

HON. V. G. JOHNSON: Mr. Chairman, under paragraph (f) - it says by deleting section 209 and substituting - could I ask for an amendment there Sir to read - by deleting subsection 1 of section 209, and substituting - then marking the 209 before the inverted commas and substituting 1.

MR. CHAIRMAN: It is being proposed that (f) be amended by inserting subsection (1) of section (209) and substituting the figure (1) for (209) after the inverted commas.

QUESTION PUT: AGREED. CLAUSE 3 PASSED AS AMENDED.

CLERK: A LAW TO AMEDN THE COMPANIES LAW

QUESTION PUT: AGREED: TITLE PASSED.

HOUSE RESUMED  
REPORT THEREON

BY HON. V. G. JOHNSON

THIRD READING TOMORROW.

MR. PRESIDENT: The Bill is accordingly set down for  
Third Reading tomorrow morning.

ADJOURNMENT

MOVED BY HON. D. V. WATLER

SECONDED BY HON. V. G. JOHNSON

QUESTION PUT: . AGREED:

AT 5:15 P.M. THE HOUSE ADJOURNED UNTIL  
TUESDAY MORNING, 9TH DECEMBER, 1975 AT 10 A.M.

M I N U T E S

TUESDAY, 9th December, 1975 10 a.m.

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT MEMBERS

Hon. D.V. Weller, CBE., JP	First Official Member
Hon. G.E. Waddington, CBE., QC.	Second Official Member
Hon. V.G. Johnson, OBE.,	Third Official Member
Hon. A.B. Bush, J.P.	Second Electoral District, George Town (Member for Works, Communications and Public Transport).
Hon. Trevor Foster	Third Electoral District, Lesser Islands (Member for Co-ordination and Informa- tion)
Hon. Benson O. Ebanks	First Electoral District, West Bay (Member for Education, Social Services, Health, Labour).
Hon. W.W. Conolly, OBE., JP	Sixth electoral District, East End (Member for Tourism, Lands and Natural Resources, MRCU, Agriculture and Surveys)

ELECTED MEMBERS

Mr. T.W. Farrington, CBE., JP	First Electoral District, West Bay
Mr. John D. Jefferson	First Electoral District, West Bay
Miss Annie H. Bodden	Second Electoral District, George Town
Mr. Claude Hill	Second Electoral District, George Town
Mr. James M. Bodden	Fourth Electoral District, Bodden Town
Mr. G. Haig Bodden	Fourth Electoral District, Bodden Town
Mr. Craddock Ebanks	Fifth Electoral District, North Side.

ORDER OF THE DAY

TUESDAY, 9th DECEMBER, 1975

1. CONFIRMATION OF THE MINUTES OF THE 3rd AND 4th SEPTEMBER, 1975.

2. PRIVATE MEMBERS' QUESTIONS

(a) MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE BENSON O. EBANKS, MEMBER FOR SOCIAL SERVICES, EDUCATION, MEDICAL, ETC.

(i) WHAT IS THE COST OF THE RENOVATION OF THE CAYMAN ISLANDS HOSPITAL TO 27TH OCTOBER, 1975?

IS IT A FACT THAT 4 MEN and 1 LADY WERE EMPLOYED TO INSTALL TWO HEATERS AND ONE INCINERATOR IN THE HOSPITAL, AND WHO WERE PAID BY THIS GOVERNMENT SEPARATE AND APART FROM THE ORDINARY RENOVATION COST?

IF THIS IS CORRECT, WHAT WAS THE LANDED COST OF THE CITED EQUIPMENT, AND THE COST OF THE INSTALLATION?

(ii) WHY IS IT NOW NECESSARY FOR THE EDUCATION DEPARTMENT TO ADOPT THE POLICY WHICH OBTAINS IN STATE-MAINTAINED SCHOOLS IN BRITAIN? WAS NOT GOVERNMENT AWARE OF THE FACT OF THEIR QUALIFICATIONS WHEN CERTAIN TEACHERS WERE EMPLOYED?

WHY AT THIS STAGE WILL THE EDUCATION DEPARTMENT ADOPT A POLICY TO "PHASE OUT" UNTRAINED GRADUATES WHO HAVE BEEN EMPLOYED IN THE COMPREHENSIVE SCHOOL, (AND APPARENTLY GIVING SATISFACTION UNDER FOUR HEADMASTERS), AND INTENDS TO RECOMMEND TO THE PUBLIC SERVICE COMMISSION THAT THEIR CONTRACTS WILL NOT BE RENEWED AFTER JULY, 1976, WHEN AS A MATTER OF FACT IN THE LAST SELECTION OF TEACHERS FOR THE COMPREHENSIVE SCHOOL, TEACHERS WERE EMPLOYED, WHO DID NOT HAVE ANY BETTER QUALIFICATIONS, AND NOT AS MUCH TEACHING EXPERIENCE AS SOME OF THE TEACHERS WHO WILL BE "PHASED OUT", IF THE PUBLIC SERVICE COMMISSION ADOPTS THE RECOMMENDATION OF THE EDUCATION DEPARTMENT, AND DEPRIVES CERTAIN TEACHERS OF THEIR MEANS OF LIVELIHOOD IN THE CAYMAN ISLANDS.

(b) MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN) TO ASK THE HONOURABLE W.W. CONOLLY, OBE., JP., MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES,

AS CHAIRMAN OF THE HOTELS AID BOARD AND MEMBER FOR TOURISM CAN THE MEMBER STATE THE PRESENT POLICY CONCERNING THE GRANTING OF RELIEF OF CUSTOMS DUTY TO PROJECTS OF A CO-OPERATIVE APARTMENT OR CONDOMINIUM TYPE? PREVIOUS TO THE REPORT OF 1974 THE POSITION HAD BEEN NO RELIEF FROM CUSTOM DUTY, WHY WAS IT REVERSED AT THE SEPTEMBER 1974 MEETING AND WHY IN MANY CASES THE APPLICATIONS FROM PEOPLE WHO OPERATE BUSINESSES FOR HIRE TO TOURISTS WHO COME UNDER THE LAW FOR CUSTOM DUTY RELIEF, ARE NOT PRESENTED TO THE BOARD FOR CONSIDERATION?

(c) MR. CRADDOCK EBANKS, (CONSTITUENCY OF NORTH SIDE) TO ASK THE HONOURABLE W.W. CONOLLY, OBE., JP., MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES,

A TRAILER HOME WAS RECENTLY IMPORTED INTO THE ISLAND UNDER SECTION 10 sub-section 3 (c) OF THE CUSTOMS LAW, 14 OF 1971 PURPORTEDLY TO BE USED FOR AGRICULTURAL PURPOSES. WOULD THE MEMBER STATE WHAT TYPE OF AGRICULTURE IT IS BEING USED FOR, WHO PRESENTLY OCCUPIES IT AND WHERE IT IS LOCATED?

IF IT IS NOT AT PRESENT AT A SITE BEING USED FOR AGRICULTURAL PURPOSES, WHEN WILL IT BE PLACED THERE?

WAS DUTY PAID AND ON WHAT DECLARED VALUE?

(d) MR. JAMES M. BODDEN...../

(c) MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN) TO ASK THE HONOURABLE  
A. B. BUSH, J. P. MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

IN PREVIOUS MEETINGS IN THIS HOUSE WHEN MOTIONS WERE DEBATED AND QUESTIONS ASKED CONCERNING THE OPERATION OF CARIBBEAN UTILITIES, IT WAS STATED THAT GOVERNMENT HAD EMPLOYED AN EXPERT TO DETERMINE WHETHER THE RATE STRUCTURE WAS EQUITABLE AND IF NOT ANY OVERCHARGES WOULD BE REPAYED TO THE CUSTOMERS, AND THE REPORT WOULD BE SUBMITTED TO THE HOUSE. THIS HAS NOT BEEN DONE AND CAN WE BE RELIABLY INFORMED OF A DATE WHEN THIS COULD BE EXPECTED? IS THERE ANY INDICATION OF THIS YEAR'S NET YIELD? IS THERE ANY CHANGE IN MANAGEMENT ANTICIPATED? CAN THE FRANCHISE UNDER WHICH CARIBBEAN UTILITIES OPERATE BE TABLED IN THIS HOUSE? IF NOT WHY? A PREVIOUS INCREASE PUT INTO EFFECT BY CARIBBEAN UTILITIES - WAS IT APPROVED BY GOVERNMENT OR PUT INTO EFFECT IMMEDIATELY? IS IT TRUE THAT CARIBBEAN UTILITIES HAS REQUESTED OR ADVISED GOVERNMENT OF THEIR INTENTION TO INCREASE RATES AGAIN?

3. GOVERNMENT BUSINESS:

- (i) THE LIGHTHOUSES (AMENDMENT) BILL, 1975 (THIRD READING)
- (ii) THE COMPANIES (AMENDMENT) BILL, 1975 (THIRD READING)
- (iii) THE FIREARMS (AMENDMENT) BILL, 1975 (1st AND 2nd READINGS)
- (iv) THE LOAN (CAPITAL PROJECTS) BILL, 1975 (AMENDMENT) BILL, 1975 (1st AND 2nd READINGS)

GOVERNMENT MOTION NO. 3 APPROVING DRAFT DEVELOPMENT AND PLANNING (AMENDMENT)  
REGULATIONS, 1975 - TO BE MOVED BY THE FINANCIAL SECRETARY.

- (v) THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL (1st AND 2nd READINGS)
- (vi) THE PATENTS AND TRADE MARKS BILL (1st AND 2ND READINGS)
- (vii) THE EXPLOSIVES BILL, 1975 (1st AND 2nd READINGS)

4. PRIVATE MEMBER'S MOTION -

TO BE MOVED BY MR. G. HAIG BODDEN (CONSTITUENCY OF BODDEN TOWN)  
TO BE SECONDED BY MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN)

WHEREAS THE REPLY GIVEN ON THE 8TH DECEMBER, 1975 TO THE QUESTION CONCERNING CAYMAN AIRWAYS LIMITED WAS NOT SPECIFIC BE IT RESOLVED THAT UNDER STANDING ORDER 27 DEBATE BE ALLOWED ON THE REPLY TO THE QUESTION.

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TUESDAY, 9TH DECEMBER, 1975

10 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. The first item on the Order of the Day is confirmation of Minutes for the 3rd and 4th September, 1975.

CONFIRMATION OF MINUTES

HON. D.V. WATLER:

Mr. President and Honourable Members, I beg to move the confirmation of the Minutes of the Legislative Assembly held on the 3rd and 4th of September, 1975.

SECONDED BY HON. G.E. WADDINGTON.

QUESTION PUT: AGREED. MINUTES CONFIRMED.

MR. PRESIDENT:

We'll proceed now to private Members' questions.

QUESTIONS

MISS ANNIE H. BODDEN, MLA FOR GEORGE TOWN TO ASK THE HONOURABLE B.O. EBANKS MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR EDUCATION, HEALTH, SOCIAL SERVICES.

What is the cost of the renovation of the Cayman Islands Hospital, to 27th October, 1975?

ANSWER

The cost of the renovation of the Cayman Islands Hospital to 27th October, 1975 is \$561,087.85.

QUESTION 2

Is it a fact that four men and one lady were employed to install two Heaters and one Incinerator in the Hospital and who were paid by this Government separate and apart from the ordinary renovation cost?

ANSWER

I am not aware of how many men and/or women it took to install 2 Heaters and one incinerator at the Hospital. However, the installation cost of this equipment was a part of the original Labour contract.

QUESTION 3

If this is correct what was the landed cost of the cited equipment, and the cost of the installation?

ANSWER

Please see Number two above.

HON. BENSON O. EBANKS:

Continuing with the questions from the first Member from George Town.

QUESTION 4

Why is it now necessary for the Education Department to adopt the Policy which obtains in State maintained Schools in Britain?

ANSWER

It is the Policy of the Education Department to upgrade the Educational system of the Cayman Islands at all levels. Untrained teachers have been phased out of the Primary Schools and in keeping with sound Educational practice in Britain (and in other progressive countries) untrained graduates will be phased out of the Secondary School system of these Islands.

QUESTION 5

Was not Government aware of the fact of their qualifications when certain Teachers were employed?

ANSWER

Government is aware of the qualifications of all teachers employed in the Service.

QUESTION 6

Why at this stage will the Education Department adopt a policy to "phase out" untrained graduates who have been employed in the Comprehensive School, (and apparently giving satisfaction under four Headmasters), and intends to recommend to the Public Service Commission that their Contracts will not be renewed after July, 1976 when as a matter of fact in the last selection of Teachers for the Comprehensive School, Teachers were employed, who did not have any better qualifications, and not as much teaching experience as some of the Teachers who will be "phased out", if the Public Service Commission adopts the recommendation of the Education Department, and deprives certain Teachers of their means of livelihood in the Cayman Islands?

ANSWER:

The first half of this question is answered under (4). To continue -

In the recruitment of teachers for September, 1975 no untrained teachers were employed. All graduates and non-graduates recently engaged hold professional qualifications. Further this Government is under no obligation to contracted officers to renew contracts on a short or long term basis to ensure that they obtain a livelihood in the Cayman Islands.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, a supplementary question arising out of question 6. If Government is phasing out the unqualified teachers that might have served in this capacity for a period of years, is Government providing any other job for them in other Government departments?

HON. BENSON O. EBANKS: I have no knowledge of alternative employment being arranged, Mr. President.

MR. CLAUDE M. HILL: Mr. President, another supplementary question. I would like to find out from the Member who is responsible for Education and Social Services if the phasing out will bring a shortage of teachers in general in the Educational Department?

HON. BENSON O. EBANKS: The answer is no, Mr. President, the "phased out" is chosen to indicate that they are not being sacked; these people will not be re-employed when the present contract expires.

MR. CLAUDE M. HILL: Another supplementary question then, Mr. President. Since the phasing out has no effect, I would like to find out how will the replacement come about?

HON. BENSON O. EBANKS: In a normal course of recruitment.

MR. CLAUDE M. HILL: Another supplementary please, Sir. What is the normal course of recruitment then? Could the Member say?

HON. BENSON O. EBANKS: By advertisement within the Caribbean, Canada or might even be through the Foreign and Commonwealth Office.

MISS ANNIE H. BODDEN: Mr. President, with your permission I should like to ask the Member responsible for Education what actually is the trouble with these teachers why they are being phased out?

HON. BENSON O. EBANKS: Mr. President, the Member has the answer to that in the answers which I have given.

MR. CRADDOCK EBANKS: Mr. President, another supplementary question. Can the Member say that in his opinion it is fair to employees to the

MR. CRADDOCK EBANKS: (CONT'D): school over a period of years to be phased out and not given consideration to some other employment into Government circles?

HON. BENSON O. EBANKS: Mr. President, as far as I know Standing Orders do not permit questions which solicit an opinion as an answer.

MISS ANNIE H. BODDEN: Mr. President, with your permission I would like to ask the Member, is it or is it not a fact that one of the certain teachers who will be phased out has been promised employment in another department of Government?

HON. BENSON O. EBANKS: Mr. President, I have already said I have no knowledge of any alternative employment being offered; this is not the concern of the Education Department. All teachers who are being phased out have been given ample notice; there is a total of five teachers involved and three have been given notice for July, 1976 and two for July, 1977.

MR. CLAUDE M. HILL: Mr. President, another supplementary Sir. I note in his answer, I have first to say that -this is keeping with sound education practice in business. I'm wondering if the practice administered in the Cayman Islands will be equivalent to that of Britain?

HON. BENSON O. EBANKS: Mr. President, the answer to that is contained in the answer to question 4.

MR. CRADDOCK EBANKS: Mr. President, I'll just like to clarify one point on one of my questions. A year ago when a teacher from the Primary School was being phased out they told the teacher that they would provide a job for her by the time school was ready to open, the time for school to open she had no job, two days after school reopened the new teacher that was to fill her place didn't appear and they had to go back and ask this teacher to fill the post again until they got another teacher, she did that, then <sup>when</sup> she was phased out again she was left on the street. If that is -----

HON. BENSON O. EBANKS: Mr. President, is that a question or a statement Sir?

MR. CRADDOCK EBANKS: I said a statement Sir, and if that is fair treatment to employees, Civil Servants and teachers then we got to end up in <sup>the</sup> /ut sooner or later.

MR. PRESIDENT: I must remind Members that question time is for asking questions.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask the Member responsible whose idea it is to phase out these teachers, is it an order from Britain or is it a local get up?

HON. BENSON O. EBANKS: Again the answer is in the answer to question 4. It is the policy of the Education Department.

MISS ANNIE H. BODDEN: Then Mr. President, am I to understand that the Education Department it's their decision?

MR. PRESIDENT: I think the Honourable Member has already said that in his last answer.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member what is the landed cost of the equipment, that is the heaters and incinerator?

MR. PRESIDENT: I think the Honourable Member is only asked to give this information if the answer was correct to the second part of question 1, and he has replied.

MR. G. HAIG BODDEN: Mr. President, I see the answer here as saying see number 2 above but number two above only gives the answer to the cost of installation, so the Member has really not answered what is the cost of the equipment. In two he says that the cost of the installation was a part of the labour contract, but he doesn't mention anything about the cost of the equipment, so I'm querying what is the cost of the equipment?

HON. BENSON O. EBANKS: Mr. President, I would call the Member's attention to the fact that this question is phrased -"if this is correct," in other words if what was contained in number two was correct, this not being correct I do not consider that the second part of the question was relevant.

MR. G. HAIG BODDEN: That may be correct Mr. President from the original question. As a supplementary, I'm asking what is the cost? Whether what was in the original question is correct or not.

MR. PRESIDENT: I think that's fair.

HON. BENSON O. EBANKS: The cost of the incinerator is \$5355.05 the two heaters is \$678.77.

MR. CRADDOCK EBANKS: Mr. President, another supplementary on this question. Was it put out for tenders for the purchase of this incinerator and equipment or just purchased haphazardly?

HON. BENSON O. EBANKS: Mr. President, I would just like to make it clear, it was not purchased haphazardly. It was not put out to tender because it was a part of the contract for the renovation of the Hospital, it's part of the equipment to have been supplied in the contract.

MR. CLAUDE M. HILL: Mr. President, another supplementary Sir. Has the Member - labour contract where Members could examine if needed?

HON. BENSON O. EBANKS: There is a labour contract in existence for the Hospital.

MR. PRESIDENT: If there are no other supplementaries we can pass on to the next question.

I see the Honourable Member who's down to ask his question is not present so it'll stand over until tomorrow morning. We'll pass on to the third question by the Honourable Member from North Side.

MR. CRADDOCK EBANKS, MIA FOR NORTH SIDE TO ASK THE HONOURABLE W.W. CONOLLY, OBE., JP. MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU. AND SURVEYS.

- (A) A trailer home was recently imported into the Island under section 10 subsection 3 (c) of the Customs Law 14 of 1971 purportedly to be used for agricultural purposes. Would the Member state what type of agriculture it is being used for, who presently occupies it and where is it located?
- (b) If it is not at present at a site being used for agricultural purposes, when will it be placed there?
- (c) Was duty paid and on what declared value?

ANSWERS:

- (A) The following agricultural projects are being carried out by the owner of the trailer:

- (a) Vegetable production,

(b) Ground provisions production,

(c) Cattle rearing.

(B) The trailer is occupied by the owner on a part time basis at this time, on the lands being farmed in the district of West Bay.

(C) The duty was paid on a C.I.F. declared value of CI\$5,113.60.

MR. PRESIDENT: If there are no supplementary questions we'll pass on to the next question. Again the Honourable Member who is down to ask his question is not present, so this will be held over until tomorrow morning.

We'll proceed next to Government Business, starting with The Lighthouses (Amendment) Bill, 1975.

THE LIGHTHOUSES (AMENDMENT) BILL, 1975 - THIRD READING

CLERK: THE LIGHTHOUSES (AMENDMENT) BILL, 1975 THIRD READING.

MOVED BY V.G. JOHNSON, SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE COMPANIES (AMENDMENT) BILL, 1975 - THIRD READING

CLERK: THE COMPANIES (AMENDMENT) BILL, 1975 THIRD READING

MOVED BY HON. V.G. JOHNSON, SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE FIREARMS (AMENDMENT) BILL, 1975

CLERK: THE FIREARMS (AMENDMENT) BILL, 1975 INTRODUCTION AND FIRST READING

MOVED BY HON. V.G. JOHNSON, SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN A FIRST READING

CLERK: THE FIREARMS (AMENDMENT) BILL, 1975 SECOND READING

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, the second reading of a bill entitled "The Firearms (Amendment) Law, 1975".

Mr. President, this is another of the revenue bills of the series which I mentioned in the Budget Address, and the purpose for the amendment of this Law as stated in the Memorandum of Objects and reasons is to vary the rates of licence fees under the Law. The fees recommended in this amendment Law are approximately double to what they are at present; these were examined and the thought was that it was time to increase gun licence fee because this had not been done for a number of years, and therefore it fell among a group of many items of revenue which required revision and revising. It is quite a simple Law, Mr. President, and it produces not a very big amount of revenue, but it all helps. It helps to produce the figure which we included in the Estimates for new measures totalling a million dollars, and so I would ask Members to give their due consideration to the recommendation, and to approve of the bill.

Thank you Mr. President.

SECONDED BY HON. D.V. WATLER

QUESTION PROPOSED: DEBATE ENSUED.

MISS ANNIE H. BODDEN: Mr. President, I'm not very conversant with firearms etc. but I noticed here that revolvers are not included in this list. I do not know if they come under the rifles, hand guns or what Sir,

MISS ANNIE H. BODDEN: (CONT'D): I'm not sure, I would like to find out if that is an omission or what.

HON. G.E. WADDINGTON: Mr. President, hand guns would cover revolvers.

MR. G. HAIG BODDEN: Mr. President and Honourable Members, I support the bill in principle but I'm against the exorbitant increases. If my figures are correct, under the old Law we collected one dollar and fifty cents on a shotgun and a dollar fifty on rifles. The increases suggested here are five dollars for shotguns and ten dollars for rifles, and this is not merely doubling the rates as the third official Member suggested; actually if we want to use percentages in the case of the shotguns the licence fee is here increased by three hundred and thirty-three and a third percent, and in the case of the rifles it's increased by six hundred and sixty-six and two thirds percent; the handguns seem to have gone from eight dollars I believe to ten dollars which is a reasonable increase.

It is true that if we're going to have to increase expenditure this year we must have increased revenue, but why can't we go slowly? I would say an increase of twenty-five percent as was done in one item would be reasonable and could be supported, and while I would probably even support a bill to put a ban on the importation of some guns I would say that the shotgun is very necessary in this Island particularly for the type of people that own shotguns; I'm certain that if a survey was carried out we would find that probably ninety percent of the shotguns in these Islands are owned by farmers who use them for shooting rabbits from their grounds and perhaps even down in the occasional bird for food, and I believe that we should allow shotguns because they are necessary here.

The Financial Secretary or the Third Official Member alluded to the Members approving the one Million dollar increased in revenue, and in fact yesterday evening in introducing another bill or in winding up the debate on it he elaborated on that point that the Members of the Assembly in the Finance Committee had approved the increased revenue and the increased expenditure, and it sort of follows that we should now approve these increases. It is true that the Finance Committee accepted expenditures and increased expenditures under certain heads, but it is not true that all Members supported these increases; there was no unanimous decision, in fact if one examines the minutes which were presented to this House yesterday, (that is the minutes of the Finance Committee) it is shown clearly that I as a Member voted against the entire expenditure for the Town Planning Department, The Natural Resources Study, The Broadcasting Station, The Establishment of the water system and the New Services. And, I'm positive if these items of expenditure were removed from the Budget particularly if we take instead of the ten dollar token figure for the water system, if we put in a realistic estimate of its true cost we would find that it would not be necessary at this time to increase a single item of revenue.

So, while all the Members must bear the blame for whatever is done by the majority of the Members I want it known that a minority of Members did oppose some of the expenditure. And, of course in opposing expenditure it is concomitant that we would also not need the revenue if there had been no increased expenditure. When we come to deal with this Law or this bill I may perhaps ask that some of these figures be cut, not because it will really put any hardship but to be consistent with what I've been doing all along trying to fight the exorbitant increases which are proposed to satisfy our greed for revenue. As I do not feel very strongly on this matter I have not tabled any amendments to this bill, but I may ask that some of the figures be changed.

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I rise in support of this bill before us, The Firearms Law. And, while looking at the Memorandum of Objects and Reasons I see where it is well desired as said by the Third Official Member in his introduction of the bill; these are reasons given to us already in the Finance Committee in regards to raising funds for

MR. CLAUDE M. HILL: (CONT'D): the Budget, and I feel that each and every-one of us here should support such a small bill as this and give it due consideration without trying to file any fraction of it off for any particular reason. It is desired to vary the rates of licence fees under this Law, which being percentage wise it does not ask for very much, and I feel Sir that each and everyone of us here to use a firearm should agree with this bill; the only thing that I feel would be a bother to anyone here would be the one that is not licenced; guns that are not licenced in the community or the communities where people have access to the use of guns without the permission of that use - and using it illegally which would be a very detrimental act of Law which I'm sure can be dealt with by the constabulary force.

I thank you Sir.

MR. JAMES M. BODDEN: Mr. President, I rise in token objection to this bill. One particular thing that I take objection to is the use of the word "Vary" instead of the true meaning of increase; I will agree it's a very subtle way of putting it and it sounds a lot better, but lets not mistake ourselves, it still has the same true meaning as the word "increase" would have. It is true, Mr. President, that the Budget has been approved by the majority of the Members of this House, and like every good democratic Government once it's approved by the majority, the majority has to rule but that doesn't mean that the minority may not also dissent; and there has been a fair amount of dissention from certain Members of the House concerning some of the things that are in the Budget. I personally feel that the increases in some cases here are too high, we're still following the same big percentage as we followed in some of the other bills.

Another objection, Mr. President, would be this, that it is common gossip and rumour in the Cayman Islands that we're accumulating quite an arsenal of offensive weapons and if something was done about that either at the Customs Department or the Police in regards to confiscation or seeing that the people did pay their permits on these it might be possible for us not to have increased this. But, I have no sympathy in one sense in regards to the increase on these people because I think if a man has this type of equipment then he should pay for it; but what I object to is the large percentage increases that we're using on this bill as we've done on the other ones in the past, and the subtle word "vary" being inserted instead of increase. And, I would have hoped that instead of increasing some of these things that if we had cut out some of the so called important Departments like the Town Planning, the Cadastral and so forth we would have been a lot better off. Of course, I know that it would have been hard to cut off the Cadastral because it is very seldom that a person or a country can spend the amount of money that was spent on Cadastral and reap such great rewards; it's like a sinner, <sup>repenting</sup> on his death bed and going to Heaven after he has done all the bad things that he has done all of his life - because we will be debating that particular subject, and I propose in my debate on that to really get down into deep water, but Mr. President, I would have preferred to have seen things like that cut out instead of some of the increases that we have taken, and this is what worries me because whatever comes to this House - if a motion was to come to the House presented by the Government side this morning to behead six Members of this Assembly it would pass, so that is the thing that worries me, Mr. President, when there is ever no chance of being able to block the vote in this House.

Thank you very much.

MR. CRADDOCK EBANKS: Mr. President, I quite understood from the Financial Secretary's opening remarks on this bill what is the purpose for introducing the bill. We feel that even though it's not a big item of taxation it will do like the boy and his mother that were travelling along in a boat and the boat got aground, the tide went down on them so the mother relieved herself in the surf of the sea, and she said to her son every little bit will help. So, it's in the light of every little bit for the increased deficit that we've got facing us that we do not run short of money for the revenue, and why this is brought before us. I remember a year ago or about talking generally to the Financial Secretary

MR. CRADDOCK EBANKS: (CONT'D): along the lines of taxation, and I said to him then what about the increase in drivers licence, probably from two dollars to five dollars; well that would be so small it wouldn't worth bothering with it as it were, yet this now would be much less than that would have been even a year ago but this can be bothered with now.

As has been pointed out the percentage rate is doubled up, tripled up and what not, it still doesn't impose a very hard restriction or deterrent on firearm users; and a firearm is a dangerous piece of equipment, it's something not to be played with and I was wondering myself where revolvers came in at but I have been enlightened on it, and I feel, Mr. President for such a piece of equipment that can so easily be hidden and smuggled and concealed and taken around for a tax of ten dollars no consideration has been given as far as I'm concerned to restrict the movements of such a piece of equipment. I suppose most such owners when they make application for home use protection of their house - probably many of them tote it around with them, and I feel that a very very large amount ought to be placed on a revolver whether they want it for home purposes or whether one wants it <sup>to</sup> stroll around with; but I feel that such as this I couldn't give any support to.

The shotguns are generally used by, as has been said farmers for the protection of their farms against rabbits and what not and they are not easily concealed or carried around, but, Mr. President, I hope that those responsible for such as this will go into these things and amend this and bring something that would be more suitable before I could give any support to it as it is. It has always been while some people can get just what they want, when they want and how they want others can't - a fellow was talking to me nine months ago, his son put in an application asking for a permit to use a shotgun on farms and until now he hasn't got a reply to whether the boy's application is accepted or not, yet he knows that it has been received. Does it take nine months to say yes or no to an applicant? because it's a local boy, if it had been somebody else it wouldn't have been a question they would have got their licence the next day. These are all the things, Mr. President, that one has to take in consideration while it seems to be the feeling of an official that Members shouldn't go along or accept as it were the grievances of the public, but who then should go along with the grievances of the public if it's not the elected Members that are put in here to represent them. I mean, if we just can't then we just don't have to be here; just have the head of state and three or four then and call it finish.

Mr. President, in principle as I pointed out this bill I just can't support it at all in its entirety; and the increase that we will get from it nobody salary will be hurt from it, they won't lose anything. So, when we get something different from this I will give consideration to it.

MR. PRESIDENT: If there are no other speakers I ask the Honourable Mover of the bill to reply.

HON. V.G. JOHNSON: Mr. President, I am grateful to those Members who spoke and who gave their support to the bill; to other Members who opposed it it is entirely their prerogative to do so, no one is forced against their wishes to accept or reject a matter in this House. The term used here, Mr. President, to vary the rates is one used by the Legal Department, I would have used increase, it's like the tax evaders you know if you used the term evasion taxes they correct you and say <sup>that</sup> that's wrong the legal term is avoidance in taxes; so I suppose it's the same here varying and increase, it's the same thing; I would've used increase, but this is the Legal Department's definition of an increase to vary.

Mr. President, I will recommend the bill as it stands in spite of what Members have said about it, I still think it's a reasonable proposal and I'm sure that the House will go along with it. I recommend the bill, Sir.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING



COMMITTEE THEREON

MOVED BY HON. V.G. JOHNSON, SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED.

HOUSE IN COMMITTEE

CLERK: CLAUSE 1 SHORT TITLE AND COMMENCEMENT.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. LAW 17 OF 1964 AMENDED.

QUESTION PUT:

MISS ANNIE H. BODDEN: Mr. Chairman, I would like to suggest Sir that "Revolver" be put in some place in this Law as it does not appear under Law 17 of 1964 and the fee be twenty-five dollars. Now, I am very afraid of guns (Hon. Benson O. Ebanks - can't be personal) but I have seen seamen come from Japan and I had a case in Court a man brought in a little revolver about the size of my finger, well, in those days the Judge was very lenient (inaudible) But that instrument or whatever you call it was so small that you could put it almost in your shoe, and I feel Sir, that we should make the fees on this type of gun sufficient that we sort of discourage the importation. Then not so long ago there was a little girl passed my house which had a special 34, I believe you call it, she had picked up carelessly somewhere and was walking about with that, so I feel that revolver should be inserted in the Law with a fee of twenty-five dollars. (inaudible) (MIKE NOT ON THROUGHOUT MEMBER'S SPEECH)

HON. W.W. CONOLLY: Now, Mr. Chairman I could agree with the Member but the fact remains that all the guns that she has cited have been guns that are not licenced now at all, and putting on twenty-five or fifty dollars still wouldn't be on these guns who people bring in without having a proper permit, and without licensing them. So, if you put on twenty-five or fifty dollars here it would not in my opinion do anything to deter people from still being in possession of them illegally, because the two cases that she has cited have been guns that have been illegally carried, not licenced at all, and as I see it here I believe that those people who legitimately have guns and who come forth every year and licence those guns a record is kept, and I feel like, while it's not much revenue to be gain<sup>ed</sup> from it, but in keeping with some form of increase I think the ten dollars is a sufficient sum.

MISS ANNIE H. BODDEN: Mr. Chairman, I'm quite cognizant of the fact that the cases I have cited were cases which people were in possession illegally of these weapons. Nevertheless, I feel that even if they are in possession of revolvers legally having had a licence to import and a licence to use that the amount of twenty-five dollars is too little. We have had instances where people had to use guns thoughtlessly, taking even their lives with it and I feel that we should not allow people to tote around guns without paying I would say twenty-five dollars for these revolvers. I am quite cognizant of the case that I cited that there were cases different from paying licence, I was only trying to describe how very small a little gun can be and that it can be past dangerous, that's all I was saying, and I quite know what I said.

HON. W.W. CONOLLY:

People have them for sentimental values

too, you know.

HON. A.B. BUSH:

I can well see the Lady Member's point, but I think she should realize that with the small fee that was being paid and they still were unlicensed that to increase the fee would give a great incentive not to licence the gun. I certainly agree with her, that to my mind guns should be banned altogether; I have never had one of my own of any kind really in all of my life and I don't see the need for them in an Island like this. And, although I would like to see a greater fee put on them, I think we should consider how considerate Government has been in trying to keep everything to a minimum, but at the same time try to raise a little extra revenue for the Island; - although I know there are a lot unlicensed guns in the Island or so I understand, and with the small fee we're paying they still won't come forward and pay their licence fee, so to increase it anymore no doubt it will give a greater incentive for them to hide these guns away.

MISS ANNIE H. BODDEN:

Mr. Chairman, the only thing is this that we're crying now as if there was not a penny in the Cayman Islands people still have money, they're not that broke, they must be getting a little more conscious of not to waste it, but you'll tell me today that what is twenty dollars or five dollars or ten dollars to these; they are dangerous weapons, and believe you me Sir there are a lot of licensed and unlicensed guns and weapons in the Cayman Islands. I know they are very strict on some people, I know I had a client who had a shotgun that she had inherited from her grandfather or great grandfather or somebody a regular family treasure and she went to the Police Department to have its licence paid on it, they said "no, give us the gun" she said "Oh no, you can't get that gun", I mean there are people that are still honest and people that will go to pay, but the point is this that a lot of these people who had these guns from years and years ago if they go now to pay their licence the Police Department Head takes the gun away.

Another Lady I know of found a little revolver in her car or that's her story she want to pay the licence on it and the Government said, "Oh no, take it away" so I don't think it will help very much with this small fee and I don't see any quibble about the twenty-five dollars. But, I'm here to support what is true and right and I have no strong objections to this bill, I feel that when anything we want we should pay for it; and this Government cannot function on the breeze.

MR. CLAUDE M. HILL:

Mr. Chairman, I see the Lady Member's views and I feel that guns that are licensed for general licence and those that are restricted there should be a variation on the fees in that occasion. But, speaking of the sizes that she had seen - quite a few guns have even been placed in pipes now, smokers pipes and different things; guns are coming in all shapes and form now, so restricting the guns according to sizes or restricting a gun in general its very hard to determine what is a gun now, since even in a pipe there is a gun or even in a walking stick a gun is placed; so it is something that is an umbrella and in various forms it can be used, so I see her point, being a Lady that stays in her home by herself and she has seen quite a bit of action I would say, I feel that she herself feels worried about the matter and it is for Members views that this can be taken into consideration Sir.

MR. T.W. FARRINGTON:

Mr. Chairman, I noticed that the shotguns there were two types of licence for shotguns, one was general and one was restricted, and there were two different types of fees charged. I know it is for each user now five dollars, does that mean that we'll have a general licence or a restricted licence?

HON. V.G. JOHNSON:

Mr. Chairman, I think the Commissioner of Police places the restrictions where this is to be placed, in other words he decides which is to be restricted and which is to be general, but there is one fee that applies generally to all licences.

MR. JOHN D. JEFFERSON: Mr. Chairman, on this Firearms Law I have learn<sup>ed</sup> to use a gun from the time I was very very young and I'm among those that carry a licenced firearm. On the varying of fees I realize the concern expressed by the Lady Member and no doubt others here, but as far as I'm concerned I think that there is one thing that we can say and that is that the present Commissioner of Police is very careful about whoever he issues any permits to to bring in guns, but guns are being brought in illegally it is the Costum and his own problem to worry about them. But, as far as I'm concerned, Mr. Chairman, I feel that as far as we are concerned unless there are other influencies I'm not particularly worried about firearms, I don't think I would be worried if I was aware that there were any tremendous amount being brought in the country, but on the other same token, <sup>you know</sup> a man that learns to respect a gun it's something that he loves and he enjoys using as long as he uses it in the right way. And, on the handguns a fee of ten dollars I don't have any feeling about the fees, ten dollars isn't very much money anyway you turn it.

Yet, I feel like the man with a shot gun; I know that there are people here in certain parts of this Island that if they don't have a shotgun probably they couldn't do very much farming because of the control of rabbits; and I know <sup>it was</sup> just a short time ago when Government sold their ammunitions to encourage <sup>people</sup> to keep the rabbit population under control. As far as I'm concerned it doesn't make any different to me on the fees, I think like the Member said, the one thing about it is that if we do increase the fees we have to watch out for people might not want to evade paying taxes on it, and licence on it and want to have it illegally. I would rather see them all licenced where people - the Government, <sup>about</sup> the people with responsible position knew who and where those guns were; that's all I have to say on that Sir.

MR. CLAUDE M. HILL: Mr. Chairman, I think if this is left to the Commissioner of Police who has been doing a very fine job of it, in the licensing of guns, restricted or general I think it would be quite in order. He has done a fine job; there are guns that he does not give a general licence to and there are people who try to get a licence and can't get a licence, and the unlicenced <sup>gun</sup> is the one that we should worry about or anyone should worry about is the unlicenced gun; and what can we do about an unlicenced gun when someone does not go and seek a licence for that gun which he has smuggled into the Island or whatever it is, but the Chief of Police has been doing a fine job. I can assure you, I have been to him on many occasions with the renewal of a licence and the Police in general have done a good job Sir.

MR. CHAIRMAN: Well, there is no formal motion to amend this clause so I think I shall simply put the question after this debate that clause 2 do stand part of the bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE FIREARMS LAW.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on this bill.

HOUSE RESUMED

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report, Sir, that a bill entitled "The Firearms (Amendment) Law, 1975" was considered clause by clause by a committee of the whole House and passed without amendments. Third reading tomorrow morning.

THE LOAN (CAPITAL PROJECTS) LAW, 1973 (AMENDMENT) BILL, 1975

CLERK: The Loan (Capital Projects) Law, 1973 (Amendment) Bill, 1975  
INTRODUCTION AND FIRST READING

MOVED BY HON. V.G. JOHNSON, SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

CLERK: The Loan (Capital Projects) Law, 1973 (Amendment) Bill, 1975  
SECOND READING

MOVED BY HON. V.G. JOHNSON

HON. V. G. JOHNSON: Mr. President and Honourable Members, the Memorandum of Objects and Reasons; the purpose of this amendment law is to increase the sum of the loan from five million dollars to eight million dollars as provided for in section 2 of the recommended amendment law.

Mr. President, recently the Capital Projects were reported to Finance Committee, this was during the month of July and the Finance Committee was appraised of the position then of all the projects, of all the loan commitments of this Government and at that date the loan was in a sum exceeding the original sum provided for in the Law. As I have mentioned the sum provided for in the Loan (Capital Projects) Law, 1973 is five million dollars, and in the report on the 31st of July the Finance Committee loan raised that <sup>day</sup> it was five million six hundred and ninety-five thousand dollars. Mr. President, the reason for the increase was explained to Finance Committee, it was quite evident that the projects which were costed in 1973 or there-about would actually on implementation and completion cost a sum greater than five million dollars. The five million dollars was provided to finance for four projects; four projects were port, Administration Building, Road Programme and the Airport facilities, so far only three of those projects have been undertaken; Port, Administration Building and the Road Programme. The first phase of the Airport development was done from local funds and so loan financing did not play any part in that particular phase of the programme.

And, it was anticipated that the loan which this Government would require to finance those three projects, would amount to the sum which I have just mentioned, five million six hundred and ninety-five thousand dollars. So, it was quite obvious then, Mr. President that the Loan Law would need to be amended to cover the additional sum and also to provide the facility for financing the Forth Project when this was undertaken, that is when it was financially possible to undertake the project. It was reported to Finance Committee that the sum which would be requested by the Legislative Assembly to be approved would be an additional three million dollars to make the total sum eight million dollars. Therefore, Mr. President, this amendment law now being introduced is to conform with the report made to the Finance Committee and to the agreement of Finance Committee, for the financing of these projects and for the loan funds to be in a sum not in excess of eight million dollars.

In the Budget address it was stated that the second phase of the Airport development would not be undertaken until the financial position was made clear, and that the money was available to move on with this project; in fact I doubt very much that this Government would be able to negotiate a loan to undertake the project until we could satisfy the lenders that we were in a position to finance that loan. I think it is probably in the best interest of Government at this stage to reconsolidate our financial position, complete the projects that are now under implementation and when these have been completed then we move on to tackle other urgent projects. I doubt very much that in the coming year there will be the capacity to move on with any new projects, however there is the need for the amendment of the Loan (Capital Projects) Law in order to cover the over drawing of the loan and also to provide for future needs.

I therefore recommend this amendment Law Mr. President, and I hope that Members will find it possible to give their support to the recommendation.

SECONDED BY HON. D.V. WATLER

QUESTION PROPOSED: DEBATE ENSUED.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I rise to support this bill. Now, I remember many years ago a Legislator from Bodden Town said, "Any Government that is not in debt is no good". Well, we are good now, we have always been good and we shall continue I hope with God's help to be good.

Now, I am supporting this loan, Mr. President with the distinct understanding that we shall bring to our conclusion those projects which we have now started. I am not agreeing to any loan to start any new project, we must go step by step, finish what we have started and then we can think otherwise; from the time that the four projects were envisaged I said, let us do one at a time. I suppose if we had done only one that might have taken the five million dollars, there's no telling; so we have started, we have beautiful Assembly Hall, a wonderful Court House, the only thing is the partition of it is not quite correct, and we have as these fellows terme it the glass cage. Well, I'm very proud of all three of those projects; I advocated that we should have a proper administrative building long before the fire burn, and I'm happy that we have a building which we can be proud of.

Now, the dock facilities, I feel very confident Mr. President, that before my good friend is over with this he will have to get a wig, because people are going to <sup>worry</sup> him to death; and I am supporting that we must have that dock and it must be sited in George Town. Up to a few days ago a young upstart I would call him, said to me why don't you follow so and <sup>so</sup> advice and put it in Red Bay, I said if so and so knew what the 1932 storm did to Red Bay he would talk otherwise. Now, I am not sure that the dock will be all that we want but it'll be the best that we can do, and everything costs money. I told my good friend when they were talking about a million and a half dollars to do the job that that was impossible, I am still saying it's not going to take any less than six million dollars; while that is a tremendous sum for a poor Government like ours is supposed to be, I still say we are a rich Government, we are rich in quality, we might have too much money but we have a high standards, and I hope and pray and trust that we'll never get anything other than what we are that we'll never go down the slope where we shall be called anything except a good stable Government.

Now, I am going to support this, Mr. President, and I hope and trust that this money will be sufficient to finish the road and the dock. Now, I am against my colleague in this Red Bay diversion of the road, I've told him so and I'm saying so publicly; I want to see our roads filled and properly put in use. Now, I do not know the difference between hot mix and barber green which I was told yesterday they supposed I meant hot mix, I don't know anything about these technical terms, but I will call it the satin road, and I want to see that satin road finished and it's going to cost money. I do not want them to have it said that we began and were not able to finish, we must count the cost before we start; well, I don't think that we counted the cost altogether, because when all of this was talked about things were much cheaper than they are now; labour was less, I'm sure material was less costly, but we have begun these projects and finished they must be, so I support this Law, Mr. President. I am very sure that if we had had a former Financial Secretary we would have a big fight to get this loan put through, because he was an economist to the hilt; he did not believe in going into debt and I can't say I myself like to be in debt but nevertheless we have to face realities, and since we have not got the money of our own we must make arrangements to borrow this money, and I hope and pray and trust it will never come to the time when we <sup>will</sup> have to borrow to pay back borrowed money, we must strive to keep our finances in a strong good shape, we must not indulge in luxuries, just get the necessities for the time being; and I say that the projects which we have under way are necessities.

Now, this Airport project, I am not going to support that until funds are available in our own right and I feel that we must use our discretion and see that we don't plunge this Island too heavily in debt. After all, eight million dollars is not much money now a days, you hear talking about thirty-five, forty and fifty million dollars, they'll say

MISS ANNIE H. BODDEN: (CONT'D): that's not anything; not too long ago I read that a certain Government had to borrow eight hundred million dollars, now that's what I call money, and we'll never get to that and I hope we'll never find Legislators who are so foolish as to try to borrow that kind of money. But, eight million dollars in today's language is what eight thousand pounds use to be before, and I support it, Mr. President the Law that we have before us,

Thank you Sir.

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I rise to support this Bill. As some of the Capital Projects have been completed and some have not as yet been completed; at the time when these projects were slated it appeared to us that the loan that we were seeking would've been sufficient, but now we find ourselves that the funds that we have achieved cannot complete the job, and since we have started these projects I hope in the seeking of a loan of eight million dollars this will be the ending of some of these projects. Owing to the recession and inflation I am quite aware that the money that was sought for was not able or the money that we sought was not able to carry on these projects to a completion, and Mr. President, I hope again that we will not have to come to this House to ask for a supplementary on these same projects that we are now launched out on.

In regards to what the Lady Member mentioned, and regards to the Airport I agree completely with what she has said, and I feel that it will be foolish in us to go and launch on another project before funds are available; and knowing that we can complete it seeing the recession and inflation that the world is faced with. I wholeheartedly support this bill, and I know the Third Official Member is doing his utmost best to let funds go as far as possible in all categories in the development of these Islands.

I thank you Sir.

MR. G. HAIG BODDEN: Mr. President, Honourable Members, it is expected that I will oppose this Bill. I was one of the strong opponents in 1973 to the Loan Capital Law; my reason for opposing that Law in 1973 was that I felt it was unwise to embark upon four major projects at one time. I said at that time that we were biting off more than we could chew, and we are now suffering the pangs of indigestion caused from being unable to chew what we have bitten off.

In 1973 it was shown that we needed to borrow five million dollars, at that time I remember saying that five million dollars would not do all these jobs. The Lady Member from George Town made it clear that in her opinion one million or one and a half million dollars could not complete the dock, then we were told all these things; they were putting the dock in George Town because it would only cost one and a half million dollars. The reason why we were told it would only cost one and a half million dollars was because they wanted to put it in George Town, and I also remember saying that when we want to get the thin edge of the wedge in we ask for a small sum of money. I feel certain that if in 1973 a bill had been presented to borrow eight million dollars this Assembly would not have approved it, but we were only asked to borrow five million dollars knowing full well that after the lapse of a few months or a few years an amendment could be put forward, and because the money was asked for in steps the Assembly would approve. I also remember pointing out in 1973 that if we borrowed this amount of money we would have to pay it back, we would have to pay a lot of interest on it; it follows then that we are now asking this Assembly to incur further debt charges to process a loan which will now be increased by sixty percent, if this is the costing that is given to us by experts, and if they are so far out in their estimates it is no wonder this Government is always in trouble.

When four projects are under-estimated by such a vast sum of money I feel that we need to look elsewhere for our expertise, even if it is amongst the first graders in the school. I wonder if all Members realize the public debt charges we are now faced with as set out on page 2 of the Budget. This year, talking about 1976, we have public debt charges where the interest alone is five hundred and two thousand nine hundred and forty-two dollars; the interest alone which we will pay out

MR. G. HAIG BODDEN: (CONT'D): of our recurrent expenditure this year is over half a million dollars; when that is added to sinking fund, repayment and other expenditure dictated by Law we have a figure of six hundred and eighty-five thousand six hundred and three dollars, this figure way in excess of half a million dollars will cover interest and other repayments. The point I'm making is that at the present time we're paying a half million dollars per year in interest alone, and yet Government has the nerve to ask for more loan; I'm conscious of the fact that there can be no free ride for very long, if you get on the bus you have to pay, what then is the answer? The answer would be not to get on as often as we are trying to get on; why can't we take these projects one at a time, complete them, have a breathing space and then go on to some more.

In 1973 we committed ourselves to four major projects, the completion of one is in sight, however even for that one God only knows when we will finish paying for it; the other three are just in the beginning stages. And, as this were not enough we hear echoes in the Executive Council Chamber about other million dollar projects, we hear about a water system, we hear about another capital project plan; these are not rumours on the street these are facts; the Budget speech mentioned that we must now look to a new plan since we have about completed our five year plan. In this Budget, this Assembly, in the Finance Committee has approved a token vote for the water system, in other words Government could go ahead tomorrow and start that project, they don't have to come back to us it is here already approved - the cost put in is ten dollars for the water system, a million dollar project. This token vote is a powerful thing, it is only a matter of getting the thin edge in and then opening up everything. We have in this Budget too many token votes; we also heard a Member speak this morning about his token objections and now we come to a bill that is a token loan, because that is all it was in 1973 when Government asked for five million dollars; Government knew full well or they should've known considering the money they paid for consultation fees, they should've known that five million dollars could not do these projects. This five million dollars cannot do the job, today we are asked to approve three million dollars more, but neither will this three million dollars do the job; we only have to look at the figures we already have and you will see that eight million dollars cannot complete this job.

The Administrative Building cost one point seven million dollars; in the Throne Speech we were told that if we have the dock properly completed with all its auxiliary functions it will cost four point six million dollars. We have the road on the way and that has already cost one point three million dollars for the first eight miles, and if we can calculate the total figure using what was spent on the first eight miles leaving out the materials already bought for future construction, leaving out the equipment already bought that will be used it will probably take another two million dollars to complete the next twenty miles. The Airport project has not really gotten on the way, and yet that has cost nearly a quarter of a million dollars. And, I might add that yesterday the Member tried to hide by verbal gymnastics the true cost of the little shed and its cistern but some Members were able to dig out the information and we know that that is point two million dollars which makes a total of nine point eight, nearly ten million dollars; and if the rest of the Airport terminal for which we have no projected figures cost in proportion to the shed the terminal building cannot cost less than five million dollars. So, that where in 1973 we were asked to approve a loan of five million dollars, it now appears to me that we will need fifteen million dollars; some Member hoped that the loan which we are asked to approved will complete the job and that we will not be asked to approved further loans, but one look at the statistics will show that we will have to be asked if we are to complete these jobs.

We have a single projected figure for the dock of four point six million dollars, this is equal to the total loan which we approved in 1973; five million, and one of the four projects costing four point six million dollars. We want to make it clear that something is wrong, either our Government is being illadvised by the experts the Government is paying or the Government is not telling us the truth, one

MR. G. HAIG BODDEN: (CONT'D): or the other is so. We know there can be and there will be costs above any projected figure, but there should not be this variance. In looking at the four projects that we have been asked to approved this money for one can easily see that with a little bit of care a million dollars could be saved, and the person wouldn't have to be versed in engineering and in finance to do it; if money has ever been wasted on Government projects anywhere it has been wasted in the four projects which we have embarked upon.

During the Budget address or the Budget debate I went into great lengths to show that Public Works has wasted a lot of money on the roads; if the roads had been given to private contractors they would've been finished long ago for far less money than the total cost will be. At the present moment Government is still continuing to waste money, I described how they had moved about like a fowl picking up corn in working on the roads, I described how they went down to West Bay and up to the Kirkconnell road and then up to the Bodden Town road, and now down to George Town, and there they have been hopping all over Town; for example, we just completed Shadden Road to the intersection of Church Street and rather than going north on Church Street they had to go down to Delworth's super station and work south on Church Street just because they would have to move the equipment, just because that would take one day for which many people would be paid and no work would be done, what is the difference of doing that little stretch of road, if they had gone down from the corner of Marren's store to the grave yard.

They have planned diversions in the road which are not necessary, and although some words of wisdom have been spoken in this Assembly against these diversions I understand that it is the intention of the all powerful Public Works Department to persue their course of building the canal in Red Bay and passing it off as a road; here we have a swamp that is under many feet of water and Government continues to build the road upon it for no reason at all with the exception of taking out one curve in the road, and taking out this curve does not improve the road at all; since the way it's being done will put two bigger curves than it had originally because where it only had one "S" shaped curve it'll now have two "L" shaped curves. Everywhere we turn we see money wasted on the roads; rocks are bought in Gun Bay and stocked all in North Side to do the West Bay road, every time I turn around the Public Works trucks are hopping from one place to the other moving marl that has been stock pile; this is no joke Mr. President, this is actually happening and has happened many times; I know the Member from North Side being a truthful man can attest to what I'm saying, he can varify what I'm saying; and money is being wasted, so it is no wonder that the five million dollars couldn't do the job, and I know that the eight million dollars will not do it unless somebody with authority puts his foot down and say you do this or else. People are left alone to carry out every whim and fancy, to take the advice of consultants who have never seen this Island, to take the advice of experts who might be quite expert in their own field but know nothing about the Cayman Islands.

We heard in this Chamber about the money expended on the glass cage and how expensive the furniture was; and I will tell you this, and this is no untruth. In January of last year I had occasion to purchase some furniture and checked all the prices in town and the firm that is now selling the most expensive furniture to Government stocked at that time the least expensive furniture in the Island; so the money is gone and I don't know where it has gone, but money is being spent, money is being wasted. We heard about the astronomical figure to build one little warehouse, one little butler type prefabricated warehouse whose cubic capacity is not enough to hold one plane load of freight; one small wearhouse costing hundreds of thousands of dollars; public money is being wasted, public money is being illspent on these projects and nobody seems to stop the tide.

We know that on the dock either our first advisers or somebody else is wrong, when a job which should've cost just a little over one million dollars is now five times as much; something has happened, somebody's prices must be too high or some experts must be too fool because we were given figures in 1973 which have <sup>been</sup> blown out of all



MR. G. HAIG BODDEN: (CONT'D): proportions today, and we are now asked not merely to increase this loan but to increase it out of all proportions. The original figure in the Bill was five million dollars, and if they had even slapped a fifty percent we could tolerate it, but fifty percent would only have been seven point five million dollars and we are asked for a nice round figure of eight million dollars. My suggestion would be that we do not approve this loan; lets us stop the work where it is and let us have a breathing space, and when we have used up the money we take one other project and complete it. You see if we had not made the error of supporting this 1973 Bill we would not be in the dilemma that we are in today, and we would not be scurrying around slapping twelve hundred percent increases on some items and six hundred and sixty-six and two thirds percent on some items, and nothing short of a hundred percent on any item in an effort to balance our budget and to pay the heavy debt charges and interest that have been incurred; and not only have we done that but we have changed our whole way of life.

In the Financial Secretary's eleven years of presenting a Budget he tells us he has never had such difficulties, but the difficulties are only beginning, because while this year we are struggling to pay a half million dollars in interest we are now asking for an increased loan which will put up our interest charges by another quarter of a million dollars. In fact if we have to pay eight and a half percent I believe our interest charges will increase by more than a quarter of a million dollars next year; so what we are doing is saddling generations yet unborn with mill stones around their necks, with debt charges around their pocket books and we are talking about preserving the environment for future generations when they won't be here to enjoy it. It is time that Government slow down a bit on its spending; it is true that these projects are needed and it is also true that many more things are wanted, but there is a limit to what revenue can be generated in these Islands. We have about exhausted every resource we have for producing revenue, there're only three more avenues left and they are income tax, property tax and estate taxes, and if our borrowing continues we will have to enter one of these in the very near future because it is not just a matter of paying out a half a million dollars in interest, the capital itself must be repaid one day, and when the day of reckoning comes you won't see any figure like sinking funds of eight thousand dollars in your Budget as we see this year, you won't see any repayment of seventy-eight thousand dollars, you're going to see much larger figures, because this eight million dollars which we have borrowed and which we are in the process of borrowing will have to be repaid sooner or later, and the people of these Islands will have to pay.

Mr. President, I must oppose this Bill because I believe that this bill is truly a token bill; this amendment is a token amendment, three million dollars cannot complete these projects if we continue to spend and if we continue to waste money like we have been doing. And, I know that this amendment will go into Law, I'm positive of that, I know of the built in guarantees which makes it possible, I know of the strength of our collective responsibility and I know of the feelings of this House and I believe that this amendment will go into Law but I want it put in the record that at least I stood against this Bill.

MR. PRESIDENT: I think this might be a suitable time to suspend proceedings. We'll resume again at 2:30 p.m. this afternoon.

HOUSE SUSPENDED  
HOUSE RESUMED

MR. PRESIDENT: Please be seated.  
Proceedings are resumed. Debate continues on the second reading of the Loan (Capital Projects) Law, 1973 (Amendment) Law, 1975.

MR. JOHN D. JEFFERSON: Mr. President and Honourable Members I rise to speak to the Loan (Capital Projects) Law, 1973 (Amendment) Law 1975. A lot has been said and a lot, Mr. President will still be said in relation to the Loan (Capital Projects). We find there is a bill before us today to

MR. JOHN D. JEFFERSON: (CONT'D): increase that expenditure from five million dollars to an expenditure covering eight million dollars. I will no doubt repeat myself but I remember several years ago when this Government was trying to sort out their priorities, and the frustration at the end of every year when our own people were crying for more roads, better medical facilities, better educational facilities and system; the cry was docks, what have you. I remember, Mr. President, the frustration that plagued the Finance Committee from year - the fact that all of us felt we were trying to properly represent the people to which we were elected, and then it seems that in return we were getting so little to be able to take back to them.

I remember after the rainy season in my own district that the pot holes in the roads were a serious problem, the condition of the roads was deplorable. I remember when we yearned for better medical facilities, I remember when we yearned<sup>ed</sup> at the Cayman High School for better facilities and improved educational programme. I remember the thoughts that exercised our minds in relation to the port project, and eventually thank God, with God's help the Government of the Cayman Islands sat down to sort out their priorities and said, this must be number one and this must be number two and on down the line. We embarked on five years of Capital Projects of which most of those projects today have been completed.

I feel, Mr. President, that never will any of us stand in this Chamber and say that we are satisfied with all that has been done, because I think it is human nature that we want more and more and more; and I feel that we in this Chamber realize that nothing is too good for the people of this territory. We feel that if there is ever a time that we must see that our children are educated it is now, we must see that the standard of local services is at its highest - that's now. I am not perturbed<sup>ed</sup> Mr. President, to wait any longer, and I haven't been perturbed to wait any longer; we must continue to see an acceleration in the standards of our medical services. We must continue to see an acceleration in the standard of our educational system, we must continue to see in our Islands Government in the driver's seat demonstrating<sup>ing</sup> to the Private Sector that Government knows what they want, and Government knows where they are going. I sit in this Chamber so many times and I wonder if all the things I heard said about the Cayman Islands Government, whether it's the Government that I know or whether it's a foreign Government to me. I know that all of us are not satisfied with all the things that we see, we aren't getting all that we would like; I believe that we will continue to fight and disagree on issues, we'll never be able to see eye to eye on everything - may be that's good for the country, and Mr. President I too will say this that I believe that if all of us sat down and say everything is fine, may be so many people, and we'll all become so complacent that we'll not be able to get all the things done for our people that we feel ought to be done.

And, while I would stand here in this Chamber and disagree with Members I would give my life to defend their rights, to be able to disagree because it is a democracy; this country is a country of the people, for the people, by the people, and, Mr. President, make no mistake about that I would give my life to defend, I would give my life to defend that system of Government. And, I feel today humbly proud to be associated in a part of the Cayman Islands Government; I feel we have had a boom in these years and we have gotten a lot out of the boom. This year things have settled down, this year a world recession has swept the entire world, not only the Cayman Islands; and I spoke to a fellow yesterday, and I said, when I hear people making such stupid statements that the plan killed the Cayman Islands, it is sheer nonsense, and I don't believe sensible people really believe that. What has killed New York City? What has killed so many other countries, so many other companies? What is the financial problems in other countries today? Why is it that the United Kingdom is in a bad condition financially? Why is it that the highest unemployment rates in the United States ever in history of that country, we've experienced this year. When we look around the Caribbean and see the conditions of other countries throughout the Caribbean we ought to thank Almighty God that we are as fortunate as we are.

I don't say we ought to pat people on their shoulders and say, everything is going great in the Cayman Islands Government.

MR. JOHN D. JEFFERSON: (CONT'D): because that's not good for them, but I do believe the Government needs a little bit of credit sometimes. My Bible tells me, honour to whom honour is due, and I think we deserve to give our Government a little bit of credit. I believe if we look around today and see, and listen to all the statements made about experts - when we look in the supermarkets we find experts, when we look in the construction field we find experts, but I wonder what Government would be like if Government wasn't able to live up to its responsibility; if Government was not able to get the expertise that they need - I see companies and what have you in this country, a lot of experts, I don't know what we would expect from our own Government, would we want it so that the private sector will be laughing at us? I will say this, I think administratively in a lot of other islands there needs to be a lot of improvements.

I believe we better stop and look carefully and make sure we are not doing anything now at this stage; it may be could wait until the financial situation is cleared up. But, Mr. President the question that I would like to pose and the question I would try to answer myself is what would have happened in these Islands if Government hadn't started on the port project in 1975, or if Government hadn't continued building the Cayman Island High School, if Government didn't have the road programme going, I wonder what would have happened in 1975. Have we started any projects that we haven't been crying for for years?

Mr. President, I remember the late General and later President Eisenhower who once said that we should not be incurring debts that our grand-children are going to have to pay, and I believe in that. But, Mr. President when you realize that the debts of the Cayman Islands Government - I bet that there are companies in this island, and probably could be local company; I bet there are companies in these Islands that have borrowed more money than this Government is in debt, and especially when we think of the ratio for capital. I would wish that we were not in debt at all; and every Budget session I am reminded by the Lady Member from Town who always talks about us being aware and being watchful that we are not going to be grant-aided one of these days, and I appreciate that, Mr. President. I can appreciate all the expressions that would help us to put on our thinking caps to realize that while we are spending money we'd better make sure that the money we're spending is money that is vital to the existence and the necessities of our amenities of our people; but Mr. President I don't know of any project that this Government has embarked upon that is not essential, that is not necessary if we believe that our people deserve the very best - fine, it's good to stand up here and say that it is wrong, it's good to stand up here and object, it's good to stand up here and cast the gloom that so many Prophets seem to prophesy these days - the prophets of <sup>know</sup> ~~doom~~, everything is wrong and everything is going to be worse, God's people that the day is not going to get better as far as the world conditions are concerned. We know that we are living in a dispensation when things are going to get worse, but I believe if we are sensible and if we honour God, and if we seek his guidance that God will help us in this trying time; I believe what we need to portray now is confidence, I believe what we need to portray now more than anything else is leadership. Mr. President, we need to stay close enough to the people to know what they want, but as leaders we need to ask God to help us to provide the leadership to which we feel this country needs in these trying days.

I am against excessive spending, and before I agree and vote for this amount of money - cast my vote, I want to be sure, and I going to say that again I want to be assured that since I am a politician, and every politician in this country is charged with the responsibility of knowing where this country is, I want to be assured as much as possible that there is nothing hid behind the doors from the twelve elected Members in this Chamber. If the condition is dark I want to know it is dark, you don't have to tell me that there is a lot of uncertainty. I know that Mr. President; but I say that this is not a time of indecisiveness this is a time of decision, this is the time for leadership. We look around Mr. President, in the five years we see the Legislative Chamber here - and

MR. JOHN D. JEFFERSON: (CONT'D): this was a white elephant, this was money that was illspent and shouldn't have been spent and wasted; but when it was built everybody climbed on the band wagon and said it was money well spent, and everybody that visits here even from the United Kingdom says it's a Chamber that any country in the world could be proud of.

We have our courts, and we believe in the separation of the Judicial branch; we support Law and order, and shouldn't we serve notice to the world that we do - and some instance we don't have many projects - shouldn't our projects be good; and then we found that the Administrative building burned down, and outside the records that were lost - I am glad it was, because we wouldn't be in it today if it hadn't burned down. Yet, when it did we were paying a tremendous amount of money per year housing the various Government Departments scattered all over the place; if it was a private building by the private sector everybody would be louden it it is something to be proud of, because Government has built it jealously, rivalry - we discredit the thought for which it was built. And, it was built to give our civil servants a sense of pride and prestige and to enable them to feel that their jobs were as respectable as anybody in the private sector, and that they deserve the best that could be provided by this Government. I believe we have done that, we have spent a lot of money - a lot was said about furniture, I don't know all the story; I know that a tremendous amount of money was spent on a building, but it built, and the money is spent, and we are now enjoying the facility that has been provided by this Government.

I remember when the policy was changed by this Government that we do a little bit now, and at the end of the year what money was left we allocate that and add that up to the next year's budget and we do something else; and, Mr. President, at the speed in which we were going we would never get through. You'll find in the private sector today - years ago a seaman left home and went over-seas for a minimum of one year, he saved his money, supported his family and came back, started his house and probably in two years he was able to complete it. What are you doing today, Mr. President? Those days a man was probably forty, fifty years old before he was able to live in his own house; what he has done today, he has bought time that's what he has bought; he has gone to the bank, he has negotiated a loan, he has built a home for his family and probably he will be the rest of his life paying for it, but at least he has the facility. That's the trend, that's the way we live today; I am not saying that it is the soundest but I am saying that I would rather go through my life enjoying something and paying for it than to spend my life trying to get something and never achieve it, and when I did get I couldn't appreciate it.

We have gone, we have ventured out, we have started on a project, we have said these are our priorities we are going to build these, and all of a sudden the world recession caught us and everybody is crying wolf, wolf. Well, we are entitled to our opinion, we are entitled to voice our objections, but I am saying it's not all that bad. I am saying that what we want to make sure of is that it never gets bad if possible in these Islands, that the standard of living to which our people have built themselves up to these years is not lost; and that we don't gamble like the dog with the bone, lose all that we have got for somebody's pipe dream; that has happened so many times in the past. What bothers me in these days when we are spending so much money to provide the services for our people - there is such an effort being made to turn the tables and eventually one of these days if we are not careful we might build our people up to a pitch where we can't control them, and all that we have had and all that we have enjoyed and all that we have built up these years could be lost; it has been lost in other palces. It's good to be nationalistic - I am loyal to my Government, I'm loyal to my people, but when I look around and see what other people have gained by their nationalistic spirit I think I'd like to be in the back ground a little bit. The policy my father brought me up under, he said, "He who ran to day will live to fight another day".

We find here Mr. President, we are dealing with Capital Projects of eight million dollars; the original idea was five million dollars; well, lets be honest about it, Mr. President, lets tell

MR. JOHN D. JEFFERSON: (CONT'D): ourselves that Government has no control over cost, escalations, inflation or what have you; lets tell ourselves that the cost on Government projects increase just like they do in private projects. You look around and see the quantity of people today that are driving five thousand <sup>dollar</sup> cars - I don't have one, I don't feel like I can afford one; I don't want to stick my neck out quite that far to get one, but those that do it's nothing wrong with that, a man ought to be able to get what he wants. But, what I'm saying is, Mr. President, we have to realize what is foolish money spent and what is money that is being spent on the amenities and the necessities for the people of these Islands. I am not an expert, I have to be led, I have to depend on the expertise of somebody, I've got to trust somebody, I've got to hope that some knowledge that I need is supplied to me - well, I think that is where the Government is.

Certainly there is a lot we can say; the Airport project, the Dock project - and that dock, before we started building the roads if you went - and I'm sure Mr. President nobody knows any better than you, and I'm sure the other predecessors could verify regardless of what kind of meeting you had there was a demand for roads, now since we are on the job of building good roads, they say what do you need to spend that money on roads for. Well, all we've got to do is make sure we are not wasting it, make sure it's spent on the necessities for the comforts and the needs of the people because if it is done good when it's done everybody is going to say it's a good job. But, in this year of recession when some people are out of jobs, money isn't floating around as freely as it used to; it's expected, the people are going to be somewhat disgruntled, but I believe it's now at this stage we need to lead our people, we need to tell them the truth, we need to help them to realize that we are in a recession not by ourselves, not by our own making or our own choosing, but this is a world recession. We realize that a man that started to build his house last year before he is finished he had realized that the cost had risen; if the contractor told him it would cost ten thousand dollars he finally wound up building it for fifteen or thirteen; well, I am saying this, don't misunderstand me, I am saying that make sure that we are not swallowing everything that everybody is telling us, lets do our best to make sure that the policy that we are on is the best policy possible for the Government.

But, on the other hand when we come to the time to make decisions lets make it in the interest of the country, and if even we are proven wrong afterwards, Mr. President we are going to make mistakes there is no question about that, we are only human beings but when we make those decisions at the moment considering the benefit of the country as a whole if later we find we made a wrong decision at least we can rest our minds to feel that we did the best possible; and, I can say this, that when we do our best ~~angels~~ can't do any better.

On this eight million dollar project, to complete these capital projects I feel that we need - as we borrow the money, whether it's borrowed in a lump sum or whether it's done in various stages that our eyes and our minds are awake and alert that we are studying the financial climate, we are watching the revenue that's coming into this country, we are doing everything possible to make sure that we don't <sup>get</sup> caught short; and if things get worse stop it all until we are able to cipher it out and improve our financial position, because I'll rather have half of a loaf and no loaf at all. I have a lot of faith in the ability, in the integrity of our Third Official Member, I place a lot of confidence in what he says, I believe that he'll do everything possible to make sure that we don't get caught short; but I want to say again lets reexamine the financial climate as we go along; and I'd rather have half a loaf <sup>than</sup> / no loaf at all.

According to the conditions in the world the American economy apparently is on the way up, conditions are getting somewhat better; yet some people tell us in that country that the politicians doesn't want the people to know exactly the position of the country, well, I don't share that in my country, if it is good I want to make the people know it's good if it's not I want to make them share in the uncertainty. I heard someone say last night, you know what Government does, it borrows this money and takes it out of circulation so that the local people couldn't

MR. JOHN D. JEFFERSON (CONT'd): borrow money from the various local banks. Well, I felt Mr. President in listening to those people and all that's right to them if I couldn't make a greater contribution to that to my people I believe I would stay home.

The Financial Secretary clearly told us the other day that in borrowing this money from the private banks that that point was stressed, we do not want any money that's going to be loan<sup>ed</sup>/locally to the local business. Well, who do we trust? Who do we accept? I have no reason but to accept that what the Financial Secretary said was facts. I believe, Mr. President, we have embarked on this programme, it is essential for the people, our people deserve the best; we are going to exercise every wisdom possible, try to make every endeavour that we are not caught short, but if we are we are all going to be in the same boat and we all are going to paddle that boat and make it work. In a country like ours when our economy depends on tourism and off shore business one can never be sure of what the financial position will be; we have nothing else to back up our economy with, and the greatest product, the greatest export that we have in these Islands is our people, hospitality, good will and a stable Government. I am sure that there are millions that wished they had inherited what we have today.

Thank you very much.

MR. PRESIDENT:

Does anyother Member wish to speak on this motion?

HON. A.B. BUSH:

Mr. President and Honourable Members, I thought that we had got through debating the Budget Speech and I never thought that the bill which is before us, The Loan (Capital Projects) Law would have aroused a revival of this debate which we experienced here some weeks<sup>ago</sup>. I see it has, and I am tempted, I didn't expect that I would have to speak on it but I have been tempted to speak to make clear to this House some of the irresponsible statements that were made by Members.

First Mr. President and Members, I want to thank my two colleagues over there who so ably put forward their views on this bill and who supported it so wholeheartedly. I don't believe I have ever heard the Lady Member speak more forcibly than she did in her comments on this bill, and I believe that it is because it is the bill that it is, that supports what she and I have been fighting for ever since we got into politics; for the amenities I would say of the Island, and as we have often said . to-gether we wanted to see something happen in the Island during our time, we didn't want to wait for a hundred years for the Island to develop, and I can truly say that since we have been in politics together the island has developed at a very nice pace satisfactory to us and I believe many more.

The four big projects as have been outlined which this bill is for; no one I don't believe can say that they are not needed in the Island. We have seen one of these projects completed and the others are on the way. We heard such statements as they should be stopped now and we should have a breathing space; I wonder if anybody in their right mind could really mean to have made such a statement, to say we could stop the dock project which is going on; I wonder if the Member who made such a statement realize the cost it would be to Government to abandon that project at this time. Our roads projects, would they want that abandoned and the equipment laying idle doing nothing rusting, deteriorating. I wonder some time what kind of a place it would be if certain of us had their say. On the one hand we hear the cry for more and better services, on the other hand you hear we don't want to spend the money on it, how are you going to get it, do you expect that someone is just going to give it to you as a gift? We do have or did have in the past some of this but all of that today has gone.

Much has been said about the dock project and where it is situated. I wonder if Members realize, as I have said many times here to Members that the dock is being built in George Town because it was impossible for Government to finance a dock anywhere else. And, I would like just to take a little time to bring out to this House - and I hope the gallery as well will listen in to it and take it out and

HON. A.B. BUSH: (CONT'D): try to circulate it as well and do a good job as they do on opposition to Government. When I became a Member for Communications and Works in the Government after the '72 election, going through the files I noticed where Government under technical assistance from the British Government had asked for consultants to be appointed to examine various sites in the Island to determine just where a dock facility should be built. This was done, a firm was appointed to do this and I think they examined four sites; these were George Town, West Bay, Prospect and the Great Sound. These consultants recommended to Government that Prospect should be the site, failing this George Town should be the site. It was estimated according to the files I have seen that the facility at that time, which I think most people termed a deep water harbour, (but I must tell you I still didn't see how they were going to get a deep water harbour with the depth of water which I've seen proposed), and, they estimated the cost of something like three million dollars, but this was doubted by the Caribbean Development Bank which they had expected to get the money from to build this facility; they thought it was an under estimate of it, and so they decided that the best way to get the true estimate of this; because it was a considerable amount of dredging that had to be done was to put it out for tender, tender for dredging because this was a big factor in the cost. So, this was put out and several dredging companies bid on it, and according to what I have seen in the files the lowest tender was something like five million dollars for the dredging alone and on certain modifications of the facility; the highest one was way over eleven million dollars.

Now, this was for a channel three hundred feet wide and nineteen feet deep, this was the maximum depth of water. The modification to that was seventeen feet draught <sup>and</sup> two hundred and fifty feet channel, and this is why I am saying I don't see how you could call it a deep water harbour with such a shallow draught; surely no ship in an area like that drawing more than fifteen feet of water would have undertaken to have gone into that channel. This was flatly refused by the Caribbean Development Bank, it decided it would have nothing to do with a project like this and recommended that they would consider a project in George Town contributing to a project in George Town. Now, when I saw this on the files it was just up my line I must tell you gentlemen because I have always believed and I had one strong supporter, the Lady Member from George Town, we always felt that way that the facility should be in George Town. We knew in a sense that it couldn't be a deep water harbour because it was exposed to northwesterers, but I have always said that outside of George Town the only proper place to put a dock was in the great sound, and I knew from the very start that this was impossible because the estimated cost at that time was something like twenty-five million dollars; and while I am here in the Great Sound let me say I still believe that in generations to come, may be I'll prophesy for this that the new George Town and the new deep water harbour will be sited some day by generations to come in the Great Sound. I don't know whether you have all looked at it as I have, but I have looked at it envisaged <sup>now</sup> beautiful a place you could have in the North Sound, what a lovely city could be built on the shores.

So, after seeing this I put the matter to Government that we should consider building our dock facility in George Town; we got some agreement from Government on this, we applied to the Caribbean Development Bank and they said yes, we will contribute, we will loan you one million US. dollars. Now, this was in 1972, and I said, well I don't think one million CI. dollars could do it much less a million US. Well, we had the port engineer from the bank come down here and he brought several plans with him, plans which I really didn't agree with and which I urged Government not to accept. We finally agreed on a plan and we decided we would employ consultants to make a preliminary drawing of this plan for the dock in George Town for submission to the Caribbean Development Bank; the Caribbean Development Bank said, we will loan you one million dollars US., I contended as I said, it was not anywhere near enough to <sup>do</sup> this dock but the engineer of the Caribbean Development Bank told me, you know we got to put these restrictions on because we know it won't <sup>build</sup> your facility, we know this, but we have to put these restrictions on in the initial stages because if you leave the consultants alone they will run you into a fabulous amount for a facility. But, when we get the drawing and get the costing we will subscribe a fair amount to you that you can have your dock, so we went

HON. A.B. BUSH: (CONT'D): along with this. When the preliminary drawing was made everybody thought it was a wonderful thing, but it wasn't altogether to my taste but I accepted it because I realized that this is about all we were going to be able to do with the finances we could get on to. So, the preliminary drawing was made and was approved and it came down then to where we had to advertise for consultants for the final drawing. I must remind Members that this in the preliminary stages is under technical assistance from the British Government.

Well, when the final drawings were made it was discovered that we were going to require more than the million dollars that had been promised to us from the Bank; and the Bank after carefully looking into this decided that they would let us have C\$2.2 million; this was after many months of consultation, after many increases in prices of material and labour and everything else, so this is what we are receiving from the bank to build this facility. We realized that we would have to put in some of our own money, the bank would not let us have it all; but what I should say in reply to the allegations that were made that Government was deceived by their consultants, by their experts, and Government itself knew that the money which they had asked this House for to approved, five million dollars could not do the four capital projects. I will say that it could've done the capital projects that we embarked on had they been done the year in which they were thought of, but all of a sudden everything seems to have gone sky high and so we had to find more money. We anticipated for the Administration Building a million and a half dollars; our roads would cost something like a million and a half dollars; our dock was to cost something like a million and a half dollars, and we figured on having a half million dollars over to start our terminal building; this was when the five million dollars were borrowed, this was how things looked then and it looked as if we could get the projects that we wanted for this amount of money. So, no one deceived us on this, it was as the prices were then but as you all know when the fuel cost went up so everything escalated along with it and that is what caused I believe the big recession. And, so to say today that we could abandon any of these projects that we are on is a most irresponsible statement to be made by any Member on the outside much less one from the inside, because no one can say but what they <sup>are</sup> most vital to this Island. I don't see how any such thought could ever <sup>be</sup> in anyone's mind to do such a thing.

The road programme, I think I should again try to explain why the Public Works was chosen to do these roads. Much has been said about putting projects out for tender, well, we didn't altogether put out the road projects for tender but we sought figures, prices from contractors on these roads and after receiving these figures we decided, well, if we have to put our roads out on contract we will never get the roads we want. We encouraged the Public Works Department to undertake this work, and regardless of what may be said about that Department it has proven in the past, but although Members here and the public complain of the idleness in it, of the waste of money, they do work far cheaper than any contractor; this has been proven on the Hospital in certain cases, not on the renovation, this was too big for them to undertake; on the school we saved a lot of money by having the Public Works Department do the work, and the same will be said of the roads because had we put the roads out on contract they would've been stopped now I can assure you, because you would not have the money to continue them because the cost of bitumen alone went up more than a hundred percent, and this was one of the big factors in the cost of the roads, and today we are still within our Estimates of doing proportionately the cost of the roads at that time. Members are saying, and I know they have said that it will cost something like five million dollars to do the roads alone; we are going to do the roads for may be less than two million dollars and when they are completed Members here will realize that you will have saved more than half a million dollars by having the Public Works do them, because the figures that were quoted to us by contractors for the pouring alone of the hot mixed asphalt on the roads; not the shaping of the roads, the filling of the pot holes and shoulders and everything else was far more than we are going to spend on the entire project of buying our equipment and everything else, so lets hope that Members will take this and try to digest it and realize that this Government is going to save a lot of money



HON. A.B. BUSH: (CONT'D): by using its own Department, the Public Works Department to do our roads. And, even though you may think they are wasting a lot of money they are actually saving money for the Island, and one good thing about it the money is being spent here in the Island, it's not been taken out, there are no profits built in this is why we save; and again why we bought our own plant and decided that we would go on this way was because we knew there would always be need for roads, we'll never stop, how nice it is to drive on the good roads today instead of having to watch so carefully that you didn't go in a rut. It is a shame when Members criticize the Department that is really going to do so much in making us ride nicely on our roads.

I know and I can't understand how the Lady Member will be led by this, because I said it's self style opposition to call the diversion in Red Bay a Canal. A canal is a different thing altogether from a road as I know, but if you call it a canal we're certainly going to put a road through it and I'm sure that when that piece of road is finished that you're going to be proud of that, and those two Members from the eastern districts that criticized it so are not going to want to ride on anything else, because I'm sure had we followed that old track of this road - I want you when you are going home tonight to just look at it on your way up, I drove it Sunday afternoon - and it really came to me as to just where we were going by going in this round about way; think of the cross cut, the canal as you called it, the time that that's going to save in you getting home, and the safety that's going to be to the people travelling on that road; surely the safety of people shouldn't be measured in dollars. But, I'm sure as I've said if we had to follow that old track there would've been far more criticisms on following the old track than on going across this canal as it is called.

Now, I certainly agree with Members and I think this is the view of Government that we will not undertake anymore big projects until what we have on hand are now cleared; I agree with this and I believe every Member in Government agrees with this, but let us not by saying this forget that there is another big project that needs to be done, and that is the Airport, because this is most vital to us. We have had in the past the experience of being housed in a building, forcing the issue on it, overloading it with all sorts of electrical equipment until it exploded; this I speak of the old Administration building, it wasn't built for us, so is the Terminal Building at our Airport, let us not forget that this is very badly needed, let us not forget that the same thing that happened to the old Administration building could happen to this particular building, let us hope of course it doesn't happen until we are able to at least get started on a new Terminal building; I think those of you who have gone there recently will notice that there have been some improvements in the old building, we are trying to keep this in as good a shape as possible in order to make it presentable to the visitors that come to our shores, but make no mistake, this is needed as well as any of the projects we are at.

I believe some mention was made of the cost which they might expect this building to cost - the cost of this building, should I say, the Government doesn't expect to spend more than two million dollars on a Terminal Building; we have had an idea of what it should be like and an estimated cost of this amount has been arrived at, and I only wish today that we could get the building, the sketch of which I have seen; and I am hoping that within the next two or three years that this will be done. You talked about the Government being hard pressed to money, everybody can use money, everybody wants extra money, but I have said it before and I'll say it again, and I have said it in all of my campaigns for election that I am satisfied if money is spent by the Government to provide the necessities for the Island and its people. I don't want to know that the Treasury has millions of dollars lying down in it and the Island is in dire poverty, dire need for something, I wouldn't want it to happen, it must not happen; individuals borrow money, so what is so alarming about Government borrowing money, this is the first time I believe that Government has embarked on such expenditure as they have, but surely if it had been thinking otherwise it would have provided in the past some of the things which we so badly need today and they might not have cost us very much; but it is because I suppose of opposition in this House or in Houses before lets say this might have been

HON. A.B. BUSH: (CONT'D): the reason why Government did not embark on any such projects, because everyone was opposed to Government going in a little debt in order to provide something for the Island. But, I must say that I have always been an advocate of something happening in my time and not waiting a hundred years from now for something to happen.

The projects we have embarked on are of vital importance to the Island, and I believe every Member here should give their cooperation and should be grateful to Government for having the foresight to try to provide these things for our Island. It is something to be proud of and we are the ones here, the Legislators who should be more proud of it and who should try to encourage the public to give their support to these projects which Government has embarked on and not throw out things that will incite them against them; they are all badly needed and money to my mind couldn't be spent in a better way.

Thank you Mr. President.

HON. W.W. CONOLLY: Mr. President and Members, I didn't anticipate that we would be repeating our debate on the state of the nation, of the Budget Speech, but I suppose that it can be considered that this Bill relates very much to the financing and this is why it has come under so much fire recently. This Bill is a bill designed to increase the figure which allows the Government to borrow money, and I can see good reason for this, I think this is solid reason. At the time when the Law was passed to allow the Financial Secretary to enter into loan agreement with company or with Banks or with Governments for a sum of money to finance projects the cost at that time was not half as much as it is today, and it is only common sense that if costs have increased that it would be necessary to find additional funds; this I think is a normal practice. If one goes to a bank, one has the project of building a house and the cost of the house is estimated for thirty thousand dollars, and in the end the house is going to cost forty thousand dollars, ten thousand dollars have to be found some place and it is only reasonable that the person will go back to the bank and say, well, look this thing is costing me more can you extend my loan, and if that particular banker is not prepared to do so then one seeks probably a second mortgage to do just that; and this is what this bill is about. This Bill is seeking the permission of this House to enable the Financial Secretary to borrow additional money for the completion of projects that had been agreed on by this Government.

Now, much has been said about the sense of building these buildings and what expenditure and what not, but I would like to ask Members to direct their thoughts to be real serious and to reflect on the development of these Islands in the past. Surely when one looks around today one sees that this Government is in a much better position than it was years ago, there is no one that can deny that and when it comes on capital projects, I believe today that we have to thank the U.K. Government for a lot, and this probably why we didn't have the strain of this capital expenditure we were running kind of free, we had sails set and the wind was behind us. The British Government provided for us all of our Primary Schools, I think it's something like about eleven in number in this Island and very good schools at that; the British Government financed our Comprehensive school, they assisted the greater part with the eastern road programme, they did I think the Police Headquarters - (I reminded that partly of the Police headquarters) there was assistance with the reconstruction of the Airport and on top of all of that quite a lot of aid in the form of technical assistance which has been a lot of money. Now, surely this amount of aid running into millions of dollars was given to us by the British Government and if one believes what one hears and reads there are no people in the world that are more pressed with taxation than the English people, It was English tax payers' money that allowed us - we are very grateful to this, and I think everybody here is grateful for this, but surely sensible people didn't expect to be running before the wind forever; it is like a child growing up, a parent is not going to cloth and feed a child through his life time, there comes a time when the child has to get out on his own when he becomes of age; he has to go out and get his job, and he has to provide for himself.

And, Mr. President and Members, I think that whether we can say it was ill-timed or not the time did come when we had to bear our

HON. W.W. CONOLLY: (CONT'D): burdens. We had to sit down and we had to set out priorities because we could not afford all of our needs at one time. These were not lightly done, in setting these priorities I believe that Members took a great deal of interest, a great deal of thought went in these and set out their priorities. But, Mr. President and Members I am glad, I feel proud of being criticized, I feel proud of it because it shows that the Government has been doing something, people might blind their eyes to it but it's here to see, and I can name the projects that have been attempted, some of them completed and I am sure that the others will be completed. When we look after this building, when we look after the Courts building, the Administration building; when we look after the roads programme, despite what people say the roads in Cayman are better <sup>today</sup> than ever before, and we see the dock coming out of the water.

You know in 1955 a former Commissioner of these Islands posed a question to Members of the House and said, "do Caymanians know what they want?" This was taken by some Members in a very bad mood, but on the other hand one is inclined at times to ask that question, because if the Members of the Government - if this House had not involved itself in preparing and in building things for the benefit of the people of Cayman they would have been criticized for not doing it. Today the buildings are built, we have been criticized for spending money; there is always this question of whether money was well spent or not, - this happens in any Government, every opposition in a Government criticizes a Government for spending money, yet when that respective opposition gets into Government they spend more; this is like a recurrent decimal. So, Mr. President and Members I'm not too worried about that, what I am saying is this, that despite the criticisms I believe today that Members of the Executive Council can be compared to the parable of the man with the talent; they didn't sit down and bury their talents - because they only had one - they didn't do that - they went out and developed them; if we had been like the man who buried his we would have been criticised for not doing anything. I think we can be compared to the man who had five and he went out and he got five more. This does not mean that we are going to build five more Legislative Assembly buildings or five more docks, but what I am saying is that the same people who had the foresight - who had the initiative - who had the stamina, to stand up against criticism and still, in the end, provide these services, the same people who had the intelligence, the integrity the ambition and everything else to provide the money to do these things - and I am sure that with all of the criticism, with all of the destructive forces outside, trying to make people believe that this Government is on the ebb of disaster - I am sure today that they are going to be proven wrong. When this particular building was being built someone said to me, Oh it looks like a warehouse out in Venezuela, I said yes, well lets wait until it's finished and see what it is. It doesn't look like that today; the next criticism was that it was not on the right spot, well, I said we can't move it so it'll always be on the right spot.

Mr. President, we are involved in these projects, I think it is just wishful thinking, I think it is only a matter of one playing with words to even suggest that they should be stopped. I believe that the Member who said those words he himself doesn't believe that he has said them; and as has been said and repeated if it had not been for Government to take the stand to take the initiative in the development in building this year what would have happened? You say you have some people out of work, you would have <sup>had</sup> most people out of work had that happened and this was not something that came about as a mistake, if one reads the words of the Honourable Financial Secretary one can see clearly that this was envisaged that this year the Government would have to step in to prop up the economy, and I am sure that it came at a good time, things are going very well; I can't see any problem in the Government borrowing up to a maximum of eight million dollars. If this Government involves itself in borrowing from banks, I think it is the last institution in the Island because I'm sure individuals have been doing this over the years, and I believe that Churches have likewise; I believe some of the building of Churches have been financed by banks, so what's all this thing about Government borrowing money? And surely this Government is in a position today to borrow money, because it has the

HON. W.W.CONOLLY:(CONT'D): collateral. When you go into a bank today the first thing that the bankers are going to ask you is for your collateral, and I think today that this is the first time in the history of this Island that the Cayman Islands Government has had any collateral.

Mr. President, this particular bill dealing with this loan for capital projects I believe it's one that is worthy of support, I believe it is one that will go down in the history of these Islands as being a very important bill, because without such legislation the Financial Secretary could not even attempt to negotiate for loans. We had, if I can retrace my memory I remember the first loan that this Government involved itself in, it happened to be in the administration of the late Mr. Cardinal, and I remember that immediately it was a twenty year loan, and I remember immediately as the Government got itself in a position to pay off that loan - it wasn't much money, it was a few thousand pounds then and it was from the Jamaica Government - Members brought a motion to pay off this loan, the Commissioner said no, that's nonsense, we are not going to pay it, you have a loan for twenty years, we need that money to do other developments on, we are going to pay the interest and we are going to pay our repayment, we have twenty years to pay that, you take that money and develop and bring something else; that was the first loan - I can go back to the figures and know exactly what the figures were and know what the interest and everything else - and this is something that until those days, which hasn't been too very far back was unknown to Members of this Legislature; borrowing here - there were no commercial banks, people in this Island knew nothing about loan agreement, mortgages and what not; but if anyone here can tell me of any Government, of any organization today that is run strictly on money on the barrel head as the term is, then let me know. I feel today most Governments today involve themselves, and in order to provide for the people the amenities that are necessary - and tell me, what could be more necessary - one of these capital projects, it does involve some expenditure on a hospital; additional expenditure on schools - I am sure today that even if we leave a debt for our grand children to pay, once we provide them with the facilities for them to be able to make a livelihood on their own that they will be grateful for it, they will be thankful for it.

Surely any opposition can make it their point, and as someone said in this House that no one knows the Bible better than the devil; he can use that and swing the words to make him use how he wishes, there is no doubt on that. I am not here to say that in the spending of this money that one could not find areas where Government didn't get one hundred percent profit for their expenditure; this happens in any Government, it happens in any sector and particularly today in a developing country. I didn't know what it meant, but I remember back in the early forties when Colon was booming that I heard my friend coming back from there said, "Well I only went in and punch<sup>90</sup> the clock and came back out through the gate", I didn't know what it meant but I see now what it is, and this happens in any place where there is a boom going on, people are just punching the clock and back out through the gate. So, I don't think today that the Government feels that they have got one hundred percent value for expenditure, but I believe today that this Government has got a fair return on what money has been spent; I believe today that the contribution that each man, woman or child in Grand Cayman is making towards the development of this territory, I think they can feel justly proud that their dollar is going as far and further than most individuals in most other places. I am supporting this because I have supported these capital projects, and I supported these capital projects two, three, four, five, six years ago further realizing that they were going to cost us money. You can't have your cake and eat it - and you get very little for what you spend money for, and if you don't spend any money you're not likely to get anything at all. So, I am supporting this bill - I have not heard any objections to the projects when they were going into being, when they were proposed; I think it was a good five year programme and even though that the individual is called on today to make a little greater contribution towards the completion of these, and probably to the beginning of one or so that has not been started, I believe that in the end people are going to be satisfied that they have got their money's worth. And, I would hope that despite the criticism - I know most of it is done for political

HON. W.W. CONOLLY: (CONT'D): reasons, but I would hope today that real good Caymanian common sense would prevail in instances like these. This is where we hear about we want cooperation, and I think this is where that we should have cooperation, and I believe that if this whole situation is explain<sup>ed</sup> to <sup>the</sup> people that there will be no misunderstanding, there will be no objections; it is a contribution that they are making for their own good, for their own benefit and for the benefit of those who come behind.

I support this bill, Mr. President.

MR. JAMES M. BODDEN: Well, Mr. President I see as the usual rule that some of our Members have chair-ritis so I will take my turn. I really intended to get up after the able speech was delivered by the second official Member from West Bay but I was beat to it, because, Mr. President it is always good to get up in the <sup>the</sup> speech after the benediction and get ready for the altar call; and we did have <sup>the</sup> benediction and I am going to try to give the altar call.

I'll like to make one thing plain in the debate on this loan bill, and that is that my colleague and myself are not debating it because we are afraid of the Government going in debt. We have as much faith as anyone else in this Assembly and our Government, and that it will have the capacity to repay and to service this loan; but we are opposing it from the point of principle for one thing and for the point of use in another. We feel that the money has not been put to the best of advantages and we feel like we have been misled in many respects; we are of the opinion that not enough lets say, foresight is put into these projects, anything that we are told it seems like we accept it; if we were to bring an ordinary se<sup>man</sup> to Cayman who had just gotten his maritime papers and never stepped <sup>his</sup> foot aboard a ship, so long as he appeared here he would be a captain the next day, this is where we are taking a lot of the objections because without a doubt, Mr. President, this is happening, without a doubt if the Members in Executive Council would tell us the truth about it we would learn that in so many cases they are being misled. We have consultants and we have experts, that expert gets another expert and it's just an endless chain reaction like the effects of atomic bomb.

The first point I'm going to deal on is the figures on the dock. I am not about to set myself up as an expert or an authority to say whether the dock is in the right place or the wrong place; in all of my political career I have never stepped out on the limb in regards to that; I leave that to the experts. So, the experts have said George Town is the place we put it, so I'm going to deal with the figures. I remember in 1973 I think it was, it was after I came to the House anyhow, and the Member for Communications and Works at a briefing showed us the plans of the proposed dock, and we were told that the experts had assured him at that time one million dollars would build it; I can <sup>still</sup> remember myself saying to him, for God's sake I hope you sign that contract and it's airtight. Anyhow, later on in '73' we were told it was going to cost a million and a half dollars to do this dock; now Mr. President it is costing us around four million. I am of the opinion that figures are put into these projects just because they look good and they're put in hoping that the Members will not question it and will accept it. Now, Mr. President, this means that since this project has been on the way it has increased by roughly a hundred and sixty-six percent in cost; taking that over a two year period we find out it's about eighty-three percent a year increase in the estimated cost. I know we have inflation, I know the world has inflation but unless it's places like Chile and Brazil the inflation rates is not yet reaching eighty-three percent a year. Now, if we take this and project it into the future and we figure that we're going to have another eighty-three percent increase next year it will mean that the Members in Executive Council will be back here next year God's willing asking this House to approve an additional three point three million dollars to complete the dock; because it is, the figures are increasing at roughly eighty-three percent a year. I know the Members on the other side of the House do not like to hear about the percentages, because it sounds too big.

Again we go on the road project. Mr. President, that was put forward to this House as costing one point four million dollars, many reasons were advanced as to why Public Works should do it and why it

MR. JAMES M. BODDEN: (CONT'D): should not have been put up on a contract. I was in favour then, I still am that the work should be done by Public Works because we have a chance that way of recapturing some of the capital expenditure that we spent on the equipment. But, at that time twenty-eight miles of road was supposed to have cost us one point four million dollars to complete, according to figures that we have been given in this Assembly in the past couple of days we find that only about eight miles of the road have been completed and that we have spent nearly the one point four million dollars that was allocated; that means, Mr. President, that we have twenty more miles of road to do, and to have my arithmetic right I would've liked to have known yesterday when the figures were being asked for, what amount of that one point four million dollars had been spent in lets say, capital expenditure and materials, but unfortunately as it happens so many times in this House those figures were unavailable. But, if we let the imagination drift a bit and we take those figures we will find the other twenty miles of road will cost roughly three point five million dollars to complete. I am going to be very generous and I'm going to allow a million dollars - offer that three point five as going already for capital expenditure; which means that even at that rate we are still going to be looking at two and a half million dollars more to complete these roads based on the cost that has been given to us by the Member responsible for this project. Bear in mind these figures are not my figures, these are figures that have been given to us from the other side of the House.

The same Member in his debate awhile ago told us that the roads will cost less than two million dollars, and he assured us of that. Now, Mr. President that means that we will be spending another six hundred thousand dollars to complete it; it means we have twenty miles of road left that can easily be computed, that's thirty thousand dollars a mile. Now, we have heard about the inflation, we have heard about how things have increased in cost, bitumen and so forth. Now, in 1973 it was going to cost us roughly fifty thousand dollars a mile to do the roads then I am posing a question as to how we are going to do it in 1976 for thirty thousand dollars a mile? It is funny that it is now forty percent cheaper than it was in '73; that is one statement that I'm sure that if we live long enough we will see the Member be glad to retract, because, unless he's much better with mathematics than some of us are, and unless he can work miracles the twenty miles of additional road that has to be built will not be built for the six hundred thousand dollars.

We find the same factor, Mr. President, in the Administration Building; I speak subject to correction on this figure, but I think in 1973 we were told that the contract for the administration building was roughly one point two five million dollars, yet two years later we find out it had cost one point seven million which is an increase of roughly one half million dollars; this, Mr. President, is the rate at which everything seems to increase, and it seems to increase, Mr. President, because we are either following the wrong advice or we're getting the wrong contracts. We have spoken many times in this House concerning the contracts, but those contracts are sacrosanct no one is supposed to see them, they are supposed to be reposed in the blessed vault of Executive Council. Let us let the imagination drift a little bit further; the Airport Terminal Building. I heard a figure a while ago of two million dollars estimated for that, I think we will find it will probably be closer to four million dollars, and when we figure all of these things together, Mr. President, we will find that in 1973 they came in asking for a loan of five million dollars; in 1975 they came in asking for additional loan of three million, and I am saying to this House today if God's willing in 1977 they will be asking for an increase of another seven million to top it off at fifteen million; because if their figures are correct on the way they are operating it is no other way it can be done, that is their figures. I submit that our experts are leading us right up the primrose path, it is time that someone open their eyes. The contracts, Mr. President, are awarded I think without thought in many cases, I think that looking back on what has been happening in this House the contracts that we have entered into must be like the old sieve that my grandmother used to use for coconut juice, it must have that many holes in it. Yet, we go to the trouble and the expense to elect a house of representatives, people who are supposed to come in here and

MR. JAMES M. BODDEN: (CONT'D): represent the people and yet when a question is posed concerning a contract, or if one should be so stupid as to even utter those words as to ask could they see it, we are told it is none of your business; that's a blunt way of putting it the word may be a little bit more diplomatic. But, I think it's a complete a-front to the Members of this House when they are told such things; how are we supposed to vote intelligently on things when we do not know what's involved? If we continue with this process we make a farce of the Election Law because we'll only become rubber stamps; it would be much better if we came up bluntly and said that we <sup>are</sup> ruled by Manley and we have no elected representatives.

Lets deal a minute with the servicing of this loan. I am fairly certain that this loan is not going to be at a rate less than eight or eight and a half percent if we're lucky; that means that we're looking roughly six hundred and fifty thousand dollars a year in interest rate payments, that is not including anything at all on the repayment of principles. If we add the principle repayment to that and we take into consideration the other loans that we are paying on today it'll mean that we will be paying to service the national debt roughly one and a quarter million dollars this coming year. If we go into that a little bit further we will find out that that is roughly about eleven percent of our gross income; anytime according to the experts that a country starts getting between sixteen and twenty percent of its gross income service in its national debt, it is suppose to be getting into trouble, it is too late to say anything about the trouble after it starts.

Mention was made in a previous debate about token votes; sure certain Members of the House are against the token votes, and I have said so and have voted against them, because once we vote a token vote it's just a blank cheque; any amount of expenditure can then be spent under that head and they do not really have to come back to us. I have all the faith in this world in the Financial Secretary, I admire him, respect him and look upon him as a valued friend but that doesn't mean that I still cannot stand up and say when I think something is wrong, because he is only one of eight. I think, Mr. President, that it is time that our Members in Executive Council supply some paper and some wooden sticks to some of the experts and consultants and suggest that they go make some paper kites and go fly them. We are faced in this House, Mr. President, with a block vote of collective responsibility with its tentacles of support by extension, and regardless of whether right, wrong or indifferent there's only going to be one vote and that is "Aye"; the blind can only lead the blind for so long.

I have heard a lot mentioned in some of the previous speeches about irresponsibility, and I would say open ridicule because certain Members of this House opposed. I wonder if the Members of this House do not fully understand that in order to have any good democratic Government - I don't care whether it is in this Island or where it is at, you must have opposition; if you're going to have an aye vote everytime you're going to be like the communist states, you're not going to have a democracy; anytime everybody starts to think alike you better question it because something is wrong, if we are going to have good stable Government we must continue to have a good opposition. It doesn't mean, Mr. President, that just because a person is about to jump off of a precipice or off of a ship's bridge that I must follow him; I pride myself on being able to have an open mind and to think for myself. If, I, I agree with you I'll follow you to the gates of eternity, if I don't / be like a missouri mule that will never budge.

There is one thing that does surprise me and that is, that I really have not seen any money into the budget for the bridge at Red Bay. I think we were told or this House was told that it would not cost anymore to put that piece of road through than it would cost to resurface the old piece; well, it is no wonder, Mr. President, that we are able to talk about the figures that are put forward here when we are told things like that, because when you look at that amount of water and you look at that amount of swamp that has to be filled you would know that the filling of it is going to cost more than it would cost if you paved that thing <sup>in</sup> gold from one end to the other - the old road; so it has to cost more money. I am not particularly against it, I'm only just trying to use it as an illustrated fact to show you how figures can be distorted, not by this side of the House but by the other side of the House. I would suggest that we are nearing Christmas and Christmas is usually considered a time of giving, and I think it would be a good suggestion if the Members of this House would take up a donation to provide

MR. JAMES M. BODDEN: (CONT'D): a new set of slide rules and a new adding machine for the experts, because may be next year we might get some better figures.

One Member, Mr. President, said, that objections to Government borrowing in the past had kept the Government from borrowing any money. Now, at the present time my colleague and myself are the only two new Members to the House, we are the back benchers, so we were not here to object; now, if Government didn't borrow money in the past it must have been because of the objection of the same Members who were speaking about it today, Mr. President; this is the thing that never ceases to amaze me as to how some people change their feathers in mid stream. One Member took complete credit in Executive Council for what had been done and I am glad that he did, because later on he may be glad to take some of those words back. He also joined with our other preacher in quoting us from the Bible, and I am about to show this House that I although do not shout about it have probably read and studied the Bible as much as any of the rest, and instead of comparing them to the parable with the talents I will compare them with Moses and his band wondering in the desert for forty years looking for the promised land; they have made themselves, Mr. President, so pompous that they cannot see over their self importance. We have been ridiculed and spoken against as speaking politically in this House, but I believe, Mr. President, that the election must be much sooner than anyone of us think because I have heard a lot of pleading and a lot of electioneering come from the Executive side of this House today. I have seen a union again being born in the pleading of support, so, Mr. President, the election must be near, and we, my colleague and myself cannot be accused of doing it this time because we have stood our true colours from the first day we ever came in here; what we said then, we say now. So, Mr. President, I'm getting ready for the altar call and I hope that some of the Members may be able to take some wisdom from what these two poor fools from Bodden Town try to tell them with figures, because I believe our figures are much better than what the experts are supplying them with.

Thank you Sir.

HON. TREVOR FOSTER: Mr. President and Honourable Members, in following along with the Bodden Town Members I too would like to be consistent and therefore I shall support this bill. Before I go into the details of my speech it has been a drawn out debate on this small bill, none-the-less I suppose each of us will have exercised our vocal cords and eventually it will follow the democratic procedure and be passed. As an old gentleman back home has a proverb, and today this comes first to my mind, "a little nonsense now and then is relished by the wisest of men", and I think with all the battering we have had today I think we have accepted it as such.

Mr. President, Honourable Members, I feel certain that every Member in this House including the Members as we are termed on this side realize that these large projects have been a bit drawn out, they have been a bit delayed and last but not least, the cost of them through unforeseen circumstances has escalated. I don't think that anyone could stop that, and this will continue to be; I can agree with statements that there are loop holes in the implementation of these jobs with workmen etc., and as one Member has said, I think this will always be; no more are the days when workmen are ruled with the iron rod, and you should try to get eight and a half hours work out of them rather than the eight, those days have been long passed and I feel if we are lucky the main and paramount importance into a job is the completion. Mr. President, I fail to see if in reality the attitude of certain Members in this House was carried out how they could claim as usual that they wholeheartedly represent their people; to my knowledge the amenities of the people must come first, this is what people see is their everyday needs, and on one hand they suggest that certain things are needed and when this becomes a reality they suggest that Government shouldn't be borrowing the money to do just that.

I have to ask myself the question, should we remain stagnant? It looks as if this has been the suggestion of some Members; then on the other hand I ask myself, is this representation of the people? What is it? I think as other Members have said, that the Islands should be proud of the achievements we have made in the last three years, surely they are



HON. TREVOR FOSTER: (CONT'D): going to cost this Government money; we get nothing today for nothing and very little for something. But, I feel certain that these projects are needed, they are needed for the benefit of our people and I think the people in our Islands have the common sense to realize this. Mr. President, it leads me back to the thought that success creates envy; I wonder if this is our problem facing us daily as we are getting down towards the evening of our term; criticism is coming from all ends, we don't mind it, constructive criticism - is the criticism tossed trying to substantiate what their elected Members to Executive Council over the years have tried to do or is it planted to deteriorate the solid background which the Government has tried to build for these Islands over the last three years - one really wonders. Sometimes I leave this Building in the afternoon, and I am beginning to question myself, are we really that dumb but I'm always able to console myself on the other hand that it has been a little bit of success and this is causing the criticisms at this late hour.

Mr. President, I am certain that the people in the Cayman Islands realize what has been done, what has been done for their benefit and I am certain also that they realize what good representation is. Mr. President, we have been accused of saddling the generations to come with debts which will take their life time may be to pay; on the contrary I would like to say that I think we are trying to prepare the Islands for the generations to come that they will have a more affluent society, a better country in which to live and put them in a position that they will have a better future ahead of them than even we found given to us by our forefathers. As regards to the borrowing of money sometimes you wonder when Members give so much against this and you know yourself and know that in private life this is the main method of operation of business should Government not borrow money to supply the amenities of the people, most certainly I think they should. I think this is the only reason <sup>that</sup> it has been done, I think due care has been taken through the leadership of <sup>our</sup> Financial Secretary to know that this Government does not over-invest; if only Members could hear the opposite side of this story when we are being reprimanded about spending, then they would know. As I have said I support this bill and I feel that it is with <sup>the</sup> best interest of the people of the Cayman Islands why these projects have been undertaken; I am certain that on the completion of them it will make these Islands a better place for our citizens and also for our visitors.

Mr. President, a point that disturbs me quite a bit from time I first enter<sup>ed</sup> this House in 1968 as an elected Member from the Lesser Islands I have always heard Members advocating for more authority, an opportunity to have more say in the affairs of their own country. Mr. President and Members, when through tedious weeks in Committee stages over our new constitution, the new constitution which gave us the opportunity of having four elected Members in Executive Council, four elected Members from the people which were elected by the people to represent the Islands. In turn those Members elected four to serve on this body and now is the constant gripe that they have too much authority. I might ask a question which one Member stated that a certain Commissioner asked, "do we know what we want?". Mr. President and Honourable Members, I feel that <sup>the</sup> course of the constitutional powers through elected Members was followed by Members they would get more out of their representation. We hear Members state, we can't see a contract, we can't see this or we can't see that; every elected Member has been invited to join the respective Member's office that are in charge of the various portfolios - the question scrutinized and find out for himself what he would like to find out. The channel is there for them each year to state to the various Members what is needed in their districts; under the various portfolios is this ever done? Mr. President I feel that we have got a workable constitution, but I feel that Members are not applying it in the right manner.

Mr. President, to end my brief statement; one Member has mentioned about the block vote and that never they can get anything through the House, but even this afternoon if the policy which the Member advocates had the right potential sale value should we say, at least it would take a casting vote to break it because there are seven Members on the other side. So, it is evident that the Member or the Members who this effects must scrutinize and redo <sup>their</sup> policy because it seems as if their policy is not having the effect on Members as they would like it to have. I feel certain that we have represented the constituencies and the people as well as the next, and,

HON. TREVOR FOSTER: (CONT'D): as I've said it is late in the afternoon; one did not expect that this short bill would take so much debate, but like the Member said, may be he is relieving us of the chair-ritis.

Mr. President and Honourable Members, thank you.

MR. PRESIDENT: If no other Members desire to speak, I shall ask the Honourable mover to reply if he wishes.

HON. BENSON O. EBANKS: Mr. President, I didn't intend to speak on this bill but two occurrences have prompted me to do so. I attended or not attended but I listened from a distance to a public meeting conducted in my district last night and never in my life have I heard so much ignorance spoken coupled with what I considered very disturbing rhetoric; and what was most disturbing about it was that the source of all the material that was being used was attributed to what had been heard in the House, and when I was listening to that I couldn't bring myself to believe that it was even possible to gather those ideas from things that had been said in the House, but after having listened today to some of the debate on this bill I can quite easily see where people are so easily misled. It has been said that in most societies there are more ears to be tickled than minds to be exercised, and I am satisfied that certain Members of this House have that section of the gallery whose ears they tickle.

Now, we have heard a lot about the functions of an opposition; it is true, Mr. President, that in any democracy a strong opposition is essential, but that opposition must not be destructive it must be constructive and it must offer constructive, viable, workable, alternatives to the policies of Government, it is not just there to criticise for criticism sake. Now, as far as priorities are concerned certainly, Mr. President, that is a matter of opinion and only time will tell whether Government has arranged its priorities correctly; I certainly believe that it has, but when it comes to the charge of Members of this House being misled by figures being given on projects in 1973 it baffles me how Members can make such a charge, because it must be well known that this was the time that the oil crisis came about and world inflation became rampant, and anyone who costed a project in 1973 and came out within that target now or within the next year is more than fortunate. And, certainly Members are aware that Government has not fared any worse in this regard than has the private sector; we all know that building undertakings in this Island and the private sector have all suffered over-runs, and in spite of the charges made about the Government building - the administration building, I understand that the overrun on that building was less than on a building in the private sector which was being constructed simultaneously by the same contractor. The same argument must be deduced in defence of the consultants - I'm not saying that consultants do not err, they are human but they too suffered from spiraling costs which they did not or could not foresee in 1973.

Now, the Member for Works Mr. President went to great length to explain that the figure given for roads included most of the material that is envisaged to be needed for the remaining twenty miles of road to be constructed, and that the greatest single cost left to be met on the construction of the twenty miles was the labour; in spite of the asphalt having risen over one hundred percent, so it should not be so difficult to understand why the Member can make a prediction that the remaining twenty miles of road can be done in the vicinity of six hundred thousand dollars. To repeat what I said in an earlier debate, Mr. President, I will say again, that tomorrow's money spent today is good business sense and if we are to follow the policy which is advocated by my two friends from Bodden Town - I think they said, undertake one project at a time; I wonder how long we would be in accomplishing the dock, the roads programme, to have built the administration building and to even consider building the Airport; it would take according to my calculation it would be something like fifteen years. Now, not only would the country be deprived of these amenities for fifteen years but think of the escalated cost in fifteen years; if they have doubled and tripled in two to three years, what would they do in fifteen years? And,

HON. BENSON O. EBANKS: (CONT'D): these amenities that are being built with this money - being provided with this money are amenities which are going to help the country to make more money, no longer will it be able to be said that we cannot import goods direct from Europe and that the cost of freight from Kingston or Miami to Grand Cayman is equal to that from Europe; that pilferage accounts for twenty-five percent of the cost of goods - if and when we get to the Airport this is bound again to add the amenities of tourists coming to the Islands - the roads will make it possible for tourists to travel up and down more comfortably, no longer will they laugh at the pot holes and talk about having to stop and hoot and look down in the holes and see if another car is there before they can proceed.

And, the figure which is in the 1976 estimates to service these loans represents six percent of the estimated revenue for 1976. A figure, since my friends like to deal in percentages - that is only sixty percent of what experts would tell you is a very tolerable proportion of revenue for the servicing of Government borrowing; this is why we are paying so much for our facilities today Mr. President. I recall when a building and a piece of land that this Government bought adjacent to the present dock for something like thirty-five or forty thousand pounds I think it was that could have been bought for three thousand pounds, and this Government turned it down; and the Government probably had the money in the bank then, but the big boast those days was, we got money in the bank; we are self-sufficient, we have money in the bank but they always said they needed more and better docking facilities - but they were going to put it in the North Sound where it was going to cost twenty million dollars for the dredging alone which we didn't have. I am positive, Mr. President, that had circumstances permitted this whole exercise to have been handled in an opposite way that is, instead of having to deal with revenue bills the way that it is customary to deal with revenue bills in Government, because - I'm not touching on the charge made that we are now paying by taxing the people for over-expenditure in the last few years; I think a suggestion was made to even stop in mid stream. If it was put to the public of this country prior to the introduction of these increases the alternative of paying these moderate in terms of dollars - increases, the alternative for paying these would be no road work - potholes - no dock, no improved educational facilities, no improved medical facilities; and in fact you would have to be called on to pay the economic cost of what you are now enjoying; I am sure every Tom, Dick and Harry would have said give us these moderate increases.

But, for reasons best known to themselves people are taking five dollars increase and looking at it not as five dollars but as six hundred and sixty and two thirds percent; twelve hundred and fifty-six percent - even when an effort is made to equalize what is being paid between the small man and the bigger person; when an effort is made to equalize the charge between the man who operates in probably a room in his house - and the big supermarket which is the one that has really increased the twelve hundred percent. You don't get any credit for taking care of the small man, its the twelve hundred percent that is flogged around the place. But, Mr. President, one thing is very gratifying, and that is that after all haranguing - and one Member talked about the altar call, I'm sorry he has gone because I am satisfied that he is under conviction and I would make the altar call, and I am sure he would come over on bended knees; but what I am satisfied about that after all the haranguing the Member who spoke first, that's the one that really put the works on, the other one he tried to - when he found out what was happening; as I've said he's under conviction he tried to switch. The Member said, "all of these projects are needed, and undoubtedly many more are wanted". Now, I have always lived by the philosophy that you might not always get what you want but you should always get what you need, and even the Member agreed that all of these projects were needed.

And, Mr. President as I have said; to quote the Lady Member from George Town, she said, " they are planning to sweep the floor clean". I can say this, that whether the House is swept clean or whether I return I made an impact on this country since I have been in the House; and I will go further and say it is an impact for good that others coming behind can build on. I cannot accept the argument that you must sit down and wait for things to fall in your lap, and that you must wait until

HON. BENSON O. EBANKS: (CONT'D): you have all of the money to do what you want. The other point I want to make, Mr. President, before I close is this, that one of the items that has come under most criticism during this whole session is the Broadcasting Station; and I have always realized the value of that station, but I must say that daily it is being driven home to me how much more that station is needed, and I would hope that it gets on the air in January because as has been said in this House, you believe education is expensive price ignorance. Now, the Broadcasting Station the estimate for that in expenditure is a hundred and seven thousand nine hundred and seventy-four dollars, and if my memory serves me correctly it shows a revenue of a hundred and twenty-five thousand dollars, so it would appear that it will be self-sufficient in the first year of operation.

Education is taking one point six million plus, but unfortunately, Mr. President, that vote in education is not reaching some of the people who needs education worse. I heard a man last night said, that he before last election was considering seriously going around and schooling the people in the workings of his constitution and he didn't do it, but he is sure to do it this time; and I hope that we get the radio station on the air before he gets <sup>to</sup> work or I am sorry for poor Caymanians. And, what was worse he had the audacity to say that he was so qualified to teach because he had attended seminars before he came back to this Island.

Mr. President, the Loan (Capital Projects) bill is one which I support as I am sure the Member piloting the bill will point out all of this money has not yet been spent, ~~this~~ <sup>is</sup> provision to borrow the money; and I pointed out that the provision in the estimates in 1976 for servicing of the public debt is only six percent of anticipated revenue. As the economy of the country grows and this money is expended that percentage I feel will remain fairly constant or probably reduce some, because Members must remember that before we were hit by the world's recession the gains that were made in the total budget were fantastic. I have the confidence to believe that those gains will be repeated; there are certain areas that will not be as buoyant as they were in the past - certain areas of the economy, like the building of office space, but there is still a considerable amount of building to be done, and in case anyone has missed it lets not forget that there is quite a bit of building to be done to house many of our own people who are at this time improperly housed; so this will be a project that we would hope that Government can find some way of starting. I don't see the type of money that is needed coming from the private sector.

And, one final word is about the water project. Much was said about the ten dollars token provision that was put into that project, and I would only like to remind that Member and this House that if anyone believes that water, a proper mains supply and a mains sewerage supply is not a priority for particularly certain areas of George Town they are sadly mistaken; and it only takes an out-break of typhoid or some water going disease of that nature to ruin this entire Island's economy or territory's economy because our seamen will not even be able to leave to get back to ships if something like that was to happen, so lets not lose sight of that. I am not saying that Government can afford to embark on implementing such a project now, but Government cannot afford to lose sight of the needs, and may be in the interest of the health of the country it might have to be farmed out to private interest to do the job, but we must keep the need for such a project before us.

I thank you, Mr. President.

MR. T.W. FARRINGTON: Mr. President, I would like to speak on this matter but I'm afraid I haven't got time now to do it and I think five thirty is a very good time to adjourn, and I will be back tomorrow morning and the Financial Secretary will be able, I suppose, to close the debate. It is impossible for me to stay here now any longer my people will come to look for me, I told them to come five thirty; and I don't know how the Members feel but I would be prepared to say something on this tomorrow morning; but I couldn't stay here any longer now Sir to debate it.

MR. PRESIDENT: If the Honourable Member wishes to speak on the motion, I would have no objections if we took the adjournment at this stage.

ADJOURNMENT

MOVED BY HON. D.V. WATLER  
SECONDED BY HON. G.E. WADDINGTON

QUESTION PUT: AGREED. AT 5:35 P.M. THE HOUSE ADJOURNED UNTIL 10 A.M. ON WEDNESDAY MORNING 10TH DECEMBER, 1975.

WEDNESDAY, 10TH DECEMBER, 1975

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, Mr. THOMAS RUSSELL, CBE., - PRESIDENT

GOVERNMENT MEMBERS

Hon. D.V. Watler, CBE., JP	First Official Member
Hon. G.E. Waddington, CBE., QC.	Second Official Member
Hon. V.G. Johnson, OBE.,	Third Official Member
Hon. A.D. BUSH, JP.	Second Electoral District, George Town (Member for Works Communications and Public Transport,
Hon. Trevor Foster	Third Electoral District, Lesser Is. (Member for Co-ordination and Information).
Hon. Benson O. Ebanks	First Electoral District, West Bay (Member for Education, Social Services Health, Labour )
Hon. W.W. Conolly, OBE., JP	Sixth Electoral District, East End (Member for Tourism, Lands and Natural Resources, MRCU, Agriculture Surveys)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE., JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN BAY
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN BAY
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH END

ORDERS OF THE DAY

WEDNESDAY, 10TH DECEMBER, 1975

1. PRIVATE MEMBERS' QUESTIONS:

- (a) MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN) TO ASK THE HONOURABLE W. W. CONOLLY, O.B.E., J.P., MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES.

AS CHAIRMAN OF THE HOTELS AID BOARD AND MEMBER FOR TOURISM CAN THE MEMBER STATE THE PRESENT POLICY CONCERNING THE GRANTING OF RELIEF OF CUSTOMS TO PROJECTS OF A CO-OPERATIVE APARTMENT OR CONDOMINIUM TYPE? PREVIOUS TO THE REPORT OF 1974 THE POSITION HAD BEEN NO RELIEF FROM CUSTOM DUTY, WHY WAS IT RESERVED AT THE SEPTEMBER 1974 MEETING AND WHY IN MANY CASES THE APPLICATIONS FROM PEOPLE WHO OPERATE BUSINESSES FOR HIRE TO TOURISTS WHO COME UNDER THE LAW FOR CUSTOM DUTY RELIEF, ARE NOT PRESENTED TO THE BOARD FOR CONSIDERATION?

- (b) MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOEN) TO ASK THE HONOURABLE A. B. BUSH, JP, MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

IN PREVIOUS MEETINGS IN THIS HOUSE WHEN MOTIONS WERE DEBATED AND QUESTIONS ASKED CONCERNING THE OPERATION OF CARIBBEAN UTILITIES. IT WAS STATED THAT GOVERNMENT HAD EMPLOYED AN EXPERT TO DETERMINE WHETHER THE RATE STRUCTURE WAS EQUITABLE AND IF NOT ANY OVERCHARGES WOULD BE REPAID TO THE CONSUMERS, AND THE REPORT WOULD BE SUBMITTED TO THE HOUSE. THIS HAS NOT BEEN DONE AND CAN WE BE RELIABLY INFORMED OF A DATE WHEN THIS COULD BE EXPECTED? IS THERE ANY INDICATION OF THIS YEAR'S NET YEILD? IS THERE ANY CHANGE IN MANAGEMENT ANTICIPATED? CAN THE FRANCHISE UNDER WHICH CARIBBEAN UTILITIES OPERATE BE TABLED IN THIS HOUSE? IF NOT WHY? A PREVIOUS INCREASE PUT INTO EFFECT BY CARIBBEAN UTILITIES - WAS IT APPROVED BY GOVERNMENT OR PUT INTO EFFECT IMMEDIATELY? IS IT TRUE THAT CARIBBEAN UTILITIES HAS REQUESTED OR ADVISED GOVERNMENT OF THEIR INTENTION TO INCREASE RATES AGAIN?

2. GOVERNMENT BUSINESS:

- (i) THE FIREARMS (AMENDMENT) BILL, 1975 THIRD READING  
(ii) THE LOAN (CAPITAL PROJECTS) BILL, 1975 (AMENDMENT) BILL, 1975  
CONTINUATION 2ND READING DEBATE & THIRD READING

3. GOVERNMENT MOTION NO.3 APPROVING DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1975 - TO BE BE MOVED BY THE FINANCIAL SECRETARY

- (iii) THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL (1ST & 2ND READINGS)  
( iv ) THE PATENTS AND TRADE MARKS BILL (1ST & 2ND READINGS)  
( v ) THE EXPLOSIVES BILL, 1975 (1ST & 2ND READINGS)

4. REPORT SELECT COMMITTEE OBSCENCE PUBLICATIONS (BY CHAIRMAN MR. JOHN D. JEFFERSON)

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WEDNESDAY 10th DECEMBER, 1975  
10 a.m.

MR. PRESIDENT:

Please be seated - Proceedings are resumed.  
The first item on today's Order of the Day

is questions.

QUESTIONS

HON. W.W. CONOLLY:

Mr. President, it is obvious that the Member who asked these questions is not very anxious to get a reply, and I would suggest, Sir that I could if this would satisfy, send a copy to the Clerk of the reply that I have formulated on this.

MR. PRESIDENT:

I think this is what must be done, if the Honourable Member isn't here on two occasions to ask the question, then I think that a written reply should be made to the Clerk to be passed to the Honourable Member.

So we pass on to Government Business, The Firearms (Amendment) Bill Third Reading.

THE FIREARMS (AMENDMENT) BILL, 1975 THIRD READING

CLERK: THE FIREARMS (AMENDMENT) BILL, 1975 THIRD READING

MOVED BY HON. V.G. JOHNSON

SECONDED BY HON. D.V. WATLER

QUESTION PUT: BILL GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT:

We now pass on to The Loan (Capital Projects) (Amendment) Bill, 1975, and the motion before the House is that the Bill is read the Second Time and the debate continues on that motion.

THE LOAN (CAPITAL PROJECTS) LAW, 1973 (AMENDMENT) BILL, 1975  
CONTINUATION OF DEBATE ON SECOND READING

MR. T.W. FARRINGTON:

Mr. President I initmated/<sup>yesterday</sup> that I would like to have a few words, and I had promised you that I shall be very brief on this matter. I've had the privilege of hearing all the debate that has been gone so far on this Bill, and I can assure you it's been very interesting, indeed.

The thing that makes me concern/<sup>very much</sup> is the fact that those who were speaking from this side of the House were called "Prophets of Doom", and the amazing thing is, that they say, that is the other side of the House, say that why should it take this time, a small Bill like this, But I would like to remind these Members that this isn't a small thing at all, this is a large sum of money that we're talking about, and we have a duty to perform. We have to remember that our constituency is expecting us to sponsor their cause. And I say it isn't a small Bill, it's a large sum of money, when you talk about millions of dollars, I don't think we should pass that lightly and say it's a small Bill.

Now to my mind health comes first in my book, and I think that this has been debated before, and I think we are satisfied that something is being done about the health of our people, and as I say that's the first thing. I'm a bit surprised that for instance these clinics throughout the island serve a very good purpose, and speaking to one of the doctors from the Hospital a few days ago, he seemed very dissatisfied to know that the clinic in West Bay, the biggest district, population wise only needed one day's work for a plumber and perhaps a cleaner, so that he could move in. I brought this to the attention of the Member for Health in our Finance Committee, and I don't know whether it's been done or not, but he promised that he would do something about it. Now I'm dissatisfied with that sort of stuff, I think that the people in West Bay are entitled to something better than that. I think that the doctor is entitled to something, he was the one who told me, he said this thing should have been finished with the exception of a little plumbing that had to be done, to his mind that could have been done in a day. Now surely we couldn't be satisfied with something like that. I promised to be brief, so I'll pass on to the next one.

MR. T.W. FARRINGTON (CONT'D): Education to my mind comes after health, and I'm pleased to be able to say perhaps something is being done to sponsor higher education and what not. I was privileged when I was in England in 1967 to attend at a place called Heral Hempstead outside of London, one of these comprehensive schools, and it was amazing how they have it done, and it was working perfectly, and I was told not only in London but, in the Isle of Man, and indeed in Northern Ireland as well that this system/the one that was being pursued in country parts of these territories. And I'm sure that this is the thing that will help us here. I think the underprivileged will have a better change to get an education by this system.

Now the next one that comes down the line is roads, and I may say this that my good friend over on the other side responsible for works and I were the only two members that I can remember that sponsored the cause of the Public Works Department. We thought that it should have been done by the Public Works Department and we explained why we thought so, up to the time that our first jet plane landed on our airstrip, when I was asked to speak and to welcome our friends, while speaking the Member for tourism and what not injected in the middle of my speech what about roads. I had to tell him while the roads to East End and North Side will be taken care of, the only thing is that we couldn't decide yet who would do the roads. Well anyway we had an experience with these contractors. The first contractor that came along was a firm out of Miami, and believe me they started off very good, they started to do a good job, when they came to a little bit of a swamp right by the cemetery they had to import one of these large cranes to dig it out. They explained that they had to dig all the mud out, all the big roots and what not before they would attempt to do anything else, and that was done and they put sand in there instead. Now this piece of road has stood up splendidly for fifteen years, and I'm only saying this, because I heard yesterday about a lake or a canal, I don't know I haven't been there to see it, but that was done, and the road started to deteriorate from just after it came to George Town going east, and this was because the contractor found themselves in a little difficulty and they wanted to do as much as they could. Well we felt, that is members of the Executive Council at that time that we should go to Jamaica, because there again we were under Jamaica and seek help from the Government of Jamaica to finish our roads. We went there and this is what he advised us, he said I don't think that you could service another loan, but I would suggest since you still have some money left that you clear the road up to East End and North Side and I would advise you to go ahead and do that, then after you've done that you buy the equipment and you have that equipment to do further road jobs, and you can do it yourselves, and we followed that.

There was another swamp area Betty Bay Pond that took a lot of money to do, and I think that was a mistake because it could have gone around the other way. But anyway I'm only saying this, to the Member for works after hearing what was said yesterday. I'm in agreement, I have been consistently in agreement that the Public Works should have done this job, even if it cost a little more at the time, even if we got our heavy equipment and the rest of it, and we didn't save any money on the actual job, why we would have that equipment here, and not only that, but all of the money that would be expended on it would be left here in this island. And I'm sure that this was a very good thing to do to adopt the policy that the Public Works should do the job. And I have a bouquet/throw at the Public Works, I'm not here to criticise, but of course if I have to criticise I will, but I think that the Public Works have done a magnificent job, that is my own feeling about it, I feel that the job they did from Bodden Town going east and North Side and East End has been well done. I think that they deserve credit for it, I'm not saying this that there hasn't been waste here and there, because that's quite obvious, but they've done a magnificent job in my opinion, and I hope that they continue to do a magnificent job, and I hope they will be able to get the money to finish these roads, because although these roads were done in the first instance from West Bay to George Town in very good way, deteriorated going east,

MR. T.W FARRINGTON (CONT'D): We had another experience with a contractor, the first contractor got out of it, and the next one came along, Bahamas Pavers, and believe me they really took us for a ride. I was in Executive Council at the time and we tried our best to see what could be done, and finally we would see if we couldn't take over the equipment they had which of course was worthless, and get out of it the best we could. That's what happened with the two contractors, so I say this we've had a dose of this contractor business, and I am happy that finally we are forced to accept Public Works to do the job.

with I am entirely in agreement, perhaps not in to to/. The speech made yesterday by the Second Member for Bodden Town. I think that after all give honour to whom honour is due, and I feel this, that although I might not be in complete agreement with him I think the views expressed here were sound, and I endorse those views.

Now you heard a lot yesterday about what happened since '73, three years ago, how ridiculous. These projects were all thought about long before '73 and as a matter of fact this building in which we are here now was actually started and finished and was opened by the President in 1972 in July. So they can't say why, here see what we did, this is what we've done. It appears as if they were trying to take all the credit for themselves when as a matter of fact it was just a streak of luck that came along and brought these financiers and developers from another country which has taken a policy to force their developers and financiers out of their country and of course here was the place that they looked. Why they looked here because this is a tax haven, and it's a stable government, and of course our connection with the mother country had a lot to do with it, so it's no getting away from that. So that is how this thing came along, and of course then they saw this money coming in they went on a spending spree, reckless, this is the way I express / I think they would have been better advised to have tried to do one or two things at a time and look ahead, not that this boom was going to last forever, but to be realistic and realise that this boom could turn to something else in the near future, which we have here today on our hands recession and inflation and what not, there it is we've got it on our hands. But that is what has brought us here now to be having somethings out of the big projects that were proposed; I'm very pleased to see that the Financial Secretary at least that we have to slow down, the Airport and many other projects had to be slowed down, and perhaps waiting for a better day to come. Personally I would think that that better day might not come, I hope it does, and I hope and pray that it does come, but nobody can be guaranteed that it will.

We had members here yesterday speaking about the bank ruptcy of that great city, the greatest financial centre of the world, New York. What brought that about, it's the very thing that's bringing us to our knees, our spending money recklessly, carelessly and naturally we'll get in trouble. I heard over the radio that President Ford had actually said, you needn't expect any help from the Federal Government unless you put your house in order, and try and help yourselves. While of course we here are in a different category, we here haven't got these big cities and these other states to come to our rescue, when we get bank rupt as the members were talking about then what do we do, where do we go. We can't expect the United Kingdom Government to hand out money all the time to us, and other than that there's no wonder that these measures for taxation are introduced, and brother, as far as I'm concerned we'll have to introduce more and more measures and that doesn't always mean that we get more money, because if you put the taxes up on cars and what not and what not, then you might find that less and less cars are coming in to bring in the revenue and there it is.

Mr. President, I spoke about reckless spending, island by that because it was reckless. It was reckless and we're in trouble whether we admit it or not, we're in trouble. Of course they'll tell me what do I know about it, the Executive Council knows all about

MR. T.W. FARRINGTON (CONT'D): it, so far I'm only using my own observation, and whether they admit it or not we're in trouble. Let us hope anyway that it might get better, I'm still not satisfied that it will.

Now there's one matter I didn't want to speak on, because the Member knows exactly my views on this, on the Dock, and of course I can't say but very few words. However, I was surprised yesterday to hear the Member state that perhaps this facility that they're building here will last for fifteen years, and then after that we probably will have to go to the North Sound project, which would cost twenty million dollars, I think that's what the estimate was. Well to my mind if they had started this project in the North Sound to begin with they wouldn't have had to spend all this money which I'm waiting to see how it will work out, I hope and pray that it does. But why wait for fifteen years, why not start it, couldn't finish it, but surely if we got into the North Sound in the way that was proposed by, I think by the one that is building the dock out here now, McAlpine, I think they designed it, and honestly I believe they were surprised to think that we would have embarked on that and do that. And bear this in mind even though it costs twenty million dollars, I think that I'm right in saying that government would only be called upon to contribute a part of that money, and private investment would take over the rest. I think that was something that we should have borne in mind, but we're told government didn't have twenty million to spend on it, well I don't think they have fifteen million to spend on this one out here either, and after all to my mind if they get away with fifteen million as the proposed facility, they will do well.

I'm told that boy, you see what's happening, you see the things coming up, when we were shown the first thing it was proposed that it would be at least twenty feet of water at the end, now they've cut it down to fifteen.

HON. A.B. BUSH:

the marginal pier.

Now it's twenty four at the end - fifteen at

MR. T.W. FARRINGTON:

Fifteen and twenty four - well that's worse. I don't think they'll do it for fifteen million dollars, but anyway I'm only saying this, that they must be realistic. I was really surprised to hear members on this side being called "Prophets of Doom", because they expressed themselves, they have a perfect right to express their opinions, and I think instead of calling them the "Prophets of Doom", I would say they should be called the prophets of realism and hope and the rest of it. I see my friend over there nodding his head, but of course that doesn't make any difference, I'm going to speak my mind and my conscience is my guide.

Now we were told by the Member for Executive Council yesterday about a meeting in West Bay, honestly the first time I ever heard about this meeting was in that Common Room the other day, and of course they say well Willie Farrington is chairing a meeting in West Bay tonight. I said what; the Elected Member from West Bay said well it was announced in my church, well I said, well perhaps I understand now, since it was announced in my church I think I understand. Anyway I did not attend this meeting, I did not intend to go, but I'm told further by the Member from Executive Council that he and the other Member, I'm not counted a Member now at all, I'm out of it see, that's exactly the position, attended this thing and they heard certain remarks made. Well perhaps they were more anxious about this meeting, anyhow I'll tell you what happened, When I went down I took my bath and I retired, had no intentions to begin with to attend this meeting, I don't approve of them, and therefore I did not attend. So I think I'm getting too far now, but I only wanted to touch on this because I couldn't see yesterday,

why that should be allowed on a debate on this loan project. It didn't fit in at all, I was really expecting that perhaps the President would have ruled that this was not a part of a loan project debate. But anyway I just want to make it known that I did not approve of it, and whatever might have been said there, these two Members who were there heard all that was said, and perhaps it might have opened their eyes a little bit, I don't know. But anyway I only want to make this clear, that the first time I heard about this meeting was in that Common Room, and of course the Second Elected Member he told me that it was announced in my church in West Bay last night by one of his own members. So I just put it together, and I said you hear it's another bit of propaganda.

MR. T.W. FARRINGTON (CONT'D): Mr. President, I think I've said all I intend to say, but I will say this much more, that I hope and pray that the Members in Executive Council might be right, but I'm sure I can't for one moment share their optimism, and I hope that things will get better in 1976. I thank you.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, I can assure the House that I'm going to be very brief on this, because if life lasts I hope to clean up my slate in reply to the Throne Speech in '76. But I will give my whole support to this amendment, and the reason why I'm giving my whole support to this, I think I've made it quite clear to this House that I intend during '76 to stay on the backs of Members responsible for their different capacities. The things that should be done in my district to get my reasonable portion of the money for these things that need to be done, and I well realise we cannot do anything without money, so in the light of that I am going to give my whole support to this amendment.

What I don't understand, Mr. President, so many Members can speak, which it's their authority, placing a wreath of flowers on Government for the marvellous achievement that they're accomplishing or have accomplished, and express they don't see why Government should be criticised, and the very speakers before they finished they turned around and criticised government. Like my good colleague who's not present has stressed this so many times and I heard him <sup>here</sup> yesterday that he's not going to accept this, he's not prepared to accept this, he's not prepared to go along with this; this must be <sup>done, he must get</sup> this and see that this is done, well then what's that. I suppose I may level a little more criticism than some Members, covering more road mileage a day than a lot of Members, I suppose I see more problems, I get in contact with more people. I again say why this, the Mosquito Research is not battered around in here - I'll ask that question why. Because the public is plainly seeing that it's a good job being done. Then if they can see in other departments where the job is not done, the work is not taken at an interest to be done, well then why shouldn't they criticise.

It was to my regret that when in the Finance dealing with the Estimates I was not present, which nobody is to be blamed, when they dealt with the Public Works Department. Probably it might have been a good feeling to try to get that over while I wasn't there. We need more money spent on health, we need more money spent on education, we need more money spent in the various departments, but I am saying, Mr. President, we should be getting some more for the money that we've spent and what we're prepared to spent; we should get some better service, more facilities and what not for it.

The Member from West Bay who has just sat down said he doesn't see why we should criticise Public Works for the magnificent job that they're doing. I suppose if they hadn't been criticised they wouldn't be doing then what they're now doing. But I think I had as much or nearly as much dealing with trying to do something about the roads in this island as any Member in here; and I think I can quite remember quite a bit, the attempts and the things that were done and some things that weren't done in the way they went about doing some things.

The first contractor that done the first fourteen, sixteen or twenty miles of road in the island, they being successful out of the number of applicants who applied for the job - Jamaica Public Works was one who applied and was turned down, I wasn't in the House then Mr. President, that doesn't mean to say that Jamaica Public Works would have gotten it, but a grave mistake this Government made. Then they gave the contract to an American contractor, they turned around and asked Jamaica Government to let them have their engineer to supervise the work. How much interest for the benefit of this country would that engineer carry out - couldn't be expected, he was denied the job, then you expect him to supervise it for somebody else with interest. When it all finished up I happened to be in the House then, and I well remember when claims were brought for material and what not over what was estimated to be spent, and it was paid by this Government; later on we got another claim, but we decided not to pay that one. The engineer from Jamaica

MR. CRADDOCK EBANKS (CONT'D): came around after awhile and encouraged Government that they could supply them with asphalt for the road at a bottom rock price; Government accepted it, he sold them enough to get his money, the asphalt was placed at Pease Bay for ten or twelve years, where one Member from Bodden Town lost a cow in it by getting stuck in it and died, and it never was of no use, never was used.

When it came to the second phase of road construction it was an argument between whether it should be Public Works or contractors. It ended up with a tie, the President of the House then, Mr. Cumber broke the tie in favour of the elected side that it should go to contractors. When they went out to tenders then all the ramification of it, the cost that they got we were not able to bear, we could not undertake it, it was scrapped. Public Works was advised what they should do to continue with this, the equipment they would need, and the Director of Public Works Department told the Road Board then I will start this within thirty five to forty days as the schedule provided the contractors are the same. Three months had gone by, when one of the applicants, the Bahamas Pavers wrote back to this Government saying I will do it for X dollars, on the advice then of Public Works, give it to the contractor. It went to the contractor what happened from that on I just don't know, put in about eighteen or twenty days

he folded up, went off, Public Works took on from that again. While we've got some road done, while we're getting some reasonable roads, I am saying, Mr. President, it has been enough money spent over those years that should have been completed twice. If as one Member said, contractor the money would be going out of the country, what investor in this country is here for the sake for the health of Caymanians. Every last one of them the most of their money goes back to their country, it doesn't stay here. Sure, I realise that a number of Caymanians are being employed, other people who are running their business, they're living here, they're spending some money, they have to spend money to live, but don't say that the bulk of their money remains here, it goes back to their own country. That has been one of the big arguments from time to time with this insurance business, robbers of humanity, Government just sits relaxed and let them fleece and skin them the public. It's a shame, it's a disgrace it ought to be when Government would issue a licence for a measly few dollars for somebody to operate as an insurance agent and what not, and they just do as they feel.

Mr. President I'm not going to go on an further, as I said in the beginning I give this my wholehearted support, because I am expecting some work done in all of the islands this year, but primarily I'm going to see that my constituency gets. Because it's the police station to be built, we can find a hundred thousand, two hundred thousand to go on a radio station, and this and that and what not, I'm going to nag somebody for a forty or fifty thousand to go on this police station. There are still roads out there to be completed, public buildings are deplorable, because I'm hoping that the First Elected Member for Executive Council will be giving somebody some okay to start work on some of these buildings on the 2nd of January.

Mr. President, I am trusting and hoping that we all live to see 1976 with good finances coming in, so even if we have to borrow we won't have to go all over board to get all the money that we might want, or be able to spend for the year '76. But I hope, Sir, that it will be spent wisely, be spent wisely I repeat Sir, because much of it ain't. So with those few remarks Mr. President I will close, and trust that we, as I've said will have a good return from whatever we might have to borrow.

MR. PRESIDENT:

If there're no other speakers I'll ask the Honourable Mover of the Motion to reply.

HON. V.G. JOHNSON:  
poetry -

Mr. President, I'm reminded of that bit of

There's a good time coming boys,  
A good time coming,  
We may not live to see the day,  
But earth shall glisten in the rays  
Of the good time coming.

Mr. President, Christmas is also coming.

Had someone told me when I was introducing this bill which I believe is one of the shortest bills ever presented to this House, that the debate on it would have lasted this long, I would simply not have believed it. And more especially, Mr. President, since we had already spent one full day in Finance Committee debating and going into the details of the four projects for which the funds of the loan bill are financing.

I remember in the Finance Committee the Honourable First Elected Member for Boddan<sup>Town</sup> posed a series of some twenty nine or thirty nine questions through the Clerk of the House on the business of the Finance Committee dealing with those four projects. And as far as I know all those questions were answered except the matter of presenting the contracts to Finance Committee, which you are now dealing with, Mr. President. So it's not that the details of this loan law were not dealt with, we went through it thoroughly, and I thought that Members had agreed that the increase in the loan facilities was reasonable, and that it would be supported. To be quite honest with you Mr. President, I thought the law had been passed by the Assembly already, but I remembered afterwards we decided to leave it for the Budget Session.

Mr. President, first of all I would like to say that the economic development of this country was not designed by anyone, I would say that it is rather a good fortune which came to these islands. It is something which we decided to cherish, to guide and to control, and this Government became very conscious of the need to implement a programme of capital development in 1968, 1969, and it was this Honourable House that met and decided on a capital programme. A capital programme phased over five years and in that programme was listed all the projects that are now being implemented. Mr. President, the Legislative Assembly had agreed to the programme, the Legislative Assembly had agreed and given its blessings to the expenditure, and the Government was requested to martial the funds wherever and however possible to finance these projects. There was a portion to come from local revenue, and this would be raised from existing revenue and new revenues to be introduced. There was the portion to come from British Development Aid, and there was the portion to come from loan to be negotiated by this Government.

Mr. President, at that time the British Government came forward and there were certain principles which had to be agreed on in order for British Aid to continue. And I remember two main principles, and one was the thought of revenue reserves which this Government should carry, and the next was the level of expenditure on the servicing of national debts. The British Government after some discussion agreed that this Government could carry a revenue reserve balance equivalent to three months revenue collection. It agreed that it was reasonable for this Government to spend at least ten percent of its recurrent expenditure on the servicing of national debt. So when the Member mentioned that we were now spending or we would shortly be spending eleven percent of gross income and national debts, and that this would get us into trouble, I don't see what sort of trouble we would be getting into. We're spending about eleven-twelve percent in education, so there's no reason why ten percent can't be spent on servicing of national debts. Especially in a developing country this is a principle that is used and the guideline that is used by most countries today.

Mr. President, a Member mentioned that the opposing grounds were based on principle and abuse. I would have liked him to have outline the principle which he was referring to, because to my mind that principle was the policy which was set by this Honourable House, and if we are going to question that policy then we are going to question the integrity of this House, and we're going to question the integrity of the Members of this House who put that policy together. As far as the abuse is concerned, I am sure that Members are aware that every precaution is being taken to ensure that

HON. V.G. JOHNSON (CONT'D): public funds are spent in the right direction. I know that there are areas for better control everyday these are being looked at. I mentioned to Members already that personally I was not happy with just leaving contractors and consultants to make their recommendations to Government that we were seeking someone to advise Government on recommendations submitted from both contractors and consultants, and that in the very near future we hoped the British Government would provide someone under Technical Assistance to do this. At the present time we appoint consultants and we have to depend on consultants because they're government appointed agents to advise us on these various contracts, and if we have no confidence in consultants then the thing to do is to dispense with their services, to dismiss them. We have not found it necessary to do so yet.

And, Mr. President a great deal has been said about the loan law, and the original sums which were requested. I think one of our drawbacks is that we in these small islands are not aware sometimes of what happens in the outside world, we're not aware of what happens in the case of contracts in other countries. I think generally that we have been doing very well as far as our contract jobs are concerned in the Cayman Islands, as far as the increase in cost is concerned, especially increase which we had to meet over the last few years in a period when inflation and high costs were really a terror in these parts. I have known jobs in other countries under contracts to escalate upwards fifty percent in costs but I'm sure that we can examine any of our jobs here in recent time there's none of them that has gone to that extent. In 1970 when these projects were thought of the costs then were equivalent to the costing of those days to the value of money in those days. In 1973 when we presented this Loan Law and requested a sum of five million dollars to cover the four projects, that based on costing in 1973, and the value of money in 1973, we're looking at the costing of 1975 and the value of money in 1975. But I'm sure that every Member of this House is aware of what has happened in recent years. So, Mr. President, it's folly for us to sit here and argue about an increase in the Loan Law from five to eight million dollars. The details of this were given in Finance Committee and the reasons for it. And the accusation that Government asked for a small sum of money at first and then come back to ask for bigger sums is incorrect, it's not true. Every application that comes to this House is a true application, an honest application. It is when we see the need to increase the cost of anything that we come back and tell you about it, nothing is hidden.

Mr. President as I've said it was surprising to see the long debate that ensued, and I think every Member of this House except the Official Members spoke on it, and the debate was far-reaching in some respect. However, I'm sure that the consensus here on the majority feeling is that the Bill should be supported, and so I would again ask all Members to give every support to the Bill. If the funds are not required I can assure you that they will not be spent, if there is no need to implement the project at this stage, I can assure you that it will not be implemented. But I think it is reasonable to have the facility to raise these loans if and when they are required. Thank you Sir.

QUESTION PUT: AGREED: BILL GIVE A SECOND READING.

COMMITTEE THEREON

MOVED BY HON. V.G. JOHNSON  
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED: HOUSE IN COMMITTEE

CLERK: CLAUSE 1. SHORT TITLE. QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2. SECTION 2 of LAW 3 of 1973 amended. QUESTION PUT: AGREED.  
CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE LOAN (CAPITAL PROJECTS) LAW, 1973  
QUESTION PUT: AGREED: TITLE PASSED.



HOUSE RESUMED

REPORT THEREON

BY HON. V.G. JOHNSON

CLERK: THE LOAN (CAPITAL PROJECTS) LAW, 1973 (AMENDMENT) BILL, 1975  
THIRD READING.

MOVED BY HON. V.G. JOHNSON  
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED.

MR. PRESIDENT:

We pass on to Government Motion No.3.

GOVERNMENT MOTION NO.3 DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS,  
1975

MOVED BY HON. V.G. JOHNSON  
SECONDED BY HON. D.V. WATLER

QUESTION PUT: MOTION OPEN FOR DEBATE

MR. G. HAIG BODDEN: Mr. President, I have to offer my objections to this motion, I realise that the Third Official Member now in his fourth week must be feeling a bit like Saint Sabastian when the arrows were flying on all sides.

I'm not sure, Mr. President, whether you're going to allow a full debate later on, or whether you'd want us to continue with it now, because I was just presenting an initial objection.

HON. V.G. JOHNSON: Mr. President, I meant to speak on the Motion before.

MR. PRESIDENT: Yes I was expecting the Honourable Financial Secretary to introduce the Motion once the formal motion had been made which has been done. I think the Honourable Financial Secretary presents his Motion then it can be open for debate.

HON. V.G. JOHNSON: Mr. President and Honourable Members, this Motion is to present an amendment of the schedule to the Development and Planning Regulations which provides for fees on applications to the Central Planning Authority. Under the Law any Regulation or Amendment to the Regulations must be presented to the Legislative Assembly by motion to be approved by the Legislative Assembly. And so the Draft Amendment Regulation is also attached to the Motion which sets out the recommendations for amendment to the fees under the Regulations.

Mr. President, this is one in the series of New Measures which have been reported in the Budget Address and brought to the attention of the Finance Committee in the New Revenues which were dealt with a short while ago. The New Revenues which will total approximately a million dollars were included in the Budget, and that Budget has been accepted by Finance Committee. In fact the Appropriation Law has been passed by this House which includes the Estimates of Revenue and Expenditure. Therefore it goes without saying that although Members may express their views as they wish on the remaining measures to be introduced, yet I would like to remind this House that the Revenue bills to be dealt with are a part of the Budget.

The recommendations here, Mr. President for the increase of the fees under the Development and Planning Regulations were examined in the same manner as all other revenue measures, and if we are using percentage in the increase I am happy to inform the Members that these increases are not on an average over fifty percent. They were considered reasonable since the fees have not been revised since they were introduced in 1971, and it was thought that there were grounds for recommending the amendment at this time. I am

HON. V.G. JOHNSON (CONT'D): aware now that there will be objections to the proposal from the opposition, but we are learning to accept this as a part of life in here. We only hope that there are other Members who really will give their due consideration to the purpose behind these measures, the need to support these measures, the fact that these measures have already been included as a part of the Budget, and the fact that the Government is not attempting to take advantage of the public in any way. These were looked at in every respect and I doubt very much that the proposals will be harmful to any extent. As I said in the Budget Address and on many other occasions taxation is not a nice word, and people would rather not hear it, but it's inevitable and it is something we must accept. In the Cayman Islands these come in a milder form than we find taxation in other countries, and what we must be concerned about is that our system of taxation will not change to what we find it in other metropolitan countries.

Mr. President, the recommendations are straightforward, I will therefore ask Members to give it their every consideration, and I hope that the House will not be influenced by the move already made to oppose the Motion. I will ask all Members to give it every consideration.

MR. PRESIDENT:  
clarity:-

I shall read the Motion to the Assembly for

WHEREAS it is desirous of adjusting the scale of fees established in 1971 by Regulations made under the provisions of the Development and Planning Law, 1971 and,

WHEREAS it is a requirement under Subsection 3 of Section 36 of the Development and Planning Law 1971 that no regulations shall be made pursuant to the provisions of the said Law unless a draft thereof has been laid before the Legislative Assembly and a resolution approving the draft has been passed by the Legislative Assembly.

BE IT RESOLVED that this Honourable Assembly approves the Draft Development and Planning (Amendment) Regulation, 1975 which has been laid before the Legislative Assembly.

Debate of course can take into account the content of the Draft Regulations. The Motion is now open for debate.

MISS ANNIE H. BODDEN:

Mr. President and Members of this House, I rise to support this Motion. Each and everyone of us know that if we want something we have to pay for it. This Government has a lot of demands on it, everybody wants everything, as my friend always uses the term pushing their hands in Government's pocket. Well when you push your hand in your pocket you expect to get something out, something must be that pocket to come out. Now I am going to support this measure because I feel it will not be too much of a hardship on anybody. Any person that intends to build a house has to find first the land then the cement, the zinc, the etc, windows. Now they can find money for all that if they even have to get it from the banks, they can find this fifteen or twenty or twenty five dollars the case may be. Of the large projects the same applies, if they can find the balance of the money they certainly can find this amount to put into Government's pocket.

In other countries people who earn may be six to seven hundred dollars a week, when they carry home fifty percent of that amount the balance goes to taxes to support their government. Well those people might get more returns if they live long enough to get social security etc., but they have to deprive themselves, if you want to call it deprive to get the money to get the governments run to find money to pay other things. And this government is not unique, there's no magician that I know of anywhere that can ask for silver or gold to pour down and they'll just find it. You have to find ways and means to get this money, and as long as we are not trying to torture anybody, we're not trying to oppress the poor to increase the riches of government, we are trying to get money to let this government run in a good

MISS ANNIE H. BODDEN (CONT'D): stable fashion, and I'm supporting this measure. The only thing I would request ~~but~~ this is beside the point may be that this Planning Board <sup>does</sup> not use any prejudices against anybody that they give everybody that make an application a fair deal; and not because somebody might want to build a mansion they get the permission while others who might want to build something very simple, all they can afford, each man be given the same consideration provided that they follow the law. Thank you, Sir.

MR. JOHN JEFFERSON: Mr. President, I rise in support of this Amendment Regulation, Development and Planning, I see the scale of fees single family or duplex \$15 all other applications up to \$50,000 \$15. I don't see anything in that to hurt anybody, and it means that we have to find ways to bring some money into the till, I think this will be able to do it without offering any real problem in any particular sector of our community.

I will take the opportunity to say this Mr. President, while I support the Motion in total, I feel that there has been far too many complaints about the way in which applications are processed through the Planning Department or the Planning Authority. I don't believe that any Authority of course in this position will ever be in a position where they can do things without being criticised, and I for one do not ascribe to setting up a Law or a Board and then afterwards getting in to try to tamper with its operations. I think every Statutory Board that's set up must have powers and I agree with that, but what I'm saying, I think that it is time that we look closer into this, and make sure that the Planning Authorities are giving every due consideration to every application being made. And there are, as the Lady Member talks about, rumours on the street, there're rumours on the street today that in the recession of this country this year that a group of people or a person made an application to build high rise apartments and they were turned down. I don't know the reason they were turned down, and if they were turned down for good reasons well I make no bones, I'm not worried about it, because I know there will have to be times when things will have to be ruled against. But I'm saying that it's time that we look close to make sure that every application is judged on its own merits, and that in relation to this Board or any other Board or any other department shouldn't at least when an application is made or letter is written they ought to have at least as much decency as to reply, whether it is yes or no. I'm saying I support the Motion, but I'm asking that a closer look be given to make sure that all the complaints that have been made, the discrepancies that have been voiced I don't know whether they're legitimate or not, but I'm saying it is time that we look at some of these things and make sure that it is operating in a fashion which should be favourable to the people of these islands, and to the people that make applications.

I support it in to to, I'm voicing my feelings in relation to the Board; I feel that there have been so many objections, there've been so many people that are rising up against this that we must look just to make sure it is running the way that it ought to be. Thank you very much.

MR. PRESIDENT: We might suspend proceedings now for fifteen minutes.

MR. CLAUDE HILL: Mr. President and Honourable Members, I rise in support of this Motion. This Motion seeks to adjust the scale of fees of the Development and Planning Law of 1971. We learn here that an increase has never been since 1971, and it <sup>was</sup> considered by some of the Members during the Finance Committee. I wholeheartedly support this Motion Sir.

Mr. President I think that it is time that a look is taken into the things, when the Board had an application before it, quite a lot of rumours have arise, and I don't know if the blame can be placed before the Board or whoever is wrong, but it appears to me that something is abnormal about it. This Motion plainly asks for this Honourable House to approval of the amendment to an increase of fees which I think in my small way

MR. CLAUDE HILL (CONT'D): are very reasonable rate. We have to get money from some source to carry on the functioning of our government in these islands, and I think that this is one of the measures which I can wholeheartedly support. I thank you Sir.

MR. G. HAIG BODDEN:

Mr. President Honourable Members, I stand against what I call the exorbitant increases under this motion, however I like to see this motion come before the House. This Motion has only come to the House because Section 36 of the Development and Planning Law says that it must come. But ever since I have been a Member of this House I have been fighting to have it inserted in our Laws that regulations especially those concerning fees should come before the Assembly for approval. It is most unfair to the public for Executive Council to be setting fees and increasing taxation without the other Elected Members having any say. We have seen quite recently that certain fees have been increased by astronomical proportions by Executive Council without the other Elected Members having any say at all. We have seen the taxes on motor cars doubled, we have seen the postage rates increase and I could go on to name some more, in fact I could make out a long and embarrassing list if I wanted to do so. And why are these taxes increased by Executive Council, it is not their fault it is our fault, it is the fault of this House that gives them the authority to increase taxation without the approval of all the Members of this House. I stand firmly against this, yet every law that has passed since I've been a Member has in it that the Governor in Executive Council has the right to make regulations under the Law.

It is my understanding that sub-section (3) of Section 36 was not inserted easily, this right of the people was not upheld easily, it came about in a very hard way. There were many objections to the Development and Planning Law, there were many objections to the Regulations accompanying that Law, there were demonstrations, there was an upheaval and in order to pacify the public, in order to placate the public it was inserted in the Planning Law that Regulations would have to come to the full Assembly for approval. And so we have here one instance where the Regulations must come to this House for approval. This is an exception, and a very singular exception to our laws, but it is good, and I welcome it. I only wish that all the regulations concerning fees would have to come to this House.

In the Motion I noticed that a new word has been used for increasing the fees. In the first Bill we had it was stated clearly that we would be increasing the fees, then in succeeding bills it was written that it would be varying the fees, and now in this Bill I see we are adjusting the fees, and perhaps in the Bills to come we will be substituting fees. But whether we use the words increasing, varying, adjusting or substituting it has the same annotation, we are increasing fees. I know that I'm a severe critic of government and it could probably get along without such a loquacious critic, but I feel that it is necessary in the interest of good government for Members to point out flaws in the hope that they will be corrected. And while I have not been able by my vote to sway the balance of power in this House, I know that by my continual criticisms I have been able to change many things, and I am delighted to see that as the Sessions and the Sittings Pass that there has been a continual improvement in Motions and the Bills and the policies presented to this House, and I know that I am having my effects.

One Member yesterday mentioned about some meeting in West Bay, and about there being a promise of setting up a seminar to educate people in politics; and I would trust that if this is established that Members of this House would take advantage, because they would learn something about the usefulness of opposition to Government Motions.

In dealing with this Motion my objection is to the amount of the increases. The Third Official Member correctly pointed out that the average increase is not over fifty percent. But if one examines this motion one will see that while the percentage increase is not very much the monetary increase is substantial, and I only have to call your attention to one or two items. Let us take the matter of hotels, the recommended increase for the planning fees is \$10, we hear the Member for Tourism talking about his five hundred room hotel, that means that for a five hundred room hotel there

MR. G. HAIG BODDEN (CONT'D): will be substantial revenue at the new rate of forty dollars per room. If we look at commercial buildings we see that the rate has gone from five dollars to \$7.50 per hundred square feet, this means it is not just a \$2.50 increase, but it's \$2.50 per square foot increase. When we look at apartment blocks we see that the fee for planning is not increased by twenty dollars it was forty dollars and it's now sixty, but it is increased by twenty dollars per apartment, so over-all there is a substantial increase. If we look at the cinemas, social clubs, churches and other buildings of that nature we see that the fee is not nearly doubled from \$2.50 to \$5, but it is \$5 per 100 square feet, now I understand it was \$2.50 per hundred square feet, but the point I'm making to Members that these increases are not as innocent as they seem, it is not an increase of \$2.50 on a single unit, but an increase of \$2.50 per hundred square feet. If we look at residential buildings we see that the fee has gone from seventy five dollars to a hundred dollars for those buildings over fifteen hundred square feet. This means that most of our houses would fall into this hundred dollars per house, because the normal size is about eighteen hundred square feet.

If we look at subdivisions it is not merely paying a fee of thirty dollars, it is a fee of thirty dollars per lot. Many of our subdivisions contain one hundred lots or more, so that here for a hundred lot subdivision the fee for planning approval would be three thousand dollars. And if we examined most of these items we will find that the increase although it looks innocent on paper if it is examined in detail will mean a very large out-lay of money for those people seeking planning approval. Some Members utilised the opportunity of this debate to criticise the Planning Authority, in fact I nearly fell out of my chair when I heard the Member from West Bay attacking the Planning Authority. Today I'm neutral on that subject, and I'm only dealing with the fees in the interest of a shortened debate. Thank you.

MR. JAMES M. BODDEN: Mr. President and Fellow Members I raise objections to this Motion, I would not be consistent if I did not because I objected in the Finance hearing to the voting of money for this department, in fact I would like to see them operate on a budget of about fifty cents a year. That doesn't mean that planning to an extent is not good, but I object to it in the manner in which it has been used in this country and has only been used to suit people and to abuse people. I will agree with the Third Official Member that his percentages of increase are much less than this, than it has been in some of the previous Bills because we do have a low in here of 33<sup>1</sup>/<sub>3</sub> escalating up to a hundred percent. But we must remember one other thing about this, if a person puts in an application to build and pays his fees, and that plan is turned down that money is not refundable to him either. I don't know whether the House would make an consideration about that, but to me it doesn't seem fair.

The Planning Board in its operations has continually acted biased, it is a department that probably has had the most criticism of any department in government, because in so many places it has strangled a persons rights to even exist. It has taken his assets and made them worthless, and this is why I could not stand in the House and be in favour of voting money for this department. We have many large cities in the world that operate today without planning departments, yet we are told that if we don't refine ours until it is refined to a razor's edge, then we are doomed to complete destruction. Well you can look around the island, it's only been in the last few years the Planning Department has been in operation, and there are some things I know we could criticise, but the island has not done all that bad and they didn't have the experts to advise them.

I am pleased as my colleague mentions that he was to know that although it was a hard fought battle to have certain insertions in this Law that it does have to come back before this House before the fees can be increased, that is not so in most of the other Bills, because we had a built in skeleton type of legislation in them. It is true that coming before this House again does not help much, because the tentacles of support extend all over the room, so it's more or less a fait accompli when it arrives in the House. The only chance that anything can be done about it would be if my

MR. JAMES M. BODDEN (CONT'D): colleague and myself had the power to talk for days and the power to put some of the Members asleep to where we could get enough votes to get it through. I would remind the Members of this House that they hear a lot, and they speak a lot about our objections, but we have to object one hundred percent in order to get one hundred of one percent of success, because fate has deemed it to be that way in this Legislature.

Mr. President, I could not go along with the increase in this, because in many areas I think it's unfair, the main thing I think is that the Planning Department and the Planning Law of itself is unfair, and until those two things could be changed I would never be able to vote my conscience to vote one penny for this department. I've had to take that stand in the past, I will have to continue to take it in the future. Whenever our government can approach planning in a fair and equitable way I too will support it, but as long as the iron hand of authority is going to force something down the people's throat and take away what is their God-given rights I can never support it, and the only thing I'm sorry of is that there isn't fifty cents appropriated in the Budget for the next year's operations of the Planning Department. Thank you.

HON. W.W. CONOLLY:

Mr. President and Honourable Members, I rise to support this Motion, much has been said surrounding it and the workings of the Board, yet all we have heard is support for the measures given here. One thing I would just like to mention and probably the Third Official Member in winding up will cover, but I believe the Honourable Member from Bodden Town said that in the case of social clubs and cinemas and churches, I think if he reads the document correctly, the churches are exempted, and there're no charges for that, and just to get the records straight.

Now there is quite a bit of discussion on the functions of the Board, whether they're fair or unfair, but I imagine that would be the situation regardless of who you would put on the Board, you would have to have human beings on the Board, I don't think we can find a computer system here. And while what is done by the Board is measured with the likeness and the dislikes of individuals, the matter of our opinion; my opinion might be different from your opinion and I guess it's a good thing that it is. So it is pretty difficult for a Board any Board to be established under a law, and when you have to sit down and select members for this particular board it is very difficult that their action is going to please everybody. I would venture to say that if their actions are going to please everybody, that their actions would be nil.

The matter came up by one Member about apartments, and most likely an application for apartments would have been directed to the Department of Tourism for comments, and I know of no apartments that have been turned down, in fact as I mentioned here on several occasions that the Planning Board has been blamed for the lack of building these islands today, and I don't think that is the case; because I checked into this myself, and I've found that at the present time there're over fourteen million dollars worth of approved planning, over fourteen million dollars worth of planning that has been approved and no work is going on. There have been hotels, there have been condominium, there have been duplexes, there have been apartments, that approval have been given, and some of those approvals are going to be run out in the near future, and yet not one lick has been hit. And what I have been told when I enquired from the developers, financing is the problem, it couldn't be the Planning Board when they have in their possession full planning approval. Some of these projects have only applied for an approval in principle which they have got, others have full approval, yet no work has been done.

Planning is a very controversial issue no matter where it is and in what country it is, and I'm not going to take issue with certain Members here, but I remember it has been banded around here that there was a certain city in the United States that has no planning regulations, a large city, and I believe the name of that city was Houston. I found out, I took that to be so, because I thought the Member knew what he was talking about. But just two months ago I happened to be in Texas and there was a big deal going on between the planning authorities and the city of Houston,

HON. W.W. CONOLLY (CONT'D): and the developers over a hotel complex, supermarket and something else. So I can assure you that that has been said here that there was no planning in this big city, yet there is planning there, and I can hardly see how any place can develop without a degree of planning. In some places I know of no planning, some places planning, I believe that for the success of this country we need some planning, and I believe all Members here agree that we need planning. Despite the defects or despite the decisions of the Board or what not I believe that it would be unwise for us at this stage of our development not to have planning.

The reason for this Motion is to increase fees, it's not to say whether we should have planning or not, because the Law is there, and Mr. President and Members, I think that the fees here seem to be reasonable fees. One thing has been stressed and this I think that this has been more than emphasised, and that is that the Executive Council makes these regulations and what not for the benefit of those people who are within hearing of these Chambers. Naturally the Honourable Financial Secretary as the Member responsible for finance has to seek ways and means of funding these islands, he has set up under his department a Committee comprising of Members from this House, some from this side and some from that side, who make recommendations, who look into these things, make recommendations on ways and means of increasing revenue.

When a measure comes up for consideration naturally the Honourable Financial Secretary with his department has looked into the whys and the wherefores of all of this. It has been carefully studied, and surely each one of us would want not to pay any form of tax, but call it what you like, if we want the amenities, if we demand the material things of life we have to be prepared to pay for them. And I am not against criticisms, I believe it's a good thing if it's done in an honest way. I believe that if I should criticise something I should be in a position to offer an alternative, in all the criticisms here of the revenue measures I have not heard either Member come up and say, no we shouldn't put any tax on this, we should put it on clothing, or we should put it on land, or we should put it on house, or we should put it on something else. There has been no alternative arrangements suggested, and my feeling is, that when I criticise and I say that this is a bad thing for my people, then I should be in a position to say, we should get this some place else. I believe that the measures that have been suggested are the measures that will do the least bit of inconvenience, or embarrassment to the most people in these islands. Any increase in revenue measures is bound to affect some people, and it's going to affect some people more than others, so the measures here seem to be reasonable.

We have a Planning Law, we have a Planning Authority, it is costing the Government more to maintain than the Authority, more to maintain and to supervise the constructions of these developments and naturally one can expect that it will be an increase. If one looks after the figures down here I see very much concern was taken of the Agricultural buildings and this fee is a very small fee, this fee takes into consideration that those people who go into agriculture would need probably a greater amount of benefits, and it does that. Mr. President, I support these measures, and would hope that these will in no way cause any real stress or strain on the future development of these islands.

MR. PRESIDENT: Does any other Member wish to speak on this Motion? I shall ask the Honourable Mover whether he wishes to reply.

HON. V.G. JOHNSON: Mr. President Honourable Members, there's scarcely any reason for me to reply other than thanking those Members who supported the Motion, but I want to also specially thank those two Members who opposed it, since their voices were not heard very long.

Mr. President, there was a remark made that there were all these unreasonable increases accepted by Executive Council. There are certain regulations made in Executive Council, and all draft laws are passed through Executive Council and presented to the Legislative Assembly. I

HON. V.G. JOHNSON (CONT'D): assure Members that I don't think the accusation is correct, that there're unreasonable increases accepted by Executive Council. The fact that the Legislative Assembly has <sup>on</sup> a majority decision accepted all the revenue bills presented here is an indication in itself that the bills were not unreasonable, and therefore I think it can be termed a reasonable acceptance by Executive Council.

Speaking about the Central Planning Authority and the expressions of dissatisfaction with regards to applications and so on, I know that the Authority has bent backwards a great deal especially during this year of recession to facilitate applications and to assist applicants in many ways. No applications <sup>have</sup> been refused in respect of high rise buildings anywhere throughout the island just for an example. And as the Honourable Member who spoke lastly mentioned about fourteen million dollars in value of building applications <sup>have</sup> been proved so far this year. Many of those applications have not been implemented because of the recession, so I don't think anyone can particularly attach any blame to the Central Planning Authority for this, or to Planning in general, I think the Authority has done its very best in this respect. I think we have to await the end of the recession and the beginning of another boom in these islands. We hope that this will happen in the coming year.

Mr. President, I would therefore ask Members to accept the Motion as put forward with the recommendations attached for increase of fees under the Development and Planning Regulations. Thank you Sir.

QUESTION PUT: AYES AND NOES. AYES. THE MOTION WAS PASSED BY MAJORITY.

MR. PRESIDENT: Perhaps this would be a good time to suspend proceedings until 2.30 this afternoon.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Please be seated. Proceedings are resumed.

THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL

CLERK: THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL INTRODUCTION AND FIRST READING.

MOVED BY HON. G.E. WADDINGTON  
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED: BILL INTRODUCED AND READ A FIRST TIME.

SECOND READING

CLERK: THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL SECOND READING

HON. G.E. WADDINGTON: Mr. President and Honourable Members the object of this Bill is to give effect to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, that is to say foreign arbitral awards which Convention was adopted by the United Nations Conference on International Commercial Arbitration on the 10th of June, 1958.

The Convention which the United Kingdom was a party, provides for the enforcement in the courts of a contracting state of arbitration awards made in another contracting state. Before this can be done however, it is necessary that there should be enabling legislation in the contracting state to give effect to the Convention. Now under Article 10 of the Convention, any contracting state may at the time of signature or ratification or accession to the Treaty declare that the Convention shall extend to all or any of the territories for whose international relations such state is responsible. And the United Kingdom Government which is about to accede to the Convention, and which is about to pass the enabling legislation in the United Kingdom has requested us, the Cayman Islands to indicate whether



HON. G.E. WADDINGTON (CONT'D): we would like the Convention extended to the Cayman Islands. And the Cayman Islands Government considers that it would be desirable for this to be done, and requested that the extension be made.

Now the Bill, Mr. President and Members, is based on a similar Bill which is being or has recently been presented to the United Kingdom Parliament. Clause 5 of the Bill provides that a Convention award shall be enforceable in the Grand Court in the same manner as an award made by an arbitrator under Section 22 of our Arbitration Law. In other words a Convention award made in the territory of another contracting state, say in New York or any other country, Canada or in any other country that is a party to this Convention, once the Arbitration award is made in that territory then <sup>that</sup> Arbitration award <sup>may be</sup> enforceable in the Grand Court if it affects matters in the Cayman Islands, and it will become enforceable just like an award made under Section 22 of our Arbitration Law.

Clause 6 provides for the evidence which must be produced by the person seeking to enforce the Convention award in order to satisfy the Grand Court that it should be enforced in the Cayman Islands. And Clause 7 contains various provisions which empowers the Court in those circumstances to refuse to enforce a Convention award.

The Bill I think, Mr. President and Members, is uncontroversial, and it is, I think, a good step forward for the Cayman Islands to be in a position to have these Convention awards enforced here, particularly having regards to our tax haven activities, and to the international commercial transactions <sup>taking</sup> place in ~~the~~ island, and I would therefore recommend the Bill for the favourable consideration of Members of this House.

SECONDED BY HON. D.V. WATLER.

QUESTION PROPOSED: DEBATE ENSUED.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I can only say that if this Bill has been recommended by Her Majesty's Government to us that I'm sure they know what they're about to do. So I have no comment on it other than if the powers to be say it's a good Bill for us to have I must agree with it, Sir.

MR. PRESIDENT: Any other speakers on this Motion. Does the Honourable Attorney General wish to exercise his right to reply?

HON. G.E. WADDINGTON: Mr. President and Members, I'm glad to see that we have the express approval of the Lady Member of the House and the <sup>placid</sup> approval of the other Members. And so I ask Mr. President that the Bill be read a Second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

COMMITTEE THEREON

MOVED BY HON. G.E. WADDINGTON  
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED: HOUSE IN COMMITTEE

CLERK: CLAUSE 1. SHORT TITLE  
QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2. INTERPRETATION.  
QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: CLAUSE 3. APPLICATION.  
QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: CLAUSE 4. STAYING OF CERTAIN COURT PROCEEDINGS.  
QUESTION PUT: AGREED. CLAUSE 4 PASSED

CLERK: CLAUSE 5. EFFECT OF CONVENTION AWARDS.  
QUESTION PUT: AGREED. CLAUSE 5 PASSED

CLERK: CLAUSE 6. EVIDENCE.  
QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. REFUSAL OF ENFORCEMENT.

HON. G.E. WADDINGTON: May I suggest a slight amendment to paragraph (d) ~~Mr.~~ Chairman. In the third line of paragraph (d) "omission of arbitration" should be "submission to arbitration". You change the "of" to "to".

MR. CHAIRMAN: Is there any objection to the amendment? Substituting the word "to" for "of" the second word of the third line of Clause 7 (2) (d).

QUESTION PUT: AGREED. CLAUSE 7 AS AMENDED PASSED.

CLERK: A LAW TO PROVIDE FOR ENFORCEMENT IN THE ISLANDS OF CERTAIN FOREIGN ARBITRAL AWARDS.

QUESTION PUT: AGREED. TITLE PASSED.

HOUSE RESUMED

REPORT THEREON

HON. G.E. WADDINGTON: Mr. President, I have to report that a bill entitled THE FOREIGN ARBITRAL AWARDS ENFORCEMENT LAW was considered clause by clause by a Committee of the whole House and passed with one amendment. The amendment being the substitution of the word "of" <sup>for</sup> the word "to" in the third line of ~~C|ause~~ 7 paragraph (d).

MR. PRESIDENT: The bill is accordingly set down for Third Reading.

THE PATENTS AND TRADE MARKS BILL

CLERK: THE PATENTS AND TRADE MARKS BILL INTRODUCTION AND FIRST READING

MOVED BY HON. G.E. WADDINGTON.  
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN A FIRST READING

SECOND READING

CLERK: THE PATENTS AND TRADE MARKS BILL SECOND READING

HON. G.E. WADDINGTON: Mr. President and Members, in recent years numerous inquiries have been made on behalf of overseas trading and commercial interest, of my department, the Attorney-General's department, and also of other departments dealing with commerce with respect to the protection which would be afforded in the Cayman Islands to the holders of trade mark rights which were registered and in respect of patents which were granted in other countries. In respect of all of these enquiries we've had to inform the enquirees that the position in respect to these matters was not in a very position so far as the islands were concerned, for the reason that there is at present no law with respect to the registration of trade marks in the islands, and consequently no protection can be afforded here to holders of trade mark rights registered in other countries in respect of any infringements which may be committed in the Cayman Islands.

With regard to patents it would appear that some protection may be afforded by virtue of the Jamacian Patent Law Chapter 283 of the Jamacian Laws which although not included in the Revised Laws of the Cayman Islands appears to be still in force in the islands by virtue of Section

HON. G.E. WADDINGTON (CONT'D): 7 of the Revised Edition Laws of the Cayman Islands Law. But that is a very unsatisfactory method if I may say so Mr. President and Members, of dealing with the matter, because when the Jamaican Patent Law is looked at it becomes quite manifest that its application to the Cayman Islands would be an extremely difficult and complex affair. Accordingly, it is considered that the time is now opportune for the enactment of our own legislation dealing with trade marks and patents, and to this end the attached draft bill has been presented to the Legislature.

The Bill provides, Mr. President and Members, a very simple method for the establishment of a system of extension to the islands of the effect of United Kingdom rights which would afford to the owners of United Kingdom patent and trade marks rights the right to register records of such rights in the islands, and so acquire in the islands the same protection as they have in the United Kingdom. By doing it in that way it will not be necessary for us to set up the extensive and complex machinery of registration of trade marks which requires a very specialised organisation with a trained lawyer and matters of the kind. But by doing it in this way we avoid that and all that would be necessary will be that <sup>on</sup> satisfactory production to the Registrar who will be appointed under the Law of the grant of a patent or the registration of a trade mark in the United Kingdom then the patent or the trade mark as the case may be will be registered here, and thereafter the holder of the patent or the trade mark right will have all the rights which he would have in the United Kingdom. That is to say, if there's an infringement then he can proceed in the Grand Court with an action to restrain the infringement and give necessary to get damages for the infringement.

A notable feature of the Bill Mr. President and Members is Clause 12, which requires all recordings made in the Registry to be published in the Gazette, and make such publication prima facie evidence of the recording. And apart from the increase in the number of the Gazette this should give world wide distribution of the Gazette among an influential class of the international business community, because the holder of the patent or the trade mark will require a copy of the Gazette in order to provide prima facie evidence of his registration. I might say, Mr. President and Members, that the Bill has been produced after a great deal of dialogue with the Foreign and Commonwealth Office, originally there were certain objections to combining patents and trade marks together for what the Foreign and Commonwealth Office thought were good legal reasons, but were able to persuade them that the Bill as we presented it could be satisfactorily administered and although the Foreign and Commonwealth Office was following the precedents of other places notably I think the Falkland Islands which had separate bills dealing with trade marks and with patents. We were eventually able to convince them that there could be a satisfactory combination of both, and they eventually approved of the bill as now presented. Here again, Mr. President and Members, this bill is, I think non controversial, it is a useful addition to our Statute Law and should go a far way towards putting the Cayman Islands in line with other progressive countries which have their own patents and trade marks law. And I recommend the bill for the favourable consideration of this House.

SECONDED BY HON. D.V. WATLER.

QUESTION PROPOSED: DEBATE ENSUED

MR. G. HAIG BODDEN: Mr. President, now that my support has arrived I believe I'm in a position to put in some opposition to this Bill. We saw that the previous bill went with but little debate. The Regulations under the Development and Planning Law went with but little debate from Executive Council, in fact it was only necessary to draw out one of the big guns to help support the Third Official Member in his presentation. This is in contrast to the debate on yesterday's bill which required all the reserves to be drawn out. And so that the Second Member may know that we're still present in the Chamber, I will endeavour to present the case as seen by this side of the House. But even without my preliminary marks, even if circumstances had not demanded that I make them, I would most certainly have to oppose many areas of this bill.

First of all, this bill discriminates too much

MR. G. HAIG BODDEN (CONT'D): in favour of United Kingdom patents and trade marks, and this is wrong, we should not have this type of legislation. I fully believe that this bill should be extended to other countries within the Commonwealth; I can think of say, a country like Canada. It should also be extended to other countries within the Common Market, since we are now a part of the Common Market, and it should also be extended to the United States of America. The reason for my contention is that these countries are now the world leaders in developing new inventions. Take the Common Market countries of France and other European countries, whether we like it or not they are way ahead of the United Kingdom in the inventions and patenting of new inventions. The same could be said of the United States and Canada, and while I hold great respect for the United Kingdom in the way it once led the world in inventions, I'm afraid <sup>their</sup> sun is now in the decline, and for one thing the political climate in the United Kingdom with their lack of dynamic leadership is no longer conducive to any large flow of new inventions. Furthermore, there is no protection in this law for inventions that may flow from within the Cayman Islands, and I think this is a disgrace. This is not as far removed as it may seem.

During ~~the~~ early part of last year I had a very intelligent young man come to me and discuss having what he thought was a worthwhile invention patented. In fact what he showed me as he explained it was really an improvement on an existing patent, and he asked me what he must do with it, and that caused me to do a great deal of research into patents, and he eventually took his drawings and his specifications and the whole notion to a patent office in the United States. Unfortunately this young man is no longer with us, but there is a possibility that this particular invention of his may one day be patented.

This legislation, in my opinion, is not too, unlike the type of legislation we will need for the registration of foreign ships in the Cayman Islands. I am not going to argue the cause of the registration of ships here, because I think we have done that quite well in the past. But what amazes me is how easy it is for our Legal Department and for our Legal Draftsman and for our Executive Council to present a bill for something that they want to present it for. I never heard any mention at all, I never heard any talk at all about the Patents and Trade Marks Law, I never even heard it had been in the pipe line, I never even heard it had been in the making. The first I knew about it was when it was presented for this Sitting of the House. And the point I would like to make is that the remarkable ease with which a type of legislation such as this can be presented to the House is of great wonder to me, and I would like to see this applied to other bills especially that <sup>of</sup> Registration of Ships. I am quite aware of the difference between the registration of the two items, because I have personally made a study of both registration of ships and registration of patents, and there are differences, and there are difficulties, but there are many similarities, and if this is as easy as this seven page bill makes it, there can't be obstacles in the way of the registration of ships.

The Second Official Member in presenting this bill made much of the extensive machinery that would be necessary if we set up a full patent office here, and he gives that I think as one of the reasons why we will just have the registration office for United Kingdom patents. He also states as the reasons for the presentation for this bill that there have been enquiries about patents, the registration of patents and naturally there was no law. I'm wondering if those enquiries were confined to United Kingdom enquiries, or if he had any enquiries about protection for patents already registered in other countries. I don't believe this section of the bill, or the Memorandum which says that the establishment of a regular patent and trade mark registry here is not a practical proposition, since the considerations affecting the original grants and registrations are highly complex and require access to comprehensive libraries.

In seeking the establishment of a patent the inventor has to do all the donkey work, he has to do all the research, and it is done through patent agents, it is done through reputable and recognised patent agents. It is true that while in both the United States and the United Kingdom the record of patents are open to the public, the officials of the Patent Office will not do any search to determine whether a patent has already

MR. G. HAIG BODDEN (CONT'D): been registered. So if a person feels that he has is worth registration, and something that is a new invention, he must do all the donkey work to prove that there has not been a prior registration of that patent. The Officials will not do the preliminary searches, the expenses must be borne by the inventor himself. He must send his inventions to a patent agent who does all the search, and then when they're satisfied that this is a new invention the specifications and the drawings and the notion setting out the details would be sent to the Patent Office in Great Britain, it would be sent to the Controller General, and in the United States it would be sent to the Patent Office in Washington, D.C. The details of how to go about the establishment of a patent can be obtained by anybody just by writing to one of the patent offices, and getting a pamphlet on the directions for establishing a patent. So it does not necessarily have to be as complex as is set out in the Memorandum to this bill. Furthermore, in Great Britain the Patent Law is comparatively new since all the already established laws concerning patents were repealed and replaced in 1907 by a new law, and I think there were further amendments in 1919.

The patent in the United Kingdom runs for sixteen years. The United States law is very similar to the United Kingdom law having been drafted I suppose on the United Kingdom law, there is one substantial difference in that the patent in the United States runs for seventeen years, while those in England run for only sixteen. So I can't accept the Memorandum of this Bill which makes it so difficult for the establishment of a full registration system, and I can't accept a bill which is designed primarily for the protection of people who hold patents that have been issued only in the United Kingdom. And while we are told that we can't have a full registration here because it would require trained lawyers and all sorts of things, yet Clause 3 of this Bill makes provisions for the appointment not only of a Registrar, but by such staff as may from time to time be allotted thereto to the Governor. This is the first time I've seen in the Bill where we not only appoint somebody, but we're making ample provisions for this additional staff. Clause 3 and 4 deal with the Registry and the appointment of the Registrar and additional staff. And Clause 5 goes on to deal with the duties of the Registrar include the management of the Registry and its staff, and by looking at the Bill one gets the impression that Government is here ready to set up a whole new division of Government, because ample provision is made in the law for the establishment of a full department, Registrar plus staff. So I can't accept that it would entail on the one hand a large amount of trained lawyers, yet on the other hand we're making provisions for a multitude of staff.

The Schedule to the Bill has set out fees, and here I must say that I'm happy that these fees are not left to the mercies of Executive Council, but are set out in a Schedule. The fees appear to be very low for this type of legislation, and I'm wondering if it is deliberately set low because the fees will only apply to people who own patents in the United Kingdom. This Bill leaves much to be desired. It is by far the most controversial bill that has been put before this Assembly in these four weeks, because it is a bill that discriminates, it's a bill that gives protection to only a few, and I'm hoping that the Second Member will take my points into consideration, and will himself make some recommendations for changes in this bill even if it goes into law at this sitting. I know by counting at a glance the votes that will be in favour of this bill that it will pass. No matter how wrong it is it will pass, that is a fact of life for this Assembly, so my only plea can be that the Second Official Member in his good time will take another look at this bill and if he see fit that he will make recommendations to have this law amended.

I must congratulate the Second Official Member for putting forward this bill, because I see this as a harbinger of good news for the Registration of Ships, and for other items that could bring in some revenue. I believe I read somewhere in the Memorandum or something concerning this bill, and I gathered from looking at it that it will be putting some revenue into the coffers of Government. And so from that point of view even if the bill does some discrimination and does not measure up to what I would like to see, it is a good effort and worthy of commendation, but I'm truly sorry that it did not spread its tentacles to include other places that may from time to time have registered patents which would need protection under

MR. G. HAIG BODDEN (CONT'D): our laws. And I'm especially sorry that it was not considered that the Cayman Islands may one day have an inventor who could have some protections. If such a thing is in this law it must be shrouded in mystery, because I don't seem to see it. Nevertheless, Mr. President, I will again say that the presentation of this bill does mark an era or the beginning of an era of a new type of legislation which we need, and even if I have to say it the Bodden Town Members have seen the need for this type of legislation, and I believe they were even stupid enough to put forward a motion at one time asking that Government look towards the registration of ships, which is far more important than the registration of patents, and where this could bring one drop of revenue, registration of ships could bring you floods of it. And I believe here we are just playing around with pennies when we could be collecting pounds, but it does show that the attitude of Government is softening up and perhaps it took a little trodding from United Kingdom to get even this much done, but I'm wondering if in the United Kingdom they do hear the cries that have been going up from this Assembly for this type of legislation, and if we can look forward to the day when the Registration of Ships, although it is going through a slow and ponderous treatment, may one day be a reality.

MR. JAMES J. BODDEN

Mr. President, fellow Members, I see that the Members are still suffering from chair-rhitis. Mr. President, I have a feeling that by the time we're through with this debate you may have to do what you have not done before, and that is to use your casting vote, because my friend sitting across from me here I've loaned him my papers and I think that has enough effect on him that he will be voting with us.

In a sense I would have to compliment the Government for bringing this bill, because it is in some sense necessary, it's about time that we had legislation of this nature, but in also by complimenting I'm also going to have to criticise, and I know the criticism is not taken too good. I am of the opinion that the law is discriminatory, and I say this because as my colleague mentioned awhile ago although we are proud to be a part of the British Commonwealth we must accept one thing, and that is that England's sun is in decline, many people have said it. And although they have a lot of expertise in some sense they seem to lack the ability to put new inventions forward, not on the scale that is put forward at the present time by some of the other developing countries. I cannot see the urgency in bringing this bill before the House and only inserting U.K. patents. If <sup>this</sup> bill was coming before the House embracing the entire British Commonwealth, embracing the Common Market to which we are now a part of, and the great United States, I could support it, but being it is coming forward with at least a half a dozen different places where only the United Kingdom patents are recognised it would be very difficult for me to be able to support this. I cannot understand why this has been done, and I cannot understand why that if we were putting forward this bill that we could not envisage that sometimes in the near future it might be some Caymanian smart enough to invent something that would be worthwhile to be patented. As it is I do not think there's any place in this bill that would cover that, I cannot understand why the Members of the higher seats were so negligent in their jobs that they did not include even our local people into this.

Another thing that upsets me about this Mr. President, is as my colleague said awhile ago there're so many other important bills of this nature that could come before the House that would help our financial position and yet we're not bringing them forward; I know we've been told that something might be done about them, but it is time that we do it before other countries get ahead of us. As my colleague said this bill although needed will be bringing us in peanuts when we could have been bringing in wheat.

We've heard mention about the staff that would be needed to set this up, well I think all Members of this House are quite familiar with what happens when we set up a new department. We've dealt with it in this past Budget, we set up a department one year with may be two employees and next year it has ten. Every secretary has an assistant, and every assistant has another assistant. We would have a bureaucracy created, and by next year when we get back here those of us who decide to come back in and

MR. JAMES M. BODDEN CONT'D): those who are elected to debate the Budget again we will find probably eighty thousand dollars to man this department. These are not figures that I'm just picking out of the air, we can go back to the Budget which we have been debating and we will find that several departments that were created just a year or so ago, we are now spending a hundred thousand dollars on them. I think it's about time that we wake up. The first thing we would find if we created this, is that overnight we would have another flood of experts and consultants, we would find another big chairmanship created, and we would hear of the amount of money needed to run the department. Yet I'm going to ask the Members of this House where are we going to get the money from to run this department when we look at the wonderful figures at the bottom of this bill in the Schedule. In this day and age with the inflation that we have one sheet of paper would cost what these fees are asking. We come in here and we're told that it doesn't mean anything to increase taxes three hundred percent or twelve hundred percent, but then on the other hand we are told oh vote for something like this where we got ten dollars, twenty dollars and the maximum fee as thirty dollars. If something is worthwhile being patented the man should be able or woman to find more money to pay for it than this and it should be worthwhile. Now in the God's world would we ever support a department of this nature with this type of fees, we're paying more than this on our dogs today. This is ridiculous, yet if we oppose it we fall into the category of being those two poor benighted fools that the sun shines on first because Bodden Town is on the eastern end of the island.

Mr. President, I would like to know a justifiable reason as to why this bill is so limited, why the fees are so low, when we are pleading for the amount of money that we need to run this Government. I am certain of one thing that the Members of the Executive Council should be bowing their heads in shame to bring a bill like this before the House with these type of fees for this type of business when they're asking such tremendous increases in some of the other bills that we have passed. I cannot understand it, it defies my imagination, and I'm hoping that by the time we get around to voting on this that for once the tentacles of support will be broken and that we will be able to change something in this bill. Thank you Sir.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I do not understand the ramifications of such a bill as this, but I feel that it can serve a good purpose provided we are not called upon to make another department called the Patent and Trade Department. I'm hoping that such a bill goes into law and perhaps we will be able to utilise the services of say the Registrar of Companies. I know of one Caymanian who patented some kind of a device for lifting cargo off the ships, and he has phoned me on many occasions that to patent that particular device cost him close to a million dollars, I don't know if it's true that it was that amount, but I'm very sure it was quite a large amount. And I cannot agree with these tiny little fees. Now Sir, I should think for an application should at least be three hundred dollars, the very least, because a patent as I understand a patent if I patent some device I and I alone can manufacture or give my authority to have that particular patent used, and it would really not be in order for such very limited fees.

Now as I said I do not understand all the ramifications, I do not understand why the British Government alone should be included in this law. I feel as has been said that Canada the great dominion who I'm very sure has a lot of patents, the United States of America, the European countries all of those must have patents, and if we are to make a law and it's not contrary to anything in the British dominion of which I'm very proud that we are a colony, if it's not anything that is detrimental to that great country I should say that is the greatest country in the world, because the Americans and all of these are only grandchildren of the great British Empire. And I feel that if it's anything that would be detrimental to our mother country we should not allow other countries to have this right; if there's not, I feel that they could be included, and I would say Sir again that I know of one Caymanian who patented a device, and there may be others who can do the same, of course they would have to I suppose go abroad and get whatever ramifications there is to getting a patent passed, I don't know, but

MISS ANNIE H. BODDEN: I'm very sure that perhaps one of these days it could happen, and I would suggest if possible that the Cayman Islands be also included, and I strongly recommend that there is no additional department set up, and more especially these little tiny fees. I recommend most heartily that we consider that this sixty dollars listed here should be six thousand—may be. Thank you, Mr. President.

MR. PRESIDENT: Are there any other speakers on this Motion? If there are no other speakers I'll ask the Mover to wind up if he so wishes.

HON. G.E. WADDINGTON: Mr. President and Members, one of the objections raised to this bill by the two Members for Bodden Town is that they submitted that the bill is discriminatory because it only applies in respect of patents granted and trade marks registered in the United Kingdom.

Now the whole object of this bill, Mr. President and Members, is to allow the holders of such patents and trade marks the right to re-register them in the Cayman Islands so as to be able to take any action in the Cayman Islands for infringements. Now it is the law that any patent or trade marks granted in any particular country is only protected in that particular country, in other words the holder of a United States patent or trade mark can only sue for infringement of those of his rights in the United States, and so we find in almost every country in which there is a body or a person holding a patent or trade mark that that person seeks to obtain registration of that patent or trade mark in every other country in the world in which he can do so, and so it is we find that every important patent in every other country is registered in the United Kingdom, and so when that is remembered it will be seen that this bill is not discriminatory as the Members would make out. Because once a person becomes registered in the United Kingdom in respect of his patent or trade mark wherever the patent or trade mark might have been originally granted he becomes registered in the United Kingdom and immediately becomes able under this bill to be registered in the Cayman Islands.

I think the Members on the other side are confusing the United Kingdom Patent Holders or registered holder as being patents or trade mark which originated in the United Kingdom. Well that is not so, and lets take the Cayman patent for instance, if a Caymanian had a patent or an invention it would be a simple matter for him to obtain registration in the United Kingdom and thereupon become entitled to registration in the Cayman Islands. So it is a fallacy to suggest that these patents and trademarks refer to patents and trade marks which originate in the United Kingdom, they don't.

With regard to the expense in running this department, I'm grateful to the Lady Member for George Town for mentioning the Registrar of Companies, because that is exactly what is envisaged by Sections 3 and 4. In the early operations of this bill it would be a simple matter in my submission for the Registrar of Companies to be appointed Registrar of Patents and Trade Marks, and one or two clerks in his present department could quite easily cope with any registrations which there may be under the law; and I don't for my part see that it would be necessary to set up any elaborate department having regard to the fact that we are deliberately avoiding the organisation that would be necessary to be set up if we had a complete registration of trade marks and patents, which would require as I've said a very complex organisation, a complex department with trained lawyers because trade marks and patents are a specialised branch of the law. The present Trade Marks Law in England extends to hundreds and hundreds of sections, which requires the Registrar of Trade Marks and Patents to be a judicial officer, who has to adjudicate on conflicting claims to patents and trade marks. What we are seeking to do here is by a very simple device to avoid all that complication and to provide a method whereby the holders of a registered patents and trade marks, the owners can get some protection in the Cayman Islands, and that is why, Mr. President and Members, even the fees provided in the Schedule were not intended to be a revenue producer, it was intended merely to provide some fees for the registration, but the important aspect of the bill is that we are seeking to provide a method of protection in response to the various queries which we've had from overseas as regards to the protection of patents



HON. G.E. WADDINGTON (CONT'D): and trade marks holders. If it is thought that the fees are too little, and of course that can be amended they can be increased, and I should also like to mention that unless we have a complete trade marks and patents law of our own we were advised by the legal advisers to the Foreign Office that if we made it open whereby a registered owner of a patent in other countries were granted the right to come here and register, it would mean that we would be importing into the Cayman Islands the laws, the specific laws applicable to all those rights. In other words if an action for infringement arose the Judge of the Grand Court would have to consider the specific law of the country in which the patent or the trade mark was granted, and that would become a very difficult matter, because the question with the law of the foreign country would have to be gone into and it would complicate matters and make it very difficult for an adjudication to be made. As I said it's a very simple matter for the holder of any patent or trade mark to become registered in the United Kingdom, and indeed that is the present practice, and having regards to that, Mr. President and Members I think that there has been a misunderstanding by the Members on the other side as to the effect of this United Kingdom registration, and when looked at from that point of view it would be seen that the question of discrimination is really more illusory than real.

I think those were the main objections to the bill, I remember both Members from Bodden Town referred to the similarity of Registration of Ships, well of course the simple answer to that is that the two things bear no similarity whatever. Registration of Ships is an entirely different matter, a lot of other consideration applies such as safety of life at sea, load lines and things of the kind and the Registration of ships is a much more difficult and complex matter than the Registration of Patents and Trade Marks. And in my submission, Mr. President and Members, this bill which has precedents elsewhere in the Commonwealth is an admirable bit of legislation designed to provide a very simple method of registering patents and trade marks in the Cayman Islands without going to the expense and complications of a complete method of registration such as exists in the United Kingdom and other developed countries. As a matter of fact, Mr. President and Members, there is a model law for developing countries which was drafted by the World Intellectual Property Organisation (WIPO) which had proved very useful in the drafting of this bill, and it is a bill which is designed for a developing country and not a developed country. And so, Mr. President and Members, I do not think that the criticisms of the Members on the other side are really valid, and when the bill is viewed in the light of the situation which it is intended to cope with it is my submission that it is an admirable bill and should be accepted by Members of this House.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

COMMITTEE THEREON

MOVED BY HON. G.E. WADDINGTON  
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED:

HOUSE IN COMMITTEE

CLERK: CLAUSE 1: SHORT TITLE AND COMMENCEMENT  
QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2: INTERPRETATION  
QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: CLAUSE 3: ESTABLISHMENT OF THE REGISTRY  
QUESTION PUT: AGREED: CLAUSE 3 PASSED

CLERK: CLAUSE 4: THE REGISTRAR  
QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5 : DUTIES OF THE REGISTRAR:  
QUESTION PUT:

MR. T.W. FARRINGTON: Mr. Chairman, I would like to ask the Second Official Member, I have noticed that some years ago there was a famous law suit in Jamaica between the Vicks Chemical Company and some company in Jamaica with the trade marks of Vapor Rub and Vapourex, it wasn't even the same name. It was quite a big case, and the Vicks Chemical Company from the United States won. Now what was the difference at that time?

HON. G.E. WADDINGTON: What was what? I didn't quite get the last..

MR. T.W. FARRINGTON: The Vicks Chemical Company of the United States had a Jamacian Company sued for copying their patent, and the Jamacian Company was registered as Vapourex, and of course the American one was Vapor Rub, but they still said that that was an infringement on their rights and the Vicks Chemical Company won. Now was that into the Jamacian Law at the time that they.....

HON. G.E. WADDINGTON: Yes, in Jamaica there is a regular Trade Marks Law set up. There's a Registry which is run on the same lines as the United Kingdom's Registry, and what happened in the Vicks case was that the Vicks Company had the registered trade mark, and they claimed that the other people the Vapourex that they were infringing their trade mark. Well the matter went to court and as a result of the court sitting, I believe, I'm not correct I don't remember the exact decision, but I think you're right that the Vicks Company of America won. The result of that was that the other company did not get its registration effected, so that the Vicks registration remained on the Register whereas the other registration was either excised or removed. That was an illustration of the protection afforded the Vicks Vapor Rub who having been registered in Jamaica and the court decision was that the other company who was infringing their trade marks was actually infringing and therefore should not be registered.

QUESTION PUT: AGREED: CLAUSE 5 PASSED.

CLERK: CLAUSE 6: RECORDING OF UNITED KINGDOM PATENTS AND TRADE MARKS  
QUESTION PUT: AGREED: CLAUSE 6 PASSED.

CLERK: CLAUSE 7: MODE OF RECORDING RIGHTS:  
QUESTION PUT: AGREED: CLAUSE 7 PASSED

CLERK: CLAUSE 8: EFFECT OF RECORDING OF A PATENT  
QUESTION PUT: AGREED: CLAUSE 8 PASSED

CLERK: CLAUSE 9: EFFECT OF RECORDING OF A TRADE MARK  
QUESTION PUT: AGREED: CLAUSE 9 PASSED

CLERK: CLAUSE 10: PERIOD OF VALIDITY  
QUESTION PUT: AGREED: CLAUSE 10 PASSED

CLERK: CLAUSE 11: CHANGES  
QUESTION PUT: AGREED: CLAUSE 11 PASSED

CLERK: CLAUSE 12: PUBLICATION IN THE GAZETTE  
QUESTION PUT: AGREED: CLAUSE 12 PASSED

CLERK: CLAUSE 13: POWER OF THE GRAND COURT  
QUESTION PUT: AGREED: CLAUSE 13 PASSED

CLERK: CLAUSE 14: SEARCHES.  
QUESTION PUT: AGREED: CLAUSE 14 PASSED

CLERK: CLAUSE 15: JAMAICAN TRADE MARKS LAW  
QUESTION PUT: AGREED: CLAUSE 15 PASSED

CLERK: CLAUSE 16: REGULATIONS  
QUESTION PUT: AGREED: CLAUSE 16 PASSED

CLERK: CLAUSE 17: REPEAL OF THE JAMACIAN PATENT LAW.  
QUESTION PUT: AGREED: CLAUSE 17 PASSED

CLERK: THE SCHEDULE

QUESTION PUT:

MISS ANNIE H. BODDEN: Mr. Chairman, I would like to suggest, Sir that we change \$30 to an amount say somewhere between \$30 or \$100, and the other two fees I feel that ~~they can't stand~~; but I think the fees of applications for a patent should be more than \$30 Sir.

HON. L.O. EBANKS: Mr. Chairman, I have no objection to the charging of fees, but it is my opinion that the fees envisaged from this operation are really not envisaged to come from the actual registration of the patent, but it is envisaged that because of our other company and trust activities here that the patents would be held in the name of a company or trust, and it is the encouragement of the registration of such companies that is sought, and we have to be careful that where we're charging two sets of fees that we don't price ourselves out of the market. In other words we would be subject here to double jeopardy, because the person will be paying to register the company or trust, paying to register the patent in the United Kingdom which after all is the registration which gives the person the legal protection, and then it would be registered here as I understand it, and I'm just mentioning this because I think we may get the impression that this law in itself the registration of a patent is what is seen as being the revenue earner and we may lose sight of the real substance of this law.

MISS ANNIE H. BODDEN: Mr. Chairman, I do not want to do anything that will cause any embarrassment to this government or anything that is wrong. If it is wrong to charge more fees than the \$30 which is set down here, I don't know all the ramifications and the inside story, and if it is anything that will be any embarrassment to this government or anything to make anything wrong I will subject myself to what is stated here. But I feel that \$30 is a very small amount.

HON. V.G. JOHNSON: Mr. Chairman, when the first mention was made that legislation would be introduced to register patent and trade marks in the Cayman Islands, and that we would be in for a good bit of revenue from this. This was mentioned by the Legal Draftsman, so I said good; the next question was what sort of fee did you have in mind and he told me ten dollars for registration, I said well we would have to have a mighty big number of registrations for this to be worth the while. Well, Mr. Chairman, an applicant need not incorporate a company here to register a patent or a trade mark, if there's a Registrar of patent and trade marks all ~~that~~ <sup>that</sup> be done is an application made to the Registrar for the registration of the patent and trade mark and this was done, and that is about all, it's maintained by the Registry and that is the end of it.

I feel personally that if such facilities are going to be provided in the Cayman Islands although there may not be such great dangers to patents and trade marks in the Cayman Islands because of the smallness of the territory, and because the business potential is not great here, yet if people want to register their patents and trade marks here, then I think there should be a reasonable fee for it even though it is proposed

HON. V.G. JOHNSON (CONT'D): that the Registrar of Companies could be the Registrar of Patents and Trade Marks. It will undoubtedly take a good bit of his time especially if a number of applicants are going to be handled from time to time, in a little while there's going to be a large number of registrations in the Registry. So undoubtedly the administrative work involved in it is going to increase from time to time, and once a patent or trade mark is registered and the fees paid that's the end of it. It's not something that pays an annual fee like a company or something else, it's a once for all fee. And I agree with the Lady Member from George Town, if we're going to impose a fee for the facilities in the Cayman Islands a registration of patents and trade marks that it should be a reasonable fee. The \$10 is an improvement over what was originally mentioned-I'll agree with that, but still \$30 is quite a low fee still.

So I support the increase of the fee as \$30 is mighty low, not for a facility like this, I mean if people don't want to register here they don't have to register. If they come to register here all very well, there are some people who will perhaps incorporate a company here to manage trade marks, but I don't think they would incorporate a company just for that, the company would perhaps be involved in other forms of business in operation.

HON. A.B. BUSH:

Well, would you say a fee of \$50 is reasonable?

HON. V.G. JOHNSON:

Well even \$50 is an improvement over thirty.

MR. JAMES M. BODDEN:

Mr. Chairman I would like to suggest a hundred and fifty.

MR. G. HAIG BODDEN:

Mr. Chairman, since I was the first person to speak on this bill, and since that it seems that this is the only amendment we will get, I would say that we would be doing right to increase the amount set out in this bill. We know that the bill is in a sense just in the experimental stage, we don't know how many people will come to register, but I agree with the Third Official Member that it is unlikely that a company will be set up just to register a patent. I don't know where the other Executive Council Member got that idea from, I don't see this registration of patents encouraging companies to come here to register, so we need not look to that as a source of revenue arising from this bill. But on the other hand we shouldn't make it too high, initially we know that it can always be increased. So I'll go along with any reasonable figure, and \$50 is mentioned and I have concurred so many times with the Member for Communications and Works, but I'll go along with \$50.

HON. B.O. EBANKS:

Mr. Chairman, I'm not going to belabour the point, but there is no doubt in my mind as is mentioned in the Memorandum of Objects and Reasons that this bill has been drawn to the attention of Government because of a number of enquiries which have been received, and the Member who just spoke mentioned when he was speaking first that no provision was made for protection of Caymanian trade mark and patents; the whole exercise here is just that, and I can see every reason why a company or a trust would be formed to own a trade mark rather than an individual. Because a company registered in the Cayman Islands takes Caymanian status, whereas a person of another nationality takes that nationality and would be subject to income tax and otherwise. And it is a case of the local company licensing not only in the United Kingdom but all around, once it has licensed in the United Kingdom, and I am satisfied that it will be a reason for the registration for companies that are not now registered here coming to the island, providing as we say the experiment work. And this was why I drew attention to the possibility of double jeopardy, but I don't think that once the fee is kept within reasonable bounds that we would be out of order, but while I have the floor I would just call attention to the fact that Companies (Amendment) Law which we passed made other changes for small charges, we've talked about three dollars and five dollars, whereas for a search fee here we have ten

HON. B.O. EBANKS (CONT'D) ~~dollars~~ and so on, so we are really not too much out of line on this charge for just searching the Register, particularly in the early stages when we won't have many entries, we are already saying ten dollars.

MISS ANNIE H. BODDEN: Mr. Chairman, I'm not trying to do anything to harm this Government in any way shape or form, but if these people who are desirous of having a trade mark patented was to write to the majority of these lawyers, not me, I'm not in the picture, the few companies that I have registered half the time I never get a penny for it so that's it. But they wouldn't walk to the Court House for less than \$150, you can believe that, so I think that \$50 would be a very nominal fee to charge for this.

HON. V.G. JOHNSON: I agree with \$50, Mr. Chairman, and that the other two fees are not changed from the present figure, \$20 and \$10.

MR. CHAIRMAN: Well \$50 seems to have find the majority support I think, an increase of 100%.

MR. JAMES M. BODDEN: I still think it is too low, but I'm hoping that this will be one area that discretion of Executive Council will be used, and it will soon be increased to a hundred and fifty.

HON. A.B. BUSH: In order for you to oppose it.

MR. JAMES M. BODDEN: You shouldn't say that you know, we're giving you good support today.

MR. CHAIRMAN: I take it that the <sup>purpose is that</sup> the Schedule be amended by substituting \$50 for \$30 under the first item, but no other amendments be made.

QUESTION PUT: AGREED: THE SCHEDULE AS AMENDED WAS PASSED

CLERK: A LAW TO EXTEND TO THE CAYMAN ISLANDS THE PROTECTION AFFORDED TO THE OWNERS OF CERTAIN UNITED KINGDOM PATENTS AND TRADE MARKS.

QUESTION PUT: AGREED: THE TITLE WAS PASSED

THE HOUSE RESUMED

REPORT THEREON

HON. G.E. WADDINGTON: Mr. President, I have to report, Sir, that a bill entitled the Patents and Trade Marks Law was considered Clause by Clause by a Committee of the whole House and passed with one amendment, that is in the Schedule the fees payable on application for an extension of a patent or trade mark was increased from \$30 to \$50.

MR. PRESIDENT: The bill is accordingly set down for Third Reading.

HON. L.V. WATLER: Mr. President and Honourable Members, I beg to move that the House adjourns until tomorrow morning.

SECONDED BY HON. G.E. WADDINGTON:

QUESTION PUT: AGREED: AT 4.40 THE HOUSE ADJOURNED UNTIL THURSDAY THE 11th OF DECEMBER, 1975 AT 10 A.M.

THURSDAY, 11th December, 1975

PRESENT WERE: \_

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE., - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE., JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE., QC.	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, J. P	SECOND ELECTORAL DISTRICT, GEORGETOWN ( MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. BENSON O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE., JP	SIXTH ELECTORAL DISTRICT, EAST BAY (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE., JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGETOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGETOWN
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, GEORGETOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, GEORGETOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDERS OF THE DAY  
THURSDAY, 11TH DECEMBER, 1975

1. REPORT SELECT COMMITTEE OBSCENCE PUBLICATIONS (BY CHAIRMAN  
MR. JOHN D. JEFFERSON)

2. GOVERNMENT BUSINESS:

- (i) THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL (3RD READING)
- (ii) THE PATENTS AND TRADE MARKS BILL (3RD READING)
- (iii) THE EXPLOSIVES BILL, 1975

2. PRIVATE MEMBER'S MOTION

- (i) TO BE MOVED BY MR. JAMES M. BODDEN - CONSTITUENCY OF BODDEN TOWN  
TO BE SECONDED BY MR. G. HAIG BODDEN - CONSTITUENCY OF BODDEN TOWN

WHEREAS PEOPLE IN THE EASTERN DISTRICT OF THE ISLAND HAVE BECOME DISSATISFIED WITH THE MANNER IN WHICH SO CALLED SWAMP LAND HAS BEEN DEMARACATED AND GIVEN TO THE CROWN BY THE CADASTRAL SYSTEM

BE IT RESOLVED THAT THE EASTERN SECTION OF THE ISLAND, THE SWAMP LANDS, BE TREATED AS IN OTHER AREAS ALREADY DEMARACATED AND GIVEN TO LAWFUL OWNERS AND GOVERNMENT REFRAIN FROM CLAIMING SAME

BE IT FURTHER RESOLVED THAT THE SAME SYSTEM BE ADOPTED AS IN OTHER AREAS, INSTRUCTION BE GIVEN TO THE CADASTRAL TEAM AND IF NECESSARY THE LAW CHANGED TO INCORPORATE THESE INSTRUCTIONS THAT GOVERNMENT ONLY OWNS WHAT BY COMMON LAW IS CONSIDERED HIGH WATER MARK.

- (ii) TO BE MOVED BY MR. G. HAIG BODDEN - CONSTITUENCY OF BODDEN TOWN  
TO BE SECONDED BY MR. JAMES M. BODDEN - CONSTITUENCY OF BODDEN TOWN

WHEREAS THE REPLY GIVEN ON THE 8TH DECEMBER, 1975 TO THE QUESTION CONCERNING CAYMAN AIRWAYS LIMITED WAS NOT SPECIFIC

BE IT RESOLVED THAT UNDER STANDING ORDER 27 DEBATE BE ALLOWED ON THE REPLY TO THE QUESTION.

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THURSDAY, 11th DECEMBER, 1975

10 a.m.

MR. PRESIDENT: Please be seated.  
Proceedings are resumed.  
The first item on the Order of the Day is the Report of the Select Committee on Obscene Publications.

SELECT COMMITTEE'S REPORT ON OBSCENE PUBLICATIONS

MR. JOHN D. JEFFERSON: Mr. President and Honourable Members, I seem to have misplaced my notes, anyway, I beg to lay on the Table the Report of the Select Committee appointed by the Legislative Assembly on the 18th of March, 1975 under the following terms of reference -

- (a) Standard of cinematographic films
  - (b) prohibitive publications and obscene literature.
- I ask that we lay this report on the table.

MR. PRESIDENT: So ordered.

MR. JOHN D. JEFFERSON: Mr. President and Honourable Members, I ask that this report be accepted.

MR. PRESIDENT: Is there a seconder for the motion?

MR. CLAUDE HILL: I second it.

MR. PRESIDENT: The question is that the Report of the Select Committee appointed by the Legislative Assembly on the 18th of March, 1975 with the following terms of reference - to consider the following problems (a) standard of cinematographic films (b) prohibitive publications and obscene literature the question is that that report be now accepted. The motion is open for debate.

MR. JOHN D. JEFFERSON: Mr. President, Honourable Members, in bringing this report this morning it again raises a very sad note in my own life because one of the members of this Committee is the member that just very shortly passed away. Not only do I feel that I have lost a good member, or the Islands have lost a good member, but I feel I have lost a very close, personal friend.

Mr. President and Members, the Committee held several meetings. From the inception of this committee the Legislative Assembly set down a quorum of three members and the terms of reference said that we should treat this matter as a matter of urgency but during the last two meetings the Committee operated under a quorum of just two, due to the illness of the late Capt. A.A. Reid. The Committee met with various sectors of the community, met with the buyers of books, those that are selling books to the public, the turn out was not one hundred per cent. Then the Committee met on a couple of occasions with the Members of the film society. The turn out was unanimous.

I must say I felt the committee was able to get down at its business and I feel that the Committee has done some good work. With the help and assistance of the Legal Department, the Honourable Attorney-General and Mr. Donaldson, I think we were able to impart to them, the Committee, the feelings of the Committee and they with that expression were able to make some recommendations which are in this committee's report.

We would not expect, Mr. President, that the report and recommendations would be accepted in toto what has been put before this Legislature - we are quite sure that there can be additions and subtractions. We are setting this as the guidelines that we might be able to fully serve the people of these Islands. We came up with a bill to control public entertainment in the Islands - there is a suggestion - a Bill for a law to preserve a standard of decency in the

MR. JOHN D. JEFFERSON (CONTINUING) dissemination of entertainment to the public and I believe that these recommendations give this Legislature food for thought.

As I have said, the Committee has worked during the last two meetings with one member below the quorum set by this House, but we felt under the terms it was a matter of urgency. The Committee went on and we are back reporting to the Legislature and I do feel and trust that from the work of this Committee, something constructive can be done.

We have set about our task without fear or favour and I recommend the suggestions put forward by this Committee. Thank you very much.

MR. CLAUDE HILL: Mr. President and Honourable Members, I voice the sentiments of the Chairman of the Committee in regards to the loss of one of the Members, Capt. A.A. Reid. I also note with great interest the report that has been given by the Committee that was selected by this Legislature. Seeing that the standards of the cinematographic films and the publication of obscene literature is dealt with and they covered quite a bit in their debates on this matter in the Committee stage, they appeared to have had quite a number of people who do sell books and also people who represent the cinemas and also I see where they had a Minister of the Ministers Association of the Cayman Islands. They also had the Librarian from the Cayman High school and apparently decisions made by these people and I should not fail to mention that we had the Honourable Second Official Member who played a noble part also and our Legal Adviser, gave advice in regards to the law.

As a Member of the Cinematographic Board I feel within myself that though I did abstain from the Committee owing to the ties in which I, as a representative, held, I feel that they have got to a point where, or conclusions have been made as to what films should be shown and what books should be published in many respects.

It appears to me that the approach of the Supermarkets and Bookshops gave freely their advice as to what they ordered or intended to order in the future.

And Mr. President, I must say that it is a very tedious job when dealing with publication of books. I am sure that although the Committee has made its report, I am sure that you can find on the shelves of many of the supermarkets or bookshops much obscene literature still. Banning of the publication is something, as was explained in the report, very hard to deal with and with that, Mr. President, I must again thank the Chairman and also thank you, Sir.

HON. D. V. WATLER: Mr. President and Honourable Members, just a point I would like to make on this. I congratulate the Committee on their report and the recommendations that they have put up for consideration - this bill that they have put up for consideration, but the Chairman of the Committee himself stated that the quorum of the Committee that was appointed, the three, that due to illness only two were able to attend, and I am wondering whether some motion should not be made now to regularise this position, because the report only has two on it, and there should have been three to form a quorum, and I think that the House would be advised to regularise that by accepting it and - I just don't know how to do it - to be frank with you - so that the House could waive the requirement of a quorum of three and accept this report with a quorum of two instead.

If there is any way of doing it I would move a motion of that nature that the quorum, in this case, though appointed by the House before was three, that it be waived and that the report with two members signed be accepted to regularise the original motion. What I am trying to do is straighten that out so that no one can say that the report is not a genuine one.

MR. PRESIDENT: Is there any comment on that proposal or seconder if its to be made a formal motion?

MR. JOHN D. JEFFERSON: Mr. President, I am sort of lost right now, whether I can get up again, but I would hope that the Members of our Committee would accept, would so move so as to make our report an official one and acceptable.

MR. G. HAIG BODDEN: Mr. President, the point raised by the First Official Member is a valid point, in fact, had he not raised it I would have done so. We have done many things in this Chamber that were not right and perhaps we have gotten away with it. However, when a quorum is fixed it is fixed and while members of the Committee may discuss, in the absence of a quorum, any particular matter it would be going against all parliamentary procedure to take a resolution in the absence of a quorum.

Quite recently this House has been forced to reduce the quorum of the Finance Committee from 10 members to 7 and the reason for this was that it had been difficult, at some stages in the past, to get a quorum of 10. However, I must say that since 1972 when the Bodden ~~Town~~ Members, the present Bodden Town Members appeared on the scene, we have never lacked a quorum for a meeting of the Finance Committee. Perhaps this is because other members fear that we may seek to change things that should not be changed and so their presence is very evident.

We should not create history in parliamentary practice by accepting a report which, in a sense, has been made invalid by the lack of a quorum. If, for a Standing Committee or a Select Committee a quorum is fixed by resolution or by the House or by Standing Orders we have to stand on that quorum. We cannot on the spur of the moment fix a quorum because this is going against all the things that we have held sacred in our democracy. We as Members of Parliament must uphold the standard by which we live. If we tolerate the acceptance of a report which stems from meetings that were not constitutional because of their lack of quorum, we would be creating a grave offence and we would be setting a precedent which could lead to a break-down in our parliamentary procedure. We must not allow this to happen.

I am against accepting this report, of course I know that the parliament is above even the law and a parliament can make its own regulations, but these regulations or orders should be made before the event. If this House had agreed when it established a Select Committee that it would accept, it would be prepared to accept a report if it had been found impracticable for the Select Committee to have a quorum - then we could accept it. I don't know how well in line it would be, but if we had made such a resolution in the appointment of a Select Committee that we would accept a report, regardless of whether one member was there or six members, or eight members, I guess we could do so, but not having made such a contingent resolution, we cannot now accept a report unless the report and the constitution of the Select Committee complied with what the House expected that Select Committee to do. The Standing Committees of the House are far more important than Select Committees - that Standing Committees, I would say, have far more important work to do and a Standing Committee has a quorum and regardless of how the Financial Secretary may want to finish up the business of his Finance Committee, he cannot hold a meeting without a proper quorum, regardless of how the pressure of work may be on him, he cannot bring a report to this House from a Committee that has not been properly constituted and we therefore cannot depart from that rule. This Chamber cannot meet, we cannot hold a meeting here if we do not have a quorum of members. Because we cannot go above and beyond our Constitution, and we cannot go above and beyond our Standing Orders, and we cannot go above and beyond the terms of reference for any Committee that is set up. If we do this, for any

MR.G. HAIG BODDEN (CONTINUING) particular case we would set a precedent which would soon result in the break-down of all the procedures and all the rules that we have followed in the past, and I must commend the First Member for Government for pointing out this irregularity and I would say that I would hope the House makes the decision now not to accept this report, although the report itself seems to be worthy of consideration. We should not accept it on the grounds that the report, and the procedure in the Committee, which made the report, does not seem to have complied with established custom and established parliamentary procedure.

MR.PRESIDENT: Its for the House to determine whether this technicality should rule out the adoption of the report. Members will recall that originally the motion was for the appointment of four members to the Committee, who were appointed and two of them resigned. A third was then elected and of course, this third member was unable to take part in the Committee's proceedings because of illness. A quorum was set, as has been pointed out, by the Second Member for Bodden Town, at three, and technically, during the consideration of the matters before the Committee there were only two members. The Committee itself, I think, in the report has said "the Committee's quorum was set at three members in view of the illness of Capt.A.A.Reid, the Committee wishes to report progress made and to ask for the directions of the House". This is what the First Official Member has in fact, sought to receive. The main recommendation of the Committee is that a bill be brought before the Assembly at some future date. If members feel that the Committee's report cannot be accepted it would still be possible for this bill to be brought before the House at a future date, either as a private member's bill brought from the official side, when, in fact, the House would have the opportunity to consider de novo, as it were, the proposals in the Bill. So that I think that if members are reluctant to accept the report of the Committee because it was improperly constituted, it would still be possible to proceed, at a later date, with the bill, either as a private member's bill or brought from perhaps, by the First Official Member. I make that contribution for Members to consider.

MR. JAMES M.BODDEN: Mr.President, I have perused this Select Committee's report quite thoroughly and I must compliment the Honourable Second Official Member from West Bay for the time that he has put into it and also the other members of the Committee, and I would like, at this time, to pay my respect to the late Capt. Reid and I am sorry, that through ill-health he was unable to be a member of this Committee any longer than he was, because I know that it was a subject that he was interested in.

There are a few things that I would not completely agree with, but we are not talking on the report at this stage.....

HON.W.W.CONOLLY: Mr.President, on a point of order, I think there was a point raised which has not yet been concluded that there is no motion before the House because the Committee was improperly constituted and I think we should get this settled before we enter into any discussion on the Committee, on the report.

MR. JAMES M.BODDEN: Mr. President, I fail to see the point of order. I think I am still entitled and I know that the Standing Orders of this House are not that narrow, that I could not comment on the demise of one of the Honourable Members of this House that was on this Committee. But, seeing that, Sir, is more reason for me to get on my feet and continue to talk, because it shows once more that the Members of the Government Bench are willing to continue to put things through this House that are incorrect. Once a precedent is established.....

MR. PRESIDENT (INTERRUPTING) That's an inference, I think that cannot be drawn from the Honourable Member's point of order.

MR. JAMES M. BODDEN Sir?

MR. PRESIDENT: I don't think that's an inference that can be drawn from what has been raised as a point of order.

MR. JAMES M. BODDEN: I am sorry I disagree.

Mr. President, I have my right as a Member of this House to speak on this subject which was brought up by the First Official Member, and which, if he had not brought up, I can assure you would have been brought by my colleague and myself. I am making the inference, Sir, because if a precedent is set in this House this morning to accept the Committee's report on which there were four members elected to that Committee, the quorum was set at three; at quite a few of the meetings there were only two members present. And if we set the precedent in this House this morning by accepting this Report, although I would like to see the Report accepted, then, Mr. President, we go on and we forget our Standing Orders on which the Honourable Fourth Elected Member to Executive Council likes to stand on so much. Because in the future we will find that the Finance Committee could come in here with a report when they only had two members present, or any other Committee could come in and do the same thing. These are Standing Orders under which we operate and I hope that although I am sure that every member of the House shares the sentiment that this Committee's report should be accepted, that in view of this, it is a break in our Standing Orders and I hope that the Members will see fit to constitute this Committee again or do whatever else is necessary, but not to break our Standing Orders and accept this this morning. Thank you, Sir.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, being one of the Members of this Committee, we realised at the conclusion of our work where we stood but we were somewhat obligated to make a report but, as has been read from the Chair, we didn't know just how the House would feel about it and as I said, as one of the Members of the Committee, I was not trying to press the issue for this Report to come to the House that it had to be accepted, not having the quorum. I feel that I have indicated in this House as strong as any member that I stand for what is right and fear and justice to be done without fear or favour. With the greatest of respect to the member that is not with us today, that was unable to carry out the continuation of his duties as a member of the Committee, I too feel that this should be dealt with in its right measure, either by a bill being brought or a re-appointment of another committee to deal with in preliminary and brought back then as a fully constituted report by a quorum and I don't see why this probably couldn't be done for the sitting in March or April, as the case may be. But I, too, Mr. President, go along that we should not break the rules or Standing Orders and Constitution and what not just to have this done - while there is no one member who craves any more to see this done than myself, knowing how I feel about the youth of our country and what-not, so I go wholeheartedly that we should do something to bring this in its proper form rather than waiving or breaking the orders to have it brought to the House. Thank you, Mr. President.

MR. PRESIDENT: It seems to me that the issue is quite clear on procedural grounds - there is a motion before the House that the report be adopted, if members feel on procedural grounds that it should not be adopted then they have the liberty, of course, to vote against the motion. So unless there is any other discussion on this, I'll simply put the question that the report of the Select Committee on obscene publications and the standard of cinematographic films should be adopted. Those in favour please say Aye - Those against No.

MEMBERS: NO.

MR. PRESIDENT: I think the Noes have it.

THE COMMITTEE'S REPORT WAS NOT ADOPTED.

MR. PRESIDENT: We proceed next to Government Business - two Third Readings down - The Foreign Arbitral Awards Enforcement Bill and the Patents and Trade Marks Bill.

THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL

THIRD READING

CLERK: THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL - Third Reading.

HON. G. E. WADDINGTON: Mr. President I beg to move, Sir, that a bill entitled The Foreign Arbitral Awards Enforcement Law be given a third reading and passed.

HON. D. V. WATLER: Second.

MR. PRESIDENT: The question is that a bill intituled The Foreign Arbitral Awards Enforcement Bill be given a third reading and passed. I shall put the question - will those in favour please say Aye.

MEMBERS: Aye.

MR. PRESIDENT: Those against No. ....The ayes have it.

BILL GIVEN A THIRD READING AND PASSED

THE PATENTS AND TRADE MARKS BILL

THIRD READING

CLERK: THE PATENTS AND TRADE MARKS BILL -third Reading

HON. G. E. WADDINGTON: Mr. President, I beg to move, Sir, that a bill entitled the Patents and Trade Marks Law be given a third reading and passed;

HON. D. V. WATLER: Second.

MR. PRESIDENT: The question is that a bill intituled the Patents and Trade Marks bill be given a third reading and passed. I shall put the question - will those in favour please say Aye.

MEMBERS: Aye.

MR. PRESIDENT: Those against No.....The ayes have it.

BILL GIVEN A THIRD READING AND PASSED

THE EXPLOSIVES BILL, 1975

INTRODUCTION AND FIRST READING.

CLERK: The Explosives Bill, 1975 - Introduction and First Reading.

HON. G. E. WADDINGTON: Mr. President, I beg leave to introduce a bill entitled the Explosives Law, 1975.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED: BILL INTRODUCED

SECOND READING

CLERK: The Explosives Bill, 1975 - Second Reading.

HON. G. E. WADDINGTON: Mr. President, I beg to move, Sir, the Second reading of a bill entitled the Explosives Law, 1975.

As the Memorandum of Objects and Reasons state, Mr. President and Members, there have been several complaints with regard to the use of explosives in the Island and although there is at present an Explosives Law, Chapter 52 which was enacted in 1953 it has become somewhat out-of-date and it is thought necessary to re-state that law in more up-to-date form and with slight amendments and to make proper regulations under the Law to control the use and storage, etc. of explosives.

There isn't much more that I can say on the bill, Mr. President, it is a very short bill. It contains everything that the present law contains except that it has brought it up-to-date and has made it easier for regulations to be made under the law for the control of the use of explosives, and I am sure that all Members will agree that this is a subject in respect of which we should have proper rules proper regulations governing the use of dangerous substances of this nature, and so I commend the bill for the favourable consideration for Members of the House.

HON. D. V. WATLER: Second.

MR. PRESIDENT: The question is that a bill intituled the Explosives Law, 1975 be now read a second time. The question is open for debate.

MR. G. HAIG BODDEN: Mr. President, There is a need for this bill, but as usual I want to express my objection to this type of legislation. This is in keeping with objection that I put forward on other laws that are similarly drafted. I consider this bill as skeleton legislation and while I will not go into all the demerits of skeleton legislation I feel that it is wrong to have a law which says nothing in it but gives unto Executive Council the power to make so many regulations.

This bill is a very short bill - in fact it is only two pages yet the Regulations which have been made is something like thirtysix pages...

MR. PRESIDENT: If I could interrupt here, the Clerk to Executive Council has asked me to apologise for the endorsement made at the bottom of the Regulations. The Regulations could not, of course, be made until the bill is law. In fact, the Regulations were considered in draft by Executive Council on the date shown on the paper, but the Regulations have not, of course, been made. But they were circulated to Members because Council felt that the Regulations had to be seen by Members to understand the full import of the bill, but I'd like to make that point clear.

MR. G. HAIG BODDEN: Thank you, Mr. President. I understand that, but I can see that when the Regulations will have been made that they will be more voluminous than the bill.

Also in the bill I see that power is given to Executive Council to set certain fees. Whenever a fee is charged for anything under a law, that fee is in a sense, some form of taxation because it is compulsory that the person requiring the service pay a certain fee, and I am against fees being set by just the Members of Executive Council, I feel that all the fees should be approved by

MR. G. HAIG BODDEN (CONTINUING) the entire Assembly, and in this particular bill we see another disadvantage of leaving the Regulations to be made by Executive Council, in the Memorandum of Objects and Reasons it is stated that no regulations have ever been published although power to make such regulations was accorded by Law 7 of 1972. So that although three years ago a law was passed dealing with Explosives, it seems that for three years that law could not operate because the Regulations which should have gone with it have not been published. If some of the things that were intended to go into those Regulations had been put into the law itself at least that part of it would have been in operation during the past three years.

Another objection to this bill is that it seems to put too much authority in the hands of the Chief Engineer. I have in the past fought this in our bills - we had the Tourist Law which put all power into the hands of the Member responsible for Tourism and I could name a series of bills like the Health Bills which put unlimited power into the hands of certain people, but I will not bother to name all of them. This bill is just a continuation of the system of transferring authority to people in the Civil Service and to people and to the Government Members. These are the objections I have to this bill. I do not have objection to the contents, the other content, nor to the Regulations that will be forthcoming, but I think it is time that we stop making laws which give Executive Council power to make all the Regulations and to set all the fees.

MR. JAMES M. BODDEN: Mr. President, I am pleased to see this Bill coming before the House. I hope that it will be able to control some of the things that have been brought to the attention of this House in the past, but I too join with my colleague in echoing our feelings on the skeleton legislation. If I did not do that I would not be true to my conscience because I have spoken against it so many times in the past.

The Member introducing the bill told us himself that it was such a slight bill - only two pages - but yet when it is accepted and I have no doubt in my mind for what it will be accepted - we have 36 additional pages that will be going along with this in order to implement it and make it a workable law. I am very pleased again to see the action that was taken and I feel certain, Mr. President, that you can take some credit for this in seeing that we did get this bill presented to the House as quickly as we have and I must say that I appreciate it very much, having an opportunity to look at the draft Regulations before they become law, because that is something, as a rule, that we know nothing about until it is already done. So I was very pleased to see that the courtesy was extended to the Members of the House by letting them have a copy of these Regulations.

If I could just comment for a minute on the Regulations I am not a technical man but in one section, section 16 (2) I see where the explosives would be or could be stored within 75 feet of an inhabited building or a public road, not being a technical man, I would have to say that I cannot accept that or I cannot reject it - I only hope that we have good substantial evidence to prove that that is safe.

I feel very strongly, as I have said in the past that it should only be real minor Regulations that should be set by Executive Council and when it comes to fees, fees are a part of taxation, in any country and any form of taxation should be voted on and carried by a majority of the members who represent the people. When this is done arbitrarily by Executive Council it is no longer being the voice of the people. I object very strongly on that, I probably could go along with the acceptance of the rest of the Regulations being done by Executive Council but as to the fees being set by Executive Council I feel strongly on this bill as well as any bill of this nature in the future that this should be set by the House before the law is passed. I will be supporting the bill but I hope that due consideration will be given in the future to making the Regulations a part of any law that is presented to this House. Thank you.



MR. JOHN D. JEFFERSON: Mr. President, I rise to support the Explosives Law, 1975. I believe that every responsible Government takes note of things such as these. I am sure in this Chamber over the period of years we have heard a lot of complaints, a lot of grievances have been voiced in relation to the way explosives have been handled and I trust that once and for all they will be put in the hands of the right people - and the people that are in the responsible positions will exercise their responsibility.

In the world in which we live today things such as these cannot be left lying all over the place or in the hands of all kinds of people. Even though, as far as I am concerned, as far as our citizens are concerned, I do not fear violence in the least, but since there are so many other people on the shores and since this is a very important thing, I am glad that we are taking steps to make sure that the responsibility is exercised and I support the bill in toto.

MISS ANNIE H. BODDEN: Mr. President, and Members, I rise to support this bill. I think that it should have been in effect quite a long time ago. There are persons who I presume have permission to use dynamite, who have used it in the past most indiscreetly

I understand we had two earthquake shocks in Grand Cayman and I never felt one of those, but in my bed some years ago, not too long, about two years, a Saturday afternoon, I felt such a shock that I almost fell off my bed. Now, Mr. President, it is time that we let people know that they cannot really use this dynamite to hurt people's property and endanger lives and most of all for it not to be used indiscreetly and in the hands of people who evidently do not know how to use the dynamite, because quite a few have got their hands and arms blown off and I feel that this is a law which must get the support of this House.

I remember when they were blasting the old "Cali" just out in the harbour - Inspector Watler and his crew would go out there, fix the dynamite however it had to be, I don't know - and they would come a great distance - when that explosion would go off I would almost jump out of my skin. I was then working in Webster's building and from then I have dreaded dynamite.

I feel, Mr. President, that we as responsible citizens, must see that such a dangerous thing as dynamite should be in the hands of responsible people.

About the fees, etc. I have no query on that - I feel confident that there will be proper fees collected.

Now about the Regulations, they are quite lengthy but I feel confident that those who have drafted the Regulations must have the knowledge how to do so - I don't know anything about it. Thank you, Sir.

MR. CLAUDE HILL: Mr. President and Honourable Members, I rise to support this bill. This bill seeks for a law on explosives and I am quite aware that explosives have been used throughout the Island without the consent of Government. Many complaints have been received and this Law seeks to place the explosives in perspective form where it can only be obtained or handled by someone who is authorised to do so.

I have always wondered how ships coming into this Harbour laded with dynamite and only one small place for unloading which could be devastated if something eventually took place and it would make shipping very dangerous when loaded with explosives to be in the only little place of handling cargo and if an explosion occurred it would be very dangerous to men working there and also to the port and I feel that this is a law that is now being placed where we can look forward to a betterment. With that, Sir, I thank you.

MR. PRESIDENT: Does any other Member desire to speak on this motion? If not, I will ask the Honourable Mover to reply.

HON. G. E. WADDINGTON: Mr. President and Members, I am glad to see that there are only two objections to this bill and that it has the express and placid support of the rest of the House.

The main objection that was raised by the Members for Bodden Town was the fact that the bill, as they stated, is a skeleton bill and makes provisions for Regulations. Well, the reason for that is obvious, Mr. President and Members - this House is a very busy Assembly and it is usual in legislative matters of this kind to leave the matters of Regulations to be determined by another body and so, to avoid, having to convene a meeting of the Assembly, to pass, for instance, an amending bill to amend a simple matter, such as for instance, the fees to be charged for storage - and so it is that matters of that nature are left to Regulations where the procedure is much less cumbersome and less time-consuming than having to summon a meeting of the Legislature.

With regards to the other objections, it is noted that in spite of the fact that the Second Member for Bodden Town referred to the voluminous Regulations, which will be made under the bill, that he has, nonetheless, accepted that he has no objection to the Regulations - so they seem to be in order as far as he is concerned. So there really can be no basis for the objection that the Regulations will be made by the Governor in Council, since there is no objection to them.

Another objection was that there was too much power placed in the hands of the Chief Engineer. Well, of course, there must be somebody who is delegated with authority under the law for the administration of the law and who better than the Chief Engineer who is the expert in matters which this bill covers - explosives, and there is only one sphere of authority which is given to him, in section 4, and that is that it is necessary for him to authorise people to possess and deal in explosives and that would seem to me to be a reasonable provision.

It was objected, as regards the Regulations, the members for Bodden Town did not like to see fees provided by Regulations. Well, I should point out that the fee which is referred to in paragraph (g) of clause 6 is not the usual type of fee which anyone has to pay, willy-nilly, whether he likes it or not - it is simply a storage charge, a storage fee if the storage is undertaken in the magazines of the Public Works Department. Well, I think that most people who deal in explosives in the Island have their own magazines and if those magazines comply with the safety precautions which are set down by Regulations, then there will be no need to pay any storage fees to the Public Works Department, it is only if a person requires his explosives to be stored.

So, by and large, Mr. President and Members, there doesn't seem to be any real objection to the bill and, at this stage, Mr. President, I would move the second reading.

QUESTION PUT: AGREED: BILL READ A SECOND TIME.

COMMITTEE THEREON

HON. G. E. WADDINGTON: Mr. President, I beg to move, Sir, that this House resolve itself into a Committee of the Whole House to consider this bill clause by clause and amend it as may be deemed necessary.

HON. D. V. WATLER: Second.

QUESTION PUT: AGREED

HOUSE IN COMMITTEE

CLERK: Clause 1 - Short title.

QUESTION PUT: AGREED: CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - Interpretation.

HON.G.E.WADDINGTON: Mr.Chairman, may I ask for a slight amendment to the definition of "explosives" - I would ask that at the end of the definition after the word "effect" that a comma be inserted instead of a semi-colon and the following words added - "and includes any such substance or substances declared to be an explosive by Regulations made under this law semi-colon." And the reason for that, Mr.Chairman, is this that in clause 6 the Governor may make regulations (a) declaring any substance or combination of substances to be an explosive, so that unless we bring that within the definition clause it could be argued that the Regulations could not extend the meaning of explosive and I think that that is a necessary amendment.

QUESTION PUT: AGREED: CLAUSE 2 PASSED AS AMENDED.

CLERK: CLAUSE 3 - Application.

QUESTION PUT: AGREED: CLAUSE 3 PASSED.

CLERK: CLAUSE 4 - Offences and penalties.

HON.G.E.WADDINGTON: May I ask for an amendment of this clause - In the present law, Mr.Chairman, there is provision if there is a conviction for an offence that the explosive with respect to which the offence is committed shall be forfeited to the Crown, so there seems to be an over-sight in the drafting of the bill by omitting that provision. I think it is a useful provision and I would recommend that it be re-inserted in the bill, and I would suggest the following amendment to substitute a comma for the full-stop at the end of clause 4 and to add the following words - "and the explosive with respect to which the offence is committed shall be forfeited to the Crown unless the Court for good reasons otherwise directs."

MR.PRESIDENT: For clarification, has court got a small c or a large one?

HON.G.E.WADDINGTON: It doesn't really matter in this respect because court isn't defined - its a summary court we are referring to because it is on summary convictions - it can be a common c.

QUESTION PUT: AGREED: CLAUSE 4 PASSED AS AMENDED.

CLERK: CLAUSE 5 - Powers of Constable.

QUESTION PUT: AGREED: CLAUSE 5 PASSED.

CLERK: CLAUSE 6 - Regulations.

MR.CRADDOCK EBANKS: Mr.Chairman, arising out of the Regulations, what I gather in full substance of the proposed amendment bill that to have a complete control over explosives in the Island and in (d) control dealings in storage and use of explosives, as has been pointed out by the Second Official Member that apparently there wouldn't be any reason for the Public Works Department to have a magazine for storage as it were then to create fees against the importer or storer whoever it may be - if they have proper magazines of their own. What I am

MR. CRADDOCK EBANKS (CONTINUING) trying to reach, Mr. Chairman, how will Government then keep a proper control if Tom, Dick, Harry and John have magazines all over the Island all under their control?

MR. JOHN D. JEFFERSON: That's a very valid point.

MR. CRADDOCK EBANKS (CONTINUING) Other than if Government is not in the position to know what comes in and what goes out, there definitely can't be any control.

HON. G. E. WADDINGTON: Well, I haven't studied the Regulations very carefully, Mr. Chairman, but I can see that could be provision made in the Regulations for the Chief Engineer to know, at any time, just what should be in anybody's magazine, because just like a Bonded Warehouse - when explosives come into the magazines then there should be some set-up whereby the Chief Engineer would see the consignment or the papers and know what went in and whenever any explosive is taken out, likewise, returns should be made to the Chief Engineer so that he can know at any particular time just what the contents of any magazine would be.

MR. JOHN D. JEFFERSON: I think the Member from North Side, as far as I am concerned, made a contribution there and I personally would like to see them stored in one place, personally. I would like to know that one person held them and that those that were responsible want there to pick them up. I don't think it is good to have them scattered here and yonder, because like the Member said, there certainly would be no control, that's a fact. I would like to see the responsibility placed in the hands of one person, or one group and they be responsible for the explosives. If I want explosives I would go there with a warrant or something, Commissioner of Police, or somebody, pick them up and that person alone have the explosives that were here in this Island.

HON. G. E. WADDINGTON: These are all matters, I think, for the Regulations, the Regulations can provide for all that. To have all the explosives, of course, stored in one place, that would be an holy blow-up, if they ever blew up, whereas if they are stored individually in different store-houses, magazines, the risk of that would perhaps be minimised.

MR. CRADDOCK EBANKS: Mr. Chairman, in section 2 Chief Engineer means the Chief Engineer of the Public Works Department, in other words that is the top authority in dealing with the security of this explosive and if, whether it is in one magazine or it is in ten, and not into the jurisdiction of the control of this officer, then as far as I am concerned, the whole thing isn't worth arguing. If he can't see what comes in and what goes out, I mean by the proper channels, then, as far as I am concerned, let me be frank, it's all wasted time here. And I can't support this part of it, other than that. I do appreciate the guidance and I do hold the respect for the Second Official Member, Sir. John Brown is an importer, declares to Government, the Chief Engineer may very well see that John Brown in the area of Bodden Town puts 50 cases of explosives into his magazine, he being a licensed importer, a licensed user, then where does it go from there? Does the Chief Engineer know when he takes it out or who he sells it to or who he gives it to or who he loans it to what he does with it.

HON. G. E. WADDINGTON: Well, Mr. Chairman, I think .....

MR. CRADDOCK EBANKS: But this is then in the jurisdiction in the eyes....regardless, I mean, in other words that nobody could get the use of it, going through the right channels, except by the Chief Engineer.

HON. G. E. WADDINGTON: Mr. Chairman, these are matters that can be covered by the Regulations. I mean clause 6 as it stands, in my submission is in order and matters such as what was raised by the Member for North Side can be dealt with in the Regulations and personally, I can't see any great difficulty involved because the situation seems to me to be akin to that of a Bonded Warehouse and I think in the Customs, bonded warehouses are controlled by the Customs.

MR. JOHN D. JEFFERSON: Mr. Chairman, I would be willing to accept what the Second Official Member said if we were given an assurance that in the Regulations that this would be taken care of, but I think the point that he has made is a very valid point, because if we are going to be in control of explosives then we must be able to know exactly what comes in and what goes out. Let's not make any mistake about it, people can go to the North American Continent and no doubt buy them ten thousand dollars worth of goods and come here and have invoices to support that of six thousand and by the same token, I am saying this is where it is so important that we know exactly what comes in and what goes out, who it is being sold to, that somebody is in direct control.

HON. W. W. CONOLLY: Mr. Chairman, I would just like to direct the Members to section 4 and, forgetting about the Regulations, but this says "whoever, not being authorised in writing by the Chief Engineer in that behalf, has in his possession or control, sells or buys, barter, deals in stores, imports, exports or uses", so regardless of where this explosive is stored, to have any dealing in explosives one has to be authorised in that behalf by the Chief Engineer and if somebody is dealing in explosives without having this authorisation then he is in contravention of the law, which I don't think anybody can give the assurance that somebody who is not authorised will get in possession of explosives. Surely, people will break the law and I see it that we take this in particularly in quarries, because I believe that the first explosives law, dealing in particularly with Cayman came into being was when we began the airport back in 1952 or 1953, that a lot of dynamite was going to be used for rock - this is when our Cap. 52 came into being and surely if this explosive for instance, we have two quarries now in the Island that we know of and if it is going to be stored in the Public Works Department and every week or every two weeks trucks have to be moving explosives from the Public Works Department to the site of the quarry, it would present a much more dangerous exercise to the public than having these people, who are licensed to be in possession of this, take it direct to their quarry. As I see it here, the Regulation takes care of even how the magazines are to be built, the distance from other magazines, and the shape of them and this and that and the other thing. And I believe that it is covered properly, as far as I see.

MR. JOHN D. JEFFERSON: The point that we are worried about is that the Chief Engineer could give somebody authority in writing, but is that a guarantee now that the person that has been authorised in writing, in other words somebody must have to be constantly checking to see that there is no violation. I mean this is something we can't afford to let lose. I am still not satisfied that the present trend of thought put forward anyway, dealing with section 4, "whoever not being authorised in writing by the Chief Engineer in that behalf" - but I am saying that when you are dealing with explosives, I could go and I could become an authorised dealer, or a man handling explosives yet if I am not constantly checked on I could be selling it to John Brown - John Brown could be using it for something else. Once you use it, at any amount, then it is too late.

HON. W. W. CONOLLY: Mr. Chairman, speaking on that I would think that a person who has a license to import or to use explosives, as we know it dynamite, for instance for their quarry, has it under a license and if that particular individual is so irresponsible as to sell it to anybody just ad lib I would think he doesn't take care of his license and he would be in serious trouble as far as his development is concerned. Not for the fact that he would also be breaking the law.

MR. JOHN D. JEFFERSON: Let's make no mistake about it, the public has been able to get it from public, various sectors of this community without going through the regular rigmarole or red-tape that has even no doubt affected us.

MR. CRADDOCK EBANKS: Mr. Chairman, Memorandum of Objects and Reasons bears out that there have been numerous complaints - then the reason why this is being brought here and wanted to be brought up to the standard or the place where it is completely controlled. Even though we try to reach that mark I realise all dealings there are get-outs or get-away-with but if its to be supervised and under the full control of one officer, it ought to be in the place and in the manner that the Officer can well see what's being done. I have read 4 and I have seen all it says, but does that take care of what appears or will appear in the Regulations and how much opportunity will I have to change it or argue about it after it becomes a Regulation and goes into effect and what-not. I still say, Mr. Chairman, that it appears to me it should be in the manner where it can be better controlled than what I see apparently will appear as is here.

HON. A. B. BUSH: Mr. Chairman, as I understand what the members really want is to make sure that explosives are properly controlled and distributed, and I believe that the frame-work is here to make the Regulations under, that is the control in dealings, in storage and use of explosives for the disposal of explosives, providing safety precautions for the use, handling and storage of explosives, I think this is the frame-work under which the Regulations will be made and I am almost sure that Government will take the point of the members, to make it as water-tight as possible. The strictest control will be exercised on the use of explosives.

MR. JOHN D. JEFFERSON: You see, Mr. Chairman, as someone just said before a few years ago, ten pieces of dynamite disappeared - can anybody give any account for that to Government or anybody else? This is what we are saying and we are not going to let this go until we have that assurance that its going to be controlled.

HON. A. B. BUSH: But, Mr. Chairman, isn't this the purpose of the whole law to put the explosives under better control? I think this is the purpose of the new law which is before us now to have better control over the use of explosives, importations and otherwise.

HON. W. W. CONOLLY: Mr. Chairman, despite the argument over members wanting to see the Regulations it appears that Members haven't read the Regulations, the draft regulations. May be if there is a particular point in the Regulations that Members feel that doesn't cover this point correctly, they could bring that up.

MR. JOHN D. JEFFERSON: Mr. Chairman, the Regulations are only as good as the Law and what we are saying is that as far as we are concerned, we are not satisfied that this law as it is does exactly what we expect in doing, because as I see it there are loop-holes because people, as far as I am concerned, it is still not plain or the law does not say put it in the hands or place where somebody has definite control. I am not saying that we pass the bill and say that the Public Works Officer is the head or the Commissioner of Police, but I am saying here that its brought in when it is disposed how it does it - that's what I am

MR. JOHN D. JEFFERSON (CONTINUING) worried about, that's what I am saying - we - as far as I am concerned, its not being controlled in the manner in which I think it should under this.

MR. CRADDOCK EBANKS: Mr. Chairman, until approximately 2 years ago when you went into the Police Department and had your vehicle inspected, you could go in the various districts to the sub-head department and pay your taxes. That law has been amended and has been changed and the reasons for it, they wanted all fees paid into the Police Department under the Traffic Department, so that there could be a better control. That's the substance of all I am arguing, Mr. Chairman, then if who is responsible seeing to the security measures carried out, if its not within the limits of where one can see it or deal with it daily, then it can't be the control that it is pointed out here to us as what is being requested, or asked for the passing of this so that Government will have then proper control.

HON. BENSON EBANKS: As the Member on this side pointed out, some members evidently didn't take advantage of the draft Regulations which were circulated, because the arguments that are being deduced here are covered totally in these proposed Regulations....

MR. JOHN D. JEFFERSON: Under what section?

HON. BENSON EBANKS: Well, I'll call your attention, for example to section 8 which deals with the application for a permit to the Chief Engineer, there is every indication here that a person's or a firm's character will be taken into consideration before a licence is issued. Section 9 prevents or prohibits a dealer from supplying to other persons who are not in possession of a permit to store explosives or himself has a dealer's permit and 10, section 10 makes regulations for the records that must be kept. And not only that, they are kept for two years after the last entry in the register - it makes provision for the register to be kept for examination by the Chief Engineer and they must keep it for two years after. And there are similar other provisions in the Regulations, the application to import, for example, must be in the form A - you must state the purpose for which you are going to use the explosives, the magazines in which it will be stored, the country from which it is coming, the amount and so on. So it seems to me that these points are adequately covered in the proposed Regulations.

A law can't go any further than to make provisions for the licensing of persons to have magazines or to permit the importation, no more than it can, if we were to take the argument, as I understand it, being deduced, you would also have to accept that once a person had a fire arm license they would have to leave the gun with the Police, or if you registered a motor car you would have to leave the motor car at the Police Station. This seems to be the argument that is being put forward here, that the item license must at all times be under the control of the licensing authority, well, then the licensing authority would have to travel with each motor vehicle that goes on the road. The Regulations, as I said, seem to cover every technical aspect of this thing that could be considered plus every consideration of human qualities and control that could be thought of, as I see it. I can't understand the arguments that are really being deduced.

MR. CRADDOCK EBANKS: Mr. Chairman, I am not a bit shocked, because I well can give the Member credit, if I read the Regulations a dozen times, I wouldn't understand what is in it, but I am proud to say that my ignorance has never been exposed in here any less than his and I have enough sense about me to know that I am not going to support this six as is, Sir.

HON. V.G. JOHNSON: Take the vote now, Mr. Chairman,

MR. PRESIDENT: Well, I think there has been good ventilation of this clause and I will put the question.

QUESTION PUT: AYES AND NOES.

MR. PRESIDENT: I think the Ayes have it.

CLAUSE 6 PASSED.

CLERK: CLAUSE 7 - Repeal of Chapter 52.

QUESTION PUT: AGREED: CLAUSE 7 PASSED.

CLERK: A LAW TO REPEAL AND REPLACE THE EXPLOSIVES LAW.

QUESTION PUT: AGREED: TITLE PASSED.

MR. PRESIDENT: That concludes proceedings in Committee on the Explosives Law, 1975.

HOUSE RESUMED

REPORT THEREON

HON. G.E. WADDINGTON: Mr. President, I have to report that a bill entitled the Explosives Law, 1975 was considered clause by clause by a Committee of the Whole House and passed with two amendments. Clause 2, Mr. President and Members, was amended - the definition of "explosives" had the following added at the end - the semi-colon was substituted by a comma and the following words added "and includes any such substance or substances declared to be an explosive by Regulations made under this Law;" and clause 4 was amended by substituting the full-stop at the end of the clause by a comma and the following words added " and the explosive, with respect to which the offence is committed, shall be forfeited to the Crown unless the court for good reasons otherwise directs".

SUSPENSION OF STANDING ORDER 54

HON. G.E. WADDINGTON: At this time, Mr. President, I would like to move the Suspension of Standing Order 54 in order to permit this bill to be taken through its remaining stages at this sitting.

HON. D.V. WATLER: Second.

QUESTION PUT: AGREED: STANDING ORDER 54 SUSPENDED

THIRD READING

CLERK: THE EXPLOSIVES LAW, 1975 - THIRD READING.

HON. G.E. WADDINGTON: Mr. President, I beg to move, Sir, that a bill entitled the Explosives Law, 1975 be given a third reading and passed.

HON. D.V. WATLER: Second.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED



PRIVATE MEMBER'S MOTION - CADASTRAL SYSTEM. MOVED BY MR. JAMES M. BODDEN  
SECONDED BY MR. G. HAIG BODDEN

MR. PRESIDENT: If I might say before we begin this motion that care I think will have to be taken by all members not to contravene one of the Standing Orders, Standing Order 36 (5) (a) which says that "on any matter on which a judicial decision is pending matters should not be stated in such a way as may prejudice the interest of the parties thereto". This would not preclude general debate but I think Members should take care not to mention names, mention specific cases on which petitions may lie, on which appeals may come forward. That does not, of course, preclude the motion before the House from being debate in a general way.

MR. JAMES M. BODDEN: Mr. President, Fellow Members, I am certain that it is not necessary for me to read out my motion, as it has been circulated and I am certain by this time that we have the full support of the House, even the Executive Council.

Let me begin our case on the motion, Mr. President, by saying that some years ago a wise man made a statement that "dressed in the lion's skin the ass spread terror far and wide", so the two Bodden Town Members are usually looked on as being asses and we've been told we have been asses to bring this motion so being asses we will dress ourselves in the lion's skin and try to spread terror far and wide. (MEMBERS - LAUGHTER).

Mr. President, when the Cadastral System was first brought into this country, that was supposed to have been the legislation that would have cured all ills. It was supposed to usher in an era in Grand Cayman or the Cayman Islands rather than the people had never heard of before, or never experienced. I can remember one of the people connected with this making a speech in one of the districts and saying that there would be no more reason for brother to fight brother.

Now seeing the actions of the Cadastral system, at that time I took opposition to what he said because I could not see it coming about, but now I have to retract and I have to say I agree with him because there is nothing much left for brother to fight brother for.

Mr. President, if you had been in this country at that time, you would have heard the sweet words flowing around the country-side like honey - believe me, it was never anything yet supposed to be as good as the cadastral system. At that time, I stood up like an ass and said what I thought was wrong with the law, I have continued to do it since that time, I am doing it today and I imagine in the future I will be doing it again. Because I would like to make one thing plain as of today - when I came into the Legislative Assembly I came in feeling I could add something to this country. I felt that I was responsible for the people who gave me the honour of representing them - that is something I have not lost, something I will continue to push as long as I remain in this House. I will also make one other thing plain, and that is that if my colleague and myself should stand for the next election, I am prepared to make this an issue in the next election that the Cadastral system in some of its actions, it will be over-ruled should the composition of this House be changed. I have no fear in saying that, Mr. President, because I stand behind it.

I would like to take some time to go through this Law and to point out some of what I consider the deficiencies. I think the major stumbling block in this particular law has been the lack of definitions. I would point out to this House that its one more case where education and ability was used to over-come the wisdom of the Legislative Assembly - this has happened so many times in the past due to the seemingly tactics that are employed in this House from time to time. It happened, Mr. President, because the Members of this Legislative Assembly followed blindly the words that they were told particularly by the President of this Assembly and by the Second Official

MR. JAMES M. BODDEN (CONTINUING) Member of Government.

I would like to say that at that time the Members of this Assembly followed this advice believing like Naomi did with Ruth in the Biblical times "Whither thou goest I will follow". This was the attitude that was displayed in this House and this is the way in which it was followed - "Whither thou goest I will" without any thought of what tomorrow would bring.

On March the 23rd 1971 the Cadastral Bill, introduction of it was refused by this House. I am certain that we can check the records of this House and we can check the history of this Island and we will find that its the only time in our history where the entire elected membership of this House stood solidly together on an issue. There must have been justifiable reasons at that time to get 12 people who represented different opinions, different sections of the community, to come here and vote on a subject believing that they were right. They stood solidly together. After that happened, Mr. President, the President of this Assembly was recalled to London and I quite remember his return to this Island and his return to the Assembly and the speech that he made. If ever a Head of State was abusive to the people of a country in that particular speech, our Head of State was abusive.

He told the elected members of this House may be not in the words that I am going to state but having the meaning of this 'You will pass it or I will pass it over your heads'. Now this is more or less what happened. When he made that statement, with all due respect to the Members of this House, but certain members of this House fell like ten pins in a bowling alley, the result being eventually the cadastral system was passed. This is where, in my opinion, Caymanians should have made history, because on that date, the twelve elected members, in my humble opinion, should have stood as they had stood before in complete objection to it and not being like the walls of Jericho when Joshua marched around them. There's a West Indian saying about Joshua - "It's a good thing there wasn't some Joshuas at that time."

Mr. President, again on June 9th, 1971 this bill reappeared in the House. This again is contrary to the Standing Orders of this House under which we operate and which are so often used. It is just similar to the stand my colleague and myself took this morning because once a precedent has been set it is easy to continue to do the same thing again. So precedent was set, the Standing Orders were broken and instead of a six months period going by before a bill or a motion could be introduced again, the House blindly went along and accepted the introduction of the bill. Needless to say, it was passed. At that time everyone wondered why all of a sudden the Mother country had become so beneficent. This was brought out even more so, Mr. President, when Mr. Lawrence was brought to this Island to speak and to preach the good tidings.

Some of our members were even shipped off to the Turks and Caicos Islands, which were supposed to be such a model of how this thing worked. I am pointing this things out to show that there was no expense that could be spent that was not spent at that time - nothing could be done that was not done to try to sell this product. I remember making the statement on the steps of the Town Hall at Bodden Town to Mr. Long and to Mr. Lawrence - "You are both excellent salesmen - I wish to God I had you working with me in the real estate - we could really sell some", because they did a terrific selling job throughout this Island in selling this idea.

The minutes of the different meetings that were held, Mr. President, will bear out that the Members of this Legislature stood firm for definitions of "ownership" and the guarantee of the people's right, as previous to this the Government had stated that all lands in the Islands, the titles of them were vested in the Crown, through the lack of land grants. I remember taking this up with the man at the time who was Administrator of these Islands, who went so far as to tell me that even the land where my house stood on, which has been in my family for over two hundred years did not belong to me. This is the attitude

MR. JAMES M. BODDEN (CONTINUING)" that was taken at that time so that Members of the Legislative Assembly and the people of these Islands had justifiable reasons to wonder what was going on. They had justifiable reasons to be willing to stand up and be counted.

We consider the land grants - it is true that no one, I think, would be capable today of demarcating the positions of the old land grants, the five of them that were given, because I am sure that the birch trees and so forth mentioned in them have long been gone. Besides that, Mr. President, there were many other things that had to be fulfilled. So England knows and we know that none of the land grants are actually in force, but the Mother country also knows that under her common statutes there are other ways that titles to land can be acquired and the people of this country, in my humble opinion, did acquire these.

The first reference in history of the Cayman Islands was roughly in 1503. The Cayman Islands were ceded by the Treaty of Madrid, I think it was in 1670 to the British Crown. History will prove one fact, Mr. President, that until roughly 1898 there had never been a paid British Civil Servant come to this country. No attention was paid to it at all - there was only an occasional man-of-war calling here and on about two occasions, I think, it brought the Governor from Jamaica when there were certain things that they wanted to settle. But as far as having any established type of Government on this Island, there was none. For over 200 years the people of this country ruled themselves. I know that I will hear it was not times like today and that is true, but let us remember one thing and history again will prove us right, that in every century you faced as big problems as you faced in the last century. Today we are faced with many problems in this world, economic, social so forth and so on, even the atomic and hydrogen bombs - the complexities of life are many but if we could put ourselves back one hundred years the people of this Island or the world in 1875 their problems of that time seemed to them as great as ours do today. There is no difference, Sir, it is just like money - money today has a certain value - it can buy certain things - a hundred years ago it was still the same thing. It bought only a certain amount so that it never changes, Mr. President, its like the old Mississippi, it just keeps rolling on. So, Mr. President, our people were here - no one paid attention to the Cayman Islands and I can remember talking some years ago to one of the old inhabitants of North Side who told me the history of his family, how they had come to this Island. After the Grandfather had been on a ship from Aberdeen, Scotland and was ship-wrecked on the southern tip of Cuba and came to this Island and went to work for my great-great grandfather one of those bad Boddens and in working for him, he was working on the eastern end of the Island or the central part of the Island I would say and naturally there was a lot of land there. And he just started moving out and moving out and cultivating until he established ownership to his own land and until he became one of the settlers of North Side.

This might be boring to some people, Mr. President, but this is how this Island was settled - this is how the people of the Islands established their rights - this is how they became land owners and I am asking why after they were willing to blaze the trail to settle this country and to build up this country, to make a life for themselves here, why is it that all of a sudden we are willing to knock everything down - to change everything. This is how the people of the Cayman Islands own their land - there was no Registrar General down here or no recorder or anyone else, where the people from North Side could row their boat across the North Sound or the people from East End ride their horses down to Bodden Town and if they were lucky then caught a canoe from there to come to George Town to register a piece of land. We must think back as to what this Island was faced with. When people today say to us "Oh, you don't have this, you don't have that" we must think what the older people went through to establish what is here today. We must not just accept it for granted that they had airplane service and helicopter service and so forth and so on back two

MR. JAMES M. BODDEN (CONTINUING) hundred years ago, so I am submitting to this House, Mr. President, that the British Crown lost all rights that they had to any land in the Cayman Islands when for over two hundred years they paid no attention to this country.

To me it is just like a father deserting a child when it is one year old and then when the Father gets about eighty years of age and he's blind and infirmed, expects that that child, just because he has the blood of the father in him, is going to hold his hand and take care of him, put him in his grave. To me one would be as right as the other. I owe my father respect and love because he did for me - I figure my kids owe me the same thing but if my father had deserted me I would have no respect for him and I think that the Mother Country put herself in the same position when for two hundred years we were never known. I am as loyal as any British subject, but my loyalty comes first of all to Grand Cayman, which is the land of my birth, may be I wouldn't feel that way so much if it hadn't been rammed through my head so much, through the Government.

Before departing from that subject, I wish to touch on another one that I think is quite relevant to it. Its not a member of this Assembly, if he will speak his conscience, will not say that he has seen the notices published by this Government from time to time telling the landowners to trail their swamps because such and such an area was in the mosquito control zone. Now if ten years ago we were asking the people to trail these lands accepting that there was private ownership, asking them to go to the expense of doing so, what has happened now ten years later that they have lost those rights? How ridiculous can we get!

There is only one country in the world has suffered more than Cayman and that is Hungary when the Russians duped them and brought their tanks in after the revolution and crushed them, the only thing is that ours was done with sweet words and honey.

Before departing from this, Mr. President, I want to remind this House a little again about our past history. Our people came here from Europe and Africa and they went through a lot of misery - we have been told that some of them were shipwrecked mariners and being a seaman in those days, if history is correct, was not a nice thing. Some of them, we were told, were deserters from different armies, but Mr. President, however they came here, there's one fact that stands out and that is that those people came here because they would not tolerate oppression in whichever country they came from. I am sure that coming to a Cayman of 1675 was much, much worse than a Europe of 1675, with the exception of may be the wars and so forth. But those people came here, they built up this country and it is through the sacrifices that those people made today that we, as Caymanians today can enjoy so much - don't think we just did it in the last five years since we got a wonderful Executive Council. This thing was established, Mr. President, from the time our people first came here in the early sixteen hundreds - they set it for us then. They built something on which we can build and I have said to the Members of this House before, I will say it today and I will probably say it many times in the future, that I wish to God we had one hundred Caymanians today with the backbone that our forefathers had, because I believe we would have a much better Cayman. Because I can assure you, Mr. President, that back one hundred years or more ago it didn't take anything to happen for our ancestors to get together and put together a wonderful petition to send to England - many of them were sent in what we may consider trivial reasons.

I am not going to tell this House that they got anything by doing it, because in most cases they were looked on like my colleague and myself are looked on in this House today, but at least, Mr. President, they had the guts to do anything. Today that intestinal fortitude seems to be missing - we accept and we follow blindly as in Biblical times "whither thou goest I will follow".

MR. JAMES M. BODDEN (CONTINUING) Going back, Mr. President, to when this was presented to the House again I would like to quote a statement that was made by the Second Official Member who said "I can see that no land will be Crown land, I can hardly imagine any unclaimed and unoccupied land in the Cayman Islands". Mr. President, the bad thing about that is that the Assembly believed him and they followed him and his advice as sheep to slaughter. But I am pointing this out, Mr. President, mainly to show that at that time there was more or less a clear understanding that there was little bit of Crown land. I am pointing these things out again, Mr. President, to show that the intention of the Legislative Assembly members was always that the people's right would be respected. They insisted and they wanted our local customs to be written into law, but instead of that they were lead down a garden path of iniquity.

This Select Committee, Mr. President, tried without success to get the possession and the local customs defined and written into that law - they also tried to get inserted into that, "with the approval of the Legislative Assembly" and I am going to tell you today why that was not done, Mr. President, in case the members have not followed it closely. Only six votes were taken on that - three of the members saw fit that "with the approval of the Legislative Assembly" should go into the law - the other two members with the Chairman, voted against it and the Chairman used the casting vote, that should never have been done, Mr. President, we shouldn't have it - this Law should have been abolished, as far as I am concerned, on particularly that one point - because in any rules of debate or any other rules of order when you are faced with a dilemma like that it should be left until you have more members to vote. It should be left as a continuing subject that you will deal with, but instead of that, our steam roller really got into drive.

I am going to follow on in this, and I am going to point out to this House some of the adjudication hearings that have been held, and in most of these hearings the big definition was to define high water mark and in nearly every case the adjudicator has said that for all practical purposes the high water mark is the line where the mangrove meets the sea. Yet that has been forgotten. I would refer this House to an adjudication hearing on 11/20/1974. It is customary, Mr. President, that when a man employes someone to do a job for him he either gives him verbal instructions, or if he wants to preserve it for posterity he puts it in writing, but instructions to do a job are usually done in one or the other manner, so it was natural, Mr. President, that in 1972 June the 9th of 1972 it was natural at that time that the Government of this country would have given a directive to the adjudicator or the man in charge of cadastral or whatever we call him, as to how the cadastral system would be carried out. Mr. President, that was given yet in the hearing that I referred to awhile ago, 11/20/1974 we find, Mr. President, reference being given to another directive that was circulated in September of 1974. That's an undated directive, Mr. President, and it is different from the one in 1972 and I am sure that you remember these three fools here coming to your office, I think it was even on more than one occasion, about this matter. We had several meetings with the Honourable Fourth Elected Member to Executive Council and his staff and we were told some nice things, Sir. We were told we had nothing to worry about, everything was just as it was before but finally, Mr. President, that directive did show up an admission was made by Mr. Wraight that he had written this directive and inserted it into the files and that is the directive under which we are operating on the Eastern and Midlands districts today and it is a directive to the cadastral system, Mr. President, completely different from the one that was issued to them originally in 1972. That is why we are taking great exception to this - we have stood against the cadastral system and its enforcement in many different

MR. JAMES M. BODDEN (CONTINUING) ways from its inception. I am not going to say that there are not some <sup>good</sup> things about the Cadastral but the bad is outweighing the good. But, Mr. President, we are more obsessed over the actions of it now than we have ever been before because we will submit to this House that the Eastern and Midlands districts are being treated in an entirely different manner under the cadastral system than when the Western district of this Island was done, and until we get fairness, until we get what was given to the Western district we are going to continue to howl.

Some months ago the adjudicator that had been appointed left the Island - we appointed another one and Mr. President, this man, in my estimation should never have been appointed for this job. The man has been associated with the cadastral system ever since it came to Cayman as Head one up here in this little wooden shack. He knew everything about the cadastral system, as to how it worked here. He was in charge of the field work and so forth and I do not believe that any man is capable of serving God and Mammon - he must either serve one or the other. And if he was going to do that job I do not believe that you can take him and just put another title on him and put him in a position of where he must be an impartial judge. I think it is against human nature - I don't think there is one of us that could do it. And I think that this Government was very remiss in appointing that man to that post. I have told him so himself and I think the man is a very biased individual.

Now, Mr. President, on the Midlands and Eastern districts of the Island the tactics have changed - no more are we challenging it on swamp land based on high water mark because the claims have been lost in the appeal courts and the adjudicator himself has said that the high water mark is the area where the mangrove meets the sea. So we find a different challenge when we get to the Midland districts and we are being challenged there, not so much on the basis of it, over that bit of swamp, but not on the basis of where the high water mark is - it is being challenged as waste-lands, and as Government's claim under Common Law, the Common Law of the Cayman Islands that when an owner owns land on this side and another one owns land on this side and there is a cliff or a swamp in between it is split half way through. Now this is where the basis is coming now - this is where the wrong information or something else is coming from because, Mr. President, I consider one thing, I probably am not an expert - I wouldn't want to be one - but I probably know more about Cayman history than any other fifty people in this country do because I have spent the money to learn it, and if we are going to talk about Common Law in this country everyone being familiar with it knows that the Island is very small and there is usually not any difference from what would be common law in West Bay than what would be common law in Bodden Town, and we also know that under our common law for this to apply before, it had to be dry land on this side and dry land on this side and you split in between. Now Government has come up with this - they have forgotten about the high water mark with the swamp and they are challenging under these two other things and they are saying that they own it, Mr. President, because they own the high water mark. There is no dry land then on the high water mark, so how are they going to claim under local custom - how are you going to claim under local custom? When local custom has always been two dry land area and you divide the swamp or the cliff in between. You have no dry land on the North Sound - all you have there is wet land - you admitted it, you've said so before - your claims on the Western end of the Island have been on swamp and because you lost them there you've changed the tactics on the Eastern end of the Island.

Mr. President, I wish I had fifty men like me and my colleague here in the Eastern Districts and I tell you it wouldn't be going through.

MR. JAMES M. BODDEN (CONTINUING) All of a sudden, Mr. President, Government is going to be the owner of roughly ten thousand acres of land in that area that they had no right to before, stamp taxes have been paid, this has been done this has been done, this has been done and they have made a mockery of everything that has been set up in this law here, Mr. President, just because the court under which this operates, the adjudicator's court is nothing but a kangaroo court. I am ashamed to be a legislative member and to condone the actions of a man like that and such a hearing. I have heard him sit in that court and just about tell people "I do as I see fit". My God, isn't that a shame! How long are you going to tolerate it? If this man has that belief let him realise that the belief of the people in this country and the people of this Legislative Assembly are different and that he must operate under our laws just like every other judge operates under our laws - this man is no exception.

MR. PRESIDENT: I don't know how long the Honourable Member is going to go on, but would you be prepared to take an interruption at this point?

MR. JAMES M. BODDEN: yes, Sir.

MR. PRESIDENT: I think it is likely to go on this afternoon.

MR. JAMES M. BODDEN: Yes, Sir.

MR. PRESIDENT: Well, the Honourable Member having conceded the floor until this afternoon I will suspend proceedings until 2.30.

HOUSE SUSPENDED

HOUSE RESUMED.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

MR. JAMES M. BODDEN: Mr. President, to resume the debate on the motion before the floor of this House, I'd like to begin by saying that we have prided ourselves in this country on the prestige which our Government enjoys abroad. The growth of this country has been founded on this prestige and we are on the road that if we continue the manner in which we are acting, that prestige and belief of integrity is going to be lost. People do not invest money philanthropically - they invest it in the belief that one day it will bear fruit and we have had a lot of investors that have invested money in Cayman under the faith that has been established in our Government with them thinking that this investment was sound and was safe. Should we continue our attitude we are going to be looked on as one of the banana republics - we do not have the bananas so they will probably call us the mosquito republic. But it has become alarming, it has reached a dangerous point and if it continues we may have seen the debate on the last big budget for a long time yet to come.

We are again being hood-winked - the adjudicator's reports and the reports that we hear are that this land is being placed in trust for the people of the Cayman Islands. I am as nationalistic as any man in Cayman and I have great pride in my country, but again history will prove what happens when land is placed in trust for the people of the Cayman Islands. We do not have to look any further than the seven-mile beach - the Government, at one time, owned a lot of that land. It was put out for the good of the people on a 99-year lease for one hundred pounds a year - three hundred and forty-five feet of that land today is given a ground lease in the neighbourhood of about seventy-five thousand dollars a year to the owner. So we do not have to strike or stretch our imaginations too far. We do not even need to use the calculators of the experts to figure out the profit.

MR. JAMES M. BODDEN (CONTINUING) Just a few years ago Government also owned some additional land on the seven-mile beach - I don't know if anyone today can tell you what has happened to that and we are only lucky through the intervention of a very few people that the beach land, the valuable beach land did not also go along with the rest of it. Because this is the way in which things happen.

I have heard one of the Members of this House say that he looks on the Great Sound, the area of that, as being, one of these days, a great city - so do I. I have always said that the future of this Island, I think, lies in the Great Sound, but I wonder, Mr. President, which developer is sitting in the side-lines today just waiting until the adjudication process has taken its toll and then jumps in with a beautiful plan for another ninety-nine year lease for one hundred pounds a year. At that time we'll be told that inflation has taken its toll and instead of it being one hundred pounds a year it will probably be one thousand dollars a year - we can't look for much more increase than that. That's what will come, so I am asking the Members of this House, not to have their eyes blinded when people tell us that this is for posterity and its in trust for the people of the Cayman Islands. It will be in trust to whoever can swing the best argument - and that's where it will go. It would be much better if it was left in the hands of the present owners who could, may be, develop it, and add something to the local economy of this Island and still not infringe on the benefits of justice.

This is a serious thing that we are tampering with - it is nothing to be laughed at or to be mocked at, Mr. President. It is something that is going to set the course of our country for many a year and its going to have its repercussions. I do not know how many members of this House talk to the foreign investor that comes here - I happen to talk to a lot of them - its my business and I will tell you this that many of them are talking now of removing their investments, if they can, from the Cayman Islands. I have had a lot of them who have written to me - "if you can get out what money I've got invested - sell it for that - I've had enough". These are some people, Mr. President, who travel a lot of financial world, not just Cayman and we ask ourselves what is the reason - the reason is because those people have become just as disillusioned as I sometimes become, wondering just what direction our Government is taking. Are we going to take the course that we do away with all natural rights and justices - just because we are a Government and have the power to do it? Generations to come, Mr President, will not look on us too kindly if we continue this.

I am quite certain that in the very near future we will hear a different story from Executive Council - we will hear a different story from the ecologists - we will soon hear that there is nothing wrong with dredging - they have found out that the North Shore can take dredging - its not allergic to it any more. That will come, Sir, as a prelude probably two years before the Plan is presented where the whole area is leased out for nothing. Don't think I am dreaming - I am only telling you facts - I am only telling you what to expect - what will happen.

A lot was mentioned in a previous debate in this House about the little Black Book - I too, have a copy of the little Black Book - but I am not going to deal with the Little Black Book in my summation this evening - I am going to leave that to my colleague. The little Black Book - only half the story has been told. Its like so many other Black Books.

In recent decisions that have come before the adjudication board the adjudicator has based his findings, as I mentioned previously in my debate, about customs and common law. And I still say that Government cannot use that because Government has no dry land, as we call it, on the shores of the North Sound. Its ridiculous to think that a statement like this could be made. The same adjudicator has also said that Government does not have to prove any use or occupation because of the rights in the land~~temning~~



MR. JAMES M. BODDEN (CONTINUING) from the Crown. I am sure I would not have to go back and reiterate the things I have said in the House concerning that, because in my estimation, as humble as it may be, Government cannot again claim that - they have lost all rights to that claim - just as a father loses it if he does not support his family.

The same adjudicator has also said that all unclaimed and unoccupied land is Crown. Mr. President, the argument I have had with everybody associated with this from the time it started is why occupation was not defined in the law. If this had been defined, Mr. President, more thoroughly, we would have found that we might not be having this argument today.

I am going to deal with occupation a little bit further down again. The same adjudicator has also said that regardless of evidence of title and/or possession the Crown's right must prevail. What is this man telling us? He is telling us that he is above the law, he is telling us that he makes his own rules and regulations - he is telling us that this Assembly has no reason to be here, because the Assembly of this country like any other assembly is what makes the laws that govern that country. This is a ridiculous statement, in my mind, for a man in his position to make, to say that the possession or title, evidence of title, more or less, has no meaning - that the Crown's right must prevail. Where does this Crown right really come from?

He has also said in cases where documentary evidence was submitted to him some of these documents going as far back as 1923, these documents stated bounded on the North by the sea - we have always heard that even 60 years, if the Crown had a right, 60 years of documentary evidence precluded that. All of a sudden this man is coming here and he's telling us that 63 years is no good - that document takes the place of the rest of the toilet paper. This is ridiculous for these statements to even be made what you think to make a decision binding in court on them.

He has gone further and if no one really knows what Government has claimed, because in every decision so far that has come down the exact swamp boundary is undemarcated and restriction on the use of even the adjoining land has been placed on it until such time as somebody in their better wisdom comes along and decides where the demarcation line is. We may find at that time, Mr. President that where we think the line is today it will be in another half a mile again, who knows?

When the Adjudication Law was put into effect we were told that twelve years would give a good title - yet we have been told now that sixty years does not show a good root of title - this man has made this statement, Mr. President, he has said that these documents are ancient. That is his reason for not accepting them and giving the decisions that the land should be given to the rightful owners - he is saying that the documents are now ancient because they are sixty-three years old. So he is not willing to accept even a documentary title which has been stamped and recorded and registered in our Government under our previous laws and which is sixty-three years old. I do not know how long we are willing to tolerate this or how long we are willing to go along with it but, Mr. President, the day is fast approaching when justice must have its right one way or the other.

Another point I'd like to touch on is that this claim today is being based on having, let's say, little commercial value and being considered waste-land. It has only been in the last few years where the commercial value of this has been realised even by the owners and it has even taken much longer than that for Government to realise that it has a commercial value.

People on the Government side will say that if its waste land and it hasn't been used and so forth and so on, but Mr. President, we must think of this land a hundred years ago, the reason may be why it was not occupied and used as usage is put to other land today is because of the nature of it and the mechanical equipment

MR. JAMES M. BODDEN (CONTINUING) and labour and money was not available at that time to use this land. All of a sudden, it has been proven that this land is good land and can be used and all of a sudden we have all of these claimants to it. Just because it was not used before we have got to realise, we have got to consider the condition this island was in one hundred years ago before we try to preclude a man's right by saying because he did not use it to build a house on a hundred years ago he shouldn't have it today.

He has further said that because documents in that area have not say, read the extent of the land and does not have previous survey maps attached to it that they cannot be accepted. Again, a very ridiculous thing to say because if we go back thirty or forty years ago in our country you will find that nearly every document that was done at that time would say "bounded on the east by lands of John Thomas, bounded on the west by lands of the Honourable Warren Conolly" and so forth and so on. They would have no size attached to them - there would be no distinctive markers on it and even if somebody said there were thirty acres of land in that document I've seen many occasions when it was surveyed and it was found out you had fifteen - I have seen occasions where you surveyed it thinking it you had thirty and you had forty-five, so again this is no valid reason, Mr. President, because that was not the method of making documents in those days and we today should not suffer because of the ignorance that may have prevailed in this Island years ago. I am not talking about ignorance broadly, I am talking about ignorance from the sense of having a college degree and being known as an expert.

Another thing that he has made his decision on is use - he says that some of this land has not been used sufficiently to obtain a legal possession. I am submitting again to the House Mr. President that if you own something, you do not have to continually use it in order to put forward your possession, because you have owned it through a legal document which has been accepted previously in this country. I, today own quite a bit of land, a lot of it I have never even seen it by flying over it, but that doesn't mean that because I paid my money for it, that I should lose it just because I have not been to the land, and this is the same thing that has happened in many other cases in this Island.

He has spoken about speculation by investors. I am submitting that if there is any speculation really attached to this problem at this time it is speculation on the part of Government to try to secure something that they previously did not own. That is where the speculation comes in and let us make one thing plain if government had used the same method on the western end of the Island, there is a lot of swamp on the south side of Barclays that would have gone to the Crown - there is a lot of it on the eastern fringe of the road between West Bay and George Town that would have gone to the Crown - why is it that these areas have not been challenged? It is a shame to think that you just wait until you get into the district of Bodden Town going east that you started.

Mr. President, even land on the North Shore, the same type of lands as what was on the other side of it, it begins from Savannah down to the airport, those lands have not been bothered, Sir. Why? You know why because a lot of the people are absent land-owners, because there are very few owners in one sense, in there. If they had been contending with some of the people that had money like they have it on those who own it in the West Bay section, I believe it would have been left alone. I would have to say again, Mr. President that I only hope that the eastern end of the Island has one hundred people with back-bones of steel, because if they did this would not be allowed to go on.

MR. JAMES M. BODDEN (CONTINUING) I would refer this House to the Land Adjudication Law, 1971, section 4 and it says that the adjudicator is not bound to abide by the view of the Assessors. Let us make one thing plain, that is one little bit of protection the Members of this House back in 1971 thought they had in this Law was to put these assessors on there and I know it is written into the law that he is not bound to abide by the views of them but I feel that the man today who has this position as adjudicator is flaunting this in our face, he is telling us in his decision that he is abiding or he is taking into consideration the views of his assessors, and frankly I don't believe there is anyone in this Island that would give the views that this man has given. I do not think his assessors are capable of it, but further than that, Mr. President, I will be frank that every time I happen to attend a hearing before this tribunal and I see the two assessors sitting up there, it makes my blood boil to think that we have people in the country who are willing to sit and just sit to adorn a table and for no other reason, because they will sit there and they will never be asked anything, they will never be consulted and they are just statutes.

I would say further than that, I have seen this court go so far in a hearing as to have an assessor sit on a case that was in petition before the adjudication court and he had been the man that has sold the land. That is how much justice really prevails in this adjudication court. If you tell me that is justice we need to look some other place for it.

He is basing a lot of his decisions again on section 11 of the law, 11 (b)(ii) in regards to waste or unclaimed lands - this is what the land in the Midland area is being claimed from. I do not consider that land to be waste - I do not consider it to be unclaimed land and I did not think that such a large portion of Grand Cayman, approximately 10,000 acres of it could have fallen into this category. I would refer the House again to section 16 of this Law, 16 (1) and (2) of the law. This part of the law tells you what you must have in order to get an absolute title - it tells you twelve years of documentary title, yet we are finding that not even sixty-three years is sufficient for this man, just because he has been instructed by someone else and his mind is made up and if the Good Lord were to come down in all His Majesty and sit before him with a land grant given to him by Almighty in the year of the foundation of the world, he would still make the same ridiculous decisions that he is making now. But under this section, section (d) of 16 again it does give the Record Officer the right to record a title as provisional and to determine the date possession has begun. This is one big point I would like to make - is right there under that that if our Government really had consideration for the people of this country and for the land-owners of this country here is where they would have stood up and they would have said that although possession as defined in the law may only extend for the past five or ten years, although documentary evidence of sixty-three years is no good, but you still have the power, under this, to accept it as provisional, in at least in seven or eight or ten years' time the person can be granted an absolute title. That would have been a little bit more conducive to justice than what we have done, but instead of that it is much easier to make a land grab and to take it over. I wonder if the Members of this House really realise what's at stake here. I would venture to say that the market value of this land at the present time would probably be in the neighbourhood of three and a half to four million dollars - that's a lot of money for private investors to give up - that is how much our Government coffers have been enriched - it is no wonder that the Members of Executive Council are so willing to increase the loan capital's bill from five million to eight million because they have no worry about it, they have collateral now for it. But you know what will probably happen, instead of it going to anyone for the kind of money it is worth, you will probably find that it is in the hands of somebody else in a few years on a hundred years' lease for a thousand dollars.

MR. JAMES M. BODDEN (CONTINUING) Let's deal again with section 16 (2) (2) of the law and hear what it says - it says "a person is deemed to be in possession of land if he does not acknowledge the title of any other person to that land and by himself, his agents, tenants or servants, actually uses or has used the land to the exclusion of the public. Provided that where it is established whether by local custom or otherwise that any parcel of land includes an area of swamp or cliff land, occupation or use of the other areas of such parcel shall be deemed to imply possession of the swamp or cliff land also". Now, Mr. President, that's as plain as anything can be. To me that passage there puts forward the whole meaning and the feeling of the Legislative Assembly back in 1971, when they said that the possession or occupation of a part of that land will deem to imply possession of the swamp or cliff land also. Now if that did not give the people right to that swamp or to that cliff why did we insert that? Can anyone tell me why this man is allowed to go on and make these ridiculous decisions when we have it plainly into the law defined as to where the title comes from?

Let us read further - section 16 (2)

(b) "good documentary title means the title evidenced by documents which establish that a person is entitled to land in fee simple and commencing with a grant, conveyance, assignment - mortgage or other good root of title which is more than twelve years old. Now, Mr. President, how far do we have to go? This is what the law tells us it says "good documentary title" - 12 years old - not sixty but twelve and yet when documents go before this man that have been made in 1913, recorded in 1932 and give the boundaries and give the total thing about this land, the man says its ancient. He says it is not a good root of title, but what is a good root of title when we have been told since time immemorial that sixty years work against the Crown and here we have sixty-three and it doesn't work - here we have a new law that says not sixty, but twelve years work and again the man is flaunting it in our face.

I have said it in this House during this session and I am going to say it again today - this man should be tarred and feathered and sent from our coast and whoever is supporting him should go with him.

Section 17 (1) all unclaimed and unoccupied land shall be deemed to be Crown land. Yes, I go with that if its unclaimed and unoccupied, but all of the land that we are talking about does not fall into this category - none of it falls into it and that, according to this law, is the only way that Government could have claimed and obtained title to this land, is by using section 19 sub-section (1) of the Land Adjudication Law of 1971 - it is the only way that Government could substantiate a claim.

Section 17 subsection (2), possession or receipt or grants and profits by any person through whom a claimant derives his title shall be deemed to have been the possession or the receipt of rents and profits of the claimant. Again, Mr. President, the House went a little bit further in trying to define possession - that even if you had a rent receipt from this land it would help to determine your possession of it and what you think about a document? A document properly evidenced is much better than a rent receipt, so not even the documents are being considered, not even the rent receipts are being considered, nothing is being considered and what is happening? Everything is being discarded and although the Assembly tried to put these safeguards into it we find now that somebody has come back and said "no, it goes to the Crown".

Mr. President, I would like to see the Crown own land - I'd like to see our country own gold-mines or anything else that we had but I do not believe that I should steal from another man and I do not believe that Government should do it either.

MR. JAMES M. BODDEN (CONTINUING) I am going to point out one more thing - for years I have heard that the mineral rights in the Cayman Islands went to the Crown, well, in the history that has been researched again Government gave up its rights to those mineral rights many years ago and I can show you documentary evidence from the Colonial Office to bear that out. We were treated as bastard children, as a country with no existence for two hundred years or more and I do not believe that in this day and age we should be willing to accept such things happening to us. I say give the people back the rights that they had. Let the country get back on a fair course - let them get back to where the Government of this Island can stand with its head high as it has always done - don't let us have to hide our heads in shame. And I say that we must hide our heads in shame if we are willing to condone actions like this, because today if a young kid was to come in off the streets and pick up one of those chairs and take it out of here we would put that kid in jail - we would sentence him because he has stolen that chair. Well today the Government of this Island is doing much worse than that and if that kid could be arrested and jailed for stealing that chair then I say we have no more right to even try to enforce something like that in our courts, because we have lost the right to do it, when we condone our Government doing the same thing and I will never stop on this issue, Mr. President, and I will promise one thing to the people that if I live one hundred more years I will fight this issue until I see the people's right given back to them and I am making it plain that will be my life ambition so if I live I will never stop until the people get back what I think they deserve. Thank you, Sir.

MR. G. HAIG BODDEN: Mr. President, I second this motion.

MR. PRESIDENT: The motion has been set out in the order paper -

WHEREAS people in the Eastern district of the Island have become dissatisfied with the manner in which so called swamp land has been demarcated and given to the Crown by the cadastral system

BE IT RESOLVED that the Eastern section of the Island, the swamp lands be treated as in other areas already demarcated and given to lawful owners and Government refrain from claiming same

BE IT FURTHER RESOLVED that the same system be adopted as in other areas instructions be given to cadastral team and if necessary the law changed to incorporate these instructions that Government only owns what by common law is considered high water mark.

The motion is open for debate.

HON. W. W. CONOLLY: Mr. President and Members, as the Member responsible for surveys I think it would be fitting for me to speak on this motion at this time and I will agree with the ruling you have made, Sir, that this debate should be confined to the general nature rather than a specific case and I would humbly ask that if I should, in any way get out of track, that I be directed accordingly.

First of all, Mr. President and Members, may I say that the Member moving this motion has in-ferred a lot of allegations, outright allegations against Government's action in this exercise. It is unfortunate, Mr. President and Members, that one finds oneself in a position where one can stand in our Legislative Assembly and defend one's own cause.

MR. JAMES M. BODDEN: On a point of order, Mr. President. I think the Member is going a bit too far there, Sir. There is no doubt that I have land in this area but we also have had issues like Caribbean Utilities where those people own shares and they still voted with Government, Sir. And I am not espousing my claim - if I had land there or I didn't

MR. JAMES M. BODDEN (CONTINUING) I would still be fighting what I think is right - I have done that before.

MR. PRESIDENT: I think it can be taken that the Member advancing this motion was talking generally and not advancing his own particular case.

HON. W. W. CONOLLY: I take the point, Mr. President, but of course I still feel like we have to be very careful on this particular point if we are going to keep a democratic Government going.

Mr. President and Members, the motion alleges that there has been a change in the policy of the cadastral survey and before I go into that the first thing I would like to do and have it clearly understood that the resolution refers to the Eastern districts which is incorrect, as far as the adjudication process is concerned, because the adjudication system has just entered the Eastern districts - I think the Member is speaking about the Midland district of Grand Cayman and I would like to make this particularly clear that it is not the Eastern district - it is in the midland district of Grand Cayman.

MR. JAMES M. BODDEN: Mr. President, on a point of order. I don't want this motion to be lost because of a different interpretation or something. Ever since the creation of time in this Island the areas that we are referring to, Sir, have been known as the Eastern sections of the Island - if Cadastral has changed it now into something else I don't know anything about that, Sir, but the Eastern end of the Island, let's not get it wrong refers to anything past Bodden Town.

MR. PRESIDENT: I think the two gentlemen are both talking about different things. I think the member who is speaking is talking about the terminology used by the Cadastral survey and the Mover of the motion is talking about historical names for different parts of the island.

HON. W. W. CONOLLY (CONTINUING) In any event, Mr. President, we are talking about swamp lands abounding on the North Coast, the North Sound, it couldn't be in the Eastern end by nobody's stretch of the imagination. Bodden Town, East End and North Side could be considered the Eastern districts, but the land we are dealing with, particularly is the Midland district of Grand Cayman. I don't suggest that this will lose the motion, and I haven't made that point particularly for that - I was making it for something else - I just wanted it recorded that as far as the motion stated it says "Whereas people in the Eastern districts".

Now, Mr. President and Members, I am going to confine my discussion to this and to discussions relating to this that have happened in the past. We were reminded this morning by the Honourable speaker that he was assured by Government that there had been no change and I will see if I can recall this conversation. It is true - a committee of five members met with myself, members of the Cadastral team and discussed this point. It was alleged by the Member that the Cadastral team had had different instructions - the Government had issued a different policy. They were assured that no policy was issued and in truth and in fact I stressed the point that the policy is laid down in the Legislature and no one could change the policy - the law is the policy - the law reflects the policy.

To facilitate those members I volunteered to get the files from the Cadastral team and at a time that would be suitable to them let them inspect the files to see what had happened. Mr. President, this I did - I got the files - I notified the leader of that delegation - we set up a time for an appointment to meet on this and one person turned up, and that happened to be the Member who spoke this morning.

HON. W. W. CONOLLY (CONTINUING) He was given the files, he went through the files and I think the remark he made to me was "Christ, there's nothing here". I was very much surprised to hear him say this morning that they had changed the policy.

Now going back on the change of policy, let me say this - the adjudication section in the Western end of the Island, that's the section in the West Bay, dealing along West Bay peninsula and it would be interesting for Members to know that if one looks up the Registry and one will find a plot 13A, No. 65 that the Crown has 95 acres of swamp land and there is another plot consisting of sixty-five acres on that same area. This is swamp land butting and binding on the North Sound and I may go on further, Mr. President and Members, to prove that no change has been made and to prove that the Government's interest in swamp lands on the North Sound has remained consistent long time before the cadastral survey came into being and here, Mr. President, I am going to have to name a spot, the area of Snug Harbour. A sum of \$7,000 was paid by that investor to Government for whatever interests that Government owned in the swamp land and I go on a little further. The mover of this motion himself has paid into Government in the area between Savannah and the Airport a sum of money for Government to waive its right for what interests that Government had in swamp land - that is recorded, Mr. President, that record is in there. So it is unfair to say that Government has not made any claim to swamp land in the area and has changed any policy. No policy has been changed.

When those members came to me and met the question was over owners of dry land, part owners, half owners offswamp. We deliberately tested cases - we deliberately tested cases and the adjudicator and his assessors said according to local custom in the Cayman Islands the party on each side will share the cliff or swamp land. If Government is an owner on one side and even if you want to go back and talk about dry land no where does it say anything about dry land in this, it says land and if one looks up the meaning of land in this law "land means - it includes land covered by water". It didn't say anything about dry land. It says "land" and if the Government owns the foreshore then I feel like the Government has a good claim to half the swamp as well as if when the other individual had owned that, they would have that interest, then Government should have the same right. Because remember, the section that was quoted by the Honourable Member about all unclaimed and unoccupied land shall be deemed to be Crown land - this law does not say that Crown cannot be a claimant. Surely the Crown can be a claimant the same as any other individual.

The Government is not disputing the fact that certain individuals owned land in this area - they respect the rights of people - they respected the rights of these people there and as way back as 1961 the Government envisaged that private people owned land in that area, and they are saying today that they own land in this area. Now what has happened and while we cannot refer to cases, but I can say this that the Member didn't say that while the decision of the adjudicator gave Government 10,000 acres of swamp land he also gave private individuals 10,000 acres of swamp land.....

MR. JAMES M. BODDEN... But they had it....

HON. W. W. CONOLLY: Yeah - they had it - half half. The policy must be fair, it can't be a one-sided policy if there is half on one side and half on the other then if the Government is a claimant then Government should get half as well as if it was another individual there.

Mr. President, as I said, we listened to quite an elaborate history lesson this morning, I must congratulate the Member for his research in this but nevertheless regardless of how people came here or how they didn't come here, I don't think today that his lesson taught him that this is not a British Colony. Don't matter when the British came in or when they didn't come in, whether they came in here by boats, or whether they were ship-wrecked or whether they ran away from

HON. W. W. CONOLLY (CONTINUING) some army or whether they were forced here from conditions elsewhere, the fact remains that this is a British Colony. And as I said much has been said about landownership and possession - this adjudication law says that a person, and the member was very cautious in reading it, he didn't read exactly what the wording said - in preparing the adjudication record if the records officer is satisfied <sup>that a person</sup> is in open and peaceful possession - now tell me, by any stretch of the imagination was any individual in open possession of that swamp land up in the North east part - was not - to be truthful no one was in open possession of that land.

What the cadastral survey said that there were individuals who owned land - I don't know whether the titles will be absolute or whether they will be provisional, but whether they are provisional or not the same title that you get for the dry land you will get for your portion of the swamp land. It is a title. And what the cadastral survey has said that your dry land will claim half of the swamp land and I think it is unfair and I think it is really taking the thing out of context to be saying that the Government is stealing - it is unjust - I am surprised to hear it coming from a Member of the Legislative Assembly and Mr. President, these are the things that are running away investors from this country - these remarks in this very House are remarks that are going to run away investors.

When you speak of the natural rights of people - what you mean by the natural rights of the people? A person has his right and the Government respects the rights of people but it would be unfair and unwise and I say somebody would have to account if the representatives who are responsible, for the people of these islands to allow individuals to go with things that are supposed to be the Government - and when they speak of the Crown - as the adjudicator puts it in one of his judgments - when you speak of the Crown it is in trust for the people of the Cayman Islands. And surely the Member went out to draw an anqlagt of the lease arrangements on the West Bay Beach and to show up one of his colleagues for making such a bad judgment and what not, nevertheless, I am going to say this and this is where I agree with that Member now, that if they hadn't made that foolish decision, as the Member calls it, this island might not have been developed as it is today. And one hundred pounds a year then as a rental was plenty money compared to no rental at all. Land in Cayman then had a completely different value from what it has today.

If the cadastral survey had been accepted and I think it has been accepted, we have a few people who criticise it, but my records show me that the majority of people in this Island accepts it. When you have less than 0.6 per cent of disputes going on appeal, out of five or six thousand claimants, this is something that you could almost call NIL and I think it is a misstatement when the member said that people were told that this would be the end of all problems. I think I have attended meetings as much as Mr. X. What we were told then this that there would be no more problems as far as the titles to land. This issue of the adjudication process would, once and for all times, establish the title, and I don't think that up to the present time, this can be disputed. There are a few cases that are on dispute, on appeal, but when they are settled I am sure that they will abide by the decision of the Court.

Now, a main point that the Mover of this motion made was, and he criticised the adjudicator for his decision, on the sixty years title - surely this is a point of law and I am not here today to say that the decision of the adjudicator on that particular point was right or wrong - this is what the law says - when the law was legislated it made provisions that when there came that there was a difference of opinion on a point of law it could be appealed to a higher tribunal to settle it. I am very perturbed, Mr. President, very perturbed about the remarks that were made by the Member and I think it was in this House on two occasions and I don't think that it should continue and the remark was that the adjudicator should be tarred and those



HON. W. W. CONOLLY (CONTINUING) persons responsible should be done also - I think they were threatening remarks - I don't think they should have been allowed in the House under the Standing Orders of impugning Members Officers of the Crown. While the adjudication tribunal is a quasi body I still think that the words should not have been said.

One point that was taken I must correct this - the Member feels that the adjudicator should not do other jobs, or someone shouldn't do that - there is only one job in there that the adjudicator should not do and that is he should not be the records officer, and unless he is himself a qualified surveyor, he should not do any surveying. I think it is quite in order for the adjudicator and I think his decision, while the Member disagrees with it, it was a decision handed down.

Now, Mr. President and Members, we hear we are supposed to be law-abiding citizens - we pat ourselves on the back and we claim to be this and we claim to be that yet on the other hand we hear statements, we see actions that speak differently, because in the adjudication law there is provision for a petition - there is provision for an appeal and surely if an individual is not satisfied with a particular decision the person has a complete right to take this in the steps provided in a democratic legal system, but here this Member is coming to the House asking this Legislature now to go beyond the law and to issue instructions, the very thing that he is against - the very thing that he argues against - he is here bringing a motion to this House asking this House to over-ride the Law, to go and tell the Cadastral system, "you must give Mr. A. or Mr. B. or Mr. C. his land", when the due process is there, the way is wide open for any body who feels aggrieved. There is nothing, and I don't think anyone ever said to anyone that there would not be problems. The Government anticipated that there would be disputes - disputes of all nature and I am surprised today, Mr. President, I am very much surprised that we haven't had more disputes than we have had. I think it is speaking well of this system not to have had more than we have had.

And the legislators, back in 1971, they were conscious of this. But you know some people are afraid - people are afraid - anybody who had been in open possession of land, anybody who has good title to land, there shouldn't be any worry - no worry at all.

I am reminded again of that person with the talent who shook himself nearly to death and buried it up and was afraid of his master one doesn't have to be afraid if one is right and as far as I am concerned this swamp on that north east coast that is bringing this, because I am now concerned - I am almost certain that no question would have been raised in this House if all of the West Bay peninsula had gone to Government. It would have been a good thing but because it is in a certain area ...

MR. JAMES M. BODDEN: A point of order, Mr. President. The Member is getting back to the same thing that he advanced in the first part of his argument. I don't care whether the land had been on the moon so long as it's under the protection of the Cayman Islands Government I would take the same stand I am taking now. I, if I may say so, am probably the only one in this House that has ever given anything to Government and has continually offered it to them, not just one time, many a time, I will give before I take, Sir. I don't like that type of remark being made, I take strong objection to it, Sir.

HON. W. W. CONOLLY: I wasn't speaking of any individual, I was speaking of an area now, Mr. President, I said in a certain area.... Well, if you, I am sorry, but I am speaking of a certain area.

Mr. President, I gonna give you a judgement that was handed down last year. I am going to give you excerpts from a judgement that was handed down and another gentleman was adjudicator and I am going to read what he said. "As the Crown is the proprietor of the foreshore the swamp land between the eastern-most edge of the mangroves bounding North Sound and the Western-most edge of the swamp land bounding with the dry land of X estate is divided in accordance with the locally established custom, half half." Now, last year a

HON. W. W. CONOLLY (CONTINUING) different adjudicator handed down a similar judgment in the western-most section of this Island, and no resolution came to this House, that's what I am saying. Between here and West Bay and it was handed down on the 9th day of February, 1974....

MR. JAMES M. BODDEN: How many.....

MISS ANNIE H. BODDEN: On a point of order, that case is now before the Appeal Court, Sir, I don't think it should be referred to.

HON. W. W. CONOLLY: Mr. President, I didn't call any names of any case - I just said a case, Sir. I called no names - if the Member has knowledge of it may be she is a party, I am afraid I didn't say any case. I said Mr. X - I used the same phrase that was used in our Court.

What I am saying is this that if over a year ago - nearly two years, a similar judgment was handed down, yet I didn't hear any resolution in this House and this is the reason why I saying a certain area is why this resolution has been brought.

MR. JAMES M. BODDEN: A point of order, again, Mr. President. The Member is still going back to the same type of argument on it, Sir, your hansards can be brought up at this time and find out if a similar position has not been taken by my colleague and myself for the past three years since the end of 1972 when we were elected in here, in fact we have had a similar motion to this submitted to this House once before, Sir.

HON. W. W. CONOLLY: Mr. President, I will agree with the Member from 1972 he and his colleague opposed everything Government brought in here...

MR. JAMES M. BODDEN: No, no.

HON. W. W. CONOLLY: I agree with him..

MR. PRESIDENT: I don't think an inference should be drawn from the fact that no motion was brought before the House on this previous occasion.

HON. W. W. CONOLLY: I am sorry, Mr. President. That's alright (laughing). What I would like to assure the Honourable Member, Mr. President, and I was referring to the statement that he made concerning an officer and this is not the only officer that handed a similar judgment, right or wrong. I am not saying whether the judgment was right or wrong, I am only saying that I felt that the words were abusive and should not have been used.

Mr. President, the Member spoke of this directive and I think I should clarify one thing, when he saw what the directive was, I think he agreed with it because in other areas where we have small bits of swamp, where it was easy, there were only two people adjoining, it was easy to get, I think, butt and bound, and it was easy to get it split in two, but when you came to a large area of swamp, like in that North East area what the leader of the team told his demarcator was - he put out a notice to the public and said words to this effect, if people are coming from north and people are coming from east and people are coming from the south, they are bound to cut and cross one another. Those people who own dry land come to the edge of the swamp and then we will petition this out according to what your holding is on the dry land. Which I think was only fair, which I think was only reasonable.

The Member spoke again about the Mosquito Research Control - surely there is a law here which says and asks people to cut their boundaries in the swamp, because Government maintains that the owners of dry land own half of the swamp. They are not denying that fact.

HON. W. W. CONOLLY: (CONTINUING) But to go a little further, the Mosquito Research Control law has not had any application, as far as this Eastern part of the sound is concerned. It only applies to the Western end. So I don't think that that is relevant to the argument at all.

What is being conveyed to the public is that the Government has stepped in and has grabbed up people's land, and I would like to say here emphatically that that is not the case. There is land, good land today, dry, solid land like inside this building here that has been unclaimed - there have been dozens and dozens of spots in West Bay and in George Town and may be there will be some in the other districts that are unclaimed that were registered at the time in the name of the Crown. People, for some reason or the other, forgot to make their claim or didn't claim or something - what has happened? Government has given them, has rectified the register when they came up - dozens and dozens of lots. This thing about the Government trying to grab land is a false statement. I would take it the other way that all of a sudden, since people heard about this that there were a lot of claimants who jumped in to grab this swamp land.

I think is how it goes and the Government is satisfied to accept and acknowledge that the adjoining land-owner owns half of the swamp and in that area that is the bone of contention in this - this is the bone of contention - people there have got thousands of acres of swamp - thousands of acres of swamp. To my knowledge, what I have seen that has been done there half of the swamp has gone to people. No hardship on people - this argument about some old lady had it for her social security or her something else, no old lady knows that she had any swamp land up in there for any social security. I think today people out of this cadastral survey are going to get a lot more land that they thought they had - that they knew they had.

Mr. President, I believe and I can safely say and I can give this assurance that the policy in dealing with swamp land has not changed. The Government's claim has been the same. I can further go on and say that naturally this particular area would have brought a greater contention because it is a larger area of swamp - it is one of the largest areas of swamp in the Cayman Islands - it is the largest area of swamp in the Cayman Islands and surely it would be subject to more objection but can the Member say that if the Government got this land, why the Government shouldn't get it is because they would turn round and lease it out for a hundred dollars a year or hundred pounds a year. I don't think that that is any reason why the Government should not claim this land. I believe the claim is substantial - I don't think that the Government is doing anybody any injustice. I know there were some people against the adjudication process - I know that - some people had lands that probably would be in dispute but on an overall way it was considered by the British Government that this was the easiest way to handle the number of disputes that would be in Cayman and I believe that it is true to say, because if we are going back to some of the documents that people claim they have, some of these old documents could not be admissible in Court, so if it was not for the adjudication process those very documents that people are claiming land on today could not even go as the legal evidence, as a documentary evidence, because a document has to have certain things before it can be admissible. I am not delving into this because I don't profess to be any lawyer, but I do feel today, what I have seen or all types of claims under the cadastral survey that I believe that this is the best system that could have been adopted for this Island.

Situation is such the last part of the Cayman Islands is being adjudicated now, the western end of Grand Cayman - the midland section of Grand Cayman is about complete - Cayman Brac and Little Cayman are complete - there is only the section after the 31st of this month it is anticipated that it would only be the section east of the Frank Sound road that is left, and here, while the Member

HON. W. W. CONOLLY: (CONTINUING) is saying that we want the same situation to exist, we want the same policy to be carried out in the east as it was in the west, the suggestion is made to change the law. Why? If you are genuine, if you are honest that you want the same system to pertain in East End as it was in West Bay then you would want the same law - you would want the same regulation. Why are you asking it to change? And I suggest, Mr. President, that this motion should be thrown out. I feel like the eastern section of this island, as this motion says, is the eastern section which is east of the Frank Sound road, it has just been, and I go further to say, Mr. President, that in the eastern section of this island there is no swamp land abounding on the sea. The Crown would have no claim to any land through swamp bounding on the sea, because east of Frank Sound road there is no swamp running to the sea, so I feel like regardless of how sentimental or otherwise the Member feels, I feel that this particular resolution doesn't hold water at this particular time and I would ask Members to disregard it.

A few days ago when I was debating the Budget Speech we went into a lot of discussion on this particular motion and there was reference to some black book and some map inside the black book. Well, unfortunately, Mr. President, since the cause for this motion is probably caused for appeals or what-not, which it would have been sub judice, I am restrained from producing a map and if you would see how it coincides with what the Government, what the cadastral survey has marked out you would find that in 1961 the Government believed and was sure that they had interests in land up there. The Member tried to say that the Government didn't own all the land - that's true - the minutes are quite clear. The minutes say that the Government acknowledges that private people had land in that area, but the exact amount that Government would own would have to be determined after the surveyors go in and survey it. And surely the investor would have to get permission to go through the man's land - the dry land over there - that's sure - because Government's land was butting and bounding on the same, but there is no doubt in anyone's mind that in 1961 that the Crown owned land, swamp land and they then agreed to sell some 3,000 acres out of this to a company. Now the Crown, or the Government or who you want to say didn't sell that land - they haven't given it away and I am saying, Mr. President and Honourable Members, that that swamp land is still there and it is still the property of the Cayman Islands Government. Thank you, Mr. President.

MR. JOHN D. JEFFERSON: Mr. President, Honourable Members, I rise to speak to the motion before <sup>me</sup> and I would certainly like to read the motion so as to make a few observations.

Whereas people in the Eastern Districts of the Islands have become dissatisfied with the manner in which so called swamp lands have been demarcated and given to the Crown by the cadastral system

BE IT RESOLVED that the eastern section of the land the swamp lands be treated as in other areas already demarcated and given to the lawful owners and Government refrain from claiming same

BE IT FURTHER RESOLVED that the same system be adopted as in other areas and instruction be given to the cadastral team and if necessary the law changed to incorporate these instructions that Government only owns what by common law is considered the high water mark.

Mr. President, let me first say this that I personally want to say that I am distressed with a motion of this before this House asking what it truly is asking today.

I have always been consistent and I will continue to be in the land adjudication registration and I am sure that it's not necessary for me to remind anybody that when this system was first brought before us, this Legislative Assembly, that I personally made a motion that at least two or three members of this House be sent to the territory of the Turks and Caicos where we would be able to see the system work before we really committed ourselves to it.

MR. JOHN D. JEFFERSON (CONTINUING) Now, Mr. President, in listening to all that has been said here today I personally wonder whether or not I am aware of the system at all. I feel that we hear a lot said about the people's inherent right (and that's what I am here to protect) that I, in no way, would want to safely consider any change in the law that has worked for all the rest of the Island.

I want to say this that as far as I am concerned, I have never dealt with one piece of personal legislation in this House and I hope that I never do in the rest of my time here. I believe that a law, once it is made, I believe it should be fair for everybody. I said I would not want to see a law that has worked in my district and some other districts, to be changed while it is being applied to another district, because certainly it would not be fair to either one of those. And I believe that, as far as I am concerned the cadastral system has worked and has worked well. I believe in my district there were something like either five thousand or over five thousand claims and I believe there were twentysix appeals or grievances filed and I believe that when we look back and realise the amount of litigation that has been brought before the courts because of land disputes, and Mr. President, let's not minimise that, let's not think that people can forget in the past the number of poor people whose lands were claimed and many times they went to court after hawking what they had to get themselves a lawyer and on a lot of times the opposing people had a better lawyer than they had and they lost their land and the money that they had hawked to pay their lawyer both.

Now let's not misunderstand the issue - let's realise that no responsible Government could sit by and literally see people being fleeced and see or ignore the need to do something about establishing the titles of land in these Islands. I believe that is exactly what this Government set out to do. I hear aspersions cast on the Head of State at that present time and let me make one thing unmistakably clear and that is that when any man will risk his position to do anything that will benefit the mass, I take my hat off to that individual and feel truly that that man has the good-will of this country at heart.

And I believe if <sup>we</sup> were to go back to the records we'd find that before that particular man left this Island he became the first Governor of the Cayman Islands. I think that was an honour bestowed on a man who sought to do something about the needs of the people as he saw them.

Mr. President, when we look around and hear all the allegations and all the things that have been said and all the attitudes exhibited in this Chamber there is no reason when we go outside we find so many fragments fighting a cause.

I believe that we have one first job here in this Chamber and that is to fully represent our constituents - our Islands. I believe that is the first obligation we have, beside God, and I, with God's help, want to be honest and want to be truthful and want to ful-fill that role first.

Mr. President, I feel that when Members in this Chamber inject personal things it degrades our legislature.

MR. JAMES M. BODDEN: On a point of order, Mr. President, this is twice this man has made this remark and he is impugning a Member. I think I have made my point very clear on this thing and if I haven't, Sir, I promise you when I get up next I will be making it clear, and I am going to ask your ruling, Sir, that this speaker, as well as any that comes after him, with this attitude, refrain from this. I have not done it to them, please don't do it to me. I, if I say it, am the only member in this House that has ever given Government anything and have offered it to them. I don't believe in talking about those things but when I get to my feet next I will.

MR. PRESIDENT: Is the Member prepared to withdraw?

MR. JOHN D. JEFFERSON: Mr. President, I want to be fair in every way and yet I want to be truthful.

I am saying, Mr. President, that as far as I am concerned, this motion seeks to do things that I could not, at any time, support, regardless of who brought it, I could not feel that I could sit here and like the late Sir Winston Churchill once said when he spoke he would not sit and preside over the dissolution of Her Majesty's Empire I too, couldn't stand here and agree to giving the people's inherent rights to anybody, and when land or lands are held in trust by the Government of the Cayman Islands are held in trust for the people of the Cayman Islands.

When we say Government refrain from claiming the lost, and I have said this many years ago, that when the law was made, as far as I am concerned, that the only person who was placed at a disadvantage was Government. They were the ones that were placed at a disadvantage. All unclaimed or all unoccupied land, Mr. President, we wouldn't have to go very far back in our history to find out that as far as swamp lands are concerned, not too many years ago when one wouldn't have to ask permission to use it, in any way. And I am not agreeing to any law being changed to suit any sector of this island, what is good for one will be good for all and I feel what is good for the people of West Bay is good for the people of the Cayman Islands and I feel that we, as legislators here, not only are we legislators in our own district, but we are legislators representing the islands as a whole and as far as I am concerned, I never now nor any other time, will agree to anything less than what I feel are the rights of the people.

I heard a lot said here this morning about the Crown and for over two hundred years they have left us and they have lost their claim, I am glad I don't feel that way about the Crown. I am glad that I feel that we have the best system of Government in the world and it works - Government of the people, for the people and by the people.

When I hear people in this territory speaking against the Crown .....

MR. PRESIDENT: I don't think that has been said in this debate.

MR. JOHN D. JEFFERSON: I submit, Mr. President. I feel that I have always and I always want to be loyal to my own flag.

A statement was made that only one country that has done worse than this was the Hungarian country, where hundreds of thousands of people were mowed down with machine guns and tanks ran over them - I think that's an awful statement to make in a peace-loving, God-fearing country such as ours and I deplore that statement, Mr. President, and I will never sell the interests of these Islands to anybody anytime anywhere. This Assembly followed the Second Member, Official Member as sheep to the slaughter what a statement to make! If all the countries in the world that had followed their leaders and had done as well as we had, there wouldn't be so many mishaps and <sup>so</sup> many sad stories told around the world.

And I am saying that the cadastral survey will never be given any directive as far as I am concerned in this Legislative at the expense of the people of the Cayman Islands.

We were told that Government has gotten several thousand acres of swamp lands in the North Sound near the West Bay area, Mr. President I am happy to hear that. I don't think the directives given are directives to take lands from anybody, but I believe the thing that we must never lose sight of and that is that we must not give away the people's land to anybody, any private owner regardless of who they are.

One member said we do many things wrong in this Chamber, and I believe that if we agreed to this motion this will be one of the things that we would be doing wrong.

MR. JOHN JEFFERSON (CONTINUING) I am very distressed, Mr. President, in no uncertain terms over the attitude that I see exhibited here, and the majority of the problems that we are facing in this House are personal problems and they shouldn't be here.

Statement- " Let's give the people back what's theirs ", so, I say let's see that the people hold on to what's theirs.

Many years ago this Government leased a piece of land on the West Bay beach which was the beginning of setting the foundation for the tourist industry in this Island, a meagre sum of one hundred pounds, I believe, was set - that, to us, should be a tribute I believe at that stage. I am not saying that there shouldn't come and there will not come a day when we must re-assess these whole things all these things, but I am saying we should look back as a landmark. When these Islands made a great change the days when I was going to school, Mr. President, I didn't have shoes, my Dad couldn't afford to buy me two pairs of shoes, but I bet my son wears out at least six pairs of shoes a year, and I am not bragging about that, I am complaining. But I am saying that it is time we realise that we are not as bad off as people like to say. I know it is getting towards election time - I know there is a great movement on to force this country closer to an election than it should be. There are people on the outside who are saying this is the opportune time to bring this Government <sup>down</sup> and let's have an election. We are dealing with cadastral survey and I am saying that what is good for the goose is good for the gander - what has worked in the West Bay and George Town and every other district will have to work in the rest of the Island, as far as I am concerned, because I think the system is good. I think the system is fair, I think the system, for the first time in these Islands, gives us what we never had before - clear title, clear title to the lands.

I feel, Mr. President, and I hope that in the future all the motions and legislation that we deal within the future will be something that benefits the Islands as a whole. I could never, and never will, give the people's inherent right to anybody.

MISS ANNIE H. BODDEN: Mr. President, I will venture to bet my last cent that if any one of these twelve legislators including myself, if somebody wanted to take their land that they feel is rightfully belonging to them they will go to their neck in blood. Now I am saying from personal experience, although I am a weak woman I am saying this, Sir, that the tendency in the Cayman Islands, not Government I am referring to individuals is to grab all the land they can get and there's only one human being in this Island of Grand Cayman that I would put my head on the chopping block won't try to get land that does not belong to him and that is the Rev. George Hicks, he never made any attempt to get any land in his days and I am sure he doesn't want it now.

Now, I know that people will grab land.

Mr. President, my mother had a piece of land and had a document from it from 1896 with a map attached. We were so poor, Sir, that it was fenced originally by my father, but as years went on that fence went to pieces. We had a next-door neighbour and we tried to fence our land. It took every human being in the Government to go down Whitehall to see that we got our rights. The adjoining owner, his daughter was married to a high official in Government, he came there, all the magistrates, all the police, everything that could assemble to take that land from us, so I know people will take land. Anyway, I stood up for my right and we eventually got the land. Sometime later on, when my sister was very ill unto death, I was trying to fence it the same people went and brought down the Chief of Police, the then Commissioner of the Cayman Islands and they took one whole day to dig up my fence posts. I got so annoyed I said "Look here, Major Watler," (I won't tell you the names of the other ones), "if you pull up another one of my fence posts today you see that crowbar there, I will kill you dead as a nip with it", and I meant it. So that boils up your blood.

MISS ANNIE H. BODDEN (CONTINUING) What has caused all the wars in the world? Was it the invasion of Poland and the First World War, I don't know where that was exactly, I was too young then and too old now to remember, but land is something that will boil up your blood.

Now I am not saying one thing against Government. I am the only being in the Cayman Islands that this Land Adjudication Bill cost any money. I was not against the law after it was forced down, I was against having only one adjudicator. I said let there be two in addition to this one on the law, that would be three and the majority rule. Of course, Mr. President, because I tried to state forward my views (not personal views), I was abused, I had to go to the Court House, I suffered five days in the witness box. I was even told about my sickness - I was abused. Papers went there to force the issue on me so that I could collapse, so I can't understand today, Mr. President, why there is so much comment and talk with every human being wants their rights.

Now, Mr. President, we hear so much about people giving away land. I don't know if the Honourable Member from Bodden Town gave away any, but if he did he is the only one. If you look at the Lighthouse Law, Cap. 85, you will see in that that a stipulation, section 4, "it shall be lawful for the Administrator to enter upon lands known as Gordon Bluff, East End, Grand Cayman and to take possession of so much as shall comprise an area of thirty square yards". They couldn't take that without the payment of money - they paid for it.

Now, Mr. President, I am not saying that I am going to support this resolution in full, because I know it is a waste of time, this last section 'Be it Further Resolved that the same system be adopted as in other areas instruction be given to the Cadastral Team and if necessary (this is the part I know won't work) the law should be changed'.

Mr. President, I brought here some time ago a resolution to try and get this swamp land defined and of course it was lost, but now I have a case, I've lost the appeal on that very ground. The Judge says I don't know what the local custom is - your adjudicator might know it but I don't know it, I don't know if I should appeal or not, but lands which belong to my client were given away to other people and I do not think it was right. I feel Sir, that we have this law, which I must tell you very candidly we sat for weeks in the chamber up there trying to get local customs defined, and I am sure I was one of the three who didn't sign the report because I did not agree with it. I felt we should make the law emphatically clear, knowing how people go about land, how they will take land that do not belong to them and I felt we should make no mistake put everything quite clear.

Now, Mr. President, I am no opponent of Government I fight the cause of Government, if they had land in my yard and I was aware of the fact it belonged to Government I would say take the land, but I cannot agree that we should change the system when we get to this eastern or midland or whatever part of the Island it is. I have two acres of land in Barkers, abutting the North Sound I would say it is on the South area. The mosquito dyke road is cut through it and I have absolute title for that land - no question about swamp or anything, right next door to it is swamp, but I have an absolute title for that and I feel, Mr. President, that we who haven't got any complaint, we can sit back complacently and say it doesn't affect me, but it affects somebody, and we as legislators are not here to pursue any personal gains, at least I know I am not. I have never gotten anything out of being in the Assembly except three free law books, except the pleasure I have got by serving the people of the Cayman Islands and I am going to continue to do that, the Lord keeping me in my health and strength.

Now, Mr. President, I feel that if these people of the Eastern district can present proper documents that they should have their just reward. I know that I have seen documents that would clearly give title to people to the sea. I am going to quote one, the Estate of Thomas Jackson - I have seen that document. I have not



MISS ANNIE H. BODDEN (CONTINUING) seen these other documents in question, but I do not think that anybody would be so facetious, if I must use the word, as to take a forged document into the cadastral survey and say I own to the sea, if they do not. I don't think there is a human being in the Cayman Islands that is a real true born Caymanian that would do that. While I know they love to get land if they can for nothing, they wouldn't really perjure their soul to that extent.

We'll never get this law changed. If Moses the law-giver were to come here and say this law is wrong, it would stay as it is and I feel, Mr. President, in all fairness to those people who have lost this 10,000 or whatever it is miles of land, or square feet or whatever it is, that the matter should again be gone into and if they can prove that this land has been in their possession according to this law, occupying the dry land, given possession to the swamp, they should get it.

Now I was in the cadastral courts some few weeks ago I must tell you the truth, Mr. President, my blood boiled up when I heard some people talking to Honourable Justices of the Peace and men of influence, men who were pursuing their claim about this said land. They were talked to as if they were puppies. Now they can't be got the kind of blood I got, or they would have walked out - I couldn't take it, Sir, I left. I feel, Mr. President, we should not deprive the Government of any land which they rightfully have a claim to. I am not advocating taking any land from Government, I cannot agree with the Honourable Man from Bodden Town who said that when we gave away the land on the seven mile beach we made such a mistake - we did not make a mistake - that was the foundation laid for the prosperity which we enjoy today and while I will say that the contract or the lease could not have been properly drafted, because there must have been a lot of loop-holes in it that the Government would not get any come-back, nevertheless, it laid the foundation of what we enjoy today, financially. I wouldn't say spiritually, because it certainly hasn't advanced us spiritually, but it laid the foundation of getting money in the Cayman Islands.

Now reference was made to a piece in the George Town area, X, I am saying, Mr. President, that that was most unfair because the adjoining man who has not even got a title to his land, he got clean to the sea. The land which he claimed and which was given to him belonged to people who had owned it for hundreds of years and I don't think it is right, but of course, it seems to me, Mr. President, that might sometimes overcome right.

I am not going to advocate anything about changing the law, because I know that is futile. What I feel, Mr. President is this, that if these people in the eastern or the midland area, wherever it is have legitimate claims to this swamp land, they should have it. Now I understand that the North Sound Estates, they have had a clean sweep, everything, and the man who owned land next door, his swamp land has been taken. Now how could that be right? It is not right. I feel that if they are going to take the swamp land from one take it from all, and start from West Bay, but if I have an absolute title for my land, and I am not a fair-minded person, I would say let Tom Brown's go to the Government, go to anybody, and that is not the right spirit.

In this Assembly, Sir, we are not here to advocate for any coming election in 1976 - the Almighty might have blown His trumpet and taken us all to glory, before then. What we must do is to study our present position, not what is going to happen in 1976. If I come back here as a representative of the people, I shall be very happy about it, and I shall continue to do what I believe is right, but it wouldn't take one ounce of flesh off of me, because I would consider that the people do not know what is best for themselves.

Now, Mr. President, I feel, Sir, that we could settle this matter quite amicably but people have rights and the thing that boils up people's blood is this thing you call land or territory I had a case at East End several years ago and the Crown or Government, if you want to call it, won the land, 1621 feet I believe it was - well, the ruling was there's no such a thing as No man's land - it belongs

MISS ANNIE H. BODDEN (CONTINUING) to somebody and the Crown, in this instance, got the land. Well I am not saying, Mr. President, that I was happy about it, because the owner of it had a receipt for ten shillings for this vast amount of land, but nevertheless, she, in my opinion, owned the land, and one Honourable Barrister from Jamaica won the case for Government on a history book, while the other barrister, who I consider a much better man, lost the case, and up to now, up to this present date, the owner is still coming to me "What am I gonna do?" I say "You have to accept the ruling of the Court".. Well, she is not satisfied.

I have another case, some more land in the same Eastern district where, according to my honest belief, Government owned some of that land, but I cannot conscientiously say they own all of it, nevertheless, the odds are against a man and I am sure he will lose it. Mr. President, what I am trying to say, Sir, is that I am very confident there is not one person in this chamber today who in their sound, sane senses will want to do anything to destroy this Government. We should be proud that we have such a Government, but I would like it clearly understood it didn't happen just because Annie Bodden is in the Assembly or any other one here today, Sir. The foundations of what we enjoy today were laid by the great forefathers and I feel that all this stupid aspersion about personality - it should be done away with. We are here to fight the cause of the people and that is what I intend to do.

Mr. President, I feel confident that this matter should be looked into very carefully. After all, the people in the Eastern district the only little bank account they had was a piece of land. George Towners were not that sensible, perhaps, they went to sea, but those people in the eastern district they put their all into land and I feel, Mr. President, that at this stage, regardless of the value or anything else, they should not be deprived of that right and I hope, Mr. President, in your able way of making peace on troubled waters, that you will intercede in this matter and see that justice is administered. Thank you, Sir.

MR. JOHN D. JEFFERSON: Mr. President, I would like to move an adjournment at this time.

MR. PRESIDENT: Is there a seconder for the motion?

MR. JAMES M. BODDEN: Mr. President, I think it is still early, as far as I am concerned, I 'd like to go on.

MISS ANNIE H. BODDEN: Mr. President, I promised myself I would be here until one o'clock, but I see the necessity of staying so I will stretch it until one o'clock tomorrow, but I feel that we could go on, say, half an hour or so longer.

HON. A. B. BUSH: Mr. President, Honourable Members, I'll try not to be so very long on what I have to say on this particular motion. We see in the very first part of the motion, the very first Whereas portion of it that the people are dissatisfied - I have no doubt that this is so and we see, again, in the first Resolve section that it is asking that the swamp land be treated as in other areas already demarcated. I believe this is so, I believe it is being treated in the same way. There is only one difference, as I can determine between what has already been done and what is to be done now and that is that there was dry land on both sides of a swamp, half of which swamp was given to the owners adjoining the swamp, the owners of dry land adjoining the swamp. This time we see a little different position or situation in which the sea now is on one side and its dry land on the other. The sea, as I think we all realise, must belong to the Government, to the Crown - surely no one owns that and in this particular area which we say in the Midland and Eastern area, I think it has been pointed out by the Member already responsible for Lands that there is no swamp on the eastern part of this island to the sea, but I think in the Midland area there is a lot of swamp which joins on to the sea.

MON.A.B.BUSH (CONTINUING) Surely we must concede that this, if it belongs to anyone, should be belonging to the Crown. I am sure that no one here, no one outside, would want to see any one owning all the foreshore of the Great Sound area, where there is nothing but mangroves but deep water running well inland.

Now, as I understand, what has already been done in these particular areas is that those owning the dry land have already been given half of what is considered the swamp area and so I don't see how anything could be any clearer than what has already been done. To give to the owner of the dry land half or his portion which has been established by local custom, half of the swamp, but, surely the other half, which is water from the ocean, from the sea, going well inland, which is also water, could be belonging, in my estimation, to no one else but the Crown. As I said I don't see how anyone could expect - what kind of a Government would anyone want to give the foreshore of mangra bush, red mangrove bush with water running well inland, away to any one individual. One could understand it if there were patches of dry land in between the sea and swamp, but as I understand it, there is swamp that runs right up until it hits the dry land and, as I said, that has been divided and given half to the owner of the dry land the other half to the Crown, this to my mind is fair enough, I dont see how any one can ask for anything more reasonable than that.

Then the very last part of this motion, the last Resolve section says that instruction be given to the cadastral survey, now I am sure that members will realise that this legislature, and no one else, could give instruction to the cadastral survey and it goes on to suggest that the law be changed. I must say I am against attempting, which I know would be wrong, to give instruction to the cadastral survey and I certainly wouldn't want to change the law at this stage when most of the Island has already been adjudicated on, because surely then you would get criticism that one section of this Island, one part of this Island would be adjudicated on under one law while another was under another law., so this to my mind is completely out, as far as I am concerned, and I really don't support the motion. But I think,, as I have said what has already been done is fair enough and if there was dry land out on the edge of the mangrove bush I think there might be a case for something and I feel that we should leave this alone, let the law be processed the same way or these claims be processed in the same way as other claims have been processed, those who feel aggrieved at the decision of the cadastral survey team, surely there is recourse to the courts, and this should be done as has been the case in other claims for other people.

I have never heard of anyone claiming, not until now, any of the areas which I understand are being claimed today; I remember as a younger man my father having had boats and in these particular areas we went, as well as other ship-owners of that time, to have the bottom of these boats cleaned, and as far as I know this was always considered Government property. It was on the edge of the mangroves, no dry land whatever - the only dry land we had was the ballast we took out of the boat and put on the edge of this mangrove until such time as we could put it back. No fees were collected from anyone and I am sure that if it had been claimed by anyone in those days, surely they would have collected the fee for such a job that was taking place there, and so, Mr. President, and Honourable Members, to cut my discussion on this very short, because I know that enough has been said on it, and I would say to Members let us be reasonable, let us look at this thing as the sea, which is really owned by the Government, by the Crown, being the owner of land on one side of the swamp and it has been dealt with so far as I understand that the owner of the dry land on the other side has already been given half of the swamp and if there is any claim from these who claim more than their share of what has been given to them, then the law should be followed and taken through and recourse in the Courts for whatever may be determined. Thank you, Mr. President.

MR. T. W. FARRINGTON: Mr. President, would this be a convenient time to adjourn?

HON. A. B. BUSH: I thought they said they would go on for a half hour more. Well, close the debate.

MR. PRESIDENT: I am at Members' disposal, I am prepared to go on or adjourn as Members wish, it is certain it will go on tomorrow morning.

HON. D. V. WATLER: Mr. President, we have another motion coming up so we will not be able to get through this afternoon I will move then that we adjourn until tomorrow morning.

HON. G. E. WADDINGTON: Second.

QUESTION PUT: AGREED;

MR. PRESIDENT. The assembly stands adjourned until 10 a.m. tomorrow morning.

ADJOURNMENT

AT 5.12 P.M. THE HOUSE ADJOURNED UNTIL FRIDAY THE  
12TH OF DECEMBER, 1975 AT 10 A.M.

M I N U T E S

FRIDAY, 12th December, 1975

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE., - PRESIDENT

GOVERNMENT MEMBERS

HON. D.V. WATLER, CBE., JP	FIRST OFFICIAL MEMBER
HON. G.E. WADDINGTON, CBE., QC.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A.B. BUSH, J.P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION )
HON. BENSON O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, SOCIAL SERVICES, HEALTH, LABOUR)
HON. W.W. CONOLLY, OBE., JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, AGRICULTURE, MRCU SURVEYS)

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ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE., JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE.

ORDERS OF THE DAY  
FRIDAY, 12TH DECEMBER, 1975

1. PRIVATE MEMBERS' MOTION:

- (a) MOVED BY JAMES M. BODDEN  
SECONDED BY MR. G. HAIG BODDEN - CADASTRAL SYSTEM  
CONTINUATION OF DEBATE
- (b) TO BE MOVED BY MR. G. HAIG BODDEN - CONSTITUENCY OF  
BODDEN TOWN  
TO BE SECONDED BY MR. JAMES M. BODDEN - CONSTITUENCY OF  
BODDEN TOWN
- 

WHEREAS THE REPLY GIVEN ON THE 8TH DECEMBER, 1975 TO THE  
QUESTION CONCERNING CAYMAN AIRWAYS LIMITED WAS NOT SPECIFIC

BE IT RESOLVED THAT UNDER STANDING ORDER 27 DEBATE BE  
ALLOWED ON THE REPLY TO THE QUESTION.

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FRIDAY, 12th December, 1975.

10 a.m.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

PRIVATE MEMBER'S MOTION: CADASTRAL SYSTEM (CONTINUED)

MR. G. HAIG BODDEN: Mr. President, Honourable Members, many words have been spoken in favour of this motion. Nothing has been against it, so far. I therefore promise to keep my debate to about half hour since we have another motion that could well take us into Monday.

This motion has been brought in the interests of fair play. The golden rule could well be applied to it - do unto others as ye would that they should do unto you, or do unto us as ye have done unto the Western district.

It is fair to say that the Western district was adjudicated in a half decent manner but what is being done in the midland district and in the eastern districts leaves much to be desired.

The adjudication is far below the standard set by the adjudication Law - it is far below the standard set by the legislators who passed that law in 1971. Now I know that the Memorandum of Objects and Reasons is really not a part of the law once the bill goes into law the Memorandum of Objects and Reasons doesn't mean much, but it does set out what the law intends to do, the reasons for it and it is a useful instrument in the presentation of a bill. I would like to quote just two paragraphs from the Memorandum of this bill, the first one is -

proof of uninterrupted possession for 12 years or more or production of documents more than 12 years old establishing ownership of land in fee simple will entitle a person to be recorded as the owner of the land with an absolute title.

That is what the Memorandum says will be put in the law, and that was put in the law, and that is enshrined in the law, and yet we have an adjudication hearing or an adjudication court which is not accepting documents that are more than 60 years old when it is put in this law that the production of documents more than 12 years old establishing ownership of land in fee simple will entitle a person to be recorded as the owner of the land with an absolute title.

Also this paragraph says that proof of uninterrupted possession for more than 12 years is sufficient to establish absolute title. We have people who have owned land for far more than 12 years and during that 12 year period they were never interfered with by Government, they were never told that the land was not theirs, yet we come to a situation where after long possession, and after holding documentary title the land is given to Government.

But a more significant paragraph is the ultimate paragraph of this Memorandum - the law incorporates provisions by which the requirements to enable persons to establish claims over Crown land are very much relaxed. That is the Memorandum of this Law - it says that provisions are in it and I can tell you that provisions are in this law, so as to relax the establishment of claims even where Government owned the land, and furthermore, in the law it goes on to state that even where the land has been recorded in favour of Government that if a person can show possession or can show documentary title that the records could be changed in favour of the claimant.

Now to show that what was put in the Memorandum was not put there merely to pass the bill and to fool people. I'll show you the sections of the law that put into law what the Memorandum said, would have been put in this Law. Section 16, dealing with the principles of adjudication, (2) "has a good documentary title to the land and that no other person has acquired a title thereto under any



MR. G. HAIG BODDEN (CONTINUING) law relating to prescription of limitation and that he would succeed in maintaining or defending such possession or title against any other person claiming the land or any part thereof. The records officer shall record shall person as the owner of the land and declare his title to be absolute". And in (1) of the same section 16 it says, "in preparing the adjudication records, if the records officer is satisfied that the person is in open and peaceful possession of a parcel and has been in such possession by himself or by his predecessors in title for an uninterrupted period of twelve years or more the records officer shall record that person as the owner of the parcel and declare his title to be absolute".

This is not being done- Many instances the records show that this is not being done. Land that has been in the possession of certain families for three hundred years in uninterrupted possession for three hundred years is now being taken away.

One member took objection to the words that the land was being stolen from the owners, if they don't want to use the word "stolen" they can use a nicer word, they can say it is being adjudicated away from them, if they want to say that but the plain fact remains that the people who owned the land no longer own it and if that is not stealing you can search the dictionary and you will come up with a hundred other words that could be used - it could be "highway robbery", it could be "adjudication", it could be "simply recorded against them" - you can use any terminology you want but a rose by any name smells the same.

We hear people that are supposed to have legal knowledge talk nonsense about all land is crown land - no such thing exists. It did exist during the feudal system in the middle ages in England, all lands belonged to the King, but the feudal system is passed away, long time ago and at that time it was held that anybody who owned land only owned it as a tenant, just like living in a rented house, the land was the King's and that was so but with the doing away with the feudal system what happened was that people began to get title for their land and some of them acquired such an ample title that in effect the land was absolutely theirs and throughout the British Commonwealth that fact is recognised, that a person can have a free-hold title, which is an absolute title and it can be so unlimited and so ample that the Crown cannot say it owns the land.

We recognise this in our laws - the Police cannot enter a man's house without a search warrant - it can't be said that the Queen owns the land and all the property on the land. We can't say that the King or the Queen has absolute title to the land and all land is Crown land and the King can enter - nobody can enter with exception of a very few rare cases, but they can't walk in as they like and so the Crown does not own land anymore - that passed away with the feudal system.

This is a matter of history. Are we trying to bring back the feudal system which was a disgrace to humanity the way the feudal barons oppressed the serfs who rented the land and lived on it as tenants? And this is all nonsense for people that are supposed to be schooled in the law to be trying to fool the uninformed about the Crown owns all land. Crown doesn't own all land - the Crown owns its Crown land, but where individuals have acquired land over a number of years that person, that individual has absolute free-hold title to the land and so the argument is hallow that all land is Crown land and therefore Government is entitled to it.

This Law makes provision that where you hold good documentary title for 12 years or where you have been in possession for 12 years you can be recorded as the absolute owner; what must the adjudication do when it comes up against such documents and such long possession, and that's to discard those documents. To say that a document made 60 years ago is ancient, is all foolishness and this is the type of judgements that are being handed down. It is utter nonsense. I am happy that the adjudication system is not a court of law because it would be the ultimate disgrace to this Government if that were a court of law.

MR. G. HAIG BODDEN (CONTINUING) I am proud that our courts are beyond repute and that we have in this country judges that uphold the law and that when appeals come up from the Tribunals the judges say "we can't deal with this matter because you have never defined local custom". But local custom is being used in this adjudication system but it is the local custom that some people have just made up - it is not the local custom that pre-vailed over the last three hundred years. The local custom that our people know, with the division of land, was that if a swamp or cliff or button wood, whatever it was, was between adjoining dry land owners, the owners of the dry land would own one half of the swamp or cliff, if there were only two owners, if there were more owners it would be split proportionately but that is not being used anymore. What is being used is that if you owned the sea, or the public road it gives you title to half of the swamp and half of the cliff, that is not so. The custom was that dry land gave you title to part of the swamp, but land itself didn't give you - in other words it can be argued that land covered with water is still land and the foreshore and the high water mark is land covered to a certain extent by water, and they have twisted our local custom, they have made a mockery of it to suit themselves.

Local custom was not defined in the law and it is a pity and it is a further shame on this House that when the Lady Member brought an amendment to have it defined that it was not done. This Assembly fourteen years ago, 1961 accepted the fact that the local custom in these Islands was that if you owned the dry land you would own half the swamp, but if you owned the "wet land" you would get nothing.

A Member of this Assembly said - September, 1961 and I am quoting from the Minutes of this Assembly - a member said - that member was Dr. Roy McTaggart - he said - (and I am using the actual words), "that in actual practice ownership of dry land gave ownership of half the swamp". Ownership of dry land gave ownership of half the swamp and that declaration was accepted by this Assembly - that declaration was accepted, but it is not understood any longer, because he said here "ownership of dry land" entitles you. But it was not local custom that ownership of the sea or ownership of the foreshore, or ownership of the high water mark would entitle Government or any other person to a part of the swamp. I am safe in saying that this declaration made in September, 1961 was accepted because no other member questioned it - no other member contradicted it. And the Administrator himself confirmed it - he was the next speaker and he said that there would be no claims to individual ownership of tidal lands. In any cases of dispute the courts would decide.

And sitting in this chamber are Members who were present at that 1961 meeting. Our local custom was and is except when decided by this tribunal that ownership of dry land will give you a right to a part of the swamp, but ownership of land alone does not give it. And there is a difference and I think my members who always suffer from aphasia are <sup>having</sup> difficulty in understanding the difference between land and dry land. Land is a broad term that includes dry land, as defined in this - "wet land" and all sorts of land but "dry land" is a particular kind of land. Reading from the definition in this same law - "land" includes land covered by water, all things growing on land, buildings and other things permanently affixed to land, so we have put ourselves into a mischief by allowing people that didn't know anything about the local custom to come here and play the fool with the inhabitants of these Islands, the people who knew the local custom, the people who observe the local customs, the people who knew that dry land and only dry land could give you a right to the swamp and the cliff. Will we hear when we get up along the East End road that Government owns the public road and they also own the sea and that all the land in between will be theirs? What nonsense! What nonsense! Will they say when they get to Breakers that Government owns the land which is the public road and Government owns the land which is the high water mark and they own my property in between and they are entitled to half of it because they own the land? No, they own dry land and it is my

MR. G. HAIG BODDEN (CONTINUING) contention that in our Island dry land has never meant the public road, and dry land has never meant the high water mark and dry land has never meant the fore-shore.

The responsibility for the adjudication has been placed upon this Assembly, has been placed more so upon the Executive Council. In our Courts the Judge can make rules for running his court - he can set up guide-lines - the Judge can do that. The adjudicator can't do it. Clause 26 of this Adjudication Law reads "The Administrator in Council" (would now mean the Governor in Council) may make regulations for the purpose of carrying into effect the provisions AND THE PURPOSES of this Law. The Legislators who passed this law must have been imbued with wisdom from on high to put into this Law guidelines for the safe management.

This Law, which we heard from the Members that spoke had a very rough passage through the House and the reason for it was that they were here dealing with land which, to the Caymanian, means much. And so the legislators put in every safeguard that there could be in a law to guarantee the proper administration. It is the responsibility of Executive Council and Executive Council alone to tell the adjudicator how he must carry out, not only the provisions of the law, but the purpose of the law. That is why I dealt in the beginning with the purpose of this Law.

Although the Memorandum of Objects and Reasons is not a part of the law or is not normally a part of the law section 26 of this law makes the Memorandum a part of it, because the Memorandum sets out the purpose, they have used another word "reason" but it means the same thing. The Memorandum sets out the reasons and section 26 arranges for the carrying out of those reasons and we heard that directives had been given and directives had been changed and they can be changed again.

This Law is not being followed to the letter.

My friend who is responsible for Lands tells about his little Black Book in which three thousand acres of swamp land in the North Sound would have been sold by this Government in 1961. An examination of the Minutes of the Assembly meeting dealing with the agreement between the Government and Cayman Reclamation Company does not, in any way, give conclusive evidence that Government owned three thousand acres. Section 1 of that Agreement says that Government was granting certain rights on the condition that subject to the Company obtaining the necessary permission on or from any persons who own land in that area. Section 3 says that it is proposed to reclaim and create land. Now if Government had reclaimed that land that was under water, if they had reclaimed that land, they would then have dry land and might have a right to the adjoining swamp. But they didn't reclaim - nobody reclaimed. The Agreement fell by the wayside.

Section 4 also says that the company had the right to reclaim the land described in Schedule A. One of the reasons why Government has not yet sold that land is because that Government at that time had no title to it - they still have no title. They have not possessed it in any way - it can't be theirs by possession.

One Member mentioned that if you don't like what the Tribunal does you can appeal, but that Member didn't give you the statistics on the cases that have been appealed he could well have told this House that all the appeals, or most of them, went the way they were adjudicated because the Appeal Court could not upset what had been passed for local custom because the Court doesn't know what is local custom - the Court doesn't know what is local custom, because local custom has not been defined in this Law, But the adjudicator knows what is local custom - he knows what is told to him by the people who direct him. He knows what is local custom in West Bay, or what they want for West Bay and he knows what is local customs for Bodden Town, or what they want him

MR. G. HAIG BODDEN (CONTINUING) to know, he knows what he is told and he knows what they want him to know. But the Judge of the Grand Court doesn't know because it is not written into the law and this is the crux of the whole matter. We have a law that is being administered and a system that is filled with partiality, depending on who you are and where you come from and what you own.

I promised not to talk long, so I'll make a few comments on the motion itself. This motion says "Whereas people in the eastern district have become dissatisfied". One Member was quibbling over semantics and he talked nonsense about Midland district and mid-section and all sorts of nonsense; for the purpose of this motion, we are looking on this problem as the Western district and the Eastern districts. The Eastern district here includes North Side and East End and Bodden Town and Savannah and Duck-Pond, the Western district is a line west of Spotts for the purpose of this. In fact, the Island stops at Crewe Road anyhow, so that anything east of Crewe Road is Eastern district, and if the Development Plan had been accepted the canal would have made the physical separation, not having done that I understand the new road, the new canal road will go a long way in making the separation final. But the Member well understood what was meant by Eastern district - he knows what we mean - he knows we are talking about the land that is not completed - he knows we are not talking about West Bay, because that was done according to local custom - he knows the words here Eastern district signifies the areas that are being dealt with by a custom that has been recently set by the new adjudicator. It is my contention that we got rid of an adjudicator who was fair and who handed down decisions from which, in the words of the Member himself, there were only 06 per centage of objection - he told us about thousands of parcels of land that had been satisfactorily dealt with, accepted by the people and this man, who would not give to Government what they did not have, has been packed off the Island. I don't know why he left - I don't know where he has gone, but the fact is, the plain fact is that the man who did the honest adjudication in the West Bay area is no longer with us - he no longer sits on the tribunal and anybody can draw whatever inference they want from that.

This resolution is asking that the Eastern section, (and I wonder if the Member notices that word "Eastern section" and that has nothing to do with politics - that has nothing to do with the division set by the Election Law, or nothing to do with any little mark he might make on a map), we are asking that the entire Eastern section be treated as in other areas already demarcated and given to the lawful owners - that is what we are asking in this resolution.

And the last paragraph of the motion asks that instructions be given to the cadastral team - that might have stated that Executive Council complies with section 26 of this Law that would have been another way of putting it, so they can't tell me about they can't tell the adjudicator what to do - they can well tell him, because ample provision is in this Law - they can make regulations for the carrying into effect of the provisions of this Law, and not only the provisions, but for carrying out the purposes of this Law.

And we went on to ask that if necessary the law be changed, that is contingent upon it being necessary, but this law has been changed - this law was changed in 1973. I have an amendment here, and you know why it was changed to make more flexible provision for the appointment and composition of the Land Adjudication Tribunal. So don't tell me about the law can't be changed. It was changed and it can be changed, if necessary, but it is not necessary to change the law. If section 26 of this Law is acted upon, in the preamble to this motion we mentioned that the people have become dissatisfied - that is true - very dissatisfied.

MR. G. HAIG BODDEN (CONTINUING) The Members are aware of this. Two members attended a meeting in West Bay, a meeting that was announced in one of their own churches. The Member for East End attended a way-side meeting in East End and I am disgusted with being asked every coffee-break, and every morning and every evening if I can tell them when the next meeting is. And these meetings that are being held, Mr. President, because the people are dissatisfied. I hear on the outside that a march has been planned against the way this adjudication is going - I don't know if it is true, but I hear so and we must listen to the drum-beats which we hear, because if we don't we will step out of tune.

Some Members are already stepping out of tune and it is not because they are not hearing the drum-beats - it is because they are listening to another drummer, one that is far and distant.

This motion has been criticised a little but as I said in my opening, nothing has really been said against it, nothing can be said because every word in it is true, the people are dissatisfied - we want to be treated like the West Bay people were treated and we have asked that Executive Council carry out the provisions laid down in section 26 of the Law and I hope this House will listen to the drum-beat.

HON. TREVOR FOSTER: Mr. President, Honourable Members, it is said that an abundance of words is a comfort to a fool's heart. Mr. President, I will state emphatically that after four weeks I don't know whether the fools are being comforted or whether the wise people are, but at this point it has not really added to my better thinking this morning.

Mr. President, Honourable Members, we have heard about land, we have heard about directives of the Executive Council, we have heard about the adjudication, we have heard about everything wrong.

Mr. President, Honourable Members, one thing we can boast but I don't think Caymanians, and when I say Caymanians I mean the people of Grand Cayman, love their land any better than the people of the Brac. But, Sir, in the last seven years as termed I flew across these Eastern districts many days, and I fail to see where the land these gentlemen are talking about. Giving that we are used to seeing solid land. But this reminds me of the Bank Song which is so popular around here "Where has the money gone?" I sometimes wonder where has the land gone, because when I fly over the Eastern end, passing the North Sound, all I see is water! This is getting a bit serious.

We hear about meetings, yes, propaganda. It is going so far, Mr. President, that it is even spreading to the Republic of Cayman Brac. Now what I am saying now is not propaganda, that's a fact. Mr. President, I will be very honest with you, I was elected to this House to represent my constituency in 1968 and sitting here for the last, should we say, two weeks, although we've been here four, I often wonder, in the name of creation how this Cayman Islands existed before our two Members from the ex-capital of the Island came into the House. It makes us stop and think just what took place.

Mr. President, Honourable Members, I quite well remember in 1971 when this Law went to a Committee it was studied in detail by Members - it was amended as those Members saw fit at that time and it was not quite as Members stated that we were led as lambs to the slaughter.

Mr. President, the Members of that time studied the bill very carefully - they were given the opportunity to amend the clauses - they were pointed out the benefit this legislation could be to the Islands and when I sit here and hear that the people are dissatisfied the blood begins to boil, if you have any. Surely, there are problems to be faced in any phase of life and as I stated before, the Brac people love their land - this

HON. TREVOR FOSTER (CONTINUING) was amicably accepted by the Brac people - it went off, the whole survey, went off in due time without many disputes. It has put landowners in the position where they have guaranteed titles - they know what they have. It has put landowners in a position that transfer today is very simple - no doubt many members here have been to the Department - it is very simple - well organised and one knows what he is buying or what he is selling now.

Just week before last, to give you a small example, I was purchasing a piece of property in the Brac, the transfer was being made. Shortly after I applied for the transfer the particular person, not being aware of how the system operates and no doubt having a feeling for more money at the particular time, decided that they would take another deposit on the same piece of land. By the time the two parties got to the office it was rectified immediately. Mr. President, Honourable Members, everyone is aware that this caused a lot of problems in the past years. You could sell a bit of land until the new owners found out about it, two or three times.

I am not convinced that the then Members of the House studying this bill led the Cayman Islands into distress. Mr. President, in my own Island we are large landowners and I don't think that it has affected us any. We got what was originally ours - as simple as that.

Cadastral survey on the other hand, in the two Lesser Islands, was nearly a phase of development, because it brought to the people a lot of work.

You've heard a lot about local custom. In 1949 my family returned to these Islands from Jamaica - I was a little bit of boy but from the time I can remember myself we have always heard and I will explain after the statement, that there were 3 Cayman Islands, the Brac people, and Little Cayman people were different from the Caymanians. Mr. President, for seven years I've been trying to erase this, not only here, but in my own Island, but my God I am wanting to believe it is very true now, the very local customs are different. Should that be such a change? Our people in the Island didn't claim our swamps and these are what I term "inland swamps" with dry land, and I am not talking about Cayman dry land, because you know there is a lot of difference, we are solid up there - this is good land all around the swamps and Cayman Brac didn't claim the swamp or as we term it, "pond". We watched out for the cliff, though!

Now, Sir, I fail to see how so much difference in the local custom. The Member spoke about his forefathers; the forefathers of the Brac, many of them were in Grand Cayman before they came to the Brac and, Mr. President, I believe that they too would have fought for their rights as much as any body else. I believe the people in the Brac would fight for the right of their people as much as anyone in Grand Cayman, but can there be that much change in the local custom?

I don't know if all the Members of this House made good of the opportunity when they were offered to have aerial view of their Grand island in the MRCU helicopter, but it may well do and it may well help if Members utilised this trip, because when I sit here and listen to Members talking about inherent right and the land of the people, I would like somebody to show me the land they are talking about on the shore of North Sound, its mangroves and its water.

Mr. President, is our Government a foreign institution here? It seems sometimes that it is. The Government of the Cayman Islands is for the people, certainly even if they claimed certain lands and are awarded certain lands through the Court process it will be for the use of the people of these Islands and one really gets a bit disturbed when comments are made

HON. TREVOR FOSTER (CONTINUING) that they are stealing the people's land. Who are the people, who is Government.

The point was made sometime ago by our learned Second Official that you can't steal land, be that as it may, I am certain you can't steal that land, as there is no land there really.

Mr. President, words to the effect that documents were ancient and that the adjudication system, although stating that it is by documentary evidence of over twelve years it would be accepted, Mr. President, I agree with this but the Member, Sir, has really confused the issue. You know, land is something great in the minds of all Caymanians, and mine too, but its not that cadastral won't accept the ancient documents, what brings the problem is the recent additions to the documents - that's the problem, Sir...

MR. JAMES M. BODDEN: A point of order, Mr. President, that is not correct. The Member doing his studies should do a better research on what he is talking about. The document we referred to in our speech yesterday was done in 1913 and there's nothing wrong with that document and go check with your big man up here, the cadastral man, and he would tell you that. You may be talking about one since that, but not the one we referred to that was 62 years old, so please do your research before you bring something out and try to make it as truthful on this floor.

HON. TREVOR FOSTER: Mr. President, I didn't refer to any particular document, very general. Mr. President, I'll be very honest with you, Sir, you know, if the cap doesn't fit people I don't know why they wear it - its as simple as this.....

MR. JAMES M. BODDEN: A point of order, Mr. President, its not about the cap fitting anybody, the point is we.....

MR. PRESIDENT: That is not a point of order - this is debate, the Honourable Member has his chance to reply on this when he is winding up.

HON. TREVOR FOSTER Mr. President, again, Sir, I did not state any particular document, it was a general statement and I feel I have the right as any other member here to make these statements.

Mr. President, the adjudicator, in Grand Cayman in the position he is, also in Cayman Brac and Little Cayman, is assisted by Assessors which are local people. Although it was stated that the Assessors sit by the adjudicator, say nothing, and therefore they become like statues, Mr. President, I dont think this is quite right. The Member just said to me that I should do my research and my homework and I think this is just what the assessors and adjudicator do before they come to the tribunal - they do their homework, but surely, Sir, the Assessors should know a little bit about local custom in the Cayman Islands. If nothing else would have convinced me that the whole motion is not quite correct is this, I feel that the Assessors are local people, they no doubt have a knowledge of what is taking place in this Island over the years and I think Members of the public can rest assured that they have voiced their thoughts in most cases.

Mr. President, its unfortunate that in our Islands today, we as representatives can't legislate laws that suit every member, that suit every person in the Island, but through the process of democracy, the majority rules. So many things that have gone through this House that personally as one Member of the House I did not agree with, but in turn I have to know that I am part of a small democracy and therefore the majority rules, and we have to accept it as such.

HON. TREVOR FOSTER (CONTINUING) As one Member spoke about the bill, he said that he could not agree with it inasmuch that there should not be any change for the Midland district or the Eastern district, as they wished to be termed. I can agree with this. I think that whatever is suited for one part of the Island should be suited for the other part. Now if the Member had said what is suited for Grand Cayman is not quite suited for Cayman Brac, I would agree. This is another thing, this is a different Kettle of fish, period. And here again I am proving it as a fact of the difference of local custom.

Mr. President, I cannot support the motion. I can't state that I feel that through the cadastral system people are losing their rights and their land. I do not feel that we have been done over with this law, I feel it has put us in a position with our land titles that we can rest assured that we know who owns the land now, whether it be individuals, whether it be Government, or whoever it is; we were not in that position before. The survey and the introduction of the cadastral system did never state that you would not have problems with boundaries. I can remember one of the gentlemen introducing this into the Brac stating that you would always have problems with boundaries because rocks or pillars or iron rods seem to rest stiller in the day but at night they tend to arise and move themselves. This is very true, so there is never any hope that you will have complete satisfaction with boundaries because people don't always think alike, people are greedy, etc. but it will assure you of the title.

Mr. President, we are in hopes that this House should adjourn this afternoon, for this Session and before bringing to a close my brief statements I would like to utter a few words of constructive criticism to our press.

MR. PRESIDENT: I think I'll have to ask the Member to make these remarks on the motion for the adjournment, I think this is getting away from the subject matter of the debate.

HON. TREVOR FOSTER: I agree with that, Mr. President. Mr. President, my contribution to this motion is that it is impossible for me to support it. The adjudication system, the cadastral system has taken place in my constituency. It has gone on very well. There are a few disputes left to be settled but this is natural and I find it impossible to support the motion, inasmuch as we are always told the Cayman Islands are one, and I feel that it should be one under the cadastral system now. Thank you.

HON. G. E. WADDINGTON: Mr. President, and Members, I didn't intend to speak in this debate because it is largely a political matter with which I am not particularly concerned, however, Mr. President, there is just one or two points which I should like to make and firstly, the first point is in connection with a quotation which was referred to by the mover of the motion from a statement made by me in the House at the time when the Land Adjudication Bill was passing through its Second Reading, and because of that it has become necessary for me to point out that that quotation was taken entirely out of context in which the statement was made.

If I understood the Member, the Mover of the Motion correctly, he referred to this quotation in support of his motion in an attempt to show what I was saying then was that no land in the Cayman Islands could be Crown land. If, however, the whole debate on that occasion is read it will be seen, Mr. President, that that was not the meaning or the intention of my statement. It was the debate on the Second Reading of the bill for this law and the speaker had referred to section 17 of the law which is the section which says that all unclaimed and unoccupied land shall be deemed to be Crown land, and the general tenor of the



HON. G.E.WADDINGTON (CONTINUING) debate indicated that there were grave fears that a great deal of land would pass to the Crown. It was in that context, Mr. President, that I endeavoured to allay these fears by making the following statement in my speech in the debate, and I quote -

"Then the Member went on to refer to section 17 of this bill" ( I was referring to the Member who was referring to this section), "and that is the section which states that all unclaimed and unoccupied land which shall be deemed to be Crown land . Well, I can't see anything wrong with that, because on both provisions I can well see that no land will be Crown land - I can hardly imagine any unclaimed and unoccupied land in the Cayman Islands".

Now, Mr. President, what was being conveyed by that statement was that Members need not fear that much land would be deemed to be Crown land under that section, because it was highly unlikely that there would be any land in respect of which a claim would not be made by someone and once such a claim was made then the land could not be deemed to be Crown land. But, of course, it is one thing to make a claim and another thing to substantiate that claim. But the point is, Mr. President, that once a claim is made then the land cannot be deemed, that is to say, presumed, to be Crown land, the matter then becomes one for the adjudicator who must then adjudicate on the claim and make his decision as to whether or not the claim has been substantiated.

Now the other point I would like to make, Mr. President, is that it seems to me that what this motion is seeking to do is to use this Assembly as an appellate tribunal and this, of course, is not permissible. The Land Adjudication Law contains very adequate provisions for any person who is aggrieved by any act or decision of the adjudicator to pursue proceedings by way of appeals to higher tribunals, in order to correct any decision of the adjudicator which is erroneous in point of law, and when I say appeals to higher tribunals I don't mean appeals only to the Judge of the Grand Court, but appeals also, if necessary, to the Court of Appeal, for the Cayman Islands, which is the court of Appeal for Jamaica, and if necessary to the Judicial Committee of the Privy Council. Now the adjudicator occupies a quasi judicial position under the law and his duties and the exercise of his discretion is provided by law. He is obliged to perform his duties in a judicial manner and no one, not even the Executive Council, as suggested by the Secunder of this Motion, can give any instructions whatever to the adjudicator as to the manner in which he should perform his duties, Mr. President, I was amazed to hear that statement because it is tantamount to saying that the Executive Council could instruct the Judge of the Grand Court as to how he could exercise his judicial discretion.

There was a lot of criticism of the adjudicator in having rejected documents of titles 60 years old, but we should remember, Mr. President, that the law sets out what a good documentary title is. It means a title which is evidenced by documents which establish that a person is entitled to land in fee simple. Now a document can be one hundred years old but it needn't necessarily establish that the person to whom the grant was made is entitled to land in fee simple. It all depends on the recital contained in the documents which show that the vendor was himself entitled to the land in fee simple, so we should remember that these are very difficult matters of interpretation of documents which the adjudicator has to perform and it is, in my submission, wrong to criticise this judicial officer for anything he may have done. I am not saying he was right, he may very well have been wrong, but the point of my submission, Mr. President, is that if he was wrong, then there are procedures set out in the law whereby that wrong can be corrected and those appellate procedures should be followed and it is quite wrong to endeavour to side-track those procedures by bringing to the

HON. G. E. WADDINGTON: (CONTINUING) Assembly a motion of this nature. That's all I would like to say, Mr. President.

HON. BENSON O. EBANKS: Mr. President, if I spoke only on the merits of the motion before us my comments would be very brief and I will make those comments towards the end of my contribution, but in dealing with this motion and particularly with its introduction a lot of history was given as to how the Land Adjudication Law 1971 actually came into being. I would hope, Mr. President, that I would be afforded the same latitude to really put the records straight on some of those matters.

I was around in those days and I also know what took place. It was said that it was the first time in the history of the Cayman Islands that a bill was refused introduction into the Assembly. That is quite true, Mr. President, but there is something which comes before that. The Land Adjudication Law, 1971 as it was passed, is not the bill or the law which was presented to the House in the first instance, nor was it the bill that was proposed to be brought to the House. Negotiation was going on with regards to this bill and Members of this House during that period asked that the bill be presented to the House, so that the then President was put in a position that he had no alternative but to present the bill to the House, and the bill was brought to the House with the accompanying announcement that it was being presented to the House without the approval of the then two elected Members to Executive Council and that we were going to vote a conscience vote on the bill.

Naturally, Mr. President, why I objected to the bill coming at the time was because I knew that what happened was really what was intended to be done from the beginning. There was no intention of supporting, when the bill was asked for, it was only intended to cause embarrassment to the Chair and this is when the then President of the House was called back to London for discussion and a message was read to the House imploring members to use the good commonsense which they had always exhibited and to consider the bill. We were given the assurance that the bill would be subject to amendments and that was why Members agreed to consider the bill.

The Member says that the then Members of the Legislature followed blindly and fell like pins in a bowling alley at that announcement. Mr. President, to me it was far more wisdom to have taken the opportunity to have studied the bill, negotiate and amend it than to have had it passed in the original form. That wisdom has been borne out by both the mover and the seconder to the motion before the House today, because both of them have, although the mover criticised the then Members in the beginning of his speech, before he finished, in trying to Prove his case, indicated that the Members of the Assembly had enshrined the protection of the public in the bill. So, the Land Adjudication Law, 1971 is the product of a study of many long sessions in committee and I am saying that it meets adequately the requirements for protecting the rights of individuals as regards land, in the Cayman Islands.

It has been said that much has been said about this motion before us and that is true, Mr. President. It brings to mind a recent article which I read which in part says that when <sup>one</sup> pursues any virtue to an extreme it becomes a contradiction and turns into its opposite and this is what we found happening as the debate went on. Some personalities also make a career out of being disappointed in other people. This enables those people to satisfy, among other things, the need to feel superior, but be all of that as it may I am going to get down to the crux of this motion.

HON. BENSON O. EBANKS (CONTINUING) As was stated by the last Member, in my opinion, this motion should have been very easily dispensed with, if it should have been here at all, because the motion, in my opinion, seeks a legislative remedy for what is provided by law to be remedied judicially. If we were to attempt to condone resolutions or motions of this nature, it would be possible to find that because one judge fines a person thirty dollars for an offence and on another day another judge happened to fine someone sixty dollars for the same offence, well, the resolution would be tantamount to us being able to bring a resolution asking that this House order that the fines be the same.

Now one of the Members quoted section 26 and tried to make this appear as though the Executive Council has the authority, by regulations, to direct the adjudicator to make certain decisions. Mr. President, if that had been the case, section 23 would not have provided that any person including the Administrator (which means the Governor now) who is aggrieved by any act or decision of the adjudicator and desires to question it or any part of it must appeal to the Grand Court. This is proof positive that not even the Governor, nor the Governor in Executive Council can direct the adjudicator to give decisions favourable to the Crown. The Crown stands in the same position as any other landowner under this law. The adjudicator makes his decision, if the Crown is aggrieved they appeal. So it is not correct to suggest that section 26 gives the Executive Council the right to make regulations directing the adjudicator to act in any way, any specific way as regards his judgment.

I think the suggestion was also made that Executive Council had not made any regulations under that section, but regulations were made in 1973, setting out certain procedures on appeal and so on and this is the type of regulations which is referred to under section 26.

Much effort has also been made to cloud the issue as to why a definition of local custom was not put into the law; again, Mr. President, we heard from the Member of Executive Council from the Brac that the custom, as regards swamp land in Cayman Brac and Little Cayman is not what is claimed to be custom here and that is the specific reason why local custom was not defined in the law. When the law was being studied the Committee was informed that custom in those two Islands and possibly in different parts of this Island were not the same, and for this reason local custom was left to be determined by the adjudicator and by persons who would be his assessors - local persons with local knowledge.

We also heard, Mr. President, about the cost of this exercise. It is no secret that when this bill or this process was introduced or proposed to these Islands that we were told that it would be free of cost and I have always supported that this had been said, but if Members would cast their memories back, the last President of this House brought a message here on this matter and the consensus at that time of most Members, up to one point of the proceedings was that this Government would pay quite a large proportion of the cost. The argument went something - "you don't get anything for nothing" and "we want to pay our cost", and it was at that point in the debate or in the proceedings that I made an intervention and said that I was not satisfied that the matter had been sufficiently explained and the resolution which the then President was attempting to draft was discontinued, because Members joined at that point in saying "may be we should look at this thing again".

It was subsequently, of course, reduced by negotiation to a 70-30 per cent ratio, the Cayman Islands paying the thirty per cent.

HON. BENSON O. EBANKS (CONTINUING) The protection, Mr. President, which is being sought by this motion, as I said, is adequately laid down in the Land Adjudication Law and Members who have spoken to this resolution have agreed that these provisions are there. If this resolution was quoting examples of hardship that were being inflicted on people because of a weakness or a provision of the law I could see some merit in it, but we are being asked to issue directives because one adjudicator or may be the same adjudicator happened to have issued certain decisions, and I maintain this is not the place for this remedy. The remedy lies in an appeal to the Courts. Our system of Government and justice dictates that there is a separation of the legislative, the administrative and the judicial branches. I cannot see how this House could attempt to legislate what is in effect by law a judicial matter.

I am not here to argue whether what has been done is correct or not, because I would be committing the same error that I am criticising. All I can say is that the Department in Government responsible for Lands would have been derelict in its duty if in its opinion the Government had claim to certain lands and did not file those claims. In addition to that, statements were made in this House to the effect that Government was not protecting the land which it owned, questions were asked what action was Government taking to preserve the land which is lawfully theirs. So I cannot condemn the Department in Government for having made a claim to what is considered to be Crown land, and it certainly seems to be the general opinion that it is crown land, that is the general public opinion and if the demarcators have given it to Government and this has been appealed to the adjudicator and he, with the advice of his assessors have maintained that the land is Government's, there is still further recourse for those persons who are dissatisfied with the judgement. It can go to the Grand Court- the Appeal Court and end up straight in the Privy Council - we even heard a lot about British law in this debate so may be we could even get the benefit of the Privy Council on this.

There is just one other point, Mr. President, that I want to clear up before I sit, and that is the point made about the meeting in 1961 where Government is said to have expressed the view that they had, at least, three thousand acres of land, and if one reads those minutes correctly one will see that it was evidently the opinion of Government that they owned more land, because it was explicitly pointed out that the three thousand acres that was proposed to be leased, would be situated at the extreme southern end of the area that was delineated on the map.

And the other point that I want to make, Mr. President, is that one of the Members using these Minutes gave the impression that some of this land was to come from reclaimed land in addition to what was considered Government land, but my understanding of the document is entirely different. What was understood was all of the land had to be reclaimed - that it was swamp and to become usable land, it had to be reclaimed, but in section 1 where it refers to the area, it refers to the agreement and the schedule marked A and in section 4 where it refers to the reclamation of land, it refers to the same area, the same exhibit 8, so that as you go through the minutes one will see that it was intended that all of the land that they were talking about would be land that had to be filled - I mean, the whole thing was a dredging exercise - it was never suggested that the three thousand acres proposed to be sold, was dry land, or land that did not need reclamation, and the other point is the Member quoted, quite correctly, from the Minutes the statement of one of the then Members of the House, who is perhaps among the oldest people in the Island today, he quoted quite correctly, that ownership of the dry land normally conveyed half of the swamp land to the dry land owners, and as I understand it this is the procedure that is being followed. They are getting half, the other half goes to Government and it is significant that we should realise, in debating this, that this is the same half of

HON. BENSON O. EBANKS (CONTINUING) the swamp that was being debated in 1961, that was the area that was being debated, so all the Member was saying was that in making this agreement the House had to be careful that they did not extend the boundary of the proposed area to be sold further than the half way mark, because they would then be entering into land which was in private ownership because of the custom which existed. They were talking about selling the same area that this motion refers - the same general area, only thing they were talking about selling the three thousand acres on the extreme southern end of it, which is a clear indication that in their opinion Government was entitled and owned a lot more land.

As I said, Mr. President, if this is wrong it certainly seemed to have been the belief of the Government in 1961 that that was the local custom, so I don't see how the assessors who have advised the adjudicator today should be ridiculed or their advice belittled. They had good precedent, in my opinion, to go on.

I could go on, Mr. President, with various matters that were raised but which I consider so far removed from the issue that I am not going to go into them. As I said in the beginning, my contribution to this debate would have been very simple and it can still be summarised very simply and shortly that is that it would be wrong for this Legislature to provide a legislative remedy for what is, in effect, a judicial problem. The law, as members have quite rightly admitted, embodies provisions for the protection of the rights of individuals and of the Crown, which is the people of the Cayman Islands, and I, for that reason, Mr. President, will have to vote against this resolution.

MR. T. W. FARRINGTON Mr. President, I do not propose to speak on the merits or demerits of the resolution, I want to make that clear, what I do want to do is to set the records straight that in 1971 I had ceased to become a Member of the Executive Council, from 1969 and these two Members, the Member for Education and the Member for Resources and what-not, Tourism, they were then the Members of the Executive Council. I was surprised to hear the statement this morning that Executive Council had made a mistake and hadn't brought this thing forward. I am surprised to think that these two Members who knew so much did not fix it up before it came before the Assembly.

As I said, I am not going to speak on the merits or demerits of the motion, but I could not let this pass without challenging it and as a matter of fact, I made it clear that time that I was in favour of this Law, even though the Members of Executive Council were against it, letting it come forward and I made it clear that the reason why I thought it should be done, was, first of all that the Secretary of State had made it clear that if we didn't pass the law, he expected us to use our best senses, and pass the law, but if we didn't pass it, he had the power to pass it over our heads, and I made the suggestion, I have voted it against it. I was the only member, to begin with, and as I said I was not a member of Executive Council at that time, I was just a member of the Assembly, and my point that I made at the time was that I think we needed this thing, especially to protect the interest of poor people, and where they had a little piece of land, they would lose it. And I proposed that we go through first and second readings and then refer it to a select committee of the Whole House. I am sure that the records will prove this and I am surprised to hear these members who know so much about parliamentary procedure and what-not to come here and say that the Executive Council, Of course, I have had some experience of that before when I - I don't think I should go into this. I think I just made my point - well, if they want to hear it.

Before that, they made it clear that they coveted that exalted position of Executive Council and brought a resolution against the Members of Executive Council at the time, Mr. Kirkconnell and myself.....

HON. W. W. CONOLLY: Mr. President, on a point of order - this is very much irrelevant - a motion that was brought against the Executive Council 10 years ago is much irrelevant to the motion that is before us, Sir...

MR. PRESIDENT: I am afraid that it was put in issue from this side of the House and the reply must be allowed on it.

HON. W. W. CONOLLY: Mr. President, with respect, he is referring to a censure motion - I don't think any remark came from this side of the House on that.

MR. PRESIDENT: I may be wrong - I thought that the Honourable Member for Education mentioned in relation to the antecedent of the 1971 his position in Executive Council at the time.

HON. W. W. CONOLLY: Mr. President, that is right, but what the Honourable Member mentioned was, what he was about to mention, what he did mention was the censure motion and this had nothing to do with the Land Adjudication at all, this was years before.

MR. G. HAIG BODDEN: On a point of order, Mr. President, these Members shouldn't argue with the Chair.

MR. PRESIDENT: Well, I am quite open to correction, if I have misunderstood the things being talked about, this is what I am trying to clarify. If the Honourable last speaker on my left side from West Bay was referring to a different matter, then I stand corrected.

MR. T. W. FARRINGTON: Well, Sir, I accept your ruling if you say that it shouldn't be brought in, but the first part of my statement was that they themselves were accusing Executive Council of having done their job, why, they were voting against it. The Hansards will show that, Sir, and I am sure we did a good job, because in the original form which would have been passed over our heads it was quite a matter of many things which wouldn't have been so pleasing, we had a chance then to correct them. And as I say, it is incorrect to say that the Members of Executive Council, if it is correct, they were the Members who were, and they were remiss in their duties. That's all I am saying, Sir, I thank you.

MR. PRESIDENT: I think this is rather historical in relation to this particular debate, I think we can let that particular point lie at that stage.

MR. CRADDOCK EBANKS: We will adjourn next week.

MR. JOHN D. JEFFERSON: I ask to be excused, Mr. President.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, if next week wasn't Christmas week I assure you we would be in here again next week because I sure could stand here and cover enough ground to lead me into next week. But I will be fairly brief.

I suppose most of us don't believe the Bible - don't believe the Scriptures, but every happening in the world today has been laid down in prophesy by prophets, what would happen a hundred years, a thousand years hence and its all being fulfilled. It speaks of wars and rumours of wars - that means land. The Bible also said he that has little shall have less and even that shall be taken away.

In general, when it is taken away it is never from the rich, its always from the poor to make the poor poorer and the rich richer.

I'd like to cover, Mr. President, just a few

MR. CRADDOCK EBANKS (CONTINUING) backgrounds into the infancy of this cadastral team when Government proposed to go into it. In the first instance, the Head of Government misled the people, what ought to have been looked upon, the shameful and disgrace for any Government, the Head of Government, to lead the people, tell them things that they would achieve and things they would get and Government knew within itself it wasn't true.

When Mr. Lawrence, the Land Tenure Officer, was brought in to advise Government as to the way that this should be tackled, gone about, Mr. Lawrence covered the Island and on the end of his tour he met with Members, which most members then are members that are here today. He met in an informal meeting, just to give a preliminary of his findings and what he thought the way it should be gone about. He had gathered, seemingly, reasonable grounds or satisfaction to go into this, except he said in one area - which was staunch. When one member, not me - I didn't - asked the question "where is that area?" Well, he hesitated, but he said "if you want to know I will tell you - it was North Side". He said "they were concrete, they wouldn't move", and they are still that way today, Mr. President.

On the end, I said, "Mr. Lawrence", because he indicated this can be done just in eighteen months, we can clear up all this thing - I said "Mr. Lawrence, I am not an engineer, I am not a surveyor, I don't know anything in this field, but I believe I lived here long enough to think that if such a job could be tackled and completed within five years, it would be a remarkable job". Done. "Oh, ho, ho, " I don't know the system - this proves those technical, those advisers, and those that we bring here to tell us something that we don't know. I said "Mr. Lawrence, I still say if you can do it in five years its a good job". It will soon be entering its sixth year - and not finished yet. That's the expertise - that's the expert's advice most of the time, in my opinion. Nevertheless, Mr. President, we were informed that there would be no more family problems, there wouldn't be any more breaking-up, there wouldn't be any reason for court hearings, there couldn't be any more disputes it wouldn't be anything just a beautiful botanical garden with a sweet, flowing, still river down between, that's all the land problems in this Island would be, According to that then we would just start life start living, and all the court cases would be thrown out, the broken up families would be coming back together, and what not. How misleading how misleading can anyone Government be to its people! Won't cost anything. My 22 years in this House, I don't know that my people ever got anything for nothing - we paid for it and many times we suffered for it.

I told my people I disagreed with it, because I say when it comes to its end it means taxation. Oh, no, Oh, no, let us live and see. As we referred to, but some say we have no more poor people in this country, the one individual that has one last little piece of land and when they can't pay the taxes on it, who's going to take it - Government, then they will be left without it.

As Mr. President, you have heard on more than one occasion, the same land problem, business, brought a demonstration and I tell you, Mr. President, it came to the brink of creating what none of us would have liked to have seen, and I am glad and Government created it all, because when the then President and the Governor, Administrator of the Cayman Islands, would have that building barricaded so nobody could see out and nobody could see in, and have a ship standing outside, and speak-easy, easytalk, telephone this way and that way, and what not, then Government was only trying to provoke the anger of the people to be burst.

I remember some of my remarks that morning, Mr. President, and I made it clear, I said "The people on the outside will be quiet providing the barricade on this building is removed, other than that it wont be any meeting here".

MR. CRADDOCK EBANKS (CONTINUING) I wonder why the Member don't get up and speak, I'll sit down if you want. I didn't interrupt the Member to say anything or murmur against him while he was speaking.

Mr. President, I can be calm, you know, but I can get wild once in a while. I think I have indicated all of my times in the House, I conduct myself with respect and behaviour to other members when they are talking, and if I got to go the other way, Mr. President, undoubtedly I think you would ask me to leave the House and before you do that I will go out - you won't have to ask me to leave.

Mr. President, a bill was brought to the House and as has been said, it was referred to a committee of the Whole House and we spent many a day, many a day trying to get something in-to the bill that ought to have been there, that wasn't brought into the bill. The bill said if there should be any disputes the adjudicator and his assessors would settle and that would be the end of it, it couldn't go any further. That was the final judgment. Would any civilised country, civilised people, feel that that is being fair to its people?

We argued for days - they got it to the Grand Court that would be the end of it. No, its not the end of it - we sill further argued if a landowner appeared financially strong enough and he can do it, take it to the last end of the world, if he wants and that's why its in the law today, Mr. President, it wasn't that those responsible for bringing a bill to the House, for it to become law, had given the people that consideration. They meant to make it hard.

I was one that went across to the Turks and Caicos Islands to have a look at what was going on over there and I saw nothing there, Mr. President, that convinced me at that time. The reason for them starting in the Turks and Caicos Islands was just to try and blind us that this is such a good thing that they have accepted it, as we use the term, they swallowed it line, hook and sinker.

Mr. President, that was my first trip to the Turks and Caicos Islands. I had heard quite a bit about it from time to time but my heart, my feelings, went out to the people in the Turks and Caicos Islands in their poverty. They had no land to lose, they had no land to gain, living on little salt cays that nothing in the world grew on it, just a salt barrier something; a few little shacks here and there and there - they had nothing to gain, nothing to lose. The one little livelihood they had they had even lost that - that was the salt business - that had been taken away from them. They were then being grant-aided, as the First Official Member so often refers to. So as far as I was concerned, they had nothing to offer that I saw that I could say, we need the same thing. If they had been modelling off of us I could better understand, but they tried to use them to fool us.

Mr. President, this has been gone into more than once over the past five years and has been talked about - this land, this land and it is our birthright - its what made some wise and some fools, I guess. But it was the only livelihood that we have known for many and many a year - go on the beach and fish and go back in the land and cultivate.

Much has been said about the directives - no directives have been changed. But it has been said it has been changed a little bit, but its nothing to worry about. I wonder what one of us would go across to the supermarkets and the cashier gives us two cents short on our change - would say "thank you, don't worry about the two cents" - no, we stand up there and argue about it. It wouldn't be anything wrong. Nothing wrong with this.



MR. CRADDOCK EBANKS (CONTINUING) Mr. President, if I could live to see the true figure, the true amount brought to this House sometime or published to the public this is the true figure of the cost against what we were told it won't cost you one penny. And Mr. President, with those stressed remarks, no one can convince me again, regardless of what may be brought in connection with this, to accept it, because when we were misled by those that should have put us straight, then how can I bow and feel that I will, or my people will be justly treated all through this.

Went completely across the Western hemisphere nobody had any squabbles until they got to South Sound and then as soon as they started "yes, let's give it to them". When we get further up, those that have little shall have less and from then "we'll take some of theirs". Then when they have to take it to the court who bears the expense, those that are not financially able, they have to sell half of it or sell the whole of it, or give it up or do something.

One last point, Mr. President, after that demonstration a bill was brought to the House that there couldn't be any more unless you give the Commissioner of Police three days' notice and his approval. Mr. President, that was <sup>for</sup> one and one purpose only, deprive the people of their last right and I am sure, Sir, that if there comes a time, I don't want to see it, if there comes the time I believe the course of the law will be followed, but if Government thinks and feels that depriving the applicant of the right for a demonstration will stop it, then it will be another guess, because, Mr. President, people, the people of any country must be heard, and if they can't be heard in their calm, quiet cries, then if they start to make noise they got to be heard.

Mr. President, I would not go along any further, but as I said, I could and I give my whole support to this motion. While I realise that it is all cut and dried that we'll make it hard and a lot of Members say they don't create any hardship or create any hard problems, or anything, they don't have any land may be - don't make much difference, but I would like to see and that's the only thing I want to see, clear, clean, cut justice - what is good for one is good for all. Then if that is done, we won't have any controversy with the public or the people and you won't have these major grievances brought before you, Sir. And I hope that with the starting of the new year, all members would come in and be prepared to come in here to see that the grievances of the public are better heard than they have been many a time, when brought to this House, in this form and try to be trampled and pushed under the carpet, or under the floor, or under any place. I thank you, Mr. President.

MR. JAMES M. BODDEN; Mr. President,

MR. PRESIDENT: I wonder whether this wouldn't be a good time to suspend. It's one o'clock and I think there is the reply to this motion and then another motion to come. I think if the Members agree I will suspend until 2.30 this afternoon.

#### SUSPENSION

AT 1 O'CLOCK THE HOUSE WAS SUSPENDED UNTIL 2.30 P.M.

HOUSE RESUMED AT 2.30P.M.

MR. PRESIDENT:

Please be seated.  
Proceedings are resumed.

MR. JAMES M. BODDEN: Mr. President, Fellow Members, in one sense there is very little to be said in winding up this motion because being very frank, the motion of itself has been kindly treated. There hasn't been so much found wrong with it. But there are certain things that I will have to correct and I speak in that respect, Mr. President, in regards to what I would call the abuse that was voiced by certain members as well as inaccuracies. So its a good thing that in presenting the motion I dealt with the history of it, because if I hadn't done it it would have been difficult to do it in the winding up, as there are quite a few things that have to be cleared up.

I have made notes of the different things that were mentioned by the Members who spoke and if I appear, Mr. President, sometimes to be drifting, I will abide by your rulings, but I would ask a bit of leniency, as far as you can tolerate to try to deal with the inaccuracies that were said.

One Member alluded to the fact about the change in the policy of cadastral in regards to what we term the Eastern district. I will, to make some Members at ease, also call it the Mid-land and Eastern district.

When this matter first arose, Mr. President, I was told by one of the leading members of the cadastral team, a gentleman by the name of Mr. Moore that there had been a change in policy in regards to the activity of the cadastral system. Now this was told to me in his office at the Cadastral Office. It made me very angry when I heard it and the first place I stopped was to pick up my colleague here from North Side in my car on the road and then come to your office. So you are quite aware of how we felt about this from the beginning, and what brought it about. Mr. Moore told me, in no uncertain terms, that they had been ordered to deal with the Eastern district in a different manner than had been dealt with on the western end of the Island. I asked him who had issued these orders and he told me the order had come from Mr. Conolly and Mr. Lauer. This is what I was told, Sir. He said that they had advised the Department that Government had not gotten as much land on the western end of the Island as they expected to get and in order to make it up the policy would have to be changed for the eastern end. If this is lying, Mr. President, I am only being the carrier of it - I am not the originator.

At that point we had, I think, two meetings in your office and I think it finally wound up to where it was five elected members at the end that discussed this. We had several meetings with the Fourth Elected Member of Executive Council and some members of his staff. On every meeting we were told there was no change in policy, everything was as it was before. Finally, at one of these meetings, an admission was made by Mr. Wraight of the Cadastral Department saying that there was an additional directive one which he had prepared but had not signed.

At another meeting, at which the Honourable Fourth Elected Member to Executive Council and myself were the only two members present, the file was presented to me, I perused the file, I found the directive and I must admit to this House as I admitted to him that morning that there was very little bit of change in the wording of the two directives. But, Mr. President, it serves out itself to prove that the directive in some sense, was changed, because in the cadastral dealing on the Western end of the Island the land was dealt with on the shores of the North Sound on the basis of Government challenging private ownership by claiming high water mark. I have in my possession several decisions that were handed down by the adjudicator at that time, and it seems like it was

MR. JAMES M. BODDEN (CONTINUING) very difficult for Government to claim any land under the high water mark system because it was difficult to demarcate it.

When we get to the eastern end of the Island, Mr. President, and the records can bear out what I am saying, the challenges have been on local custom and to one half of the swamp and on the fact that the land is what they call "waste-land" so there definitely has been a change in policy. Who originated it, who started it, who ordered it, at this point, I cannot say.

Reference was made here yesterday in regards to myself having interest into a company which secured dredging rights and which paid for a quick claim against swamp land. I would like for the Members of this House to tolerate me for just a minute while I explain a little about this. There are three members sitting in the House here today who were present in Executive Council during the time that I had negotiations with Government on this particular subject. There was quite a bit of difficulty in Government determining the rate structure and determining how they would allow these leases to be drawn, and when I speak now I stand subject to a little bit of correct, but I think it is just about one hundred per cent accurate. Finally, after an impasse had been met I offered what I thought was a solution. I said "I am prepared to pay a certain amount per cubic yard and \$10,000 for a dredging lease". This was accepted by Government and agreed it by myself.

About this time, Mr. President and Honourable Members, the swamp land issue raised its head. I went back to the Government and I said "The \$10,000 I will be paying, I would also want to have a quick claim against my land that if I spend this amount of money to reclaim it, I will not be reclaiming it and somebody taking it away from me." At that point it was agreed then that a quick claim would be added into the dredge lease. This was done - I paid the money, the dredging lease has not yet been signed because I objected to further things that were put into the agreement which had not been agreed to in Executive Council. So I wish to go on record as stating that the swamp land issue was raised by myself in trying to protect my investment, because I did not want an additional fight over it - it was not from the point of admitting that the land was government's, because I, again took the Administrator at that time with certain members of Government and went to the shores of the North Sound, and I could go into a long story and tell you what was said at that meeting, but I will not do so. The press has already carried some of it and it was refuted by one of the members inaccurately who, when I called him, had to admit that he was wrong and I was right, but I do not like to just continue an argument in the paper, so I have not pursued it any further. I think the best thing to do with it is to let it lie. So I want to put that one thing behind before I go any further.

I want to deal on the point of dry land. Mention was made by a member about this fact that in the law it only deals with the word "land" and not "dry land" but, Mr. President, the land being claimed is being claimed under local custom which means that under local custom dry land on both sides with the land considered swamp or cliff in between has been divided between the owners. I know it is not defined in the law as dry land, but the point that I make is that Government has no dry land. If they are going to claim under local custom they cannot claim under local custom, because local custom meant dry land on both sides of the swamp or cliff. Government has no dry land under the terms of which they challenged the Western end under in the North Sound.

A point was raised by a member about a British Colony. I am thankful this is a British Colony, Mr. President, I am glad to also be considered British. But let me make myself completely clear, there is no one in this Chamber that has the difficulty in trying to prove his allegiance that I have had, so I think I can speak with a bit of authority on this particular subject. First of all,

MR. JAMES M. BODDEN (CONTINUING) I am a Caymanian, my first loyalty, regardless of which way it is interpreted, must be to the land of my birth, which is Grand Cayman. I respect and admire the English Crown, but my first loyalty is to my own local land, and I never will do anything that will be detrimental to my country. I have too much at stake, personally, and I feel very much that what my forefathers fought for in this country, I should also fight for and should give my life, if necessary to protect it. And I have children and grand-children coming behind me, Mr. President, and I do not want for them to live in a land of turmoil or a land with a dictatorship that some of these Members think that is what I am after. I consider myself as loyal as any Member of this House, but by being loyal that doesn't mean that I am going to tolerate something that I think is wrong.

Referring to the particular law, the Land Adjudication Law, section 16 (1)- one member brought this out yesterday in regards to 16 (1) and 16 (2). In my opinion a judgement under this law should only be given by reading the two together in context. 16 (2) says that a person is deemed to be in possession of land if he does not acknowledge the title of any other person to that land and by himself his agent, tenant or servant, actually uses or has used the land to the exclusion of the public, provided that where it is established whether by local custom or otherwise that any parcel of land includes an area of swamp or cliff land occupation or use of the other areas of such parcel shall be deemed to apply possession of the swamp or cliff land also. Good documentary title means the title evidenced by documents which establish that the person is entitled to the land in fee simple and commencing with a grant, conveyance, assignment, mortgage or other good root of title which is more than 12 years old.

In defining possession here, Mr. President, and occupation, the law does not state that if you own one acre of land on which you are occupying it that you could not, through that same document, own another 200 acres. The law does not say that - it says if you own and occupy that area and you claim the rest of it you can get title through that by considering your occupation of that small piece. It also says under documentary evidence that your documentary title must be of good root and be only 12 years of age. It doesn't say 50, it doesn't say sixty, this is the point, Mr. President, on which this law actually passed this House, was because of the reduction from 60 years for a good title to 12 years for a good title. The law further provides, Mr. President, that a provisional title can be given for less than 12 years of documentary evidence and I am wondering why that if, in cases of this swamp land, they claim 12 years' documentary title could not be given, why is it then that the people were not given provisional title, like was given to other areas of the Island? There is a big loop-hole here, Mr. President, and it needs to be attended to.

One Member, Mr. President, spoke about being surprised to hear the word "stealing" coming from the Legislative Assembly and that it runs away investors. Mr. President, I believe in calling a word what I think the meaning is behind it and I would not want to demean this Government in any respect, but let me be quite frank, if any other word can be used for this, like appropriate, or anything else, I'll go along with using it, but let's be frank about one thing, it has been gotten in a manner in which it should not have been gotten. Regardless of what word we want to put to it, it is still that fact, and, Mr. President, I do not want to run away investors, I think I have done more in the four years I have been back in this country in trying to get stable investment in this country and investing every penny I could lay my own hands on to see that the country grew, and I would be very much of a fool to try to do that when my complete livelihood depends on it.

MR. JAMES M. BODDEN (CONTINUING) These members talk rashly. They talk, I think, in many cases, just to hear themselves talk, because they do not understand the implication of what they are saying.

Reference was made to this land being in trust for the people of this Island. Mr. President, I voiced my feelings at the beginning of this debate on what I considered about that point, because the records can prove what has happened to the rest of the land in this island that was supposed to be in trust for the people and how much good the people actually got from it. If the man on the street, if the people of this Island were getting some good from this I believe then I could support it, Mr. President, but Mr. President, that is not the case. If we were to sell the swamp land which Government claims today and lay on hands on three to five million dollars, it would go into some contracts, like it has gone in contracts in the past, and the little man on the street, if that's who we are protecting, would be getting very little bit of good from it. So, let's not delude ourselves when we talk about in trust for the people of these Islands.

Reference was made by a Member that a hundred pounds a year rental was plenty of money, eighteen years ago, or roughly eighteen years ago. Mr. President, I also know the value of money and how it fluctuates and everything else, and no one can tell me that in actuality the land that was disposed of on the seven mile beach eighteen or twenty years ago that one hundred pounds a year even at that time, was any great pile of money. So don't kid ourselves - you may tell us that it helped to bring investment to this island - you may tell us it helped the economy, but don't tell us that a hundred pounds was a lot of money those days, because it was not, it still isn't.

One member spoke that there had only been .06 per cent of appeals in certain areas against the hearings of the cadastral system. This may be quite true, Mr. President, because, being very frank, there would not be many ways that we could find out or challenge that whether it is correct or not, but I would like to point out one thing, that at the beginning it was shown that this was the thing that was going to really put this Island on its feet. We were going to have enjoyable days that had never been experienced here before. This, for one thing, deflates his argument completely because it proves then that there was not as much friction here in land dealings as they tried to make us believe there was, if only .06 per cent of the claims that were adjudicated had to go before an appeals tribunal. That strengthens the very argument that we are putting down from this side of the House, if those figures are correct.

We also have to realise another thing, there, Mr. President, a lot of these claims do not go to an appeal, because some people believe what is the good of appealing from Caesar unto Caesar and this is the manner the law is set up. The next thing is the piece of land does not have the value today in many cases that it had years ago. The people cannot find the money in many cases to fight these claims. It is good enough to tell a person you are giving him the right of appeal, but Mr. President, if he doesn't have the money to fight that appeal, what is the use of it being in the law?

We do not have, like in some other countries, the Law Society that will protect the claims of people freely, this does not happen in our country, so Mr. President, it is all right and good to say that you have put into the law certain steps which govern appeal but if a person does not have the money to finance that appeal, the right might as well never be there.

Reference was made by a Member, taking objection to what I said about the adjudicator being tarred and feathered, and Mr. President, I will submit myself that that may be a bit against the

MR. JAMES M. BODDEN (CONTINUING) the Standing Orders of this House, but it echoes my sentiment and it would be very difficult for me to withdraw it.

Another Member said that we claim to be law-abiding, but we see actions and hear statements that speak differently. This particular member seems to be suffering from the disillusionment that unless everybody agrees with his point of view, everybody else is wrong, and, Mr. President, the day that ever comes that you will find fifteen members in this Assembly that think alike on every issue then it is time that I hope you, as President of this Assembly, would abolish it, because that is not human nature, that is not what happens in the world. People are bound to have different interpretations, different ideas, that is why we have courts of law - that is why any case goes before the courts there is always two sides to it. So, Mr. President, this Member should try to keep his tongue in check a little bit better.

Mention was made of people claiming under custom on the south to the north on these lands and why cadastral told them, leave them alone. Mr. President, the custom referred to here in this case has always been that the swamp, in claiming ownership to it on the north sound side of the Islands, was claimed by the dry land owner on the south side of it, claiming North. I remember when the adjudication team came into Bodden Town and they told the people, don't clear any of your swamps we will demarcate them for you. There wasn't anything, Mr. President, about them coming east and west, because that has not been an accepted custom, so the Member again should not try to delude this House by telling people in this House that the reason the cadastral dealt with it in this manner was because you had claims coming east and west, north and south, that is not correct, Sir.

Mention was made by the same Member that the Mosquito Law was not relevant to the East end of the Island, because no notices had yet been given. I submit, again, that that is incorrect, because the law on the Mosquito law governing the swamps of this Island encompasses, in my opinion, the entire swamp-land area of the Islands. It was not just for the western end of the Island that this particular law was put into effect, and I think it makes a good case for us when we consider that Government did acknowledge private ownership to the swamp by publishing these notices, and advising the people who claimed the land, that they should cut their boundaries to the swamp. It is true this notice may not have been extended to the eastern end of the Islands, because as my colleague said this morning, the eastern end of the island really stops at Red Bay. So, nothing much has ever been done on that other end of the Islands, so it's quite reasonable - no dykes were built there - no back-hoe worked in there, reclaiming land and building a roadway system around the back of it. And if we were going to claim, why didn't we claim that? Because Government has spent a lot of money in there, this is what I don't understand.

We've heard a statement made that the claimants to this land came in only lately to grab swamp land after they realised the commercial value of it. Again, Mr. President, quite an inaccurate statement because for years and years people had claimed this land - this is nothing new, Sir. It is not because it only had value today, the people did not forfeit their rights to this, Sir, years ago. I submit that the argument is the other way around, that the only time Government realised that they may have some ownership to it, has been lately, to try to defray the cost of the cadastral system - and to realise that this swamp land was valuable.

Reference was made to our submission about the 1913 title with it being 62 years of age. I stand very much on that particular one, Mr. President, because the ruling on it was that the document was ancient and ambiguous because it did not define the area involved and did not have a map attached to it.

MR. JAMES M. BODDEN (CONTINUING) Back in those days, Mr. President, it was very, very seldom anyone ever found a document that had a map attached to it. I think I have researched as many titles as anyone in this country and I don't think I have ever come across one that had a map attached to it, not even a hand-written, hand-drawn map, Sir. So that is not the reason that it was objected to, and as far as the document being tampered with, this particular document was completely accurate, Sir, and was accepted in the findings of the adjudicator as being an accurate document other than being ancient and ambiguous because it did not define the particular section. So the point that we take objection to is that the law did state plainly that documentary title of twelve years duration was enough to give an absolute title and this is not being done.

The same Member, I think, made reference to the Government taking the land was no hardship on people. I really did not expect to hear the member say something like that, because I did expect that his mind and his mouth would have been in better coordination. It's a very ridiculous statement.

I'd like to deal with the Western end of the island at this time, Mr. President. Probably 7,000 acres of swamp land or more was adjudicated on the western end of the Island and we have heard an admission from the Member involved that there were only two challenges to claims, one for 95 acres and one for 65 acres and that both of these at the present time are under appeal. So that meant that out of 7,000 acres only 160 were questioned - quite ridiculous when you take into consideration that on the eastern end of the Island you are probably talking about 16,000 acres of swamp land and Government's claim to it at the present time would probably amount to about 10,000 acres. Why the difference, Mr. President, if there has not been a change in policy? We are dealing still with the same Island and if the people on the western end of the Island could get their land without it being challenged, why are you challenging the mid-land and the eastern districts?

The same Member also said that the motion should be thrown out. Mr. President, this again is no surprise to my colleague and myself, because we knew before we even tabled this motion that it would be thrown out. We know it's impossible to get a motion through this House that Executive Council does not agree with, because the Constitution, Mr. President, has made that so. We have a collective vote of seven people and those seven people are always able like a fisherman with a net to throw the net and get the tenacles of support coming into it, so, Mr. President, that is not a surprise to us. We always know that - we live with that every day. We can only hope that eventually it may change.

Now, Mr. President, I have to come to a part of my debate which I do not like to really get on, but I feel I truthfully cannot stand here and take the type of criticism and abuse that was levelled from the other side of the House and this side of the House yesterday. I have to make it quite plain I've always lived my life on the one philosophy and that is more or less, not to let your right hand know what your left hand does. Today I am going to break that just a little bit, Mr. President, with the permission of this House. A Member made the remark several times yesterday that the only reason my colleague and myself brought this motion was for personal reasons and for personal legislation. I am going to deal with this, Mr. President, quite broadly. I'll give any man the shirt off my back, but there is no man living until he kills me will take one hair of my head, unless I want him to do it. That is the way I live. It might not be a popular way, but it's what I believe in.

Mr. President, I feel I can speak on this subject because I truthfully believe, and I am not touting my horn, I don't have to do that when I say this but I don't think there is any man in this country has ever done for his country and

MR. JAMES M. BODDEN (CONTINUING) his people what I have done for mine. And I would never come into this House to ever try to do anything, Mr. President, that would be for my personal gain. The couple of times that things have come before this House that I had interest in I got up like a man and admitted it to this House that I had a pecuniary interest and could not vote - I will continue to do that - that is the way on which I base my life.

Mr. President, I do not like to talk again about the things that I may do because I believe in the old philosophy "cast thy bread upon the waters and one day it will return to you". But I am going to draw this as an illustration to show this House why the personal legislation could not affect me, Sir. The piece of land that I own in this particular area is three hundred and forty-five acres, I am probably losing through the Cadastral ruling about 145 acres - that doesn't mean I am accepting it, because I will take this to England if I have to pan the money on the street like a beggar to fight the case, but, Mr. President, that 150 acres would probably be worth on the market \$75,000 (US) I owned a half of that company, half of the issued shares are mine, that would mean I would get \$37,500. Mr. President, some years ago, before you came here, I made a legitimate offer and it would have stood if Government had accepted it, of 15 acres of land to build a hospital on - free - no money. Those 15 acres of land, Mr. President, since that time I have sold some of that for \$25,000 (US) per acre. So you figure that, that would have given me \$325,000 and then you tell me I am going to come in here and fight for \$37,500 - no, Sir.

I offered this country the land for a cemetery - it was not accepted. Who else has done it, Sir? I offered them the fort down here which has been a controversial subject - that wasn't accepted either. I could go on and tell you many more.

Mr. President, I personally have made a lot of money in this country and I am proud to say I have made it. I have made it because I am a professional. I have made it because I could sell anything that I am selling - I could sell ice to the Eskimos because I am a professional. That's one of the things, I think, that irks these people.

But in making my money, Mr. President, I have never kept it for my own personal gain, either. I can tell this House and I can back it up that I have given away in thirteen years way over half a million dollars in this country, Mr. President, in cash, and I am proud that I was able to do it, so don't tell me that I come in here for personal reasons look around this country, Mr. President, and see over a hundred kids that I have helped to be educated, some of them today with bachelor degrees, some with masters - I didn't do it for anything, Sir, personal gain, I did it because I did not have the opportunity to do it when I was growing up and I feel any man living in a country should put something back into it - that's why I have done it, Mr. President. Not ashamed of it one bit, although today I don't have the money that I could continue to do it, but let me tell this House one thing, regardless of what happens to Jim Bodden in the future, Jim Bodden will always make money and he doesn't have to come into this Assembly to do it, because I am a professional, what some of these will never be.

Let me point out, further, Mr. President the first check that was ever issued from this Assembly to myself was in the amount of \$23.66 - it is framed and hanging on the walls in my House - it will be one check will never clear the books of this Island and that is the only check that has ever been issued to Jim Bodden since he has been in this House and by God's help, if I stay here one hundred years more, if I had to beg on the street I would never accept a penny from my Government, because that is as much as I can do for it is to come here and represent my people



MR. JAMES M. BODDEN (CONTINUING) free. I don't want to divulge these things but I just want that group over there and this here to know the kind of man I am. I do not come in here looking for any personal gain and may God strike me dead the day I want through that door with that intention in my mind, Mr. President. I hate to hear this kind of junk. But I put it down to lack of mentality.

We have heard it said, Mr. President, that this is a Government of the people by the people, that was said by a Member yesterday and I want to take the time of the House one minute to explain what my colleague and myself have said in this House on many occasions that this is a Government of the people, by 12.0708 per cent of the registered voters of this country and I am now going to explain what I mean, Mr. President. West Bay, in the last election tabulations had 1593 registered voters, which amounts to three seats with 4,779 votes. The Member of Executive Council from that District had 573 votes, or 35.97 per cent of the votes cast. George Town had 1934 registered voters with 3 representatives totalling 5,802 votes. The Member who represents this District had 568 or 29.37 per cent of the votes cast. Cayman Brac has 758 registered voters with 2 seats, 516 votes, the Member got 307 votes, percentage of the votes cast 41.82 per cent. Bodden Town has 544 registered voters, 2 seats 1088 votes. North Side 306 votes, 1 seat. East End 443 votes, 1 seat. The Member received 225 votes or 50.79 per cent of the votes cast. We add this altogether, Mr. President and we find that the Island had 13,934 votes in the last election. The Members of Executive Council combined had 1683 of them and you can work it out - you don't need a calculator to do it - it works out to 12.0708 per cent of the registered voters in this country, so don't tell me that this is a nation that is governed by the elected representatives by the vote of the people, because it is not. That's where the figures come from, and you can work them out for yourself.

One Member also said that the majority of problems we experience in this House are personal problems. I don't know what the Member was trying to intimate by that but if I have not made myself clear before let me make it unmistakably clear at this time - that Jim Bodden and Haig Bodden are two men that cannot be bought. Mr. President, England does not have the decorations that Jim Bodden craves - it means nothing to me. The M.B.E., C.B.E., G.C.M.G., or whatever you want to call it, they don't mean anything to me. There's only one decoration that England has that I would ever care for and I hope we never have to get it and that would be in the case of war that I could give my life and get the V.O., the rest of it - it doesn't mean anything to me, Sir. And I'll tell you this, Sir, the C.M.G.s the C.B.E.'s don't mean anything to me. You cannot tempt me with that, Sir, neither can you tempt me with Swan Island meat. (MEMBERS - LAUGHTER). So I want these two Members to understand that and I want this House to understand that today. There is nothing you tempt me with, not in that form. It takes more than Swan Island meat to change Jim Bodden.

Another Member also made a very rash statement that it is close to election time and that this is a movement to bring this Island's Government down. Mr. President, I think the thing that Member needs to do is to explain to his people that put him here why he is here.....

MR. PRESIDENT:

I think that is getting a bit personal.

MR. JAMES M. BODDEN:

I abide by your ruling, Sir. But let me explain one thing, my colleague and myself do not have to worry about this election, because we represent our people because we want to, not because we are looking for personal gain and I can tell you we have the support of the people in our district - I hope that the other members have the same support in theirs - they are the ones who have to worry about the election times, not us, Sir. The only thing we are asking out of this motion is that we get fair play. What is good <sup>for one</sup> is going to be good for all. We are not

M R. JAMES M. DODDEN (CONTINUING) asking to change anything other than what they have changed - give us the same thing that was given the western end of the Island - once that is done, we will shut up.

A Member made the reference about deep water running inland on the North Sound Area - I don't know what part of the Island that is. I think again I know as much about the North Sound as any one - I operated boats in there for years - and I operated them myself, too. I don't know where those areas are where all this water that runs inland is, because I haven't found it.

They also talk about the mangroves growing in the salt water - I want to explain to this House, Mr. President, that if that is how we are going to determine Government's claim, Government's claim is going to be nil, because you can go in the North Sound today, and you can put a dredge to work and you can pump up salt water on that coast, Mr. President, and I will bet this House that in three months' time every tree around that area that that salt water was pumped around is dead. Now if that is an area that is conducive to plant life growing in so much salt water, why is it when you pump the salt water around it then that they die? I am waiting for someone to explain that to me.

If the Members of this House, Sir, would admit to their conscience, they would know that what we are asking for is correct - they would know that we are only asking for the proper implementation of a law that was passed in this House and which was supposed to be good for everybody - which was supposed to show no favouritism. That is the only thing we are asking for.

Another Member spoke about his experiences in the North Sound in getting the bottoms cleared of boats, in the Duck Pond Dyke. Mr. President, I also know a little bit about that area. There is a little Cay offshore where the boats used to be careened - the remains of the ballast rock and so forth are still in that particular spot now - I don't think anyone claimed it - everybody acknowledged that was Government's, but the land across from that again, Mr. President, where some of the boats used to careen is a part of the Grand Cayman Estates today, the same type of land and they own it, so the Member should never have injected that one because again that weakened their argument and strengthened ours.

I think the same member also said that people should be satisfied with what Government sees fit to give them. Again, Mr. President, something quite inaccurate, the people are not asking Government to give them anything - the people are asking for their just right - what they had - that is what the people want.

The Members also talked about this being a new thing, yet in 1961 the Minutes of this House have shown that there was established local custom and that the dry land owned half of the swamp and not the high water. The high water mark has never been considered as a part of dry land. It has never been considered as a part of local custom to derive title from.

I have one submission further to make and I am of the opinion that in the figures I brought out awhile ago, Mr. President, and I brought them for this reason also that this motion is of such paramount importance to the people of this country, to the electorate as a whole, that only the elected members of this House should be allowed to vote motion. Only the people who are responsible directly to the electorate out there should vote, that is the way I think it should be. Maybe you tell me I am wrong.

I want to deal with the North Sound Reclamation. The very name of that, Mr. President, tells us what was the intention. It was not that just Government was giving away 3,000 acres of swamp land, it says "reclamation" and here, in case some of the Members that were talking about the Little Black Book have not seen the Little Black Book, here is the Little Black

MR. JAMES M. BODDEN (CONTINUING) Book and here are the maps for it. And Mr. President, those maps reflect just what the name of the Company was "reclamation" because most of that land pictured there for development is land submerged with six feet of water over it in the North Sound today - that's where the three thousand acres could have probably come from - they wouldn't tell you that - they wouldn't also say that this plan that was put before the House also included all of the land which we now know of as Cayman Kai and Rum Point, and that was private land, Mr. President. This was an artist's conception and this land here that the Government was leasing to it was sea-bed land, more than it was land that was on the coast, Mr. President, and here are the maps, anyone can see them, I am sure the expert who had the Little Black Book knows what is in it, if he'll tell the truth.

We know that this motion is doomed to failure, Mr. President, but we give notice today, my colleague and myself, that God's willing, if we are alive and in this House, the first sitting after the 20th of June, 1976, the motion will be back on the floor. So we give six months' notice.

One Member made the reference about the wise and the fool with an abundance of words and four weeks, Mr. President, I submit to this House that some members it would not take four weeks to convince them that they are fools, but four millenniums! And I'll leave them with this saying "how great in number are the little-minded men". (MEMBERS - LAUGHTER).

We have heard that local custom differs - that is true, Mr. President, there has been and I am proud to say a difference in local custom between Cayman Brac and Grand Cayman. I can remember from the time I was two years old and I can remember a lot being said to me, and I hate to inject this, because I am one that does not believe anything at all in racism, but I have heard it from the time I was knee-high to a grass-hopper that Cayman Brackers would not drink milk from a black cow, would not eat eggs from a black hen (MEMBERS - LAUGHTER), so there has been a difference in custom, Mr. President, there has been a difference in custom and I am proud that it was that way. So don't try to get the best of me by telling me these things because I always know the other side of it too.

Mention was made of certain Members seeing the Island by the MRCU helicopter - I must admit my colleague and myself did not take advantage of that, and after hearing him speak I am very glad we did not, because, Mr. President, I am still trying to wonder where they took him, because the part of the Island that he spoke about I believe their compass must have gone astray and it would have gone further astray if it had taken my colleague and myself, because they probably wouldn't have brought us back at all. (MEMBERS - LAUGHTER) So I am glad we didn't take that trip with you.

Now, I have to allude to a point made by the Second Official Member that he saw this motion largely as a political matter. I can play politics, Mr. President, with the best of them, but I do not want to play politics with the Official side of Government and they should not try to play it with me. I'll leave it at that. But he did say, or tried to point out his meaning behind the statement of unclaimed and unoccupied. I don't need again to comment on that, Mr. President, because what he did explain, that once a claim was made it would not be deemed to be Crown Land, only strengthened our case, so I don't know why he brought that up.

One Member spoke and said that the Assembly was being used as an appellate tribunal - this is incorrect. I want to state to this House and I want anyone that can refute it to try to change it, that the only way a law can be made or a law can be changed is through this Legislative Assembly, so we were correct in bringing it here, we were not trying to use this as an appellate tribunal - we are trying to do what the safeguards are in the law - we are trying to change the law the way it should be changed, through the Legislative Assembly.

MR. JAMES M. BODDEN (CONTINUING) So this is junk these people are talking when they start this kind of stuff.

Section 26 of this Law, Mr. President, and I'll read it to the House -

"The Administrator in Council may make regulations for the purpose of carrying into effect the provisions and purposes of this Law"

provisions and purposes of this Law are covered under regulations and our motion was correct in stating that. We are not departing from the law, we are only asking that the law be put into effect, be implemented fairly and it is covered under section 26 of the Law, Sir, regardless of how they try to read it.

One Member said something about the need to feel superior is displayed by only a limited few, because they need to be important. Mr. President, I don't <sup>know</sup> if this was a reference to my colleague and myself but let me say this, we don't have to bring motions to this House to feel important. We are not trying to set ourselves up as superior - we are only doing what our conscience dictates and what our conscience tells us is correct. But I wonder whether some people do that and make these rash statements because they themselves have never been able to accomplish anything. I wonder, Mr. President.

Mr. President, I would like to go on but we have another motion and I would not like to have to come back Monday, God's willing, so I am going to close my debate. I would like to go on for a month, because by that time may be I could take the blinds off of some of these people, but anyhow, Mr. President, let me suffice by saying that the only thing our motion is asking is fair play - give us what you have given the others and we will be satisfied. Until you do that we will be back in here again, Thank you, Sir.

MR. PRESIDENT: The question is -

"Whereas people in the eastern districts of the Island have become dissatisfied with the manner in which so called swamp land has been demarcated and given to the Crown by the cadastral system

BE IT RESOLVED that the eastern section of the Island the swamp lands be treated as in other areas already demarcated and given to lawful owners and Government refrain from claiming same

BE IT FURTHER RESOLVED that the same system be adopted as in other areas instruction be given to the cadastral team and if necessary the law changed to incorporate these instructions that Government only owns what by common law is considered high water mark".

I shall put the question - Will those in favour of this motion please say Aye.

SOME MEMBERS: Aye.

MR. PRESIDENT: Those against - No

SOME MEMBERS: No.

MR. PRESIDENT: I think the Noes have it.

MR. JAMES M. BODDEN: Could we have a division, Sir?

DIVISION

NOES

Hon. D.V. Watler  
Hon. G.E. Waddington  
Hon. V.G. Johnson  
Hon. A.B. Bush  
Hon. T. Foster  
Hon. B.O. Ebanks  
Hon. W.W. Conolly  
Mr. John Jefferson

8

AYES

Miss Annie H. Bodden  
Mr. James M. Bodden  
Mr. G. Haig Bodden

3

ABSTENSION: MR. T.W. FARRINGTON

MR. PRESIDENT: The results of the Division -  
Ayes 3 Noes 8 and one voter declined. So that the motion is  
defeated by 8 votes to 3.

MOTION DEFEATED

PRIVATE MEMBER'S MOTION (b) REPLY TO QUESTION RE CAYMAN AIRWAYS  
LIMITED,

MR. G. HAIG BODDEN: Mr. President, Honourable Members, if it  
were not for the great principle involved, I would withdraw the  
motion before the House, taking into consideration that we have been  
sitting for four weeks and we do not want to come back Monday and  
there is very little time left today, I should really sit down. But  
the matter of parliamentary questions is an important part of the  
procedure in the House.

When questions were brought they should be  
answered as fully as possible....

HON. G.E. WADDINGTON: Mr. President, may I on a point of order  
at this stage, submit that this motion is one in respect of which  
there should be no debate. The rules as regards the forms of  
questions, Mr. President, are laid down in Standing Order 25 and  
although Standing Order 25 has no reference to questions dealing  
with the internal affairs of a private company, we are nonetheless  
bound by the procedure, by the Standing Orders and practice and  
procedure of the Commons House of Parliament, under Standing Order  
75 and it is clear, Mr. President, from a reference to May's  
Parliamentary practice that such questions are not permitted in  
the Commons House of Parliament, and I refer, Mr. President, to  
the Treatise to which I refer, Parliamentary Procedure the Eighteenth  
Procedure by Erskine May at page 325 in which is set out almost  
similarly to our Standing Order 25 the various questions which are  
not in order and may not be permitted. And under paragraph (4)  
appears this statement " It is not in order in a question to ask for  
action to deal with matters under the control of local or other  
statutory authorities, or of bodies or persons not responsible to the  
Government, such as banks, the Stock Exchange, Joint Stock Companies,  
employers' organizations and trades unions; or to ask for action  
regarding or information about the activities of such persons or  
bodies which Ministers have no power to perform or obtain, and at  
page 328, Mr. President, is this statement .." an answer to a question  
cannot be insisted upon if the answer be refused by a Minister and  
the Speaker has refused to allow supplementary questions in these  
circumstances".

Having regard to that, Mr. President,  
it is my submission that as we are bound by the practice of  
parliament and as the Minister or the Member responsible in this  
case has declined to answer these questions, and as he has no  
control over the internal affairs of Cayman Airways, it is my  
submission that no debate should be allowed on this motion because

HON.G.E.WADDINGTON (CONTINUING) the answers that were given by the Members should be taken as conclusive of the matter.

MR.PRESIDENT: I'd like to hear the mover of the motion's comments on that submission before I take a submission.

MR. G. HAIG BODDEN: Mr.President, the reference to Standing Order 75 cannot prevent our debating this matter, because we only look to the House of Commons or Erskine May's if the matter is not covered by our Standing Orders and our Standing Orders cover questions so we would only refer to the practice in the House of Commons for something that is not covered by our Standing Orders and questions are covered. And on many occasions in this House questions have been answered on this particular subject, so this House has set precedent for answering questions concerning this Company and if this were a private company, he might be correct but this company is 60% owned by the Government and the shareholders, the major shareholder being the Government, has a right to query and furthermore, if the Member wanted to block this he should have done so when the question was put in and put on the Agenda. We are no longer dealing with the question, this is an adjournment debate on the reply so I can't see how the Member can speak to stop the introduction of this.

However, having regard to a statement made by the Third Official Member in his reply to the Budget Speech, I would promise that if it is allowed by the Chair that I would not be going into the detail or the answer to the question sought by the Lady Member. The point I wanted to make was that questions, when brought to the House by Private Members should be answered in, at least, a polite manner. The reply which was given to an Honourable Member of this House was most impolite and insulting to the dignity of the Member, not only the Member brought it, but to any Member and this is an issue that we should settle now.

Of course, Mr.President, the matter is in your hands and I personally, if it is put to a vote, will vote that there be a debate, but I trust that you will use your decision and do whatever seems right, and I will promise that, although precedent was set this morning, I will not show disregard for your ruling.

MR. PRESIDENT: I am quite prepared to give a ruling from the Chair on this unless Members want it to go to a vote. There is a motion that has been put down under Standing Order 27, which states that "the reply to any question shall be conclusive and no speech or debate on the reply shall be allowed except by motion". The Honourable Mover of the motion gave notice that he would like to debate the reply and I allowed this to be put down on the Order Paper - I gave notice of this from the Chair, and despite the advice of the Honourable Second Official Member, I think I'd find it difficult to rule out debate as I have allowed from the Chairman that the motion should be put down. This will not, of course, preclude the Honourable Member from quoting parliamentary practice as rebuttal of the Motion. So if Members agree I would allow remarks from both sides of the House and then put the thing to the vote. This would not, of course, allow debate on the actual content of the Lady Member's question unless the motion is carried in the affirmative. So I'll take it that the Honourable Mover of the motion has interrupted his speech and he may continue.

MR. G. HAIG BODDEN

Mr. President, every time you make a ruling in this House, I admire your judgment more.

I will not be going into the reply that should have been given to the individual questions - I'll make no mention of that and I will be very brief.

Parliamentary questions have, for the last two hundred and fifty years been a most important part of the procedure in parliament throughout the Commonwealth. The first parliamentary question was asked in 1721 in the House of Commons. Every since that day the number of questions asked have increased until the 1969 session when more than 20,000 questions were asked in the House of Commons, an average of over 100 questions per day. And in 1970 the average had gone to 178.

Private Members, or any member has the right to ask questions of the Members of Government responsible for certain things, and when they ask a question they must receive courteous replies.

We are most disgruntled by some of the replies and it is very unfortunate that this motion to debate a reply had to come at this particular time. Government should welcome the opportunity to answer questions because it gives them an opportunity to elaborate on the policies of Government, in fact if they want a political platform, they would have it, they would have a daily platform on which they could expound their policies.

I feel many times that there is some little resentment in the replies to questions. Apart from the written replies members go on to ask supplementary questions and the Members seem to resent this even more. The written reply has been prepared, probably by a Civil Servant, and can be read from a brief, but a supplementary question has to be answered on the spur of the moment, but the effectiveness of question time would be lost without the supplementary questions and we find that throughout the Commonwealth there is an increasingly larger number of supplementary questions asked.

In the reply, I take exception to only one part and that is saying that the question was brought to satisfy the curiosity of the member and I hope, Mr. President, that I will never again in this House, have to bring such a motion. All I want to do is to make it clear to the House and to the Members of Government that when we bring questions we are only exercising a right that has been enshrined in Erskine May's or whatever authorities you want to quote. It is the duty of Members to seek information and it is also the duty of Government Members to reply.

I think I have made my point that we will not, in the future, tolerate impertinent answers. We must be respected, because we are not here by magic - we are not here by accident, we have been put here by the people who preferred us to other candidates who sought election and as long as we remain Members of Parliament we must be treated with due respect.

MR. PRESIDENT:

Was the motion seconded at the start?

MISS ANNIE H. BODDEN:

I second the motion.

Mr. President, I do not want to know the ramifications of the CAL because I do not need to ask questions to know all the ramifications of the CAL - I do not need to, but I think it was a most insulting answer that I received and I cannot credit my colleague from George Town - he was tutored by somebody to insult me.

I had it to put in this same Compass exactly my view, but for his benefit I did not publish it, but I am most annoyed and upset that my colleague would have the instructions, because they are not his words, don't you fool yourself, they are not his words. They are trying only, using tactics turning me against him, to get him out of the Executive Council - that's the whole thing

MISS ANNIE H. BODDEN (CONTINUING) behind it, and Mr. President, I am not particularly interested in companies generally, but this company is our company, and they should be ashamed to publish all what's going on - they should be ashamed of it - that's all I have to say. Thank you.

HON. A. B. BUSH: Mr. President, Honourable Members, as the Member who answered this question, I accept full responsibility for what's in the answer, make no mistake about that, but I don't see why the Lady Member should have taken offence to the reply because as was said by the Mover of the Motion it is incorrect to say that the answer said to satisfy the curiosity of the Member - it said "to satisfy the curiosity of any person", not the Member.

As has been said in this House many times concerning questions asked about the operations of Cayman Airways, of which Government is a shareholder, it has been emphasised that it is a limited liability company of which Government is a shareholder and the answer to the question, I think, was somewhat in the proper way, to be consistent with what has already been said in this House about Cayman Airways. Its only a shareholder, and as a limited liability company under the law it manages its own affairs. I have no right, Mr. President and Members, even though I am the Member responsible for Communications to demand from Cayman Airways any such things as what were asked in the question, and I think it is most improper to divulge any of the internal happening in Cayman Airways to be made public here in this House, but what was in the question, I think, the very last part of it, was completely left out where the Member could get this information from, and the answer referred to the Honourable Member is recommended to seek the information direct from Cayman Airways, Limited. But I don't think it would be proper, it would be a bad policy to my mind and Government, to divulge all the secrets of the internal workings of Cayman Airways to this House, because it could be most damaging to the company and I am sure that no Member here would want to know that this House did anything that would in any way affect the operations of Cayman Airways and by answering these questions I am of the firm belief that this could damage Cayman Airways, because there is competition in the Island against it, and it could divulge many secrets of the operations of Cayman Airways to the competitors. Thank you, Sir.

HON. V. G. JOHNSON: Mr. President, Honourable Members, as Chairman of Cayman Airways I think I should say a word or two on this motion as well. First of all Cayman Airways, Limited is a locally incorporated company. It is an ordinary company and a public company. All its shares are fully issued. The shares are issued to two shareholders, the Government of the Cayman Islands and Lacs, in the division 51% to the Government of the Cayman Islands and 49% IACSA. There is a proposal to vary the shareholding but that has not yet been concluded, and therefore, Mr. President, the company is a public company. As far as the shareholders are concerned that's another matter.

What I would like to say is that Cayman Airways is a young airline, struggling to maintain an operation and a service within the Cayman Islands - it is struggling against competition - its struggling against, well, interference in many respects - statements in the press, statements around, questions in the House. I know, Mr. President, that Members of the Legislative Assembly have the authority to question the operation of Cayman Airways because of Government's interest in it, but that interest is well known to the Board of Directors and a report is made to the Legislative Assembly annually when the Audited Accounts are presented. I think it is at this time that questions should be raised, but again questions should be carefully framed, because the



HON. V. G. JOHNSON: (CONTINUING) airline business is a very competitive business. If one is not careful it will prejudice the airline, if statements are made and any part of the operation is revealed to other operators. For instance if one tried to <sup>get</sup> too much details of the internal operations of the Company and this information gets into the hands of other operators, they will use it in their competition against the company, and this in itself will be damaging.

In debating the Budget Address members raised the question as to why I did not mention Cayman Airways in the Budget Address and I deliberately did not do so because I didn't want to make the statement which I made in reply to the debate on the Budget Address. I didn't realise that the press was listening and that this would have gone in the press. The statement that appeared in the press did not do the Airline any good, I think, first of all it sort of demoralised the staff to some extent, prejudiced the company's position against its creditors and I think it prejudiced the company's position even against future bookings. These are the sort of damages that are done to the company's operations when too much is said about the company and these are published publicly. I think in a case like this if the Assembly wants to debate the affairs of the company it should, perhaps, be done behind closed doors and it should not be done in public where it can get in the press and where it can be published widely.

We should always try to reflect a good picture of the operations on the outside and endeavour to take care of the problems behind closed doors. If the Airline is to succeed and if it is to get out of its present difficulties this is the manner in which it will have to conduct its business.

Asking series of questions in this House, Mr. President, such as those that have been posed here are things that will get into the press. I really don't see the need for it and a Member of the House wrote to me quite recently after the Accounts (last year's accounts) were tabled in this House submitted a series of questions on the accounts and I spent time in trying to get the answers - I even sent to Costa Rica - to the offices there and endeavoured to try and get all the answers, prepared them carefully and sent them back to the Member. All the information that was possible to be gathered was gathered and forwarded to the Member and I am sure that any other Member of this House who wishes to have information on the operation of Cayman Airways could send and request the information in the same manner. I don't think there is need really to pose all these questions in the House and to make the thing become so public - it does the airline no good, I can tell you that, and if we can avoid it in future I would ask this House to kindly do so. Thank you, Sir.

MR. JOHN D. JEFFERSON: Mr. President, I missed the winding up of the Budget Address which the Honourable Financial Secretary did and when I read the front page of last week's paper, I tell you I was terribly upset, so upset that I called the Manager of Cayman Airways and asked if he had given permission for that to be printed.

I feel that if Cayman Airways is having difficulties, like a lot of other companies have had this year, I don't believe that actually there is any Member in this Chamber that would want to see Cayman Airways fail, and I believe while we are entitled to a lot of things that go on, I certainly believe and subscribe, Mr. President, that in the future, whenever there are problems of this nature that this Legislature could meet behind doors and discuss these problems, because I am assured that they could do Cayman Airways no good - last week's publication.

Let's say that Cayman Airways' debts totalled \$50,000 and if I were one that Cayman Airways owed, having read last week's paper, I would be down on Cayman Airways for payment and certainly when you stop to think of the competition

MR. JOHN D. JEFFERSON (CONTINUING) which Cayman Airways faces, I believe that this type of publication and information is most damaging to the national carrier of the Cayman Islands.

I believe that when we see, as the Honourable Member said, the support that has been given to Cayman Airways this year by the citizens of this territory, we ought to think the esteem to which the airline is held, and do nothing that would damage its standing or damage its chance of fairful competition with the other carrier.

I certainly subscribe to the movement of information, Mr. President, but as far as I am concerned, a lot of information such as this, I am sure that Members get up there and say you never come to my office that couldn't be said about me. I am sure that I have been in the office of every Member in the Executive Council, asking for information about various things and I can say this I have never been refused and I feel, Mr. President, Cayman Airways is a limited liability company, even though the Cayman Islands Government does own 51% - I don't feel that we should be divulging, or the internal affairs of the company should be divulged publicly and what is said in this Chamber, let's make no mistake about it, is public knowledge.

And I think what we have to be very careful about, and I say this very kindly, because I believe every Member in this Chamber cares about the success of this airline, that we have to be very, very careful in the future. I can't see what you could say here today that do it any more damage than what was done last week - I must be honest with you. When a statement was made in the press that the debts or the liabilities of the company - I don't what else you could say that could be more damaging - there's nothing else you could say that could be more damaging. As far as I am concerned, there's nothing else you could say that could be more damaging than what was said.

I would hope in the future that matters such as this could be dealt with behind doors, because the success of the Cayman Airways, as far as I am concerned, if it was to fail it would be a terrible blow at the prestige of this government and the services to which this organisation tries to provide. Thank you very much.

MR. JAMES M. BODDEN: Mr. President, in speaking on this motion, I'd like to say that what brought this motion about was more or less the manner in which questions placed to the House are sometimes answered to where it's an old story of sending the fool a little bit further.

My colleague and myself, Sir, do not want to do anything that would hurt this Government or hurt particularly Cayman Airways. We have questioned certain things in the past about Cayman Airlines but we are willing to support any measure within the means of this Government to keep Cayman Airlines in flight. We figure that it is a prestige thing for one, and it has put our Island on the map in many ways, and whatever sacrifice has to be made should be made. We are not doing it, in anyway, Sir, to in any manner, jeopardise the Company. We only wish to make it plain that we figure this Assembly can question it, although it is a limited liability company, because the stockholders are the people of the Cayman Islands who own 60% of this company and we are the representatives of the stockholders which are the people of this Island.

One thing that bothers me a bit on this Mr. President, that you had made a ruling that this could have been debated. My colleague and myself had agreed to withdraw this motion and we are still in favour of withdrawing the motion, I think, but the Honourable Second Official Member, having more experience than

MR. JAMES M. BODDEN (CONTINUING) ourselves could have said to you before hand or said to us that it would have been appropriate for this to have been withdrawn and we would have agreed.

These things are better dealt with in private than airing let's say dirty linen in the open here and I would hope that in the future just a little bit more respect would be shown to the members on this side of the House, not just because we are not legal graduates.....

MR. PRESIDENT: I dont think the Honourable Member should take the Attorney-General's intervention as disrespect. I mean it was simply legal advice given before the motion was introduced.

MR. JAMES M. BODDEN: Yes, Sir, I am not <sup>taking</sup> it as an affront in one sense, I am just saying that I thought he could have mentioned it to you and you in turn mention it to us if he didn't want to do it personally and we would have agreed, as we had agreed already to withdraw this motion. But I would like to also quote Erskine May's on page 330, and it says that "supplementary questions without debate or comment may within due limits be addressed to them which are necessary for the elucidation of the answers that they have given", in other words Erskine May is also saying that when a question is asked it should be answered in such a way that the person asking that question can derive the correct answer, Sir. Thank you.

HON. G. E. WADDINGTON: Mr. President, I am rather glad in a way that this debate has been allowed, because I think it is quite clear from the parliamentary practice of the House of Commons that this is a question which need not be answered by the Member. Cayman Airways, as the Honourable Third Official member pointed out is a private company owned by two shareholders, and notwithstanding the fact that the Government of the Cayman Islands is one shareholder, it is nonetheless a private company under the Registration of the Companies Law here, and the Member as such has no right whatever to interfere in the internal affairs of the company, and he was perfectly within his rights in refusing to answer the question, and one thing that I am glad that this debate and I hope that this debate will settle for once and for all is that no such further questions should be permitted in this House.

MR. JAMES M. BODDEN: Mr. President, I don't <sup>know</sup> whether I am out of order or not, but I think the Member just speaking has also spoken twice...

MR. PRESIDENT: No, the first time the Honourable Member rose was on a point of order. I think the Member replying might take the Honourable Member's point.

HON. BENSON O. EBANKS: Mr. President, I didn't intend to say anything on this motion but I will reinforce what has been said. Cayman Airways is a company registered under the Companies Law of the Cayman Islands and the fact that the Cayman Islands Government owns 51% and it can be argued that that puts the people as the owner, does not bestow on Members of the House, the general public or the Government any privileges which the Companies Law does not bestow on an ordinary shareholder, and in any company no shareholder can just run in and get any information as and when he wants it - he gets it at convenient times, at the registered office of the company - he doesn't go out in the streets and ask about it, and the Member responsible for Communications and Works as has been pointed out, is not even on the Board of Cayman Airways, he is not responsible for the internal management of the Company.

HON. BENSON O. EBANKS (CONTINUING) Government whether in its wisdom, or if some people want to call it folly, has nominated its allotted number of people to the Board of Directors, they meet. Even at an annual meeting of the company it might be argued that the flow of privilege to Government might emanate and I think it is customary for the Member in charge of Communications and Works to attend the annual general meetings of the company, which is, I think, reasonable. But - I don't think that it should be implied that because we are shareholders in an operation that we can apply the laws of the Medes and Persians here. We are bound by the laws - that company is operated as any other company, that is my view and I do not think that the Member was out of place in refusing to answer the question, I think he was perfectly in order and I think he gave valid reasons why he should not answer the question and it was consistent with positions that had been taken before. And I would hope that we are not going away with the impression that because we are shareholders in Cayman Airways that that gives this House the prerogative to discuss publicly on this floor the internal operations of the Company. Thank you, Sir.

MR. G. HAIG BODDEN I feel so sorry for the Member who just spoke - he seems to have been asleep during the entire debate, or he would have heard that it has been done before in this House, questions have been asked and answered on his sacred liability company. But I am not going to argue with him, because when I started out I promised you that I would not take issue with the details of the workings of Cayman Airways. My contention is that a Member of this House was rudely insulted (MISS ANNIE H. BODDEN Hear! Hear!) by an impertinent reply from a Government Member.

Both the Second Official Member and the Honourable Member for Health and Education are late in finding out that this is a Limited Liability Company and that we shouldn't have questions here. More questions have been asked and answered on this particular subject than any other subject, but I am not going to debate Cayman Airways. I just want to deal with the matter of question time and its importance so that we don't have a recurrence of this, and that when questions are asked they are answered in a polite manner and that when supplementary questions are asked that they are also answered in a polite manner as befits the dignity of this House.

It is my hope that when Broadcasting becomes a reality that question time in this House will be aired - it would provide extremely good material for listening.

This motion is not brought especially because of Cayman Airways, it would have been brought about any subject. It was brought because of the style and the contents of the reply, not so much because it was Cayman Airways, so some Members have missed the essence of this entire motion. The motion only intends to preserve the rights of our Members to ask questions and to receive replies.

I am not surprised to hear that a certain Member visits the Offices of the Government Members - he must visit them quite frequently....

MR. JOHN D. JEFFERSON: I am wondering what the Member is trying to impute, Mr. President? I think it is high time that we stick to the rules of parliament and I absolutely am against any such statement being made. I think it is better to make them here to go to the office and find that information out than to stand here and ask them just so the public can get enraged.

MR. G. HAIG BODDEN (CONTINUING) Mr. President, the Member himself said that he visits the offices quite frequently - if I could play back the tape - I have it down here his exact words. He visits the offices quite frequently and he also said he has never been refused....

MR. JOHN D. JEFFERSON.. (interrupting) Neither have you been refused - he has never gone.....

MR. G. HAIG BODDEN (laughing) That is true. I could say I have never been refused either. But I don't mean anything bad when I say that he visits them frequently - he said so himself

The time and money spent on answering questions represents good value for the taxpayers money. This is the only way that we will ever have good government, the very threat of questions must make Government function more efficiently.

I can't agree with the Member in saying that the debate concerning this particular issue or that of Cayman Airways should take place behind closed doors. Mr. President, I could really open up on this subject but I have a lot of respect for the Chair and for the Managing Director and I like to keep my promise that I will not go into the working of this company at this time but again, I must assert that I was totally dissatisfied with the manner in which this particular question was answered. The same could be said of other questions in this same sitting. This, today makes history - its the first time that we have had an adjournment debate on a question - it won't be the last, unless the policy of reply is changed.

MR. PRESIDENT: The question is =

Whereas the reply given on the 8th of December, 1975 to the question concerning Cayman Airways, Limited was not specific be it resolved that under Standing Order 27 debate be allowed on the reply to the question.

HON. D. V. WATLER: Mr. President, is there really a motion to answer, because it is just a statement of fact that we would have a debate on this, but does it say what we are going to do?

MR. PRESIDENT: No, as far as I see it, if this motion is carried then a debate on the content of the question is then permissible.

HON. D. V. WATLER: Would that be then, Mr. President, that another motion will be coming forward?

MR. G. HAIG BODDEN: Mr. President, I am sure our motion will be carried, so I will withdraw it. I therefore beg leave of the House to withdraw this motion.

MR. JOHN D. JEFFERSON: I wouldnt like to see it withdrawn, Mr. President I would like to see it brought to a vote myself.

MISS ANNIE H. BODDEN: Mr. President, as the one who was insulted, I am quite prepared to let everything lie as is - I don't want to hear any exposure on this CAL, which I sponsored from morning - its not that I get in power now and want to push it - I have always sponsored the CAL and I intend so to do as long as I am in this House.

MR. JAMES M. BODDEN: Mr. President, I second the withdrawal.

MR. PRESIDENT: The proposal is that the motion, by leave of the House, be withdrawn. I shall put the question - will those in favour please say *Aye*.

MEMBERS: *Aye*.

MR. PRESIDENT: Those against no. The ayes have it. The motion is by leave withdrawn.

THE MOTION WAS WITHDRAWN

ADJOURNMENT

HON. D. V. WATLER: Mr. President and Honourable Members, I think everyone will be glad now we have reached the end of the Order of the day and the Business of the House, and I therefore move that the House adjourn sine die.

MR. JOHN D. JEFFERSON: Mr. President, I rise to speak.....

MR. PRESIDENT: We need a seconder for the motion, I am afraid.

MR. T. W. FARRINGTON: I second the motion.

MR. PRESIDENT: The motion is that this House do now adjourn. The question is open for debate.

MR. JOHN D. JEFFERSON: Mr. President, in view of the long and busy and boisterous session I think I would like to be able to say to the President and his family and Members of this Chamber my sincere wishes for them for an enjoyable, happy Merry Christmas and a happy coming new Year.

I think the fact that we stand here and debate, sometimes we see eye to eye, sometimes we don't, but this is our privilege under our democracy and I can assure every Member of this Chamber that when I leave here today I leave here with goodwill to all men and my sincere wishes for a happy and prosperous New Year.

MISS ANNIE H. BODDEN: Mr. President, and Members of this House I would like to thank you, Sir, for the way that you conduct these meetings so that peace abounds. You bring peace and goodwill to this House and I hope and pray and trust, Sir, that you will continue to serve us for many years to come, and above all, I hope that these Members here will get a better spirit of the meaning of true peace and relationship. Thank you.

MR. T. W. FARRINGTON: Mr. President, I would like to associate myself with the expressions for the President and Members of this House and I sincerely hope that you will have a happy, Christmas and prosperous New Year.

HON. W. W. CONOLLY: Mr. President, On behalf of the elected Members of this House, who hold portfolios, I, too, would like to offer to yourself and your family and to all Members of this Assembly our greatest greetings and best wishes for a happy Christmas and for prosperity and health and everything that one could wish for in the New Year.

MR. JAMES M. BODDEN: Well, Mr. President, to go along with the crowd and to do something that Executive Council has just done, one Member speaking on behalf of it, I would not like to see the solidarity be broken on this side of the House, so on behalf of my colleague and myself, I take this opportunity of wishing you and your family the very best for the season and thanking you for your tolerating us in the Chamber in the manner you have, and to all the Officials of Government and even to Executive Council, you know, we wish you all the best. Thank you.

HON. D. V. WATLER: Mr. President, and Honourable Members, I did open this motion and allowed some of the other members to wish you all the very best and now, on behalf of the Official Members and of the Executive Council and of the Legislature I wish to extend to you and your family all the very best for the Christmas season and a very happy season and a prosperous New Year and likewise to all of the Members of the House from the Official Side and the Executive Council too, I would still wish you all the very best for Christmas.

MR. PRESIDENT: Well, before I put the question to the vote, I would like to reciprocate, on behalf of myself, my wife and family, good wishes expressed and wish for you, too, a happy Christmas and a prosperous New Year. It is one of the most pleasant aspects of my job here to preside over this Chamber and I think that there can be few assemblies that can meet for four solid weeks, day after day, that can have so few interventions from the Chair, and I think that this is a reflection on the orderly behaviour of this Assembly, of which I think Members can take pride.

So I will now put the question, that this House do now adjourn - Those in favour please say AYE?

MEMBERS: Aye.

MR. PRESIDENT: Those against no - The ayes have it, the House stands adjourned sine die.

AT 4.55 P.M. THE HOUSE ADJOURNED SINE DIE.