

THRONE SPEECH

DELIVERED BY HIS EXCELLENCY THE GOVERNOR

MR G P LLOYD CMG CVO

AT THE OPENING OF THE LEGISLATIVE ASSEMBLY

ON FRIDAY 1 MARCH 1985

Honourable Members of the Legislative Assembly

The Throne Speech always marks the opening of a new Session of the Legislature. Every fourth year, following a General Election, it coincides with the Budget Session. This is such a year. I shall therefore speak quite briefly, and shall concentrate on outlining the Government's policies and legislative programme.

No serious problems arose during either the registration of voters or the General Elections themselves last year. The need for a few amendments to the new Elections Law, which had been enacted in 1983, was nevertheless noted; and I have invited all Members of the present Legislative Assembly to report any others they may have noticed, so that suitable arrangements can be made to consider how the Law should be amended as a result of the experience gained when operating it.

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Revised Personnel Regulations are being drafted and should take effect during 1985. It is also intended to amend the Public Service Regulations so that the Commission can be strengthened and become more fully responsible for recruitment.

Major emphasis is being placed on the development of locally based courses for Civil Servants. In 1985 particular importance will be placed on middle management training. It is hoped that this and overseas training will aid localisation. As scholarship students return from overseas universities with degrees, they are placed in Departments to utilise their training.

The movement of Departments from the Government Administration Building to the Tower continues, with physical changes in the former building being made to accommodate staff growth in Departments remaining there. This should be completed by mid-1985.

Steps to strengthen the Police continued. The year saw the commencement of an extensive in-Force training programme with the arrival of a number of senior expatriate officers with skills in special areas; more are to follow this year. Alongside this programme positive steps were taken to develop the careers of local officers and in the last few months of 1984 20 local officers were promoted to senior and other supervisory posts and this phase which is directed towards localisation within the Force whilst raising professional standards through intensive training will continue.

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In the case of immigration, the most significant development in the last twelve months was the passing of the Caymanian Protection Law 1984. Considerable progress has been made in drafting the Regulations and formulating the guidelines necessary to enable it to be brought into effect. This should then help ease the position for people with Caymanian connections. In the case of other people, it should permit suitable individuals to be given greater security of tenure without grants of status, which will be made only to a small number annually. The issue of identity cards to gainful occupation licence holders will assist both employers and the authorities in reducing illegal employment.

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Radio Cayman has continued to be a commercial success, earning more in revenue than its services cost to provide. Moreover it provided a number of new services during 1984. Everyone standing as a candidate in the General Election was for the first time given an opportunity to broadcast a statement outlining his platform. And broadcasts of most of this Assembly's proceedings became a regular feature. They were so
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I have, so far, been speaking about matters which are Constitutionally my own responsibility or which fall within the Portfolio of the First Official Member. I can be far more brief now that I turn to the Second and Third Official Members. For you are soon to hear the Budget Speech; and I do not want to cover - or, indeed, to trespass on - the ground which the Financial Secretary will be covering. But one point should be recorded and another made. Let me, therefore, note for the record that the Cayman Narcotics Agreement was signed in July 1984 and that legislation to implement its principal provisions was enacted the following month.

Some of those provisions were controversial. This is not the right time - and I am not the right person - to debate their merits. I hope you will nevertheless allow me to express the personal view that we should all be grateful to the members of the UK and Cayman teams who conducted a difficult series of confidential negotiations with patience, skill and wisdom under circumstances made the more difficult because they were precluded from reporting publicly on progress. Which brings me to the point I wished to make. Under the terms of the Agreement, the Government is obliged to enter into further negotiations later this year. When it does so, account will be taken both of views expressed and advice given by members of the financial community here, and of the experience gained to date as a result of implementing the new procedures for which the 1984 Agreement provided. But it will again necessarily be precluded from providing the public with detailed information whilst it negotiates: to do so would prejudice the outcome.

I turn next to the Portfolio of the four Elected Members of Executive Council. A number of changes were made at the time of their appointment. Thus, for example, the Member for Communications and Works again became responsible for District Administration; the re-titled Portfolio of Development and Natural Resources took on water, sewage and housing; responsibility for all tertiary education was concentrated in the Health, Education and Social Services Portfolio; and so on. The intention was to ensure that responsibilities were distributed in the

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most effective way.

Now that this redistribution has taken place, the HESS Portfolio will give particular attention to the development of the Community College. With more than six hundred students enrolled in forty-five courses, it is already providing a popular and valuable service. But plans are being made for it to become an institution in its own right by September 1985, offering day as well as evening classes and incorporating the Hotel, Marine and Building and Trade Schools.

Continuing emphasis will be placed on the development of special education programmes designed to help all children realise their full potential.

Preliminary steps were taken during 1984 to address the provision of mental health, drug and alcohol abuse, services. These areas of health care will remain a high priority. So will care for the elderly ill, as evidenced by the recent opening of a ten-bed medical wing at "The Pines" as an extension of the George Town Hospital.

In the field of environmental health, work will centre on water quality surveillance, meat inspection, solid waste management and rodent control.

The Department of Social Services will be further strengthened during 1985, to enable it to meet growing demands.

At Bonaventure House and the Frances Bodden Girls' Home there will be independent professional reviews of the effectiveness of their operations.

The Juveniles Law is to be revised; and a Bill amending it will be introduced during this Session.

Additional units will be added to the one already completed in the new low-income housing project at Eastern Avenue.

The scale of Cayman Airways' losses - which averaged about 3.5 million dollars annually during the four year period from mid-1980 to mid-1984 - caused widespread and serious concern. Moreover the United States' undertaking not to licence any additional airline to operate between Miami and Grand Cayman lasts only until April 1985. Against this background the Airline's Board, in consultation with the Tourism, Aviation and Trade Portfolio, commissioned a comprehensive independent professional report on it so that informed decisions can be taken about its future policies and management.

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The tourism industry continued to show increases in 1984, and predictions are that 1985 will also be a very successful year. Government will take steps to ensure that the services being offered to our tourists are maintained to a high level.

The Fire Service sub-station at Frank Sound was completed in late 1984, offering a quick response to calls in the Eastern Districts of Grand Cayman. Possible means of establishing a Domestic Fire Service in Cayman Brac are being studied.

The Labour Office will continue to provide assistance to employers and employees, where possible. Consideration is being given to the introduction of labour legislation during 1985.

As I said earlier, District Administration has been returned to the Communications and Works Portfolio. With regard to it, most of the
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infrastructure necessary to economic development is now complete in Cayman Brac: an efficient port, a resurfaced airfield, a reliable telephone service, an improved and expanding electricity supply and so on. Attention will therefore be focussed on attracting developers and visitors alike to the Sister Islands, to help their economies expand and to generate employment.

Plans to relocate the present Post Office in George Town in a new, more modern building will be pursued, a particular study being made of the viability of incorporating a multi-storey car park which should relieve traffic congestion by enabling on-street parking to be restricted.

In addition to a full programme of maintenance, the Public Works Department will construct a number of buildings and continue various new road works during 1985.

The Port Authority is expected to continue to operate profitably for the eighth successive year. Plans are well-advanced for the placing of permanent moorings for cruise ships.

In 1984 the (then) Portfolio of Agriculture, Lands and Natural Resources conducted negotiations aimed at getting the United States' ban on products from our Turtle Farm lifted.

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The Portfolio will also be engaged on several other major projects in 1985.

Sewerage is regarded as a top priority because of the danger to public health - and the potential repercussions on the tourist industry if the present situation is not given attention. The Seven Mile Beach area will be tackled first, to provide a sound economic basis for the further extensions planned. The order of cost of the completed system is \$20 million, making this the largest public project yet contemplated.

Emphasis will be placed on agriculture. An Agricultural Development Committee has been established to assist. It is intended to obtain the services of an adviser to upgrade the Demonstration Farm.

A Building Code which has been under consideration for quite some time will be pursued with the assistance of a Committee recently established.

Because of the growing demand for water, well fields are being developed at East End which should be in operation shortly. Other methods of producing water are under investigation.

The Housing Development Corporation is actively pursuing a search for funds to meet demands. Money raised from local financial institutions in 1984 was spent before the end of the year. Policies will be reviewed in order that future transactions relate to the true purpose of the scheme.

May I in conclusion pay tribute to Members' accustomed standard of conduct and courtesy. This eases my tasks of maintaining order and of ensuring a fair hearing for all. I am confident that with such help,

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they will not become burdensome.

I pray that Almighty God may bless and guide our deliberations throughout the coming Session.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
(FRIDAY, 1ST MARCH, 1985)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRKCONNELL	MEMBER FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER FOR DEVELOPMENT AND NATURAL RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS DAPHNE L ORRETT	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING AND BUDGET MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY
(FRIDAY, 1ST MARCH, 1985)

1. STATE OPENING (SEE PROGRAMME ATTACHED)

HOUSE RESUMES

2. PRESENTATION OF PAPERS & REPORTS

DRAFT ESTIMATES OF REVENUE & EXPENDITURE OF THE CAYMAN ISLANDS
FOR THE YEAR 1985 - TO BE LAID ON THE TABLE BY THE HONOURABLE
THIRD OFFICIAL MEMBER.

3. GOVERNMENT BUSINESS

(a) MOTIONS:-

GOVERNMENT MOTION NO.2/85 - BROADCASTING OF PARLIAMENTARY
PROCEEDINGS.

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER

(b) BILLS:-

THE APPROPRIATION (1985) BILL, 1985 - FIRST READING
FINANCIAL STATEMENT BY THE HONOURABLE
THIRD OFFICIAL MEMBER - SECOND READING

HOUSE SUSPENDS

HOUSE RESUMES

FIRST & SECOND READINGS

- (i) THE CUSTOMS (AMENDMENT) BILL, 1985
(ii) THE STAMP DUTY (AMENDMENT) BILL, 1985

SUSPENSION OF STANDING ORDERS 46(1) & 47

TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER TO
ENABLE ALL STAGES OF THE BILLS TO BE TAKEN THE SAME DAY.

COMMITTEE THEREON

- (i) THE CUSTOMS (AMENDMENT) BILL, 1985
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REPORTS THEREON

- (i) THE CUSTOMS (AMENDMENT) BILL, 1985
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THIRD READINGS

- (i) THE CUSTOMS (AMENDMENT) BILL, 1985
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STATE OPENING OF THE CAYMAN ISLANDS

LEGISLATIVE ASSEMBLY

BY HIS EXCELLENCY THE GOVERNOR, MR. G. P. LLOYD, CMG, CVO

FRIDAY 1ST MARCH, 1985. 10.00 a.m.

PROCESSION

SERJEANT-AT-ARMS: His Excellency the Governor

The Clerk, Mrs. E. Gay Jackson, followed by the Deputy Clerk, Mrs. Wendy Ebanks, the Serjeant-at-Arms, His Excellency the Governor, Mrs. Lloyd and A.D.C.

H. E. THE GOVERNOR, on reaching the dais bows to the right and to the left and says

The Assembly is in Session.
I will invite the Rev. Edgar Ogston to say Prayers.

REV. OGSTON: O Lord Our God, save this moment from being merely a gesture to custom or convention, make it a real experience for each one of us in this place as we call upon you for guidance and help.

You are far too near and beside us in the exalted experience of worship in church. Make us now to feel your nearness in the business of this day, the Unseen Member of this Assembly, present and voting.

Work through these men and women, we pray O Lord, that what they say and what they do may be in accordance with your will for this land that we love so much.

We pray for the Queen and members of the Royal Family and we also pray for His Excellency the Governor Grant them wisdom, courage and discernment for the heavy tasks you lay upon their shoulders.

Lastly, Father, we pray for the peoples of these Islands that they might be obedient to your will and truly honour and uphold Your Name.

And these our prayers we ask through Jesus Christ Our Lord, who taught us to pray the family prayer -

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

H. E. THE GOVERNOR: Please be seated.

THE CLERK:

"PROCLAMATION NO. 2 OF 1985

BY HIS EXCELLENCY GEORGE PETER LLOYD
COMPANION OF THE MOST DISTINGUISHED
ORDER OF SAINT MICHAEL AND SAINT
GEORGE COMMANDER OF THE VICTORIAN
ORDER, GOVERNOR OF THE CAYMAN ISLANDS

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

NOW, THEREFORE, under and by virtue of the powers vested in me by the afore-said order I, GEORGE PETER LLOYD, Companion of the Most Distinguished Order of Saint Michael and Saint George Commander of the Victorian Order, Governor of the Cayman Islands, do hereby proclaim and make known that a Session of the Legislative Assembly of the Cayman Islands shall be held at the Legislative Assembly Building in George Town, Island of Grand Cayman, at 10 a.m. on Friday first of March, One Thousand Nine Hundred and Eighty-five

Given under my hand and the Public Seal of the Cayman Islands at George Town in the Island of Grand Cayman, this eighteenth day of February, in the year of our Lord One Thousand Nine Hundred and Eighty-five in the Thirty-fourth year of the Reign of Her Majesty Queen Elizabeth II.

God Save The Queen."

HIS EXCELLENCY THE GOVERNOR: The Throne Speech.
Honourable Members of the Legislative Assembly -

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HIS EXCELLENCY THE GOVERNOR (CONTINUING): Emphasis will be placed on agriculture. An Agricultural Development Committee has been established to assist. It is intended to obtain the services of an adviser to upgrade the Demonstration Farm.

A Building Code which has been under consideration for quite some time will be pursued with the assistance of a Committee recently established.

Because of the growing demand for water, well fields are being developed at East End which should be in operation shortly. Other methods of producing water are under investigation.

The Housing Development Corporation is actively pursuing a search for funds to meet demands. Money raised from local financial institutions in 1984 was spent before the end of the year. Policies will be reviewed in order that future transactions relate to the true purpose of the scheme.

May I in conclusion pay tribute to Members' accustomed standard of conduct and courtesy. This eases my tasks of maintaining order and of ensuring a fair hearing for all. I am confident that with such help, they will not become burdensome.

I pray that Almighty God may bless and guide our deliberations throughout the coming Session.

MR. JAMES M. BODDEN: BE IT RESOLVED that the Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the Address delivered at this meeting

BE IT FURTHER RESOLVED that the debate on the Address delivered by His Excellency be deferred until Wednesday the sixth day of March, 1985 at 10 a.m.

HIS EXCELLENCY THE GOVERNOR: The question is BE IT RESOLVED that the Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the Address delivered at this meeting

AND BE IT FURTHER RESOLVED that the debate on the Address delivered by His Excellency be deferred until Wednesday the sixth of March.

Is there a seconder?

MR. W. McKEEVA BUSH: I second the motion, Sir.

HIS EXCELLENCY THE GOVERNOR: I will put the question. Will those in favour please say aye, those against no, the Ayes have it.

PROCESSION DEPARTS

THE CLERK, THE DEPUTY CLERK, THE SERJEANT-AT-ARMS, HIS EXCELLENCY THE GOVERNOR, MRS. LLOYD, A.D.C.

THE CLERK RETURNS TO THE CHAMBER

THE CLERK: The House will now suspend for half an hour.

AT 10.27 A.M. THE HOUSE WAS SUSPENDED FOR HALF AN HOUR

THE HOUSE RESUMED AT 11.05 A.M.

MR. PRESIDENT:

Please be seated.

Before I turn to Item 2 on today's Order Paper, Presentation of Papers and Reports, perhaps I should just say that it has been brought to my notice that by a slip of the tongue I may have created some confusion about the date on which the debate on the Throne Speech is due to take place. It is in fact Wednesday of next week, I think I gave the wrong date. The Mover of the Motion I think I got it right and I misquoted him, but so there should be no doubt in any body's mind Wednesday is the day that was intended and I shall regard the motion as having been so worded that we passed it as Wednesday.

Presentation of Papers and Reports.

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1985
AND ERRATA

HON. T. C. JEFFERSON:

Mr. President, I beg to lay on the Table of this Honourable House the 1985 Draft Estimates, together with an errata.

MR. PRESIDENT:

So ordered.

GOVERNMENT MOTION NO. 2

HON. D. H. FOSTER:

Mr. President, I beg to move Government Motion No. 2 standing in my name, it reads as follows: -

In accordance with Standing Order 24 (5) the Honourable First Official Member I will today move this motion -

In accordance with Immunities, Powers and privileges conferred upon the Legislative Assembly of the Cayman Islands Constitution Order 1972, the Immunities, Powers and Privileges Law (Revised) and other written laws
BE IT HEREBY RESOLVED that Radio Cayman being a Broadcasting Station operating within the Cayman Islands by the Government of the Cayman Islands is hereby authorised to broadcast recordings of the proceedings of the Legislative Assembly as are hereby after named -

1. Throne Speech and debate thereon
2. The Budget Address and debate thereon
3. Question Time
4. Presentation of Papers, Reports of Committees, speeches thereon
5. Debate on Second Reading of all Bills set down for the sitting commencing on the first day of March, 1986
6. Debate, if any, on Government Motions
7. Debate, if any, on Private Members' motions

MR. PRESIDENT:

The question is that Government Motion No. 2, the text of which has just been read by the Mover, should be passed. Does any Honourable Member wish to speak? If not I will put the question. Will those in favour please say aye, those against no, the Ayes have it.

I declare the motion passed.

MR. PRESIDENT:

Item 3 (b) - BILLS

THE APPROPRIATION BILL, 1985

CLERK:

THE APPROPRIATION BILL, 1985

FIRST READING

MR. PRESIDENT:

The Bill entitled the Appropriation Bill, 1985 is deemed to have been read a first time and is set down for second reading.

CLERK:

THE APPROPRIATION BILL, 1985.

SECOND READING

HON. T. C. JEFFERSON:

Mr. President, I am honoured to join you, Sir, on this occasion, when the Throne Speech and Budget Address are presented to this Honourable House on the same day. The Budget Address, this year in particular, is presented with the intention of conveying to this Honourable House and the people of the Cayman Islands a detailed accurate account of the financial affairs of Government and the state of the economy. It is my pleasure, Mr. President, to present the financial statement in support of the Appropriation Bill, 1985, which is now in the process of its second reading.

Mr. President, although the Cayman Islands have passed through perhaps the most heavily contested general elections ever held, resulting in a major change in the membership of this Honourable House, there has been no major change in the Country's economic development policies. I suggest to all Honourable Members that we should now address our total energies to the promotion of those familiar tenets of our development over the past twenty years namely, political stability, maintaining our good financial position, prudent control of Government spending and balanced budget. Re-examining that well known adage to cut the cloth to suit the occasion, I mean, Mr. President, we should trim our finances to the bare necessities required to provide the services to the people of these Islands. 1985 should be a year of taking stock, that is, re-examining our management philosophy of running these Islands. We should not try to emulate or adopt procedures which operate in other countries, but remember from whence we came and only change our procedures when events in these Islands and the international business world require it.

The Cayman Islands have also experienced, during 1984, the establishment of the Narcotics Agreement and perhaps international speculation about it. In my view, Mr. President, no country should refuse to co-operate in the prosecution of persons involved in narcotics. For certain, it is an international ill capable of destroying every fibre of any society. Mr. President, there is little evidence of any drug money in the Cayman Islands today. The cases now being examined relate to the latter half of the 1970's. As I said while debating the Narcotics Bill last year, the signing of that Agreement is a step forward for the future development of these Islands.

HON. T. C. JEFFERSON (CONTINUING): As an offshore Financial Centre, the integrity of the Cayman Islands Government and Financial Industry is of paramount importance and Government will continue to do all in its power to ensure that the beneficial state continues. We are convinced that the future lies in hosting a clean and well regulated financial industry.

2. The Economy 1984

The economy of these Islands, which is based mainly on the financial industry and tourism, continues to be a very fragile economy, because it is largely influenced by external factors over which we have no control. However, internal factors play a significant role as well, and I would suggest that we are all responsible for it. Therefore, Mr. President, care should be exercised on the image we project to the international world.

a) Financial Sector

(i) Banking and Trust

Despite the traumas experienced during 1984 in the financial systems in the United States and elsewhere, there appear to have been relatively few knock-on effects through the Cayman banking sector, although the continuing problems surrounding the extreme indebtedness of a number of Latin American countries have undoubtedly affected the operation of the 'booking' branches which predominate in the sector. Figures for the total eurocurrency assets of the banks in Cayman (our usual indicator of offshore banking activity) are not yet available for 31st December, 1984, but it might be unwise to expect any great increase in the 1983 figure of US\$131 billion, which is estimated to account for about 5% of the total eurodollar market.

During 1984 we saw further evolution in the composition of the banks using the facilities offered by Cayman. Historically, of course, the sector has been dominated by the US banks, mostly because of the geographical proximity, but also (less positively) because of Cayman's lack of credibility further afield. The last two or three years have seen this change significantly. As I reported in my last address, three quarters of the banks licensed in 1983 came from outside the United States, and this has been repeated in 1984. Of the new licenses granted last year some 32% went to banks based in Europe and 21% to institutions originating in the Middle and Far East. Although the US banks must always be a very important element in a thriving banking industry in Cayman (they currently account for over one-third of our licensed institutions), the diversification and greater internationalisation of the sector can only be welcomed, since it indicates a general recognition of the standing and strength of our financial industry.

At the end of 1984, there were 459 banks and trust companies on the register, a net increase of seven over the previous year. However, this latter figure hides the fact that 28 new licenses were issued, substantially all to branches and subsidiaries of major overseas banks. The relatively high number of 21 cancelled licenses, to a large extent, reflects the restructuring and merging of certain foreign banking groups, which has sometimes resulted in a duplication of the new company's representation in Cayman. However, a number of banks did close their Cayman operations, because these failed to live up to original expectations, and we were obliged to revoke three licenses for various reasons. In line with our policy of the last

HON. T. C. JEFFERSON (CONTINUING) few years, supervision of the banking sector has been further improved during 1984 by the introduction of more comprehensive reporting requirements for many banks. Contrary to what some people may believe, such a development is generally welcomed by the industry, since it underlines our commitment to preserving the integrity of the international system rather than simply looking to the banking sector as a revenue earning tool.

Because of the greatly improved availability of office accommodation in George Town, we are now able to play host to a larger number of institutions which wish to establish a physical presence on the Island, rather than rely on the traditional agency services. There are currently 50 banks or trust companies with staffed offices here, with the prospect of two or three coming during 1985. This is certainly an encouraging trend, since it is primarily through the development, in depth, of local services and expertise, that the financial market will continue to grow. Naturally such developments provide an impetus to the local economy through additional employment, current and capital expenditure etc. although, as regards employment, it must be accepted that the majority of the newly-established institutions will need to rely, initially at least, on expatriate management. Nonetheless, at the end of 1983, (the latest date for which figures are currently available), over 75% of the 874 persons directly employed in the banking sector were Caymanian. In the same year, total expenditure in Cayman by the banks and trust companies totalled CI\$41 million, of which CI\$3.6 million were accounted for by license fees, the remainder by salaries, capital expenditure and general operating costs. During 1984, following the increase in license fees announced in my last Budget Address, fees paid to Government totalled CI\$4.5 million.

(ii) Agricultural and Industrial Development Board

The Agricultural and Industrial Development Board continues to provide much assistance to the small business operator in the Agricultural and industrial Sectors of the economy. The demand for loans in these two sectors increases annually, with a total of CI\$119,000 disbursed in 1984, increasing the total loans outstanding at year end to CI\$890,000. As available funds in the two sectors are almost exhausted, new lines of credit are now being obtained from the Caribbean Development Bank.

With the reallocation of subjects after the general elections, the Statutory Board, AIDB was transferred to the Portfolio of Finance and Development.

(iii) Cayman Islands Currency Board

The total assets of the Cayman Islands Currency Board as at 31st December, 1984 were CI\$16.0 million. The Currency Board continues to perform the important function of the issue and redemption of Cayman Islands notes and coins. As at 31st December, 1984, currency in circulation stood at CI\$13 million. Mutilated notes redeemed and subsequently destroyed in 1984 amounted to CI\$5.4 million.

The Board's funds are held primarily in the form of US Treasury Bonds and fixed deposits both, with local banks and prime banks overseas. As at 31st December, 1984 Treasury Bonds amounted to CI\$7.3 million, and fixed deposits

HON. T. C. JEFFERSON (CONTINUING): CI\$5.6 million.

Although no commemorative coin was issued in 1984, the Annual Eight Coin Proof Set was minted for 1984, and was well received by subscribers and coin collectors.

In 1984, the Board transferred CI\$890,541 of its 1983 net profits to the Government's General Revenue.

(iv) Companies Registration

As in previous years, Companies, Shipping, Patents and Trade Marks continued to be the most important areas of the Registry, both in terms of work in the office and in monetary returns.

For the period 1st January to 31st December, 1984, one thousand nine hundred and sixty four (1,964) new companies were incorporated in the Cayman Islands, generating CI\$6.376 million in comparison with two thousand two hundred and eighty-four (1,184) new companies and CI\$6.5 million for the same period in 1983.

An analysis of the new companies registered in the Cayman Islands is detailed below:-

EXEMPT	-	1,151
ORDINARY	-	679
FOREIGN	-	34
		<hr/>
		1,964

All companies registered in the Cayman Islands are now listed on the Government's computer, which enables the Registry staff to rapidly recall information, to assist in decision making in the office. In addition, the computer is being used to bill all companies on the Register, and to follow up the payments due to Government, failure to do so resulting in the company being struck from the Register.

A statistical summary of the companies appearing on the Companies Register as at 31st December, 1984 is as follows:-

NO. OF COMPANIES ON REGISTER (DECEMBER 1983)	EXEMPT	ORDINARY	FOREIGN	TOTAL
	9,797	7,304	412	17,512
NEW REGISTRATIONS 1984	1,251	679	34	1,964
COMPANIES STRUCK OFF 1984				<hr/>
COMPANIES ON REGISTER AS AT 31ST DECEMBER, 1984				1,838
				<hr/>
				17,639

In 1984 it had been estimated by the Registrar that the total revised sum of CI\$7 million would be collected from company registration, but this amount was not realised and the general feeling in the private sector is that there is now a general levelling off of new registrations, coupled with competition from new uprising offshore financial centres and it may now therefore be appropriate to reflect this general levelling off condition in all future estimates.

(v) Accounting Firms

Another international accounting firm made the decision to operate in the Cayman Islands in 1984. It is one of the top ten accounting firms in the world. These additions

HON. T. C. JEFFERSON (CONTINUING): to the Financial Sector can only add to the attractiveness and professional service available in these Islands. Accounting firms are essential to the smooth functioning of an offshore financial centre and their contribution in direct expenditures is CI\$3.8 million and by employing 137 staff. Caymanians form 49% of the staff and there are 72 accountants. Training of 26 local staff is being conducted in a variety of ways. Some students are being sponsored for full-time overseas training to qualify as professionals. Others are being trained on the job. These students are due to qualify as follows:

1985	1986	1987	1988	1989	1990
7	3	6	4	4	2

(vi.) Company Management

The business of providing the services of Company Management has attracted much attention during 1984, with the Companies Management Law 1984 (Law 12 of 1984) being enacted. Government is now in a position to supervise this type of business which has caused some concern in the past.

Total employment of these companies is 72 of whom, 74% are Caymanians and direct and indirect expenditure is approximately CI\$2.5 million.

(vii.) Legal Firms

Legal firms employ 156 staff and contribute \$4.8 million in direct expenditure to the economy and are sponsoring 11 articale clerks to the Law School. The school, which was established in 1982 at a cost of \$33,100, cost \$94,750 in 1984.

It is hoped that the legal profession will work hand in hand with Government to keep down the operating costs of the school and assist in its funding.

(viii.) Insurance.

As foreseen and mentioned in the previous Budget Address, 1984 was a period of consolidation for the Insurance Section of Finance and Development.

At the end of the year, there were 271 'B' licensed insurers (including 33 running off) and 28 'A' Class licensed insurers.

There are now 162 personnel employed locally in the market, 80% of whom are Caymanians. The business also involves a large number of employees who work for local accounting, legal and banking companies. We have estimated that the offshore insurance market also attracts close to 5,000 visitors to the Island each year. Many of these people are shareholders and directors of the companies.

The insurance industry, world wide, has been underwriting at a loss over the past six or seven years, and these losses have assumed very significant proportions during the last two years.

1985 is being seen as the beginning of a turnaround for the market, and it is possible much more interest will be generated in offshore companies during this period. Finance and Development through the Insurance Section is organising a Seminar at the end of May to help promote the Island as a base for Association Type Captive Insurance Companies.

Revenue to Government from the issue of insurance licenses remains steady of just in excess of CI\$1 million. Expenses are estimated at 1 1/2 Per cent of this figure.

HON. THOMAS C. JEFFERSON (CONTINUING):

b) *Tourism sector*

1984 proved to be an excellent year for the tourist industry in the Cayman Islands, as the tail end of the 1982 recession disappeared. Cruise ship arrivals finished the year at 203,583, up 14.9% over 1983. Air arrivals totalled 148,484, an increase of 13.6% over the previous year, and hotel occupancies have begun to increase again as a result. It is estimated that direct revenues from our visitors accounted for at least CI\$63 million in earnings for our economy.

The re-election of President Reagan in the United States will no doubt have a positive effect on tourism to these Islands. All economic indicators in North America point to a good year in 1985 and advance bookings reported by our hotel industry would seem to confirm our projections.

At the beginning of 1985, the Department commenced the operation of a new computerized hotel reservation system. When fully operational, this system is expected to provide a great assistance to the travel trade in the U.S., by making hotel space in the Cayman Islands more available for sale than ever before. This new system, coupled with ongoing successful promotional efforts, should provide us with an increase of visitors of over 10% in 1985. This will be a positive achievement, when one considers that almost no new accommodations will be available this year.

The Department of Tourism has selected a new advertising agency and you will shortly be seeing a whole new design and creative approach to the presentation of our product throughout the world. Not only our advertising, but our brochures and sales material, will reflect this new approach, and it is expected this will have a positive impact on our marketing effort.

The employed labour force of the Sector, which includes hotels, condominiums and restaurants is 1264 staff with Caymanians representing 86%. The contribution to the economy in the form of direct expenditures is CI\$32.2 million.

Utilizing another formula, the total impact on the economy is CI\$75.1 million which includes lodging, ground transport, food and beverage, shopping and recreation.

c) *Constructor Sector*

Activity in the Sector was down during the year.

The major projects were condominiums on Seven Mile Beach, Phase 11 of Transnational House and the Owen Roberts Airport Terminal, a handsome building indeed, which will serve the travelling public well.

Employment in the Sector of 460 workers and its contribution to the economy is CI\$25 million.

The C.P.A. held 27 meetings in 1984, an increase of two over 1983. A total of 601 applications was considered, a decrease of 21.1% from 1983. Applications for major development totalled 360, which represents a decrease of 7.2% from 1983. Minor developments were down 37% from 1983. Revenue generated by applications was up 57% over 1983 to CI\$179,061.

The value of fully approved development dropped from \$81 million in 1983 to \$64.2 million in 1984 - a decrease of 20.6%. The greatest sector decrease, next to Government was in hotel development (49%); the greatest sector increase was in industrial development (160.8%).

HON. T. C. JEFFERSON (CONTINUING):

d) *Agriculture and Fishing Sector*

Projects spearheaded in the area of agriculture in 1984 were (1) the furthering of work on interior roads to open up previously inaccessible land for cultivation; (2) the importation of a number of Nubian goats to improve the quality of herds; (3) the recruitment of a new Head of Department of Agriculture; (4) the arranging of delegations to the Royal Agricultural Show in London and the Florida State Fair to provide modern farming techniques and equipment as well as valuable data on prime livestock; and (5) securing the services of Agricultural Consultants from Jamaica to provide advice on banana, avocado pear and mango crops. The thrust of the Agriculture Department activity continues to be towards reducing the importation of certain agricultural products in favour of local production and supply. Progress in this area during 1984 was encouraging, as are the farmers' crop projections for 1985. A local farmer expects to harvest 15 - 20 thousand avocado pears in 1985, and during 1984, banana harvest peaked at 30,000 pounds per month. Cayman Poultry Farm currently supplies 90% of the local demand, producing an average of 10 - 12 thousand eggs daily from 15,000 hens. Another farmer currently supplies pineapples, tomatoes, thyme, bananas and other produce in local supermarkets. The apiary in Savannah supplied 605 gallons of honey to the local market.

The Department and the Agricultural Society assist farmers in finding local outlets for their produce by advising the supermarkets as to the harvest times and quantities available, respecting the various crops grown. Local markets in general co-operate readily in buying Cayman grown products.

The Department of Agriculture also works closely with the Agricultural Society, in actively encouraging and assisting local farmers in crop production. To this end, both the Lower Valley Farm and the Smith Road station will be developed on experimental lines, to test plant varieties, fertilisers, etc. Successful plants will then be transferred to private farms for larger scale implantation. Farmers can be assured that it is not Government's policy to compete with them in the production and marketing of their products, but rather to support private production and stimulate new ventures.

In 1984, 239 butchered animals were inspected and stamped by the Department to ensure that meat reaching the marketplace was wholesome. The cattle dip at Lower Valley was repaired and 205 tons of cattle feed was imported and resold to farmers.

The Department undertook a farm and cattle census, which revealed that there are over 300 active farmers and 2,000 head of cattle on the Island. Airport surveillance of plant and animal importation was strengthened: 2,040 commercial flights and 764 private flights were inspected and, 18 boats. During 1984, it was necessary to impose a ban on the importation of all carnivorous animals due to a rabies outbreak in Texas. The Department's strigent vigilance in this matter was not an over reaction, as a rabies outbreak on the Island would have been disastrous for both the animal and the human population.

It is hoped that, in 1985, more cattle farmers will take advantage of the artificial insemination service to improve the genetic make-up of their animals. Semen from Brahmin, Brown Swiss, Red Pole, Charolais and Red Angus is in stock. It is proposed to build, subject to farmers' interest, a sown multiplier unit. The construction of a cattle

HON. T. C. JEFFERSON (CONTINUING): dip in Savannah is included in the capital works for 1985.

District meetings involving the Department, the Agricultural Society and farmers were initiated in August of 1984, and these will be continued as valuable forums for discussion and the dissemination of information. The Department has developed a strong working relationship with the Agricultural Society, which can only improve the climate for agricultural development.

The Million Dollar Fishing Tournament is scheduled to be held in 1985 with private sponsorship. Last year, many visitors participated and this year the same is expected. A tournament such as this is quite beneficial to the 26 charter boat operators.

130 staff are employed, with Caymanians representing 50% and expenditure of CI\$1.8 million in the economy.

e) Transport and Communication Sector

(i) Cayman Airways Ltd.

The Airline continued operating its existing routes to Houston, Kingston, Grand Turk and Providenciales and Miami and has again added Cayman Brac to its Grand Cayman/Miami flight twice a week.

Although it may not be an economic flight stop-over, the attractiveness of Cayman Brac, as a tourist destination, will be much improved and it will place the Brac and Little Cayman at the takeoff point for rapid economic development.

The Hawker Siddley 748 was sold last year, as it proved quite expensive to maintain and operate. The fleet is now comprised of 2 Boeing 727's and the Trilander.

The Cayman Airways Board is examining all areas of the airline, with the view to cutting costs.

Total employment is 256 persons and the contribution to the economy is \$8.0 million.

(ii) Cable and Wireless (W.I.) Ltd.

The International direct dialing, between the Cayman Islands, United States, United Kingdom, Canada, the Caribbean and other European countries has proved a great enhancement to conducting business in the Islands, and the efficiency of the service is quite complimentary indeed.

Training of staff continues to receive much attention, as 45 staff members are receiving overseas training, while 48 are receiving local instructions and on the job training.

The Company employs a staff of 217 and contributes \$7.2 million to the economy.

f) Electricity, Water and Gas (or Petrol)

Caribbean Utilities Company, Ltd. continues the efficient production of electricity in these Islands and has added more generating capacity during the year.

The Company's diligence and track record of keeping pace with the demand for electricity is commendable.

HON. T. C. JEFFERSON (CONTINUING): Cayman Water Company has experienced a rather trying year with breakdowns in equipment, but all things being equal, has been able to meet the demand of its customers along Seven Mile Beach. Production of water is 500,000 gallons per day and scheduled to increase to 680,000 gallons per day in March, 1985. The quality is above the World Health Organization standard.

A survey of the Companies who performed the services listed above, reveals that 110 staff are employed, with a \$12.0 million contribution to the economy.

g) Local Services

Mr. President, last year I referred to the need for businesses which cater to the tourist, such as supermarkets and duty free shops, to re-examine their opening hours by opening an hour later and closing two hours later. This will not only offer more convenient service to the tourist and general public, but can also create more employment.

I am pleased that many have examined the suggestion and changed their daily opening hours.

Collectively, they are estimated to employ 490 staff and contribute \$18.0 million to our economy.

h) Government Sector

(a) Internal and External Affairs

(i) Immigration

Revenue collected during 1984, reflected a substantial increase over 1983. The 1983 actual revenue for gainful occupation licences, trade and business licences and local company licences totalled \$1,301,348. Revised 1984 revenue for these licences is \$2,017,517 - a 59.2% increase over 1983.

It is perhaps not widely known that the Department of Immigration issues visas for some Commonwealth Countries under bilateral agreements, as well as visas for people to return to the Cayman Islands. Revenue for the issue of visas amounted to approximately \$12,000 in 1984. Although this is not a substantial sum, it is increasing significantly each year.

In addition to revenue, the Department has received approximately \$1.8 million by way of cash deposits, as financial securities against repatriation costs, or pending the processing of various applications.

Although the Department of Immigration is making an increasing contribution to Government revenues, its income is very much dependent upon the employment situation in these Islands from year to year and the availability of Caymanians. The coming into force of the new Caymanian Protection Law revised during 1985, will eliminate a fee for the grant of gainful occupation licences to the spouses of Caymanians thereby having a slight impact on future revenue. However, this quite rightly establishes fair play for the female sex.

(ii) Police

In previous years, the Police Development Plans concentrated on the more physical aspects, such as the provision of better accommodation, including the new Traffic and Licensing Office, the new Police Station at Bodden Town and the re-equipping of the Marine and Traffic Departments. With these tools now in hand, it was possible in 1984 to commence a major phase of in-force and on the job training.

To this end a number of senior and experienced U.K. Officers, with skills in special areas, were recruited in 1984 and a number of sergeants are being recruited on 12 month contracts in 1985. These officers are providing on the job training in CID, Traffic, Scenes of Crime, Administration and Marine policing. New systems and methods in all these areas are being carefully developed, and as the expatriates leave on a phased basis, local officers will assume wider responsibilities as more posts are localised. The rank structure of the Force was changed in 1984, to allow for a better promotion pyramid, thus enabling long term career development. In the last few months of 1984, 20 local officers were promoted to senior and other supervisory posts, in the first step towards these localisation plans, and this programme, designed to simultaneously improve professional standards and develop the careers of local officers, will continue.

In 1984 the Criminal Investigation Department was again successful in containing the growth of serious crime and overall, the number of crimes reported to the police dropped by 5 against the 1983 totals. The number of drug cases dealt with by the police also dropped during 1984.

Despite a considerable increase in the number of vehicles on the roads in 1984, the number of accidents was less, and the policy of the Traffic Department remains directed towards accident prevention.

(iii) Personnel

During 1984, there was a slight increase to 1,298 in established posts in the Civil Service, and personal emoluments expenditure rose to \$25,728,978. This was due to the increase in salaries awarded by the 1984 Review. The cost of training (largely overseas) also increased in 1984 to \$122,954. We consider it is vital to improve the skills and qualifications of serving officers.

The purchase of the Tower Building in 1984 alleviated the overcrowded conditions at the Government Administration Building. Departments now in the Tower are: Social Services, Planning, Police Administration, Tourism, Training Unit, Government Information Services, Law School, Water Authority and Environmental Health. Those scheduled to move shortly are: Customs, Training and Crime Branch, Lands and Survey, Registrar of Companies and Teachers Centre. In an undertaking such as this, it is naturally costly to remodel, provide furniture, telephones and other office services to make the departments functional.

With the co-operation of all departments, it is hoped that the size of the service will not increase very much in 1985.

(iv) Broadcasting

Radio Cayman's revenue collection has exceeded the expenditure of the station for the last three years, with 1984 revenue standing at \$521,000 and expenditure of \$393,000. The station provides a good quality broadcast service for 18 ½ hours each day with programmes designed for the entertainment, cultural, spiritual and educational needs of

HON. T. C. JEFFERSON (CONTINUING): the Islands' community. It operates with a total staffing of 18, 13 of whom are Caymanians.

The first phase of a new FM broadcast system, designed to give full FM coverage to the three Islands, will be established later this year.

(b) Finance and Development

(i) Registry of Shipping

Ship registration in the Cayman Islands showed no dramatic increase with 104 vessels being registered in 1984, in comparison with the registration of 100 ships in 1983. Revenue derived from ship registration in 1984 amounted to CI\$122,000 in comparison with CI\$121,000 for 1983.

The remaining registers, although experiencing some activity, produced very modest revenue which is primarily due to the fact that fees charged on these registers are very small, as it is the view of Government that these registers are more service than revenue orientated.

(ii) Revenue and Expenditure

Taken in the context of a general election year, 1984 is viewed as a reasonably successful fiscal year.

It began with a balanced budget of \$59.2 million comprised of \$42.9 million in recurrent spending, \$11.7 million in locally financed capital spending and \$4.6 million in loan financing of capital projects. The revised financial position indicates \$62.1 million total recurrent and capital expenditure, which includes \$7.5 million in capital loan funds. To fund this expenditure, \$3.4 million, was drawn from General Reserves, \$1.5 million approved in the 1984 Budget, \$1.0 million to resurface Gerrard Smith Airport and \$863,900 to fund Cayman Airways, with this sum standing on an advance account.

The surplus of \$1,000,995, as at 1st January, 1984 was also utilized, and it is estimated that the year will end with a deficit of \$252,537. The revised figures for 1984 may be summarized as follows:

Balance at the beginning of the year		\$1,000,995
Revenue: Local	- \$53,331,628	
Loans	- \$ 7,548,874	
Less Expenditure: Recurrent	- \$44,004,495	
Capital:		
(i) Local	- \$10,580,701	
(ii) Loans	- \$ 7,548,874	
Estimated balance at 31st Dec. 1984		(252,537)

(iii) Public Debt

The Public Debt stood at \$9.1 million at the beginning of the year under review. It was increased by a loan for the Tower Building of \$4.6 million and further draw downs on the Caribbean Development Bank loan for the Owen Roberts Airport Terminal Building of \$3.2 million. Repayments during the year were \$10.7 million resulting in a sub-total of \$16.2 million. An in depth analysis of all loan agreements and repayments indicates that, in the last ten years, when the Pound Sterling has been on a decline, these loans continued to be shown at the 1970's conversion rate from Pound Sterling to Cayman Dollar.

HON. T.C. JEFFERSON (CONTINUING): When the true parity between the Pound Sterling and Cayman Islands Dollar is used as the conversion rate, the total Public Debt at 31st December, 1984, is \$11.6 million, which excludes the Port Authority loans.

Self financing loans guaranteed by the Cayman Islands Government to Caribbean Development Bank, are Port Authority \$2.8 million, Agricultural and Industrial Development Board \$0.7 million, and low cost student loans of \$0.1 million, resulting in a total of \$3.6 million.

In these arrangements, such as Port Authority, Government pays the Bank and is reimbursed by Port Authority.

(iv) General Reserve

The position at 1st January, 1984, was \$10.1 million, interest received during the year was \$1.0 million and, as earlier indicated, \$3.4 million was transferred to general revenue to fund specific requirements during the year. At year end, the balance was \$7.7 million. For the Tower Building loan, the Financial Secretary has confirmed to Barclays Bank that fixed deposits presently with the Bank will not be transferred.

(v) Customs

1984, was a special year for the Customs Department. It is likely that more progress was made during the past year than was made during any other period in the history of the Department.

Through the auspices of the British Executive Services Overseas, the Finance and Development Department obtained the services of a Customs Training Adviser, for the first four months of 1984, with a view to increasing the effectiveness of the service.

The conducting of courses formed an important part of the Adviser's function. A four week course for junior officers was held from 23rd January to 17th February and completed satisfactorily. All students exceeded the pass mark in both theoretical and practical examinations, the majority doing well indeed.

A four week management course for senior officers was held from 27th February to 23rd March, and these students were equally successful.

The courses were followed by a series of seminars involving the Collector, Deputy Collector and Assistant Collectors.

One of the Department's Assistant Collectors, Mr. J.G. Powery, attended a twelve week course in the United Kingdom on Customs Enforcement, devised jointly by the British Customs and Crown Agents. The United Kingdom Customs Investigation Division played a major role in the training given on this course.

Action was taken to fully implement the Law relating to Customs offences and to generally tighten controls at importation. The Customs Law was amended to incorporate the power of arrest and to detain any person found to be in possession of smuggled goods. The Department undertook responsibility for the investigation of its own drug cases and several successful prosecutions have been undertaken.

HON. T. C. JEFFERSON (CONTINUING): A Customs Declaration Form, to be completed by all passengers on flights to the Cayman Islands was designed. Collection of revenue from passengers has increased by 38% since its introduction.

The layout of the Customs baggage at the Owen Roberts Airport Terminal was redesigned and procedures introduced, to give greater space for baggage re-claim and speedier clearance for incoming passengers.

The efficiency of the Department is much improved and it is proposed that in the 1985 Budget, provision will be made for an increase in staff complement to provide the necessary man power to cope with the ever increasing demand. Offices are being provided in the Tower Building and should be available in early 1985. While these officers will provide better accommodation, it is hoped that space will be made available at the Port to accommodate Customs, because to completely operate from the Tower Building may present difficulty.

(vi) Information Systems

All major systems developed for the PDP 11/70 were fully operational during 1984. These included Companies Registration, Trade Statistics, Household Survey and CPI. Immigration and Tourism continued use of the system and word processing was implemented in most Government Departments.

Some departments are using the word processor software to handle small standalone systems, in addition to normal office work. Over 70 Government employees were trained in the use of this software in the last year. In addition, the Voter Registration Lists were produced using the word processor, which permitted last minute changes to be made, to ensure the information was as accurate as possible.

Over fifty terminals and printers are installed in various Government Departments. As was expected last year, we fully utilized the capacity of our current equipment during 1984. As a result, we were unable to proceed with the development of other major systems. Systems design and programming of these will be initiated when further computer resources are made available.

Senior staff from Information Systems spent time during 1984 reviewing proposals for upgrading the computer facilities. A final recommendation has been made and, subject to formal approval, an order will be placed, with delivery expected by mid-1985. Additional space has been allocated for the Computer Room, to accommodate the new equipment and modifications of the space are due for completion prior to the arrival of equipment.

Caymanians were recruited into trainee Programmers, Computer Operators and Data Entry Operator posts in 1984 and it is expected that several Caymanian college graduates will return this year. Adjustments have been made in the staffing to accommodate these graduates.

(c) Legal

During the year 1984, the Attorney General and his professional staff continued to handle an increasing volume of work in the civil, criminal and academic

HON. T. C. JEFFERSON (CONTINUING) : spheres. Some twenty-six (26) laws which have been drafted in the Attorney General's Chambers were passed into Law by the Legislative Assembly. Included in these were two of the most significant pieces of legislation enacted in recent years. The Caymanian Protection Law, 1984 and the Narcotic Drugs (Evidence) (United States of America) Law, 1984. The prosecutors' section of Chambers has also been constantly engaged in Criminal matters in the Summary Court, Grand Court and the Court of Appeal. With the coming into force of the U.S./U.K./Cayman Islands Narcotics Agreement, the Attorney General is also responsible for the implementation in the Cayman Islands of the terms of the Agreement.

The Law School is now firmly established and the first batch of students have now almost completed the third of the five years. There are presently a total of sixteen students and the academic standards required for their studies are equivalent to a United Kingdom Law Degree.

(d) Development and Natural Resources

After the November, 1984 Elections, the Portfolio's name was changed slightly by replacing the word "Agriculture" with "Development". This was followed by an increase in its responsibility, but not by an emphasis away from agriculture. An Agricultural Development Committee has now been established to advise the Portfolio regarding ways of generating growth in this sector; it is also planned to bring in a farming adviser to assist. Other proposals are that the Demonstration Farm is to be upgraded and secondly, new accommodation provided for the Department. Generally, agriculture will remain a top priority area.

The Wetlands Report was completed, detailing the Islands' mangrove ecosystem. The Natural Resources Lab at MRCU was re-staffed to begin a baseline study, involving continuous long term monitoring of the marine, lagoon and swamp environments. Endangered species posters were commissioned, to make visitors aware that our rare flora and fauna were not to be removed and taken from the Islands. Also, throughout the time of the cruise ship Rhapsody's grounding in the George Town Harbour, the Portfolio stationed observers to monitor the efforts to free the vessel and, with the assistance of the U.S. Coast Guard and other foreign experts, the operation succeeded with minimum damage to the marine environment. The well-known geographer, Dr. D. H. Stoddart, visited here in the latter part of 1984, seeking and obtaining support for his proposal to produce a definitive scientific account of the Cayman Islands from the great amount of data available. In 1984, the Cayman Turtle Farm expanded with additional tanks, in preparation for increasing stock to meet Island demand for turtle meat, which is expected to require 3,000 turtles in 1987. The Farm released 2,000 year-old turtles in Cayman waters in 1984. The Portfolio headed delegations to Washington, D.C. and the Technical Committee for the Convention on International Trade in Endangered Species in Brussels, Belgium, where the ranching proposal was introduced. Optimism is high for substantial progress in the on-going negotiations for the lifting of the ban in 1985. A proposal will be presented at the 5th Meeting of the Conference of the Parties to CITES, to be held in Buenos Aires, Argentina, in April of this year, seeking approval to allow Cayman Turtle Farm to trade with CITES member countries. The United States has published intent to allow trade in Cayman Turtle Farm's products, if approval is obtained at the

HON. T. C. JEFFERSON (CONTINUING) Buenos Aires Conference. If the U.S. market can be re-opened, the Cayman Turtle Farm will increase production for international trade and also allow continued research and upgrading of the Farm's facilities. Also being explored, at this time, is the feasibility of introducing shrimp culture along with mariculture. Funds for a pilot project, under the auspices of the Turtle Farm, were allocated in 1984. Dr. Cornelius Mock, aquaculture specialist and consultant, who was brought in to advise on the feasibility of the project, produced a favourable report.

Substantial amounts of land were purchased in 1984 for playing fields and community parks in West Bay, East End and North Side, for the new airport terminal in Cayman Brac and for the Water and Sewerage project. Signs to identify public access to the beach along the West Bay Road were erected. A jetty was built in South Sound to accommodate the increased boat traffic during northwesterers. A seismographic station was installed at MRCU to monitor and provide data on seismic activities and to add to the pool of data on the whole Caribbean.

The Water Authority will develop in 1985 two major projects, the East End wellfields and the Seven Mile Beach sewerage system. Also in 1985, the Authority, in a joint study with Caribbean Utilities Company, Ltd., will examine the feasibility of producing potable water from waste heat from the Caribbean Utilities Company, Ltd. plant. This could be another useful source of water.

Other projects for 1985 include the continued study of a Building Code by a committee recently formed for the purpose. A study is also being undertaken for a post office/multi-storey car park in Central George Town, to re-site the Post Office and relieve traffic congestion. The Housing Development Corporation will be reviewing policies, so that its effectiveness and purpose will improve.

(i) Lands and Survey Department

In the Land Registry, statistics for the year 1984 matched those of 1983 closely. The total number of transactions was 5,353 against 5,512 in 1983. The corresponding numbers for transfers of land were 1,334 (1984) and 1,299 (1983) and charges against property to secure loans numbered 1,129 in 1984 against 1,260 in 1983. Registry fees for 1984 amounted to nearly CI\$88,000 against CI\$89,000 in 1983. The value of property transferred (including leasehold) amounted to CI\$62.4 million in 1984 against CI\$64.7 million in 1983.

The total amount of borrowing against land dropped to CI\$49.3 million from CI\$60.7 million in 1983.

As regards development under the Strata Titles Registration Law, there was a distinct upward trend in the number of units registered, up to 130 in 1984 from 75 in 1983. It should be noted, however, that these figures are substantially below those for the boom years of 1981 and 1982 when 371 and 370 condo units were registered respectively.

In the Survey and Drawing Office, the number of title surveys undertaken was down in 1984, being 101 against 125 in 1983, but more work for Government was carried out than before. Supervision of work and checking of surveys submitted by private surveyors for registration continued to improve under the direction of the Chief Surveyor, a post created and filled in 1983 as a distinct post from the

HON. T. C. JEFFERSON (CONTINUING): Registrar of Lands.

In the Drawing Office, work followed smoothly. In the early part of the year, a cartographic advisor from the United Kingdom was commissioned to look into the organisation of the Drawing Office and recommendations were made as to staff and new equipment required. In November, a Senior Technical Assistant from the Drawing Office was sent to the United Kingdom for a 5-month course in Cartography and drawing techniques.

The revenue in 1984 from survey and drawing was much the same as for 1983, being approximately CI\$95,000 against CI\$98,000 in 1983.

The Department is due to relocate to the Tower Building in early 1985.

(ii) Mosquito Research and Control Unit

During 1984, we were saddened by the death of Dr. M.E.C. Giglioli, who founded the unit and directed it successfully for 18 years. By the middle of the year, the Unit had a new Director and other new staff, including two Caymanian biology graduates, two new Graduate Research Assistants and a Marine Biologist to head the Natural Resources Lab.

Overall, mosquito densities were lower in 1984 than any other year since records began in 1966. However, the main pest species, the Salt Marsh Mosquitoes, were more numerous than in 1983 and gave cause for concern in some areas, particularly during June, August and September. This was due to good breeding conditions in the swamps (high tides and substantial rainfall) and lack of the main spray aircraft for most of the year. The standby aircraft carried out 181 sprays (56 less than in 1983), but has a smaller load capacity than the main aircraft. The latter crash-landed in Murch, when birds were ingested by the engine air intake. It was repaired in the United States of America and arrived back at the end of November.

To compensate for the missing aircraft, the vehicle (mounted ULV sprayers) carried out 570 sprays - twice as many as in 1983.

Physical control did not expand in 1984, no new dykes were built. In the areas of chemical control, following the successful testing of Cypermethrin in 1983, the Unit is now using this insecticide operationally, in place of the very similar but more expensive Permethrin. Tests in 1983 and 1984, with the new biological insecticide B.T.I., were successful enough to warrant the purchase of large amounts, to enable large scale testing in 1985.

Give complete mosquito population surveys of the residential areas of the Island were conducted in the course of the year, during which a total of 7,563 house searches were made. A yellow fever mosquito infestation was found during the fourth survey in the Hog Sty Bay area and was eliminated. Port disinsection to prevent reinfection continued, with 356 boats and 3,113 aircraft being sprayed during the year.

In the Sister Islands, Mosquito Research and Control Unit staff continued to disinsect boats and aircraft, search for yellow fever mosquitoes (four complete surveys were done of both Islands), fog when necessary (72 fogging nights in Cayman Brac and 159 on Little Cayman)

HON. T. C. JEFFERSON (CONTINUING): and carry out a mosquito trapping programme.

(iii) Housing Development Corporation.

This Government agency recently changed Portfolios and a new board was appointed for 1985. Policies of the Corporation are currently under review.

Last year, a total of 42 loan applications were received, 25 of which were approved, altogether valuing \$762,300.

The loan activities of the Corporation are financed by a combination of debenture issue and Government loan. Debentures are the major source of funds, the amount of Government loan being approximately \$137,000.

(iv) Planning

A new Head of Department was appointed in early 1984, and recently, the Department has relocated to the Tower Building. One Caymanian officer attached to the Department left in 1984 to pursue a degree in physical planning, on a United Nations fellowship.

The review of the Development Plan 1977 was completed in 1984. The basic philosophy and direction remain unchanged. Nine amendments to the zoning map and three new roads have been included. This review is expected to be presented to the Legislative Assembly in early 1985, for its review and approval.

A comprehensive review of the Development and Planning Regulations, 1977 is planned for 1985, to make them more effective. The newly formed Building Code Committee has been given the responsibility of studying the adoption of a building code and firm recommendations as to the type and content of such a code for the Cayman Islands will be made this year.

(v) Water Authority

During 1984, the Water Authority continued to pursue its long term goal of developing a public water supply and sewerage system.

Total recurrent expenditure during 1984 was CI\$292,123 with a capital expenditure of CI\$187,942. Revenue for the year was CI\$62,949.

1984 saw the first twelve months of continuous operation of the Lower Valley wellfield, with approximately 12,936,000 gallons of water being sold.

During the last two months of the year, the wellfield was operating at maximum capacity and was unable to satisfy demand. The high demand was caused by the inability of the Cayman Water Company to supply water to the truckers. Water produced at Lower Valley was rationed during the latter part of the year.

Work on the initial wellfield development, treatment works and reservoir at East End commenced in June. This project, which will produce approximately 150,000 gallons a day, was 90% complete by year end and is expected to be producing water by mid-March, 1985. The cost of these works is expected to be less than CI\$200,000.

The Authority continued to upgrade its water resource monitoring systems, with the installation of several piezometer stations on the Lower

HON. T. C. JEFFERSON (CONTINUING): *Valley and East End lenses. Investigations into the extent of the East End lens progressed, with the sinking of a number of exploratory boreholes and data produced indicated that the lens is a very viable source of fresh water and probably will produce more water than was initially expected.*

During 1984, progress was made on the development of the West Bay Beach sewerage. A decision was made in June on the location of the site for the sewerage treatment works. Much basic design data had to be collected and analysed, a task which was more difficult than first anticipated. A technical report on the project is nearing completion.

Negotiations took place with the Caribbean Development Bank and, based on a preliminary estimate of approximately US\$10.0 million to complete the project, a loan of US\$7.0 million was approved by the Bank. A programme to complete the project by the end of 1987 has been implemented, which allows for phased project preparation and construction. The progress of this project has been much advanced by the arrival of Mr. I. Van Zanten, a United Nations expert. Government has also provided three other posts to work on this sewerage project.

The Authority continues to be assisted by the United Nations Smaller Islands Water Resources and Development Project. The Authority participates on a 100% cost sharing basis. During 1984, its contribution was CI\$12,000, for which it received the services of two full-time Associate Experts and some short term consultative assistance.

It continued to co-operate with the Public Health Department in carrying out well monitoring programmes in George Town, Lower Valley, East End and Cayman Brac. These programmes are ongoing and are carried out in each area at six-monthly intervals.

The Authority also continued to satisfy its statutory obligations in respect of the approval of sanitary facilities provided in new developments. It is hoped that, in 1985, this procedure will be streamlined.

Among other staff changes, two young Caymanians joined the Authority, one as trainee Lab Technician and the other as trainee Draughtsperson.

Investigation into the use of Caribbean Utilities Company Ltd.'s waste heat to distill water and provide a supply to George Town is planned. The Authority is conscious of the lack of any alternative supply in Cayman Brac and it anticipates that in 1985, plans can be formulated to provide a service similar to that in Lower Valley, providing at least an emergency supply.

With respect to sewerage, the West Bay Road project will continue with an anticipated start of construction towards the end of the year.

(e) *Health, Education and Social Services*

(i) *Health*

The total expenditure on the Health Services in 1984 amounted to nearly \$5.8 million. Of that amount, capital expenditure came to about half a million dollars. This was considerably less than expected, mainly because the new kitchen and meeting room complex, mentioned in last year's address, has not yet been completed. It is scheduled for completion this year. The dental clinic

HON. T. C. JEFFERSON (CONTINUING): was renovated and a van for the dental service was purchased: it was used to transport children for treatment purposes on Grand Cayman. A dental clinic was established and equipped at East End.

The provision of a crane truck greatly increased capabilities in the environmental health field. Less than anticipated was spent on medical equipment about \$148,000, rather than \$180,000, but the acquisition of an attachment to the previously donated operating microscope extended its use from ophthalmic to inner ear conditions and reduced the need for overseas reference in such conditions. Teleradiological equipment was installed at the end of the year in the X-Ray Department. There is no radiologist resident on Grand Cayman and the new equipment, costing \$5,628, enables electrocardiograms and X-rays requiring the expertise of a specialist for interpretation to be transmitted to the United States of America for an immediate reading of the picture sent. As part of the X-ray machine, a monitor for image intensification was purchased and an ultrasound real-time machine was installed in 1984. The recurrent expenditure for the X-Ray Department - about \$38,000 - was less than expected. It is surely impressive that, by acquiring 7 additional cardiac monitors, these critical pieces of equipment are now present in all sections of George Town Hospital. Four of the monitors were donated through the efforts of a Staff Nurse at the Hospital.

During 1984, preliminary steps were taken to deal with the problem of patients' accounts that remain outstanding. These accounts have been entered into the Government computer system for the years from 1980 to 1984 inclusive. This action has assisted investigation into the cases and has allowed the preparation of approximately 2,020 letters requesting payments. Given this help, along with better registration procedures and closer liaison with Social Services and Legal Department (if further action is required), revenue in 1985 should be greater and the number of outstanding accounts fewer.

Recurrent expenditure is much the larger element in the Health Services Budget. In 1984, it exceeded \$5 million. Of that sum, the largest single item was personal emoluments, over \$3,750,000. Two Medical Officer posts were upgraded to Senior Medical Officer in recognition of the doctors' expertise, experience and the length of Government service.

Three additional Staff Nurses and a Nurse's Aide were appointed and these, with several minor additions, amounted in all to an increase in Health Services staff of only seven persons.

Given that all Government doctors carry out general medical duties, as well as follow their specialities, their number is now about right. A second full-time Medical Officer was appointed in Cayman Brac.

Supplies constituted the next largest element in recurrent expenditure, over \$700,000. Of that figure, about \$280,000 were for drugs. The increase every year in the drugs bill is a constant source of anxiety. I hope that part of the solution may lie with the Chief Medical Officer's prompting of medical staff to prescribe cheaper equivalents of the more expensive drugs; provision of a copy of the British National Formulary to each doctor has been helpful in that

HON. T. C. JEFFERSON (CONTINUING): respect. The amount to be saved is, however, limited by the charges made by the supplier.

In the course of the year, a Hospital Formulary was published listing the drugs which alone will be available, following discussions by the Chief Medical Officer with the Senior Pharmacist and a Senior Medical Officer from the Hospitals. This measure also will help to promote better and more economical prescribing. If the United Kingdom experience is matched, use of the Formulary should reduce the drugs bill by up to 15%. A second edition is promised early in 1985.

Hire charges were a relatively large element in recurrent environmental health vehicles. This is perhaps a convenient point in the Address to mention activities in the environmental health field where there have been considerable improvements. Water quality surveillance, meat inspection, solid waste management and rodent control were given priority attention. Building development control was extended to include plumbing plan review, in conjunction with the Water Authority and the Planning Department. Six-monthly clean-up drives, derelict vehicle removals, routine litter collection and debushing cleaning operations continued to enhance environmental conditions. A programme to upgrade sanitary facilities for indigents was undertaken on behalf of the Social Services Department.

The cost for consultants at the Islands' two hospitals amounted to about \$72,000. The sum covers the specialists resident on the Islands and also the consultants who visit the territory periodically from overseas. We are fortunate in having a corps of such physicians and other specialists who are prepared to come to the Islands, since the fee we are able to provide is not large by United States standards. The number of visiting specialists in 1977 was only three. In 1984, eight physicians from overseas provided clinics for ophthalmology, orthopaedics, urogenital surgery, colon-rectal surgery, neurology, plastic surgery and psychiatry. Early in 1985, specialists concerned with ear-nose-and-throat disorders, facio-macillary surgery and dermatology commenced clinics in Grand Cayman.

In the course of 1984, there were also inspections of laboratory, anaesthetics and x-ray facilities by teams from the University Hospital, Jamaica. All sections were pronounced excellent and in some respects, better than those at University Hospital.

Local private practitioners have conducted outpatient clinics at George Town Hospital in gynecology, internal medicine, pediatrics and psychiatry. In respect of the latter, seven sessions a month are now held at George Town Hospital and four at Faith Hospital. One of the psychiatrists attends Northward Prison weekly and another fortnightly.

In the Public Health area, the immunisation programme is extremely successful and boasts a rate of immunisation for babies of more than 90%, one of the highest in the world. Home visits to geriatric patients are carried out where necessary. Maternal and Child Health Services, Family Planning Services, Doctors' visits to District Clinics and provision of primary care in districts continue. All food establishments have been inspected before being recommended for licences under the Liquor Licensing Law.

HON. T. C. JEFFERSON (CONTINUING): Hospital medical staff have clinics in general medicine and also in the specialised fields of obstetrics and gynecology, diabetes, ear-nose-and-throat disorders, hypertension, children's illnesses, family health (genetic disorders) neurosurgical problems and sexually transmitted diseases.

Contributions to Hospital funds were generously provided by individuals and services organisations and produced significant sums. Two visits to examine and operate on patients with eye problems were sponsored by the Lions Club, and a visit by Dr. G. Stone in respect of ear-nose-and-throat conditions was sponsored by Kiwanis.

The recurrent expenditure budget includes an item for 'drugs and alcohol'. For the first time a major offensive has been launched on this front, and the programme has been tied in with improving the psychiatric services. A workshop was held in June 1984, on the Cayman Islands Community Health Programme sponsored by the Government and PAHO/WHO. Arising out of the workshop, a Council on Mental Illness was established under the chairmanship of the Principal Secretary, Health, Education and Social Services with the Chief Medical Officer and also senior representatives from the Education and Social Services Departments. Also established were advisory sub-committees - one to deal with psychiatric services and the other with drugs and alcohol abuse. Representatives of service clubs and various elements in the community were appointed to the two sub-committees to advise on the action to be taken and to co-ordinate efforts. Expenditure on 'drugs and alcohol' in 1984 was less than \$10,000, mainly directed towards a psychiatric social worker, as the programme had not got underway; \$50,000 had been budgeted. The year of 1985 should see the new programmes developed in the drug and alcohol abuse fields and also in psychiatric care.

The Primary Health Care programme for 1984 cost less than budgeted. However, the West Bay Clinic facilities were expanded and doctors' visits there increased to twice a week. A part-time audiologist was employed for conducting hearing tests.

The Public Health division was actively concerned with extending the facilities provided in its district clinics. The raised blood pressure diabetes screening programme was repeated in 1984 in association with Rotary. There were 902 persons who availed themselves of the facility. Special clinics, as mentioned earlier were established in George Town Hospital for the outpatient treatment of these conditions. In association with the Cayman Islands Medical and Dental Society, a Breast Cancer Detection Week and a second Colon Cancer Screening Week were organised. The incidence of sexually transmitted diseases in 1984 has given rise to concern, and the Chief Medical Officer has arranged with the Society to conduct an educational programme in this field early in 1985. It is also worth mentioning that motercraft classes were revived in 1985.

As appropriate in a Health Services budget, we come to the care of the elderly. The function and funding of the Pines Retirement Home are well known to you all. In December, however, a 10 bedded medical unit was installed there as an intrinsic part of George Town Hospital. It is intended to relieve pressure on the acute bed shortage in the Hospital and provide accommodation for long-stay patients, young as well as old, which is why it has been called, not a geriatric unit with many unhappy undertones, but an Extended Care Unit. Much is going to be heard in the years ahead of this long-awaited, much-needed accommodation.

HON. T. C. JEFFERSON (CONTINUING):

(ii) Education

Personal emoluments, approximately \$5 million, account for 78% of the total expenditure on education. This is the level of expenditure on teachers, but for the private schools, the problem of staff salaries is one of the most difficult situations they have to face. Fortunately, in many cases, staff are motivated by factors of spiritual rather than financial nature and this is what helps schools survive. Between 1981 and 1984, Government has allocated \$80,000 per annum to the 6 private schools, distributed on a pro-rata basis. The contribution of the private schools should not be minimised, because they provide schooling for more than 1,200 pupils, representing 28% of the total school population of 4,324.

During the course of the last academic year, the rising rolls in the secondary sector were revealed; the Middle School numbers rose to 814 and the High School to 952. Whilst there is an expatriate factor (94 in the Cayman Islands Middle School and 152 in the Cayman Islands High School), it tends to be 'constant' and the unexpected influx into the public education system was probably occasioned by staffing problems besetting a private school and the phasing out of the secondary sector by another. It becomes increasingly clear that Government must constantly monitor the situation and be aware of the present sensitive balance of numbers; any numerical shift will have most serious consequences upon the Government schools which cannot, as presently structured, absorb any more than the normal demographic entry. Of similar concern is that falling roll in the Brae High School to 157 from 180 plus. This will necessitate a redeployment of staff before expenditure reaches an unacceptable level.

The new accounting system enables us to compare and contrast crudely the recurrent costs of primary and secondary education.

Type of School	Population	Recurrent Expenditure, 1985	Annual cost Per pupil
Primary Schools (Grand Cayman)	980	\$1,212,864	\$1,237.6
Primary Schools (Cayman Brae)	157	\$ 284,258	\$1,810.6
Secondary CIHS	952	\$1,900,088	\$1,995.9
CBHS	156	\$ 432,785	\$2,774.3
CIMS	814	\$1,105,778	\$1,358.4

A matter of serious concern is the spiralling costs of transportation which presently accounts \$1/3 million per annum. One has to accept the consequence of moving children to the schools, but one questions whether judicious investment by Government into a transportation system may not be

HON. T. C. JEFFERSON (CONTINUING): more beneficial in the long run and form the basis of a national transportation network.

At Cayman Islands High School, the Department has concentrated on consolidation, but now the time has come to improve the extant sixth form facilities which still consist of modifications to the former administrative offices, which themselves were modifications of a canteen.

It would seem that a double storey block on the far side of the compound, adjacent to the Catholic School, would be an appropriate site. It is planned that the building include 4 small teaching rooms, 2 study halls, 1 recreation centre, 2 tutor rooms and appropriate changing and bathrooms. It is intended for use by the academic Sixth.

Further, it would be appropriate to build one small extra room for the Nurture Group, for which facilities are required; presently, only one of the two 'nurture' groups has a custom-built room.

At the Middle School, investment in 1984 has been in two music rooms and two laboratories. With the balance of funds, the foundations for a multi-purpose hall were laid. It is hoped that this will be completed during the early part of 1985. It remains for a library to be built to replace the existing classrooms which have been adapted. The 'pavilions', in their present state, are unsuitable as canteens, and it is hoped that various adaptations will be effected, so that they may serve as canteens in the proper sense of the word. At present, the spaces are used as canteens, but the vagaries of the weather have reduced their effectiveness to virtually zero.

The teaching force at work in the Cayman Islands relies on a 75% contribution from outside. Quite clearly, this problem is one to which we should address ourselves and this is done by offering priority scholarships to those reading education, and by establishing 'workshops' to upgrade teaching skills. The calendar year 1985 opened with a course in Special Education and another in language Arts, indicating the seriousness of the Department's intent. The workshops were staffed by United States personnel from various educational establishments in Florida.

Projects include for 1985:

(i)	Scholarship	\$400,000
(ii)	Special Education	44,200
(iii)	Training of Teachers	30,500
		<hr/>
		\$474,700

The Teachers' Centre, which is occupying rented accommodation, will be relocated to the Tower Building.

(iii) Social Services

Change was the trade mark for the Department of Social Services in 1984.

Three new posts were added Department establishment, one being a Deputy Director's post, allowing for a greater emphasis on the administration arm of the Department and thereby a strengthening of the infrastructure.

The face of the Department has brightened considerably with its relocation to the recently acquired

HON. T. C. JEFFERSON (CONTINUING): Tower Building on North Church Street, where staff now have their own individual spaces and ample furnishings with which to work.

Service delivery has increased, whereby a new and improved intake system allows an officer to see similar types of clients, instead of trying to be all things to all people. This system has also shown the total number of clients using the Department's services and will allow for more comprehensive planning in 1985, both in increases in staffing as well as programming.

To aid officers in their work, funds were voted for a pilot project - Low Income Housing Scheme. This Scheme would allow the Department to assist clients, meet some of their housing needs and to this end, one unit was completed in 1984. It is worthy to note that 1984's overall budgetted figure shows a 42% increase over 1983, reflected primarily in the provision of increased services to the public.

As we look forward to 1985, the Department recognizes a clear need for an increase in professional staff, to provide a more comprehensive programme of case work services, specifically in the area of counselling and family work.

Additionally, the Department seeks to establish a multi-purpose self help project which will, among other things, increase the skill level of many of its clients, thereby placing them in the job market and minimising their dependency on Government.

(f) Tourism, Aviation and Trade

Mr. President, I have already spoken on the subject of tourism and have included facts and other details. Therefore, I will not be repetitious and move directly to the other departments of the portfolio.

(i) Civil Aviation

To more adequately serve operators and the general public, the staff of the Civil Aviation Department was increased slightly, allowing for the formation of Meteorological Section for aircrew briefing and also for additional Security Officers to cope with the larger terminal building coming into operation in 1985.

17% more people travelled through Owen Roberts Airport and 5.3% more through the Gerrard Smith Airport than the previous year, resulting in 206,325 arrivals and 206,375 departures for Grand Cayman and 17,070 arrivals and 16,892 departures for Cayman Brac.

Revenue was up from \$800,474 to \$1,253,110 and expenditure from \$909,997 to \$1,151,459.

In addition to scheduled services provided by Cayman Airways, Republic Airlines and Air Jamaica, the Islands continued to be serviced with chartered flights from the United States and other Caribbean Countries. The New York charters by Cayman Express and Cayman Airways were reintroduced in December, and a new service on the same basis was also introduced from Chicago.

A charter service has also been authorised for flights between La Ceiba, Honduras, and Grand Cayman. It commenced in September, 1984 and the services is operated by LANSA of Honduras, utilising light twin engined aircraft supplemented by DC3's. In June the B727 operation by Cayman Airways to Cayman Brac was suspended because of necessary

HON. T. C. JEFFERSON (CONTINUING): runway resurfacing, and it was found necessary to grant permits to local hotels to transport their guests from island to island. The jet service was reintroduced in December, 1984, at which time special permits to local hotels were withdrawn.

Executive Air Services continued their charter/flying school operations utilising Aerocommander 560 and 690 aircraft for charters and two Cessna 172 for training.

Four Air Traffic Control Assistants attended formal ATC training in Barbados during 1984 and are presently undergoing local on the job training, to qualify for local ratings at the Owen Roberts and Gerrard Smith Airports. They will replace expatriate staff now filling these posts on successful completion of training.

Total traffic handled increased by 155 to 16,222 with only one accident recorded. On 23rd March, 1984, the Thrush Commander, operated by the Mosquito Research and Control Unit, crashed in the Newlands area after impact with a flock of wild ducks, but no one was injured.

In December, Arch and Godfrey completed the main contract on the new Terminal building and handed over the facility to the Civil Aviation Department. The building and its facilities were put into operation on 26th January, 1985.

During 1984, the Gerrard Smith Terminal Building was expanded by almost 100% to accommodate peak period traffic on B727-200 aircraft. A programme of runway rehabilitation was introduced in September to resurface the West 4,000 feet of the runway and in December, the jet service was reintroduced between Cayman Brae and Grand Cayman and Miami.

Two Meteorological Recording Systems were installed during 1984, one at each international airport; these units provide Meteorologists and Air Traffic Controllers with weather data for dissemination to aeronautical personnel.

It was a good year for civil aviation and will undoubtedly be recorded in history as a significant step forward.

(ii) Fire Service

The year 1984, saw a 78.42% increase in the number of calls for assistance received and attended by the Fire Service. The department turned out to a total of 339 calls.

Fire occurred in multi-storey office buildings, condominiums, restaurants and other established business premises. Thankfully, these incidents were brought under control quickly, thereby minimizing damage.

The Department also rescued a number of persons from wrecked vehicles and assisted the Hospital Ambulance Section when requested.

I am pleased to report that there were no fire related fatalities or major injuries.

Fire Prevention and Safety forms a major part of the service provided by the Brigade and during the year, all major buildings and high risk installations were inspected.

Training continued to play a major role and in addition to local training programmes, two officers successfully completed a series of Fire Fighting and Prevention Courses in the United Kingdom.

HON. T. C. JEFFERSON (CONTINUING): A new Airport Crash Tender for Gerrard Smith Airport was commissioned in February 1984 and Little Cayman Airport received a small Fire Fighting Unit.

The Department's Communication System was upgraded by the addition of new radios, a paging system and a 150' tower for the placement of antennae and repeaters.

A new Fire Station was opened at Frank Sound during the latter part of 1984 and is now providing fire cover, on a 24 hour basis, to residents of the outer districts.

(iii) Labour

During 1984, the Labour Office continued to deal with job placements and the handling of minor labour disputes, which were mostly resolved through meetings organised by the office between the employee and employer.

A recent labour survey was conducted throughout Grand Cayman, and Cayman Brac, by visits to the various districts. This survey, the first of its kind, revealed that as of 22nd February, 1985, there were 232 persons unemployed, the majority of whom were common labourers. The Labour Office has since been successful in placing some of those persons. Efforts will continue to be concentrated on making the public more aware of the services offered by the Labour Office in an effort to provide employment for those Caymanians seeking jobs.

(g) Communications, Works and District Administration

(i) Postal Service

1st January, 1984 saw a modest increase in three of the postage rates, which has resulted in an increase of revenue over 1983.

This Government is indeed grateful for the service of Mr. Larry Lyon, who put the Post Office on a sound footing during his 2 year tour. On 1st March, 1984, Miss Cynthia Sterling assumed the duties of Postmaster General.

Additional post office boxes were installed in four of the districts, i.e. Savannah, Bodden Town, North Side and East End. Additional boxes will be installed in West Bay this year. The new Post Office at Hell should be operational in March, 1985.

(ii) District Administration

The past year was a difficult one for Cayman Brac and Little Cayman with the economy taking a downturn resulting from the cut back in employment by Cayman Energy Limited and the suspension of jet service by the National Flag Carrier, which resulted in mass cancellations at the Islands' hotels and a high degree of unemployment. However, with the re-surfacing of the Gerrard Smith runway and the building of a jetty in Little Cayman, much needed employment was created.

Capital Works Programme at a cost of CI\$2,428,450 was carried out in the two Sister Islands of which CI\$847,750 and CI\$214,420 were spent on the Gerrard Smith runway and the Little Cayman dock respectively. Other projects were:

HON. T. C. JEFFERSON (CONTINUING):

- a) resurfacing of two miles of road on the south coast
- b) construction of sidewalk at the Creek
- c) surveying of the Bluff Road
- d) additions to three primary schools and the High School Campus
- e) installation of x-ray and construction of cistern at Faith Hospital
- f) completion of the High School canteen.

The Port Authority completed the installation of lights at the dock, which now enable ships to work at night, if necessary.

The reintroduction of jet service on 21st December, 1984, is likely to result in increased traffic to Cayman Brac and stimulate the economy.

(iii) Public Works

The recurrent expenditure of the Department totalled \$2.0 million while the 1984 overall capital Works Programme included roads, civil engineering and construction of new buildings at a cost of approximately \$6.0 million.

Roads

Phased construction was carried out throughout the Island at a cost of approximately \$325,000. While no new roads were constructed, there was approximately 13,500 feet of sidewalk constructed along Walkers Road and the West Bay Road.

Buildings

Construction on the much needed kitchen and meeting room facilities for the George Town Hospital commenced in May, 1984, and is scheduled for completion in May, 1985. The projected cost is \$1,004,000 which includes a staff and patients' car park.

Renovations to the Dental and District Clinics commenced and will cost approximately \$44,030. The buildings should be completed early this year.

Schools

Covered walkways, toilet blocks, bus shelters, staff rooms, health rooms, parking areas, playing fields, and hardcourts at five Primary Schools were completed in 1984, at a cost of \$310,400.

Two additional classrooms plus other improvements to the Lighthouse School, were completed at a cost of \$100,500.

Renovations to the High School assembly hall, library, new air conditioning units and construction of walkways were carried out at a cost of \$128,600.

The addition of a music block, two classes and practice rooms at the Middle school completed in 1984. In addition, construction commenced on a science building, an assembly hall, theatre and recreation facilities in 1984, at a total cost of \$564,000 with \$232,400 being spent in 1984.

Work commenced on the Sports and Cultural Complex in 1984. At present, the running track is 60% complete and the soccer pitch and water systems are 80% complete. The amount expended in 1984 was \$100,348.

Construction commenced on the new

HON. T. C. JEFFERSON (CONTINUING) Owen Roberts Airport terminal building on 1st August, 1983, which was handed over to the Government in December, 1984, with projected final costs of \$6,280,000. The amount spent on the project in 1984 was \$4,234,894 of which \$2,905,211 was funded by Caribbean Development Bank.

The 285,200 square foot parking apron, capable of accommodating five commercial aircraft with associated taxiways was completed by Public Works Department in November, 1984. Parking for 334 cars, short and long stay, as well as staff and taxi parking, was also completed. The remaining 116 cars short stay parking area will be completed shortly. Also completed in 1984 were the fire service access road, fuel farm site, security fencing and landscaping. Expenditure on these totalled \$1,681,500, which included professional fees and retention payments on the control tower contracts.

The anticipated final cost of the overall airport project is \$10.7 million against the original estimates of Public Works Department and Caribbean Development Bank of \$12 million and \$14.4 million.

The Fire station at Frank Sound was designed and constructed within its budget of \$127,000.

With the acquisition by Government of the Tower Building in order to relieve the overcrowded accommodations at the Administrative Building and to centralise Government Departments, certain renovations were necessary prior to relocating some departments. These renovations are expected to cost \$476,000 of which \$153,000 was spent in 1984.

Re-roofing and renovations to the Administrative and Courts Buildings in 1984 were carried out at a cost of \$235,750. It is estimated that an additional \$54,600 will be required to complete the renovations on the Courts Building this year. Office accommodation and a court room were provided for the Puisne Judge and additional offices and work space for the staff.

The Bodden Town Civic Centre was completed in 1984 at a cost of \$428,000. The East End Civic Centre which commenced in November 1984, is scheduled for completion during the third quarter of 1985, it is estimated to cost \$555,000 - this includes the cost of the access road.

(iv) Port Authority

The Port Authority continues to be a viable operation. Revenue generated at the two ports was CI\$1,768,722 with \$I\$101,520 from the fuelling facilities and CI\$91,900 from transshipment, operating expenses being CI\$1,032,060.

The figures quoted are unaudited and the operating cost excluded payments on loans from the Government and Caribbean Development Bank which amounted to \$412,460. Nevertheless, surplus of \$150,000 - \$200,000 should be realized.

Capital expenditure amounted to \$125,040, which was for the purchase of four fifteen ton anchors to provide permanent mooring for cruise ships and a head handler to meet the demands placed on the Authority by more frequent use of forty foot containers by the shipping companies.

It must be stressed that the port of George Town has the highest cargo throughput per hour of any port in the Caribbean of a similar size and many of the larger ports are conscious of our record.

Plans are well advanced for the

HON. T. C. JEFFERSON (CONTINUING): placing of permanent mooring for cruise ships.

The four buoys are now being designed by an engineering firm from New Orleans. It is planned to place three buoys in George Town and one in West Bay. The project should be completed later this year.

THE NEW YEAR 1985

Mr. President, the Scotsman Adam Smith once said 'the only good budget is a balanced one'. Mr. President, using this criterion the 1985 budget is a good one; it is CI\$60.7 million, an increase of CI\$1.5 million over the approved 1984 Budget.

The estimated ordinary revenue for 1985 is \$58.4 million, an increase of \$4.4 million, or 8.1% over the 1984 approved Budget which includes a \$2.2 million contribution from the General Reserves to assist the funding of ongoing and new capital projects. New revenue measures should produce \$1.2 million and loan funds \$2.6 million. Early forecasts of ordinary revenue for 1985 in relation to the level of expenditure indicated a substantial shortfall. It was at this stage that the position was closely examined and cuts in all areas of expenditure (particularly Capital Expenditure and New Services) were made, as well as the introduction of new revenue measures.

The estimated ordinary Recurrent Expenditure is \$45.8 million, an increase of \$4.0 million or 9.6% over the 1984 position. Estimated Statutory Expenditure is \$3.6 million which includes pensions and repayment of loans and interest. New Services proposals total \$1,411,647 bringing the total to \$50.8 million.

Capital Expenditure is estimated at \$9.9 million, comprised of local financing of \$7.3 million and loan funds of \$2.6 million. This programme of works covers all major services and development projects, primarily those that are ongoing and affords greater priority on others. It will include:

- a) the Water and Sewerage Project
- b) the Gerrard Smith Airport Terminal
- c) the Sports and Cultural Centre and Parks
- d) East End Civic Centre
- e) School Building at Middle School and High School in Grand Cayman and in Cayman Brac

New Revenues

In previous years, the majority of new revenue measures largely affected the offshore operations and non residents. We should always bear in mind that the Cayman Islands have many competitors as an offshore financial centre and cannot arbitrarily continue to increase fees, lest we lose our competitive edge.

The incidence of indirect taxation affecting the general public of these Islands, although viewed as an inequitable system in that its measures apply equally to the poor and wealthy, serves the Cayman Islands well, as the absence of the more equitable form, that is direct taxation such as income tax, is what created an offshore financial centre here and is, consequently, responsible for the attraction and growth of the industry.

This year the local residents are

HON. T. C. JEFFERSON (CONTINUING) being requested to assist with the additional revenue. Some of these fees have been in effect since 1974 and 1977.

measures:

Hotel Licence

The Tourism Law of 1974, requires establishments catering to tourist to obtain a hotel licence. The fee, which has been in effect since 1974, is \$4 per bedroom with a minimum of \$100.

It is proposed to raise the fee to \$10 per bedroom and a minimum of \$120.

Stamp Duty

The purchase of land, by an agreement in the Cayman Islands has caused Government some concern for some time, because it is possible that the original purchaser can assign the property many times, before it is finally registered and stamp duty paid. It is certain that there is a loss of public revenue by this loophole in the Law.

It is proposed to require an assignment to be registered within a prescribed time and to attract full stamp duty.

The cost of a cheque has been \$.05 since 1973, and it is now proposed to increase it to \$.10.

Time sharing is becoming quite common in these Islands and a week's stay can cost the resident from \$5,000 - \$9,000 depending on the size of the accommodation and the location.

It is proposed to charge a flat fee of \$100 for each agreement. Perhaps consideration should also be given for the fee to apply to the first ten years of the agreement.

Liquor Licence

The annual renewal fees for a liquor licence has been insignificant for this lucrative business for many years. Taking into account the present loosening of certain restrictions on a liquor licence, the following increases are proposed:

- a) Distributor (or Wholesaler) from \$400 per annum to \$2,400 per annum
- b) Package from \$360 per annum to \$2,000 per annum
- c) Retail from \$240 per annum to \$500 per annum
- d) Hotel

Where such hotel has 20 bedrooms or less from \$400 per annum to \$1,000 per annum where such hotel has more than twenty bedrooms from \$400 per annum to \$2,400 per annum

- e) Temporary from double the fee for an annual licence to \$500 per annum
- f) Restaurant from \$240 per annum to \$750 per annum
- g) Wine and Beer to \$500 per annum
- h) Issue of occasional Licence from \$10 per day to \$50 per day

Establishments in Cayman Brac and Little Cayman, it is proposed, should pay fifty percent of a, b, d and f above.

Customs

The package tax in the third schedule of the Customs Law has been \$.10 since 1978, and it is now proposed to raise it to \$.50.

The duty on the importation of cigarettes has been \$8 per 1,000 for some years and it is proposed to increase it to \$10 per \$1,000.

HON. T. C. JEFFERSON (CONTINUING): In 1983, an amendment was made to the Second Schedule of the Customs Law (Second Revision), allowing boats over 25 feet to be imported duty free. The intention was to allow all boats over 25 feet arriving under their own power to qualify for duty free status.

The proposed amendment is to put the matter right.

Warehousing fees charged at the Government Warehouse, located at Owen Roberts Airport, have not been increased for many years. As a matter of record, these fees are still in pounds, shillings and pence.

It is proposed to increase these to be on par with those charged at the George Town Port Warehouse.

An anomaly in the law is also removed while making the above mentioned proposals for new revenue.

CONCLUSION

Mr. President, Caymanians have been throughout history a friendly and hospitable people, whose only wish is for prosperity to continue in these Islands and for every one to benefit from it.

We should all be cognizant of the social balance in these Islands and devote ourselves to presenting the harmony we all cherish.

Those who come among us from elsewhere should make every effort to maintain the wonderful, social climate in which we live.

Mr. President, considerable change is taking place in the international business world, and all of us need to focus on it and direct our total energies, to ensure that the Cayman Islands' future economic development continues. There is no time, Mr. President, to turn our attention in any other direction, lest the world pass us by.

There is no doubt in my mind, Mr. President, that the Cayman Islands is one of the most preferred off-shore financial centres, and we are, in my view, on the threshold of great things for these Islands and our people, but we need to concentrate on the world around us, lest we lose this opportunity.

Mr. President, I recommend the Appropriation Bill, 1985, proposing an estimated sum of \$57,104,354 to Recurrent, Capital and New Services in 1985. Excluded from this sum are the statutory provisions covering pensions and loan repayments, amounting to \$3,584,132. The estimated expenditure is, therefore, \$60,688,486.

Thank you, Mr. President.

Mr. President, I move that the debate on the Budget Address be deferred until Wednesday, sixth of March, 1985.

MR. G. HAIG BODDEN:

Mr. President, just on a point of order. Is it anticipated that the debate on the Throne Speech and the Budget Speech will be one debate? Because if that is so, I would refer you to Standing Order, I believe it is 36 (1) that deals with the matter of relevancy. They are two separate things, one is a Bill and one is a motion and in the Standing Orders there are separate provisions for dealing with them and I think we should have separate debates. I would suggest that the motion that the debate on the Budget follow immediately after the debate on the Throne Speech. The Standing Order to which I refer is

MR. PRESIDENT:

is 36 (1) I expect.

MR. G. HAIG BODDEN:

Yes, Sir.

MR. PRESIDENT:

I am informed that it has been the practice of the House for some years when the Throne Speech and the Budget Speech have coincided, to debate the two together and that that happened four years ago and it happened eight years ago.

The Business Committee, as you may have seen from the report which was laid earlier today thought that that was a practice which should be followed again, since, in both cases, the nature of the debate is very wide-ranging and Members are free in both cases to raise almost any points they wish. I do not, myself feel that it will infringe the rights of Members if the two matters are simultaneously debated, provided that is the wish of the House.

The Business Committee's Report, I think, is due to be laid on Monday and there will be an opportunity for Members to consider the matter then but for the moment, I was just hesitating before you rose because in fact the Honourable Third Official Member started by moving the Second Reading of the Appropriation Bill but ended his speech by moving a deferment of the debate and if I put the question, I was not too sure which question I should be putting.

I think that it may resolve the matter if I say that, subject to confirmation when the House considers the Business Committee's Report and recommendation, I anticipate that the debate on the Second Reading of the Appropriation Bill will take place on Wednesday, which I think is March the sixth. I think we both got it wrong this morning, and that meanwhile I will, if I may, adjourn proceedings, I hope for not more than fifteen minutes, because I know there are some items that need to be taken later today. Thank you.

HOUSE SUSPENDED 12.45 p.m.

HOUSE RESUMED 2.20 p.m.

MR. PRESIDENT:

Please be seated.

MR. W. McKEEVA BUSH:

The Government Bench is laughing, Sir, but I might have a lawsuit against them.

MR. PRESIDENT:

As long as you do not prosecute me for asking you to be seated.

HON. MICHAEL BRADLEY:

The Elected Member came into the House of his own wish.

MR. PRESIDENT:

Order, order.
The Customs (Amendment) Bill, 1985, First Reading.

THE CUSTOMS (AMENDMENT) BILL, 1985

FIRST READING

THE CLERK:

The Customs (Amendment) Bill, 1985.

MR. PRESIDENT:

The Bill entitled a Bill for a Law to Amend the Customs Law (Second Revision) is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

THE CLERK:

The Customs (Amendment) Bill, 1985.

HON. THOMAS C. JEFFERSON: *Mr. President, I move the Second Reading of a Bill entitled A Bill for a Law to Amend the Customs Law (Second Revision).*

The object of the Bill, Mr. President, as outlined earlier in the Budget Address, is to amend and to remove the anomaly in the law and to increase duty on cigarettes, and package tax from ten cents to fifty cents.

These are small increases, Mr. President and should not cause any great burden to any of our local residents.

We have, for many years, made attempts not to increase fees, but it is inevitable, Mr. President, that the day will come, and it has, that certain fees need to be raised.

The anomaly under the Customs Law is dealing with the airfreight which indicates that a quarter of the airfreight to be charged for the ocean-going freight charge. This creates many problems administratively for the Customs Department by first having to decide what is the particular rate by sea and comparing it to the airfreight and then do the calculations.

Perhaps if we take a look at the cost in each case we would find that we should have done this some years ago, Mr. President. The cost of duty - \$8 per thousand to \$10 per thousand for cigarettes is small and for those who are happy to smoke should not cost them too much money for each package of cigarettes.

In regards to the package tax, ten cents is so small, Mr. President, that it buys very little at any day of the week even if you hand it to your children. You need at least a few dollars to give them, even though to the candy store. So the increase from ten cents to fifty cents is absolutely justified in my mind.

I ask the Honourable Members' support of the Bill.

MR. PRESIDENT:

The question before the House is that a bill entitled a Bill for a Law to Amend the Customs Law (Second Revision) be given a second reading. The motion is open for debate. If no Member wishes to speak, I will put the question.

MR. G. HAIG BODDEN:

Mr. President, I am against the Bill which is before the House simply because the Bill seems to strike at the local population and, in fact, page 44 of the Estimates sum up the position of this bill very clearly when it says "the local residents are being requested to assist with the additional revenue".

The position is that, although it is a sorry state of affairs, the fact is that since the recent election it seems that every effort has been made to squeeze every penny that can be squeezed out of the local people.

Dealing with the first item in the Bill, I must say that I am totally against this. Clause 2 would delete sub-section (7) of section 41 of the old Law. That section was put into the law many years ago when the Islands first started to import goods by air. The reason why that section was put into the law because it was found that when goods were brought in by air and the consumer or the importer had to pay the duties on the air freight, the cost of the items became so excessive that the items

MR. G. HAIG BODDEN (CONTINUING): could not be sold on the local market.

What section 41 (7) of the old law says is "for the purpose of determining the price of goods under sub-section (2) which have been imported by air, there shall be substituted for the actual airfreight charged, the freight which would have been charged if such goods had been imported by sea or a sum equal to one-quarter of the airfreight whichever is the greater". So what this meant was that if an article was brought in by airfreight and the airfreight on that article was \$100 the importer would not pay duty on \$100 freight, he would simply pay duty on \$25 or one-quarter of the airfreight, providing the airfreight was greater than the sea freight, and I think in 99 cases out of 100 you will find that the airfreight is always more than the sea freight. This came about, Sir, because with the advent of the hotels and restaurants, it was many times necessary to bring in heavy food items by air, for example - I know in the sixties merchants were always bringing in potatoes and onions by airfreight because at that time the sea freight, shipping, was more or less irregular, merchants were always running out and in many instances the freight that was brought by boat would sometimes arrive in poor condition.

On an item that is fairly cheap, say like a sack of onions, one may find that the airfreight on that item would probably be as much as the original cost of the item, and so make the sale competitive with merchandises brought in by sea the Government of the day, in their wisdom, devised this sub-section and put it into the law so that the merchants or anybody bringing a package by air, would not pay the freight duties on the freight, they would simply pay twenty-five per centum of the value of the freight.. To remove this from the law would affect every person, every resident of these Islands because so many items are brought in by air, foodstuffs, meats, vegetables, ice-cream and the people who consume these items, which would include the man on the street, would suffer a hardship and the cost of all foodstuffs in the Islands which are brought in by air would rise considerably.

It is even far worse if the person had to bring in a small package, because the airlines have minimum rates for packages under a certain weight and if a person brought in a small package as I have seen happening, from a far destination, like Canada or Chicago or California, you might find that the airfreight on a very small package might be \$90 or \$100 as a minimum rate from one destination to another.

I know what I am talking about because I encounter this every day in packages arriving from Canada and if so the person had to get an item from Detroit for their car or had to get special wedding gown from Hollywood, the airfreight on that little package could well be in excess of \$100; if the person was paying ad valorem duty on the cost, he would have to pay \$20 duty just on the freight alone, if he paid on the full freight, while, if he paid on only 25 per centum he would pay \$5. So this cannot be removed, and I would certainly like to know the reaction of the merchants who bring in heavy foodstuffs like cabbages and potatoes and onions - how they will feel if they have to pay the duty on the full freight paid by air. So I cannot agree with the mover who mentioned that this should have been examined and removed ten years ago, because the need for having this section in the law is much more necessary today than it was back in the sixties or the seventies when the law was first introduced. So the removal of this section from the law which would have the end result of the importer paying the full duty on the full freight of an article brought in by air would mean an increase in the cost of living for every person in these Islands.

MR. G. HAIG BODDEN (CONTINUING) : I do not see anyway around it- it is a fact that merchants try to bring in by boat as much of the perishable cargo as they can, but one has to remember that it is not always possible to bring in a month's supply, because the merchant may not have the storage and even if he had the storage some of these items do not last very long, particularly items like lettuce. If you are going to serve it for a hotel dinner, the tourists expect, and deserve, to get fresh lettuce. So airfreight will have to be used to continue to bring in perishable goods. What is even more important is the odd item which the individual may need in a hurry, because the merchant or the person needing the item might be put in a position where he would have to shut down his entire business, if he could not get the item quickly.

I sympathise with the need to raise revenue - I sympathise with the statement in the budget that they are going to squeeze everything they can squeeze out of the local persons the local residents - these are the exact words are being requested to assist, but in fact this is not what is happening. They are not being requested to assist, they are being compelled to pay, so, Mr. President, I cannot agree with the removal of sub-section (7) from section 41 of the Customs Law, because this would increase the cost of living to every person in the Islands by a substantial amount.

The rest of the Bill is equally as bad. There is an increase of \$2 per thousand on cigarettes, bringing the rate of duty from \$8 per thousand up to \$10. Now I am not going to argue against this amendment because it is not a very large one; it will work out to 4¢ per pack increase on a pack containing 20 cigarettes, so the retail price would not rise by more than about 6¢, if you put an additional 4¢. I am concerned about cigarette smoking in that it is definitely bad for the health and what even concerns me more is that there has been a recent publication that every year 5,000 people die in the United States from inhaling the smoke of other people, who smoke. But, nevertheless, for the man who smokes it is a cost increase of 4¢ per pack, plus the importer of the cigarettes will have to make his profit on it and the retailer will have to make his profit, but, be that as it may, it is still an increase and it is the only increase in the Bill that I could vote in favour of.

The next amendment in the Bill is perhaps much worse than the one to cause the duties to be increased on all goods coming in by air and that is one which will increase the package tax from 10¢ to 50¢ per hundred pounds, and if one examines the original law, one will see that the original law makes it clear that this package tax is not only merely per hundred pounds but it would also be for a part thereof, so, regardless of how small the package is it could have a cost of, at least 50¢ per package, if the package was less than one hundred pounds. And here I want to deal with small packages because there are some goods like say baby foods, baby cereals, that come in packages of one dozen per package and as simple as this amendment seems, the result would be that if you brought in a little package containing one dozen baby cereals, you would have an increase of 40¢ on a dozen packs, which everyone knows if you have to divide it by 12 will be 4¢ on the cost of one little bottle of baby food, and that is only the cost of the Government's Warehouse. The wholesaler who brought in the package will have to make his profit on the 4¢ and the retailer to whom he sells will have to make his profit on the 4¢, plus making a profit on the profit that the wholesaler made. So here again you are looking at a cost increase on one little package, one little bottle, one little pepper sauce or whatever it may be of 6¢. Here again this affect every inhabitant of this country, but it does bear out the words written in the Budget today that the local residents are

MR. G. HAIG BODDEN (CONTINUING): being requested to assist with the additional revenue and that in practice, are being compelled to pay at an exorbitant rate. I cannot agree with this - it seems innocent in the Bill and perhaps might not mean too much if you were dealing with large items only.

Then there is still another amendment which is equally as terrible as the others I have dealt with and that is the amendment which would cause customs duty to be paid on boats whose length exceed 25 feet, unless they have entered under their own power. Now we were told by the mover of the Bill that it was the intention when the original exemption was made that the exemption should only apply to boats that come in under their own power and not apply to all boats of 25 feet or less. But I do not know where he got his information from, the information certainly does not come from the Law and I imagine he is just expressing his opinion. However, regardless of what the intention of the people who put in that amendment might have been, the present situation is that small boats, boats under 25 feet in length, if they come in, are not dutiable, and here the amendment which this Bill proposes would make ninety-nine per cent of them dutiable, because you will have very few boats under 25 feet in length coming in here, making the perilous journey from Miami or wherever the boats had been bought.

MR. PRESIDENT:

I think the Honourable Member must mean over 25 feet, that is the effect of the Law.

MR. G. HAIG BODDEN:

The section reads "Yachts, boats and such other craft whose length exceeds 25 feet measured from the clipper board to the stern end of the transom and who arrived in the Island under their own power". These boats exceeding 25 feet would have an exemption if they were under their own power, but if they came as freight on another boat under the old law it would have been a different story, so I cannot agree with this Law - it is a bad Law. I know there is strain always on the Members of Government to balance the budget and I will be dealing with that on the debate on the Budget, but there are other ways, apart from squeezing the life-blood out of the local residents. The best way to balance the budget or the best way to raise revenue is to stimulate the economy so that more goods come in and there will be no need to interfere with the traditional method of collecting import duties on goods that come by air or boats that come under their own power or a little package of goods. There are other ways of getting the revenue - the purpose of this Bill is to raise revenue - it is not, as I was led to believe on my first reading, that one part of it was simply to remove an anomaly in the Law and the duty payable on airfreight charges - we are not removing an anomaly - that is not an anomaly - that is a necessity to make the goods competitive with goods brought in in other areas. So I cannot support this Bill which, in effect, squeezes everybody and remember that package tax - which it is sought to increase, is not like the tax on cigarettes - it is going to effect every item you purchase when you walk into the shop and then you bring home your bags of groceries this new package tax will apply to every article which you buy. If you bought one hundred articles you would have to pay on all of them, so, Mr. President, I know I have only one vote, but that vote will be cast against this Bill.

HON. D. H. FOSTER: Mr. President, our time is up, Sir, and I would like to move the Suspension of Standing Order 10 (2) so that we might continue for a little longer.

MR. PRESIDENT: Thank you. I imagine you are moving it in accordance with the provisions of Standing Order 82 and that the motion is that Standing Order 10 (2) be suspended to enable us to continue the debate on this Bill and indeed to continue until all the items on today's Order Paper have been dealt with.

Does any Member wish to speak to that? The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I would like to object to that move. Today is the first day of the opening of this Parliament and by what I see that we have to attend to, I am sure we will be here for the next five or six weeks. So there is no rush to complete anything today. Besides that, I, for one, and I do not know how many other Members, but I just got my papers on these Bills today and I would like a little bit of chance to review them; it is also the end of the week and everybody has business outside of the House to attend to, I am sure, and I think we should take that into consideration before we go on any longer this evening.

MR. PRESIDENT: I think it is the invariable practice of the House and of every other House, to deal with revenue measures immediately after the Budget and to deal with them the same day. If there is an opportunity that the revenue may suffer if they are not dealt with that day.

MR. JAMES M. BODDEN: Mr. President, I am sure we are not going to pass this today, unless you all intend to stay until midnight, because I am prepared, when I get up, to talk that long, if I have to, on it.

MR. G. HAIG BODDEN: I have a function which I committed myself to help tonight, it is one of the service clubs putting on a fund-raising charity function, and this would upset my schedule if I have to remain here much longer and I would also like to say that today is Friday - it is the end of the week - there are many little things that one would like to finish off. Today, being the first day of the House, and we are having at least two more weeks, I do not see the necessity for rushing this Bill, particularly since it has only been presented to us this morning.

MR. W. McKEEVA BUSH: Mr. President, we are here conducting the people's business, Sir; personal business and all other likes must remain until we have finished what we have been elected to do. I trust that Members will carry on, Sir.

MR. PRESIDENT: I think I must rely on the Third Official Member to guide me. If there is indeed no good revenue reason for us to need to complete these Bills today and to take the First, Second Readings, Committee stages and Third, while we have time, then it may be that Members will decide that there is no need to suspend Standing Orders and to continue now, and that the Bills can be put down on the Order Paper for another day. But if your advice is that for revenue reasons it is essential they be passed today, if they are to be passed, then I think I must put the question that Standing Orders be suspended and it will, of course, be for the House to vote on that question.

- HON. T. C. JEFFERSON: Mr. President, I think in the case of the Customs Bill in particular, it is justified to try to finish it off this afternoon.
- MR. PRESIDENT: How about the other one?
- HON. T. C. JEFFERSON: The other one, I think, can wait.
- MR. PRESIDENT: Well, in that case I will put the question that Standing Order 10 (2), if I've got the right Order...
- HON. V. G. JOHNSON: 10 (1).....
- MR. PRESIDENT: 10....
- HON. V. G. JOHNSON: (1)
- MR. PRESIDENT: Sorry.....10.....?
- HON. D. H. POSTER: (2)
- MR. PRESIDENT: 10 (2) be suspended in order to enable the completion of business connected with the Customs Bill. Will those in favour please say aye?
- SOME MEMBERS: Aye.
- MR. PRESIDENT: Those against no?
- SOME MEMBERS: No.
- MR. PRESIDENT: I think the ayes have it.
- MR. JOHN B. McLEAN: Mr. President, I would like to be excused; I was not aware that we were going on later than 4.30 and I have an appointment in five minutes.
- MR. PRESIDENT: Any Member who needs to leave clearly can.
- Orders have been suspended and that the debate may continue.
- MR. JAMES M. BODDEN: I would just like to know how long we plan to continue, Sir?
- MR. PRESIDENT: In that case, I declare that Standing Order 10 (2) be suspended in order to enable the completion of business connected with the Customs Bill. Does any further Member wish to speak?
- MR. PRESIDENT: I think we plan to continue until the Bill has been either passed or rejected, and that means continuing through all stages. That is my understanding of the advice which the Third Official Member gave, and my understanding of the vote is that the House was comparing with that. Does any Member wish to speak? Then I will invite...
- MR. JAMES M. BODDEN: Mr. President, we are beginning the debate on the financial position of this country in this Session. We also have your Throne Speech that has to be debated, and the little I have seen of it so far, I would refer to this as the penny-ante budget of 1955. The Budget that is presented to hurt the working man - they have departed from the policy of Government in the past which was to make it as easy as possible on the people who inhabit and live in this country.

MR JAMES M. BODDEN (CONTINUING) The past eight years have been many decrease in import duty that affect the man on the street. All of a sudden, we have these people who are going to be answer to all problems, and they are presenting a budget here which has to be balanced by taking huge sums out of reserves when they told a lie that there was no money in reserves, and they played every game that could be played with figures. And now to make it.....

MR. PRESIDENT: Please sit down. The Honourable Member must not impute dishonest motives to others and, in my view, it is unparliamentary to accuse them of telling lies, which is what I understood him to say. If you said that, it must be withdrawn.

MR. JAMES M. BODDEN: If you deem it that 'lie' is unparliamentary, let us say they prefabricated then, but a rose by any other name is still a rose.

We have heard every story told and we have seen every figure jumbled about to cast aspersions on the past Government and to say that the country was broke. I will deal with that at an appropriate time when I intend to spend about three days here on it. But today we will deal with this so-called simple amendment.

I cannot believe that in the days when we are supposed to have so many financial geniuses guiding the affairs of this country that we would have them stoop back into years gone by and pull out an old law that was made to help the people of this country and try to balance the budget by the few measly dollars that they will take in on this amendment.

I am not sure what the proposal is in regards to the duty on air-freight as it is not worded correctly or fully in the Memorandum of Objects and Reasons, but I imagine that the attempt is, is that now that the consuming public will pay duty, not only on the cost of the goods, but also on the full cost of the airfreight, plus the insurance cost, and so forth and so on to where we will be paying much more duty than probably in many cases, even the article will be worth itself, because airfreight is fairly expensive. From Miami, I am sure the air-freight would be at least 20¢ per pound

Many of the food stuff consumed in this country, Mr. President, have to be brought in by air. Here we are basing our future on tourism, basing our economy on tourism, and yet the people who will have to bring in the vegetables, their fruits, their milk products, and their beef products on many occasions, by air, will now have to pay, not only the airfreight, but the duty on the full amount of that airfreight, which is going, in many cases, to increase the amount that would have been paid on duty before, by two to three hundred per cent. This is going to affect the consuming public tremendously and there is no getting away from it, Mr. President, people have to resort to bringing products by air. What would happen to the tourism industry if the people were to decide, no, they are not going to bring the foodstuff anymore by the planes, because of the duty, they are going to bring it by boat. How long you think you would have your tourism?

Yet we have been told that we have wonderful plans to increase tourism - wonderful plans to make it much better than it ever was before. Yet the first stroke of the pen is to hurt it.

Now, we go further than that, Mr. President, and we look at the little man in the street, who has to find the additional money out of his now meagre wages, in order to go to the store and pay the added amount that he will now have to pay because his

MR. JAMES M. BODDEN (CONTINUING): Government that he elected, thinking they were going to put him into the Garden of Eden, has sold him down the drain, the way we are doing here.

It is a bit ridiculous and ludicrous Mr. President, anyway you look at this

I am concerned in the approach to the problem that is being made by the present Government. In the past eight years our Government took off a lot of duty on foodstuffs; I am certain that before this administration is out they will have to put back all of those duties and may be much more to keep the country afloat if we continue in this manner.

I am most certain that in the very near future the Government Bench would be bringing another law to the House asking that we put back the duty on foodstuff like rice, and beans and so forth that has been taken off.

What are they prepared to tell the people then? The same hog-wash they will tell them this time.

You know I believe that the people on the streets, although they may have had on their blinds before, are fast getting them removed. They may have cowed to the untruths that they were told, they may have fallen victims to them, but I believe they are fast becoming awake.

How can a Government in its first sitting remove a law from the statute books that would have given this Government in the next couple of years, probably several million dollars in the form of the condominium tax? There was no problem in collecting it, because the law plainly stated that the person could not sell or inhabit that unit until the tax was paid. Yet because of special interest groups that tax was removed - the people of this country lost that revenue and here we are, having these people come back today dealing in penny ante stuff to put another tax on the working man on the street. I fail to see how even their supporters across the hall in good conscience support these measures.

Before the consumer could get some release, he could import his stuff by plane and he could only pay the duty on the freight based on what it would have been if it had been brought in by boat. Now all of a sudden you are changing it - they are hollering about a losing airline - well, here they are - doing something else that will keep the airline from earning revenue, because many a time now in the future people will ship by boat instead of by plane and I do wonder, Mr. President, whether that is not one of the true meanings behind this Bill, is to increase importation into the Islands by boat, rather than the national airline to get the benefit of the revenue.

I fail to see where the conscience of these people is. 1985, Mr. President, will be honoured in history of the Cayman Islands in the years to come, as the year when Caymanians got taxed in every way possible and the financial centre locked on and laughed. It has always been said in politics in these Islands that we depended on the financial institutions in the off-shore financial centres or business rather, to help share the burden and to ease the burden of the local person. We have shifted away completely from that, Mr. President, and what we are doing now is telling the poor working man on the street, you fool, you elected us, now we are going to give you a little more burden to carry. This is what we are doing.

I think it is very unfair that we should even contemplate this much less pass it. I wonder if some of our financial geniuses have taken the time to figure out what the increase in cost of living these money measures are going to bring about in the Cayman Islands in the next year? I would venture to bet

MR. JAMES M. BODDEN (CONTINUING): that overall, if all of these different laws are changed, that we are looking for a cost-of-living increase of at least ten per centum.

Now is that anything to boast about that you are going to give to your people in the first year that they have elected you?

Then we go a little bit further in this penny ante financing and again we tell the working man that you are going to increase the duty on his cigarettes. I do not want this to be taken wrong, I smoke cigarettes, I am willing to pay the increase on the tax. I am not speaking for myself, I am speaking for what I think is unjust and unfair. Then you tell him that if you increase the tax on his cigarettes, and if he was foolish enough to have a friend of his from Miami, let us say shipping a box of matches, that you are going to increase the cost on it 400 per cent in package tax to get that box of matches out of the customs. You know, where are you going to stop? Are you going to ask the man on the street whether in the next session we can tax the breath that comes out of his lungs on the air that he breathes?

Why can we not have some innovative ideas that can bring revenue into the country, instead of depending on the reserves that were not there to do the work for you in 1985, plus taxing the working man out of existence?

Mr. President, I think this was an unfair motion, the debate is unfair, because we had the Throne Speech delivered today, we had the Budget Address and then we were thrown all of these other papers. Many of us have not had time to go back and research into the laws, different ones, which have been and so forth and how they correspond, and I think that your ruling was very unfair as well as the Members of Executive Council.....

MR. PRESIDENT:

Will the Member please sit down?

I must call your attention to Standing Order 35 (7). If you wish to criticise a ruling as unfair, you have to put down a substantive motion. Moreover, I would add, perhaps, for the record, that it is the long-standing practice both here and in every other Commonwealth Assembly that I know of, that revenue bills are not published until after the Budget Address has been delivered and that they are debated immediately afterwards.

MR. JAMES M. BODDEN:

Will you or anyone else tell me how much duty you expect to lose on this Bill between now and Monday morning? But if I had to put a motion (that will come in due course too) I have a lot of things to say to you in this Session of the House and I have just started, Sir.

In the past Caymanians have been able to import their boats and certain equipment that goes with the boat, duty free, because we have been a sea-faring people from time immemorial. I can agree that anomalies have taken place in this, but I think again there are certain concessions that could have been made, and that more time should have been taken by someone to think out the means by which money could have been gotten by the Treasury, in order to meet the expenditures this year.

I was very proud to be a part of a group for eight years that attended to these things and helped to bring the Budget forward for eight years and I challenge anyone to show us a piece of legislation like this that we brought forward.

We tried to find ways where the man on the street, the common man, the man who upholds every Government in every country in the world, we tried not to hurt them, but we have special interest groups that are dictating the course of this country

MR. JAMES M. BODDEN (CONTINUING): and it must stop. It must stop - or the people will stop it.

I am not prepared to be a part of any Assembly that will bring in legislation like this when we have already thrown out the legislation that would have brought big money to the country, not picked the few pennies out of the working man's pocket. I really would have liked to have the time to research this and really deal with it at some length, but I do not wish to be repetitious, so therefore, I will conclude, hoping that some of the Members on this side of the House, in addition to my colleague from Bodden Town will see fit to be against this piece of legislation, and not go hand in glove with legislation that is going to affect the very people that put them in office, the row of people they promised to protect.

But, Mr. President, as I have seen it in two sessions of this new Government, I ask myself and the people on the street are asking, whom are you protecting? Are you protecting the nationals of the Cayman Islands or the nationals of where?

This is unfair legislation, it should be voted down and I hope that the Members of this House will have the inestimable fortitude to do so.

MR. PRESIDENT:

The First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, we have just heard two very dramatic contributions, Sir, in the case of both the great problems with the first amendment, that is section 2 of the Bill which seeks to remove the provision within the Customs Law to charge the freight equal to the sea-freight or twenty-five per cent of the airfreight on goods imported.

The first speaker, for example, Mr. President, mentioned the increases that this could cause on Irish potatoes and onions and the like and I would like to draw the attention of that Member and also of the Second Member to the fact that Irish potatoes and onions are duty free, so that this amendment could not result in any increase in prices of goods that are duty free, and as you go down, I think the Second Member mentioned milk - this is also duty free so it is not affected by this amendment and as you go down the line of goods that are used by the ordinary or the average family, this has no effect on those items.

The truth of the matter is, Mr. President, that when this concession was given, the charges for handling goods at the airport were the same as they are on the dock, but ever since the introduction of the new charges at the port, even though sea-freight is cheaper, when the charges at the port are added, there is no incentive to bring the goods by sea. So, if this amendment goes, what it would really do, is to, more or less, equalise the charges, the total charge on goods coming in by air and by sea.

There seems to be not too much dissatisfaction with the increase on cigarettes, in fact, the first Member who spoke, agreed with that, and there seems to be some confusion on the boats, Mr. President. The Member seemed to have thought that the boats were duty free; that only applied to boats over 25 feet after the amendment made in 1983, and I do not think that it can be argued that the amendment that was made in 1983 worked in favour of the average person. The fisherman or average person does not import the boat over 25 feet, that is usually for the more affluent. The proposed amendment would now remove the possibility of someone bringing in a 40 foot boat on the deck of a ship and bringing it in duty free. The only charge that is added here is to boats over 25 feet that are not

HON. BENSON O. EBANKS (CONTINUING): sailed into the country under their own power - there is no other charge being added or imposed. And, as the mover said, the anomaly arose when the amendment was made in 1983.

The other thing that should be remembered, Mr. President, is that the package tax does not apply to goods coming in through the port - it applies to goods coming in through the airport only. If one looks at section 47 sub-section (2), Mr. President, "notwithstanding sub-section (1) no package tax is charged on imported goods discharged at the ports of George Town or Cayman Brac as prescribed in the Port Regulations", so that the package tax does not apply to goods coming in by sea and it would only apply to goods by air. So it would not increase the cost of living on the bulk of goods coming into the country, and this package tax, basically, is designed to replace or substitute for the charges which are made at the port for handling the goods. The warehouse at the airport at the moment, is subsidised by Government because of the small handling charge which is imposed on goods.

I have no problem with these amendments, Mr. President, they are not amendments that I feel would be oppressive to the majority of people and I support the Bill as presented and with the amendment of which notice has been given. Thank you.

MR. PRESIDENT: Before I call on any other Member to speak, I am told that the tape is within one minute of running out; I will get that changed and then call on a Member. It will take about two minutes.

MR. PRESIDENT: The tape has been changed. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Yes, Mr. President.

I want to say, Sir, that I support the amendments to the Bill. My reasons for supporting the Bill is that one section of it will give a break to those Caymanians who want to bring in their own boat over 25 feet. We have many Caymanians in the charter boat business and I believe this would take a burden from them. I believe it could help them because many times the boats come in under their own steam, so I believe it would help those people and for that reason I am supporting the Bill.

On the matter of Cigarettes, Sir, if no more than for health reasons, I give that also my support.

On the other sections of the Law, Sir, quite frankly I would like to have seen the figure that it would produce, the amount of money it would produce in revenue, but Sir, I give the Government the benefit of the doubt, or the Government Bench I would say.

The two opposition Members to the Bill dealt with those sections and we heard many things. As someone already said dramatic speeches; we heard talk about squeezing the poor people - we heard questions how the merchants will feel. Mr. President, the merchants for eight years have been feeling good in this country, because every bit of duty taken off of foodstuffs have not, Mr. President, gone to the ordinary man on the street - it has not helped them. As was said, potatoes, onions, chicken, duty has been removed from those items and there is no way of Government policing that sector, so the people are not getting the benefit.

I cannot see what great amount of hardship will be put on the people - I do not believe the populace would squibble about a few cents - the populace, Mr. President, made a lot of noise recently and they dumped the previous Government - they kicked them out. Why, Mr. President? Because that Government, while they sought to take off duty off those little items, believing they could pacify the man on the street, they sought to strangle him, and that is what they did to the little man.

They brought motions to give certain people in this country unlimited funds, and I still do not know, Sir, whether the amount or any money was paid out. I hope to obtain that later on in this Session too. So do not think that the little man is hurt, it is the big things that they have done that have hurt the little man.

I say, today, Mr. President, why, I ask the question - why is this Bill being brought to this House? Why has it come, Sir, why? The reason why it has come because of the serious state of affairs in this country, as existing today....

MR. JAMES M. BODDEN (interrupting) On a point of order, Mr. President, please. This is entirely incorrect about the financial state. There have been many rumours, viciously told. The plain thing is in the budget itself where you are taking, two and a half or two and a quarter million dollars out of it to balance the budget this year. So why would you allow this man to go on like this?

MR. PRESIDENT:

The Honourable Member himself started talking on this subject; it did not seem to me to be strictly relevant but I could see an argument why, if he did not go on with it for too long, it could be regarded as relevant. An answer to it is relevant too, but the answer should not go on too long either.

MR. W. McKEEVA BUSH: Sounds like a round-about way to me, Sir, but let me carry on. They can talk, Sir, but I believe I can talk equally as well, and they shall be reminded of their sins.

MR. JAMES M. BODDEN: Mr. President, are we preaching a sermon or what are the sins we are trying to correct?

MR. PRESIDENT: Will the Second Elected Member from West Bay please continue.

MR. W. McKEEVA BUSH: Yes, Mr. President. As I said, Sir, it is only pennies we are squibbling about, pennies and I am of the opinion that this Bill has been brought because of the bad state of affairs in this country as left by the previous Government, and that is....

MR. JAMES M. BODDEN: Mr. President, on a point of order. I take strong objection to that because that is an incorrect statement and you should rule the man out of order on it.....

MR. PRESIDENT: Will the Member please sit down and cease interrupting except on genuine points of order, otherwise I shall have to stop him.

MR. W. McKEEVA BUSH: Thank you very much, Mr. President. I support the Bill, Sir, I do not think it is going to cause too much hardship on any small man in this country. If the merchants want to cry, let them cry, but I give it my support. As I have said, I have my reservations - I felt that I would have liked to have seen the figures but I give the Government the benefit of the doubt. Thank you very much, Sir.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I will, in debating the Throne Speech and the Budget Address, make certain observations which I hope will avoid a lot of emotion we see exhibited in this Honourable House and that we will endeavour to stick to the matters before us.

Mr. President, I regard the reason why I had such a resounding victory at the polls was because of the people's belief in me and that I will endeavour to protect the interest of my people wherever possible.

I personally do not have any very strong reservations on these amendments with the exception of one or two observations which I would wish to make.

I would point out here, Mr. President, that I was very pleased by a statement made by the Honourable third official member that we should all be cognizant of the social imbalance in this country, but my definition, Mr. President, of social balance in the country would have to be compatible with the standard of living of our people in this country.

Mr. President, section 41 (?) of the principal Law which is the Customs Law (Second Revision) states, inter alia - "there shall be substituted for the actual air-freight charged the freight which would have been charged if such goods had been imported by sea or the sum equal to one quarter of the airfreight, whichever is the greater". Mr. President, I believe that there was a reason for this and the reason, as I see it, Mr. President, is that it was providing a facility for those of us who

MR. LINFORD A. PIERSON (CONTINUING): would not have the sort of cash flow that would enable us to store away big stocks of goods, but perhaps have to be using the services of airfreight to bring these goods in, perhaps on a weekly, bi-weekly or monthly basis, and that this section of the law was intended to protect the little people.

I am not going to say, Mr. President, that my only interest would be in any one sector of our community or society, but I would make it abundantly clear that I am here to represent all interests, and this includes the little people, and I believe, sincerely, Mr. President, that the removal of what is called an anomaly, I do not see it as such, will affect the little people in this country.

I believe, Mr. President, that this is a genuine effort made by the Government Bench to enable them to secure the necessary revenue to assist us in the development of this country, but I also believe, Sir, that the time has come when we must move away from what I would term, and what is, of course, my opinion, an antiquated system of raising revenue. I believe, Sir, that we have reached the maturity and sophistication in this country where efforts and attention must now be given to broadening our economic base. We cannot, each year, endeavour to raise revenue by an indirect form of taxation, because while we appreciate that a direct form of taxation if something that we must keep away from, I believe it is well known that an indirect form of taxation is the most regressive form in the world, and it is a form that affects the little people more than others.

We cannot, Mr. President, continue to make amendments here and there to meet situations. I regard this, Mr. President, as bad management and I hope that I am not out of order in making that observation, but I believe that we must now look at preparing a comprehensive economic policy for this country. We cannot continue each year to be increasing indirect forms of taxation. I see no reason, Mr. President, why section 41 (7) should be deleted from this law and I cannot support that.

On the matter, Mr. President, on the increase in the duty payable on cigarettes from \$8 per thousand to \$10 per thousand, I could not support it more and my support is a fundamental one, mainly because of my objection to smoking. I believe that if this is going to be a deterrent to some of my people, enhancing their lives, or this is going to be a deterrent of them not smoking, well, Mr. President, I think it is a good move and a good amendment. But, Mr. President, unfortunately, I do not see this - I see those extra cents being taken away from the budget of a family. I see the smoker in the home squeezing those extra cents and depriving himself, perhaps, the necessary food and clothing he needs to be able to satisfy what is indeed not only a want but a habit which is very difficult, I understand, to break.

So, Mr. President, I would have very little reservations in supporting this, but when I look down the list of amendments before me, I notice that that is perhaps the only area to which I could lend support, so it appears as if I will not be able to support the bill in its entirety.

On the question, Mr. President, of the increase in the package tax from 10¢ to 50¢, which is provided in the First Schedule to the principal law, I cannot for the love of me, see the real purpose in this increase, but I am sure that the Member responsible for presenting this Bill, has given this considerable thought.

A previous speaker, Mr. President, mentioned that two of the other speakers from Bodden Town had misunderstood the very purpose of the anomaly and that they thought it referred to goods that were already duty free. Mr. President, in

MR. LINFORD A. PIERSON (CONTINUING): Looking here through the Schedule of duty free items, I notice a number of items that would affect the little people in this country, items that they would bring in by air. Many of the small shopkeepers in this country take the week-end to go to Miami, Tampa, wherever, to purchase their goods and bring them in. They cannot afford, because of cash flow problems, to wait a week or so on the ships to bring in their goods.

More so, Mr. President, this section of the law, did not take anything away from Government. It is quite specific. Section 41 (7) states - that such goods if such goods had been imported by sea the sum would be equal to quarter of the airfreight or the amount that would have been paid had the goods been imported by sea, or the greater - so really I cannot see where bringing these goods in by air was really a major anomaly.

Mr. President, I have reservations on the question of removing the duty free exemptions on boats in excess of 25 feet. I do not believe that sufficient thought was given to this amendment. I know of many, many Caymanians who rely on boats 25 feet and more for a living. These boats are used, not only for fishing but also for their little charter business, or whatever and I feel that this amendment is going to have a disastrous effect on these people. I see, Mr. President, a multiplier effect taking place here. I see the imposition or imposing of new duty, by the time it reaches the little man, that it is indeed going to have a strangle hold on him.

During the Budget debate, Mr. President, I intend to suggest ways and means that I feel we can follow in our attempt to obtain new revenue in this country, without having to go the direct taxation route. This is a route that we want to steer clear of but we cannot forget that to ignore the social problems that can be caused from the squeezes that we bring about by these excessive amendments, amendments that would tend to squeeze the little people could have a very damaging effect on our economy. It can bring crime, it can push our little people in a position that they cannot maintain.

A few days ago, Mr. President, I had the very unfortunate experience of seeing, first-hand, what can happen to a society that tried to live in an unreal situation - I visited the Northward Prison and I will have more to say on this.

The economic imbalance, an adverse impact on the little people, could be disastrous, especially those who are trying to make a living by operating their little businesses.

Mr. President, one observation - I humbly bow to your ruling, Sir, that Members need not be given revenue bills following a Budget Debate, but somehow, Sir, I believe that if we must make any intelligent contribution to any debate in this House, that we should be given sufficient time to study these bills. It is somewhat, as I see it, of an unfair disadvantage in Government Bench, knowing what is coming before the House and that they have had some time to give it some thought, but when these Bills are thrown at us without any notice then we cannot be expected to make any intelligent contribution. I do not know how this matter can be resolved but I would hope that somehow attention could be given to this, as I see it, problem.

Mr. President, I realise that there are other Members who would wish to speak on this Bill but in honesty, Sir, I could not truthfully give this Bill my full support in its present form. Thank you, Mr. President.

MR. PRESIDENT:

The Fourth Elected Member of Executive Council.

HON. V. G. JOENSON:

Mr. President, Honourable Members, I rise

HON. V. G. JOHNSON (CONTINUING): to support this Bill.

I have heard many comments about it. If I were on the opposition side, perhaps I would join in many of the statements which were made against this Bill.

We are talking about measures, Mr. President, the total of which would provide this Government with less than one million dollars in revenue.

The reasons for these new measures were stated by the Honourable Third Official Member. I have been in his position in this House for seventeen years. I know much of what has transpired here as far as revenue proposals are concerned.

Over the past eight years, I would say, we have passed many revenue bills and on the first day of the Budget Address, Mr. President. It is a known fact in this House that revenue Bills must come immediately after the presentation of the Budget Address for certain and obvious reasons, and therefore we are only trying to deceive ourselves when we speak of having no time to examine these bills and finding other excuses why they should not be dealt with in so short a time.

Mr. President, a lot has been said concerning removal of duty from imported goods, largely imported foodstuffs. I have always had my opinion about this, but nevertheless I know it is political and therefore there those proposals came forward without any opposition.

I remember back in 1964 when the Government removed from among many items, duty from flour, the next morning the price of bread increased. I would like to ask where did the consumer, or did the consumer receive any benefit from that particular act.

Some years ago duty was removed from chicken and potato - a famous Bill, Mr. President, where did the benefit for the removal of duty from those two items go? Into the pockets of the merchants, the hotels, restaurants, guest-houses and those sort. The poor man on the street continued to pay the same price he paid before for those items, yet it was to benefit poor people, and so we go on and on and on with the removal of duty from these foodstuffs.

Mr. President, it seems to me that everything that this Government will present in this Honourable House, whether it be a Bill, a motion or what have you, will be unjust to the opposition.

Mr. President, although the Third Official Member stated that it was not opportune at this particular time to further tax the off shore business, and I agree entirely with that, the tax measures that are coming forward do not apply to Caymanians alone. They apply to a lot of other people. You have tourists coming here by air and by cruise ships; you have a lot of expatriates living here - all these people are going to share in this tiny increase that we are proposing in these measures.

One Member said, Mr. President, that we cannot continue increasing indirect form of taxation, but he ended by saying neither should we attempt to introduce any form of direct taxation. Well, that is quite alright, Mr. President, if in that proposed economic development plan we are going to find measures which can suit the public and all concerned and those measures are going to produce the revenue we will need over the next years to come to supplement the budget. But I would like to remind Members that expenditure is not a static thing - it is increasing year by year because the need of Government and the need of the country continue to become greater and greater each year.

The question is how are you going to finance increased expenditure, especially when you have a situation where

HON. V. G. JOHNSON (CONTINUING): the revenue is falling. We have seen this, specially over the last year. Had revenue continued to fall as we have seen it over the past, then there would be no need to bring these few meagre measures of taxation to the House today.

We used all the reserve that was left, that was available to supplement the budget and it is no different from what was done last year. Reserves were used last year to balance the budget, too.

Mr. President, a lot was said about this new Government. I have no excuse for anything I have done so far and I doubt that any of my supporters will come forward and condemn me for what has been done so far. My intention is to work and do everything in my power to support the cause for which I was elected to this House and that I will do.

Mr. President, much has been said about the details about this Bill and I do not want to go into that aspect of it, so I will close by saying again that I support this measure and I have no excuse for doing so. Thank you, Sir.

MR. PRESIDENT:

The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, the Bill before this Honourable House, a Bill for a Law to amend the Customs Law (Second Revision) I feel is a necessary one. I do not agree with it in its entirety and I must say, in fairness to the people of my district, we have quite different circumstances than I have heard here said by other speakers this evening, but before going into that, previous speakers have made remarks that when duty is removed from products the price goes up.

I must remind Members here that Merchants in the Cayman Islands have no control over freight costs, rising cost of fuel and the cost of manufactured goods in the outside world, therefore a merchant, if he is to make a profit, must price according to what he paid. I feel the removal of duty from foodstuffs, essential items has been beneficial to the people of my constituency and I shall continue to support a measure of that state anytime it is offered.

I would like to call to the attention of the House, Mr. President, section 2, the amendment to section 41, sub-section (?); this will have very disastrous effects on the people of my district. We now pay a much higher airfreight than the people of Grand Cayman, although the jet flies into Cayman Brac direct from Miami. We are paying a much higher freight rate, we have no regular shipping service, it is advertised fortnightly, sometimes it is fortnightly, sometimes it is more frequent, sometimes less frequent - therefore many of the items which we enjoy here, used by our natives and the tourists, must come in by airfreight and if we are to pay duty on the C.I.F. with the airfreight included, there will be a substantial difference.

Therefore I would ask if any concession could be made to my district, that consideration be given by the Honourable Members.

In addition to this, the increase of package tax on essential items, will just add considerably more to the cost.

As I said, I know the Bill is necessary, I support a balanced budget; I have discussed it with my constituents and we must make sacrifices if we are to get the benefits from our Government that we all want, and I support the Bill, but I would ask in Committee if anything could be done to the amendment to section 41 sub-section (?), that consideration be given. Thank you, Mr. President.

MR. PRESIDENT:

The Elected Member for North Side.

MR. EZZARD MILLAR:

Mr. President, I support the Bill in its entirety, in particular I support the removal of section 41 (?). Unfortunately I think quite a few speakers before me in giving their reasons for not wanting the section removed, I have glossed over the first part which creates the anomaly and that is, that any individual who brings in a box or a package by airfreight has the option of demanding that the Customs Officer calculate what would have been the sea-freight on the cost of the items.

Further, Sir, I believe that any advantage that existed years ago in bringing stuff in by airfreight and only paying twenty-five per centum of the freight cost, has been slowly whittled away by the increasing cost of airfreight in this country, for whatever reason it has been. For an example, Sir, I brought a box a few days ago from Panama, I paid \$26 freight from Panama to Miami and \$106 airfreight from Miami to Grand Cayman. So I do not think that the consumers are now receiving any benefits, because in most cases, the quarter per cent, the twenty-five per centum of the actual airfreight is higher than that is paid on seafreight.

Further, Sir, I believe that there is reasonably frequent and good refrigerated container service from Miami - I do not believe that the bulk of perishable items that were previously arriving by air is now doing so, so, Sir, I can well understand the anomaly section 41 and I support its removal in its entirety.

I also support section 3 of the law, Sir, and the increase in duty on cigarettes, because, Sir, the deterrent it might have in someone could improve their health. Further, I do not think that cigarette smoking is a necessity for any person.

We have heard a lot of talk here today, Sir, about this new Government beginning to tax the working man. I do not believe, Sir, that any of the revenue measures introduced in this country from its existence have ever really taxed anybody, except the working man, because, as was the practice of the past Government, increasing the charges on the financial sector year after year, the bank simply passed the charges on to the working man on the street, whether it was increased overdraft charges, increased charges for ledgers, or whatever.

Taxation, Sir, ultimately winds up in the hands of the little man. That is a fact of life.

I also support section 4, Sir, because again I have had experience with the confusion under the old Law, in bringing in a boat of my own. I think that putting it in this form clearly defines what boats, what size are dutiable and what one has to do to qualify for the non-dutiable boat.

I also support section 5, Sir, because I think that increasing the package tax at the airport is fair and equitable, I do not think that Government should be subsidizing the operation. I think it is fair to increase it to 50¢ and consideration is given to the charges that are imposed at the port by the Port Authority and I can see none of these measures, Sir, creating any greater hardship on the little man on the street, than an increase on a banking licence or some other form.

I therefore support the Bill in its entirety, Sir.

MR. PRESIDENT:

The Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, I rise to support this Bill.

HON. W. NORMAN BODDEN (CONTINUING): now before this Honourable House, in its entirety. I feel that the deletion of sub-section (7) of section 41 and the effect that it will have on the man on the street has been very much over-played.

It is true that revenue has to be earned and I believe that at the beginning of almost every year there has been one measure or another taken by other Government in order to accomplish this.

I am also very pleased to see that the Honourable Third Official Member will be moving an amendment at Committee stage to allow imported drinking water free into this country, and I believe that the little difference that would be created by the deletion of sub-section (7) of 41 will be more than compensated with this new gesture that will become a part of the Bill.

I therefore, Mr. President, give this Bill my support, because I do believe that at this present time and place that there is, in fact, very little difference in the total charges to the importer between whether they bring it through the port or through the airport. Therefore this Bill has my full support, Mr. President.

MR. PRESIDENT:

The Third Elected Member of Executive Council.

HON. CHARLES L. KIRKCONNELL: Mr. President, I rise to support this Bill, Sir in its entirety. Most goods that have been mentioned here, Sir, by the Second Elected Member from Bodden Town as items on which duty is paid, such as potatoes, onions, milk, etc. are duty free and this Bill in no way affect the cost of those goods.

I think the First Elected Member has straightened that point out and another point that was brought out was that no port charges are imposed on goods arriving by air, whereas when goods are imported by sea, all port charges are payable and these are substantial.

The revenue Bill before this House today, Sir, is normally introduced, like all revenue bills, and passed the same day for obvious reasons and this is not the first occasion. I have been in this House now going on nine years and on many occasions revenue bills must be passed the same day they are introduced. This is not something new and it is impossible for any Government to give out a revenue bill to all Members of the Legislative Assembly before it is introduced and passed on the same day. This is done, as I said before, to prevent anyone taking advantage of the position.

The hardship that we have heard that will be caused to the little man, really, Sir, when one looks at the revenue that it is hoped to be derived, is between four hundred and five hundred thousand dollars, and the most this will cost the little man, the middle man and the big man is about \$2 a month. I do not see how one can term that exorbitant.

A point that was made by two Members, Sir, I do not think is quite fair to say that the duty taken off goods has not been passed on to the little man or the people purchasing. In years past we made a point of reporting the effects of the duty refund, at the same time we pointed out that the goods which were imported at one time and it cost, say, \$1, by the time you re-imported the same item it was up about a ten percent and this is why the public believes that we control the manufacturer's price. We do not control the manufactured price and in no way can the merchant absorb all of the increases that have been passed on to us from time to time.

About having no time to study the Bill,

HON. CHARLES L. KIRKCONNELL (CONTINUING): we have made complaints of this, Sir, in years gone by. I realize that this is a hardship to other Members on the other side of the House, and we have tried to remedy this. Unfortunately we could not give this Bill to the Members on the other side of the House before it came today to be passed.

Mention was made of the financial geniuses who are now running the Government, Sir, I do not know if inference was made to me as being a financial genius - I do not consider myself a financial genius - but what I do know, Sir, is that I can manage my own money.

It is true that the country's eyes are being opened and I am afraid before this Session is completed, the eyes of all members of this community will be opened at that time.

I believe the people of this country do not yet realise what we have to contend with and what we have to solve and that they cannot keep on demanding from Government without contributing back to Government. Government can only give to its people what it takes from them and the Government is not a monster out there, Sir, we are only the representatives of the Government, the people are the Government. They have put us here to represent them, we are the elected representatives but we are not the Government. And if they continue to ask for different privileges, different improvements, we must all be prepared to pay for these improvements.

Mr. President, I think enough has been said on the Bill, I believe everybody wants to get home, so I will not delay it any further and I give this Bill my full support.

MR. G. HAIG BODDEN: Mr. President, just on a point of order. I did not want to interrupt the Member but duty free goods are subject to package tax. Goods that are duty free like potatoes, still pay the package tax and I think two Members of Executive Council

MR. PRESIDENT: I do not think that was the point that was being made; I think the point that was being made was that they do not pay the duty and therefore the change in the arrangements about air and sea-freight do not affect them. That was my understanding of the point made.

MR. JAMES M. BODDEN: I think what was said, Sir, was that this Bill - it did not specifically say what part of it - but what was said, I think, by the Members was that this Bill would not affect these items, which is incorrect.

MR. PRESIDENT: That was not my understanding of what was said, but at any rate the matter has now been clarified, no doubt. Unless any other Honourable Member wishes to speak I will invite the Third Official Member to exercise his right of reply, if he wishes.

HON. T. C. JEFFERSON: Mr. President, in any country there comes a time when additional revenue must be found. The Bill before the House today, as in all other cases, new revenue measures triggers a great deal of debate.

But, Mr. President, I am satisfied that this particular Bill will cause no great hardship to any person resident in the Cayman Islands.

The section dealing with airfreight, we must remember, Mr. President, that duty is imposed on cost, insurance and freight, and then a percentage is taken of that value, and the

HON. T. C. JEFFERSON (CONTINUING): significance of the increase here, in my mind, should create no real hardship to anyone.

As previously stated, Mr. President, if we look at a comparison of items coming through the Port the duty paid, the port charges paid and the charges paid at the airport, this Bill really brings those charges in a somewhat comparative position.

It is my intention, Mr. President, to move an amendment to the Bill to allow purified and desalinated water, bottled water that is imported into this country, to be free of duty.

It is also my intention, Mr. President, to propose an amendment to section 5.

MR. PRESIDENT: The question before the House is that a Bill entitled a Bill for a Law to amend the Customs Law Revised be given a Second Reading. Will those in favour please say aye?

SOME MEMBERS: Aye.

MR. PRESIDENT: Those against, no.

SOME MEMBERS: No.

MR. PRESIDENT: I think the ayes have it.

MR. JAMES M. BODDEN: Could we have a division, Sir?

MR. PRESIDENT: Certainly.

D I V I S I O N

AYES

HON. D. H. FOSTER
HON. MICHAEL BRADLEY
HON. T. C. JEFFERSON
HON. BENSON O. EBANKS
HON. W. NORMAN BODDEN
HON. CHARLES L. KIRKCONNELL
HON. VASSEL JOHNSON
MR. W. McKEEVA BUSH
CAPT. MABRY S. KIRKCONNELL
MR. EZZARD MILLER

NOES

MR. LINFORD A. PIERSON
MR. JAMES M. BODDEN
MR. G. HAIG BODDEN

10

3

HON. MICHAEL BRADLEY: Mr. President, Sir, was the name of the Honourable Member for East End called?

MR. PRESIDENT: Well, the Honourable Member is not here.

HON. MICHAEL BRADLEY: I still think it should be called.

MR. PRESIDENT: Well, also the Third Elected Member for West Bay in that case. I think you are probably quite right, they should be called, even though they are not here, so that....

MR. PRESIDENT: Will the Clerk announce the number of those who voted for and against?

CLERK: 10 Ayes, 3 Noses.

MR. PRESIDENT: I declare that the motion was carried. Suspension of Standing Order 47, I think it is.

SUSPENSION OF STANDING ORDER 46 (1) AND 47

HON. THOMAS C. JEFFERSON: Mr. President, I move under Standing Order 82 the suspension of Standing Order 46 (1) and 47 to allow the Third Reading to take place on the Customs (Amendment) Bill, 1985.

MR. PRESIDENT: The question before the House is that in accordance with the provisions of Standing Order 82, Standing Order 46 (1) and 47 be suspended in order to enable three readings of the Customs Bill to be taken today.

I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 46(1) AND 47 SUSPENDED.

MR. PRESIDENT: We will now go into Committee to study a Bill entitled A Bill for a Law to Amend the Customs Law.

THE CUSTOMS (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 stand part of the Bill.

MR. JAMES M. BODDEN: Mr. Chairman, I would propose that we strike out section 2 of the proposed Bill, Sir, as it not being relevant to what we should be trying to do.

MR. CHAIRMAN: If you want to move a motion to that effect you can seek leave to do so when we come to Clause 2, but at the moment it is Clause 1 strictly that we are discussing.

If there is no debate on Clause 1 I shall put the question that Clause 1 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 41 OF THE PRINCIPAL LAW.

MR. CHAIRMAN: Now is your chance.

MR. JAMES M. BODDEN: Mr. Chairman, I beg leave of the House, I do not know what Standing Order really covers it, to move a motion that section 2 of the proposed Bill be deleted from it in its entirety.

MR. CHAIRMAN: What you have to do is to seek my leave under Standing Order 52 (2) to move an amendment of which no notice has been given, and in view of the circumstances under which this Bill is being taken, that you had no opportunity of giving two days' notice of an amendment, I should certainly grant you leave. Your amendment is to the effect that clause 2 be deleted?

MR. JAMES M. BODDEN: Yes, Sir.

MR. CHAIRMAN: In that case, does any Member wish to speak to the amendment? We deal first, if I may just remind Members of the Committee, with the amendment, after that has been discussed, we vote on the amendment and then there is a possibility of further debate on the clause as amended, or if the amendment has been defeated, on the substantive clause.

HON. MICHAEL BRADLEY: Mr. Chairman, Sir, could I seek your guidance on this, that the effect of the proposed amendment by the Honourable First Elected Member for Bodden Town surely has the same effect as defeating the motion in front of us, namely that clause 2 do stand part of the Bill? If the motion that clause 2 do stand part of the Bill is defeated, then the clause is deleted.

MR. CHAIRMAN: I think that is quite right. Actually you know, I should have been quicker to spot the point....

MR. JAMES M. BODDEN: But, Mr. Chairman, I still think that by placing the motion we get a chance to debate it, and I think in view of the urgency of this Bill and the way it has been urgently put before the House, and like I heard one Member making a contribution awhile ago in which he said that it would be impossible to apprise the twelve Elected Members of the House of any legislation of this sort, I think if you were going to tell a Member he was out of order I think that is where you should have called him up. Because we are all elected to this House and are supposed to be men and women of honour, and are supposed to be people looking out for the welfare of the country; I do not think that that aspersion should be cast on the other Elected Members of the House. So, therefore, in view of that and in view of the many other things that this Bill affects, I have quite a contribution I would like to make on this and I think we should be able to debate it.

MR. CHAIRMAN: I think that the point that the Second Official Member was making was that you had, without needing to seek my leave to move an amendment or to move an amendment at all, you had an opportunity to debate it and to make the points that you wished because you are fully entitled to urge all Members to vote against the clause standing part of the Bill. You do not actually need to move an amendment that the clause be deleted, you can just speak explaining to Members why they should vote against it.

HON. MICHAEL BRADLEY: Mr. Chairman, Sir, may I also with respect draw your attention to Standing Order 52 (7) which says the Chairman

HON. MICHAEL BRADLEY (CONTINUING): may refuse to put an amendment which appears to him to be intended to vary the very substance of a clause, if in his opinion the proper course is to negative the clause and propose a new one, which I think.....

MR. CHAIRMAN: I do not think that one would work this time, I think the point that you've made already was the real answer, and in order not to prolong the matter further, let me make it clear to the First Elected Member for Bodden Town that he is fully entitled to argue the case why, in his view, Members should vote that clause 2 do not stand part of the Bill.

MR. JAMES M. BODDEN: Mr. Chairman, let us take for instance an item, we will call it rice, beans, potatoes, whatever you may want to call it, that you bring in by airfreight from Miami. The Miami tariff, now this would only be if you just brought one sack of it or one fifty pound weight, please remember now that the freight would be much higher on this because it would be a minimum charge, so that if a person had a shipment of several items of fifty pounds each, in which this particular item then constituted a part of the total manifest, from Miami the airfreight would probably be, on a fifty pound package, somewhere in the neighbourhood of twelve dollars. Now the seafreight on that same comparable weight, I bow to those who may know better about the freight rates than me, but I am sure that the freight rate would not be more than about two dollars and fifty cents. Therefore we have a difference of nine dollars and fifty cents and let us say that the duty is twenty percent on that item, whatever it may be, could be underwear, shoes, anything. That means that that particular a fifty pound weight you are paying one dollar and ninety cents more in customs duty than you would be paying now. If you take it on another argument - let us say that item was brought by Cayman Airways from Houston, now on the Houston freight rate your freight cost would probably be somewhere between twenty and twenty-five dollars for that item.

Assuming the sea cost would probably be five dollars say from Houston, you are looking then at an additional import duty of four dollars on that particular fifty pound weight that you would be paying in the future, that you are not paying at the present time. So it is a bit foolish I think to say that this does not add up and that it does not affect people, because you know a dollar ninety is a dollar ninety, regardless even if it is Jamaican money, it is still a dollar ninety. I think that this whole thing is very unfair, very politically motivated, particularly in view of the other amendment, which I hope we will get plenty of time to debate here tonight, that has been placed by the Third Official Member in proposing that we take the duty off of aerated waters and so forth, which has been tried here in this House before when it was rejected, and before he does that I wish that he would present to this House the figures on what is expected in revenue from these new sources, like - number one or number two, I think he should present to the House an estimate of what he thinks Government will earn in the coming year, just this year, 1985, by instituting this new tax.

I think there are a lot of unanswered questions here that need to be answered before we can intelligently decide. Some people may be led into deciding already, but those of us who would have our blinds off would like to have the relevant figures to be able to figure whether it makes sense or not.

HON. CHARLES L. KIRKCONNELL: Mr. Chairman, the Member has just made mention of a charge of twenty -five dollars on say one package of beans by air, but by sea...

MR. JAMES M. BODDEN: I do not think I said beans.

HON. CHARLES L. KIRKCONNELL (CONTINUING): or whatever the product may be, or item may be. There is a minimum Bill of Lading charge by sea, which is substantially more than the figure he has gained, plus the fact when it comes in by air, there are no port charges to be added to that. When it comes in by sea there are port charges to be added as well. So it is more expensive if you bring in a single package by sea than it is by air.

MR. JAMES M. BODDEN: Mr. Chairman, when I started my argument or discussion on that point, I did make it clear that I was not referring to one specific item because there would be a minimum charge. I said let us assume that this item of fifty pound weight is a part of a shipment of two hundred and fifty pounds, because I am quite aware that you have a minimum charge on the ships, as well as you have a minimum charge on the airline.

But really, you are fighting on one hand here to try to keep Cayman Airways in the air and to turn around the picture which they think they can do, yet on the other hand you are saying let us take the revenue source away from you, because, do not let anyone kid us in this room today, that this is going to affect the amount of stuff that is brought by airfreight in the future.

MR. ERNARD MILLER: Mr. Chairman, I think the Member has successfully argued against his case in pointing out that section 2 is certainly relevant to increasing revenue in Government from the figures that he has presented.

MR. JAMES M. BODDEN: No, Mr. Chairman, that is not the point. The point is that I would appreciate if the Member piloting this Bill would, and I think we as Legislative Members should have a right to ask this, what is the amount of revenue that this country plans to receive, in this year, if section 2 of this Bill is passed?

HON. T. C. JEFFERSON: Mr. Chairman, I have not broken down the amount of revenue to be earned specifically section by section, but an estimate of the overall position indicates that the additional revenue to be earned by the passage of this Bill is between four hundred and half a million dollars.

MR. JAMES M. BODDEN: Mr. Chairman, that is one more reason for us to really pay attention to this if it is going to affect the man on the street that much, but I would think that when you are presenting a Bill of this magnitude to the House, and certainly if we did not have any reason to adjourn, I think there is a good reason to ask for an adjournment now so that those figures can be presented to the House that we may intelligently decide what to do with this Bill.

MR. G. HAIG BODDEN: Mr. Chairman, the point I tried to make in my debate was that this is no simple amendment, this will take substantial cash out of the pockets of the consumer. The Member from North Side in debating it gave us one instance where he had brought in a package by air and the total freight was say in excess of one hundred dollars - I do not remember the exact figure he used, but let us say, for argument sake, that the total airfreight he paid on that one package was one hundred and thirty dollars, with the new amendment he would pay twenty-six dollars import duty just on the freight alone. If it remains as it is in the old law, instead of paying twenty-six dollars he would only pay six dollars and fifty cents. So there is a difference of nineteen dollars and fifty cents on one small package, and if that package contained a cheap article, let us say a lady's dress that only cost twenty dollars,

MR. G. HAIG BODDEN (CONTINUING): because of the duties on the air-freight under this amended Bill the cost of the dress would nearly double by having to pay an extra nineteen dollars and fifty cents just on the freight alone.

I must say that I know the Government Members know the extent of the revenue that is put into this because when I looked at the Estimates since I received them, I was wondering if they were going to heighten the normal ad valorem duty say from twenty per cent to twenty-five to produce the substantial sums shown in the Estimates. So this Customs Bill is no small item and is going to mean, as the Member piloting the Bill has just told us, will put into Government in 1985, some four hundred to five hundred thousand dollars just on this one item alone, and I must say that I am more convinced than ever that this section of the original Law should not be changed but should remain as it is, because it is going to mean that if the merchants, for example, because they do most of the importation, if they pay an extra five hundred thousand dollars and on that they make their normal profit of, say, twenty per cent, or whatever it is they would average, the consumer will be paying six hundred thousand dollars in 1985 more for his consumer goods.

So it will increase the cost of living substantially and the fact that airfreight has risen substantially since the oil crisis, and since the introduction of this provision in the Law, it is now more reason to retain the original provision in the Law so that the duties can be paid at twenty-five percent of the value of the airfreight, rather than one hundred per cent of the airfreight.

While a few Members already in their debate committed themselves to supporting this amendment, I think in light of the whole relevation which has come to the House they must definitely re-consider their stand on this Bill and realise that if clause 2 is passed in the form in which it now stands in this Bill, they will be saddling the consumers with a Six hundred thousand dollars cost-of-living hike, with a period to the end of 1985, and forever thereafter as long as it remains as it is. And of course if airfreights continue to rise, as undoubtedly they will, we will find that next year they will also have an increase in the cost-of-living index attributable to the amendment which we are passing here so lightly today.

So, Mr. Chairman, I would hope that clause 2 will not be passed. I understand the problem which was highlighted by the Member from North Side where...

MR. EZZARD MILLER: Mr. Chairman, I think there is another side of the coin which the Member from Bodden Town is not taking cognizance of - the figures I gave were used - while I am not and I cannot deny his argument - the other side of the coin is that goods brought in by air, the volume, because of the mismanagement in the airlines, or whatever reasons sent up the airfreights to those astronomical figures, because if he can recall it was five times the freight from Miami to Cayman as well as it was from Panama to Miami people are not going to bring stuff in by airfreight, so there is going to be a tremendous volume in the reduction of airfreight and therefore the merchants will turn to bring in, as I have done, and am now bringing all of my stuff in sea.

MR. JAMES M. BODDEN: Well, I wonder if that was not the purpose of this Bill?

MR. PRESIDENT: It would hardly be the purpose of the Bill...

HON. V. G. JOHNSON: Mr. Chairman, this Bill, the merits of it have already been debated in formal session. We are in committee now looking at the Bill clause by clause. A motion has been put to delete clause 2; in my opinion there has been sufficient debate on that motion and I would recommend that the question be put at this stage.

MR. JAMES M. BODDEN: Mr. Chairman, please, we have had eleven closures put on the other Members of the House here in the last Meeting, and I hope we are not going to start it in this Meeting on such a Bill that is so important.

If the Member has a contribution that will add to what we are trying to argue on these two sides and come up with something that may be good out of it, it is alright, but not to ask for a closure at this time. I think we still have freedom of speech, or at least, I think so.

MR. LINFORD A. PIERSON: Mr. Chairman, Mr. Chairman - may I?

MR. PRESIDENT: Yes.

MR. LINFORD A. PIERSON: Mr. Chairman, my question on this Bill is basically supported by the adverse situation I think that it could bring on people we refer to as the little people in the Islands, and I think this is somewhat supported by the figures that were just presented to us by the Third Official Member, that the Bill could bring about four hundred to five hundred thousand dollars in duty.

HON. T. C. JEFFERSON: Mr. Chairman, just on a point of clarification, I am not certain what I said, but some of the things I am hearing are not what I intended to say. In indicating the total value to be earned or the total revenue to be collected by this Bill, I said four hundred to half a million dollars, for it all, not specifically for the airfreight.

MR. LINFORD A. PIERSON: Mr. Chairman, I was referring to this section here and I feel that a substantial amount of that four hundred to five hundred thousand would apply to section 2, but in the absence of any details by the Third Official Member, I am unable to say exactly how much of that four hundred to five hundred thousand would apply to section 2. But I trust that in due course he will provide this information.

Mr. Chairman, I want to make it known that I do not think we are here prevaricating or trying to waste time and that we are, in fact, showing that we have no trust in the Government Bench. This is not my position, at least, and I do not put myself to be opposing for opposition sake - I am here to represent my people, Mr. Chairman, and if there is something that I feel that is not in their best interest, I am definitely going to speak on it and I do not think that the amendment to section 41 (1) of the Customs Law (Revised) is the answer to our problems and this is why I would like to see section 2 of this Bill deleted, because I do not see any major benefits that it will bring to our people.

MR. JAMES M. BODDEN: Mr. Chairman, I would have to echo some of those sentiments. I was elected by the people of my district of Bodden Town and I think I am elected, although the opposition, as I called them then, put nine candidates against my colleague and myself, we still won with a good majority and I am here to represent those people. Those people are part of the electorate and part of the consuming public and this Bill should not be taken as frivously as

MR. JAMES M. BODDEN (CONTINUING): apparently many people in this House are doing today, because, in my opinion, we should have an adjournment until we could get the proper figures to be able to intelligently discuss this. But let say that this entire Bill will bring to Government \$500,000 in the year 1985. If we assume that the Cayman Islands have 20,000 people, including men, women and children, and children unborn, then we are looking at this being a tax of \$25 on every person in the Cayman Islands that we would be imposing today when we pass this Bill. If we look further at that and assume that there are 8,000 bread-winners in the Cayman Islands out of the 20,000 total population, then we are looking at \$62.50 in taxes that we are putting on every bread-winner, every man in the street, and a woman who is the head of the house-hold, who is working in this community.

If we assume that the average merchant is going to put a 30% increase on this \$500,000 that he is going to pay Government in duty in order to get his money back with a profit, we are then looking at a position where every man, woman and child in this country is being taxed today \$32.50 and if we take it to the bread-winner, every bread-winner in this country is being taxed \$81.25 for this year of 1985. So this is not a frivolous Bill. I referred to the penny-ante ways they were raising their revenue but I was never of the belief that it was really this much money involved and that is why I feel that it should be the duty of the House to adjourn until the actual figures on what will be derived from each one of these things could be presented to the House and may be it would be a chance of some of the Members changing their minds, rather than blindly going on and agreeing to this Bill.

HON. D. H. FOSTER: Mr. Chairman, Sir, I think we have passed the Second Reading of this Bill and it was very clear then that it was a majority in favour of it. Those against it should be able to see that they are going to be defeated, Sir, and I do not see why we should punish.....

MR. JAMES M. BODDEN: Mr. Chairman, that is not.....please...

HON. D. H. FOSTER: You are not going to.....

MR. JAMES M. BODDEN: No, no, if England had felt that way, we would be under German rule today, because she got whipped, it was only America that pulled her out.

HON. CHARLES L. KIRKCONNELL: Mr. Chairman, using the same argument...

MR. JAMES M. BODDEN: This is an insult to all democracy what we are supposed to be in here for.....

HON. CHARLES L. KIRKCONNELL: The First Elected Member from Bodden Town just made that this increase, that is the total increase of \$500,000 taking his own figures, he left out a very, very important factor and that is the consumption by our visitors. You cannot figure on 20,000 and then whittle it down to house-holders. What about the 200,300 thousand people that are visiting here? Are they not consuming so they would also have to be taken into account, Sir. When you take it down it will be quite insignificant - about 80¢ per person per day, excluding visitors - this is what we are talking about.

HON. V. G. JOHNSON: Mr. Chairman, a very important factor that the Members are losing sight of too is that Government's expenditure as proposed in the budget is \$60M and I am sure that the larger part of that budget is being spent in this country, distributed among the

HON. V. G. JOHNSON (CONTINUING): 20,000 that they are talking about which is, perhaps, a distribution of three thousand and odd dollars to each one. So.....

MR. JAMES M. BODDEN: Look.

MR. PRESIDENT: It seems to me that we are.....

HON. V. G. JOHNSON: it works both ways, I mean, the Government is raising a bit of revenue here but it is going back to the people in a different form.

MR. JAMES M. BODDEN: But, Mr. Chairman, that is, I must say, a bit of an irrelevant argument to this because if we are going to get into that kind of argument about how the budget is spent among the people and distributed and so forth we have a long, long argument ahead of it.

But we are dealing with specifically what is before us in this Bill. The Member piloting the Bill has told this House that it represents an increase in Government revenue of from four hundred thousand to five hundred thousand dollars. He has not been able to specifically supply to this House what, I think, should have been supplied as to what each individual item will yield, or is expected to yield, so you have 20,000 people in this country; now we are not taxing the tourist, because you keep on the way you are going now you are not going to have many of them anyhow - but you have to deal with this and look at the 20,000 people or 18,000 or whatever it is your official census says you have, and they are the people who are going to pay this bill and it is going to be distributed among them. So there is no way you can gloss it over.

I am not trying to waste the time of the House, although I believe very much in standing for an argument, but Mr. Chairman, I must once more say to this House that this is not a minor matter - half a million dollars in Cayman Islands currency is not a minor matter.

HON. V. G. JOHNSON: Mr. Chairman, it is amazing how they can reject good argument....

MR. CHAIRMAN: Well, I think.....

MR. JAMES M. BODDEN: It seems like you have rejected many of them also.

MR. W. McKEEVA BUSH: Mr. Chairman....

MR. CHAIRMAN: Order, order.

MR. W. McKEEVA BUSH: Mr. Chairman...

MR. CHAIRMAN: Order, I am speaking, please do not interrupt me. And I was going to say that I think that we have strayed a good deal from the individual clause and that we have had a very full discussion of that clause and that I now propose to put the question in respect of it. Will those in favour please say aye?

SOME MEMBERS: Aye.

MR. CHAIRMAN: Those against, no?

SOME MEMBERS: No.

MR. JAMES M. BODDEN: Mr. Chairman, I would just like to ask whether

MR. JAMES M. BODDEN (CONTINUING): in this case, you have used the closure against us....

MR. CHAIRMAN: No....

MR. JAMES M. BODDEN: In fighting this.

MR. CHAIRMAN: No, nobody used the closure. I put the question, and....

MR. JAMES M. BODDEN: Could we have a division, Sir?

MR. CHAIRMAN: You said a division? Certainly you could.

We will have to wait for a moment before we do. No, we could do the division....
Sorry, the tape has run out, but we can do the division without the tape....

MR. JAMES M. BODDEN: Could we propose a coffee break while they fix the tape, Sir?

MR. CHAIRMAN: It only takes about thirty seconds.

MEMBERS: (LAUGHTER)

DIVISION

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeever Bush
Mr. D. Ezzard Miller

Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. James M. Bodden
Mr. G. Haig Bodden

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MR. CHAIRMAN: I declare the motion carried. Clause 2 stands part of the Bill.

AGREED BY MAJORITY. CLAUSE 2 PASSED.

CLERK: CLAUSE....

HON. MICHAEL J. BRADLEY: Could I just add one small typographical error. "Law" in the first line should be capitalised.

CLERK: CLAUSE 3. AMENDMENT OF FIRST SCHEDULE TO THE PRINCIPAL LAW.

HON. THOMAS C. JEFFERSON: Mr. Chairman, I beg to move in accordance with Standing Order 51(2) leave of the Chair being asked for and granted under Standing Order 52(2), the following amendment....

MR. CHAIRMAN: I think what you should do is to start by asking the leave of the Chair to move an amendment. You need the leave under Standing Order 52(2). So if I may I will take it that what you did was to seek my leave under Standing Order 52(2). That I am prepared to grant. Now you may move the amendment.

HON. THOMAS C. JEFFERSON: Thank you, Mr. Chairman. I move that section 3 of the Bill be renumbered as subsection 2 of section 3, and that immediately preceding the newly renumbered subsection 2 of section 3, that the following new section be inserted:

"(1) The First Schedule to the principal Law is amended in Chapter IX thereof by the addition, immediately following item 9.04, of the following new item -

"9.05 Purified, desalinated and natural waters - other than aerated waters FREE".

MR. JAMES M. BODDEN: Mr. Chairman, I object to....

MR. CHAIRMAN: If I could just make one point clear before you speak, if I may. What we debate first, just to remind Members is the amendment. If it were to be carried we would then debate the Clause as amended. If you are speaking to the amendment, you may certainly carry on.

MR. JAMES M. BODDEN: No, I was objecting to leave being granted for it, Sir, because it is difficult to understand this. Here we are trying to tax the people out of existence, and then on the other hand now we are going to take the duty off water. Now what is that water for? Is it to try to repent with?

HON. DENNIS H. FOSTER: It is because we have a shortage now, Sir.

MR. JAMES M. BODDEN: No....

MR. CHAIRMAN: I think the indication is that the Government had been so moved by your passionate eloquence that they decided to restore something.

HON. VASSEL G. JOHNSON: An indication of good intention, Mr. Chairman.

MR. JAMES M. BODDEN: The road to Hell is paved that way too. Mr. Chairman, again I get back to my old argument in stating that I feel that the House should adjourn until we are furnished with the relevant figures in respect to these amendments. The Member has told us that this will yield between \$400,000 and \$500,000....

MR. CHAIRMAN: With respect, we are debating an amendment which will yield nothing. It may lose some revenue.

MR. JAMES M. BODDEN: No, but just bear with me while I put my point across. This Bill is expected to yield \$400,000 to \$500,000. I would like to know at this point whether the Member can tell us what is the anticipated loss if the amendment which he has just put in should go through. Then we will know what the net sum effect of this Bill will yield to the country.

MR. JAMES M. BODDEN (CONTINUING): I would like to know why at this particular time when there are many other items which we could probably take the duty off, we are taking the duty off water. Is it because the Honourable Second Elected Member of Executive Council lost his motion last year to get duty off water? Are we really playing politics? If we are going to play politics I would really like to know because I like to play that game. It could be....

HON. W. NORMAN BODDEN: People seem to be playing a lot of politics in here all the time. I guess this might be part of it.

MR. JAMES M. BODDEN: It certainly must be because when there are many other things duty could be taken off it seems ridiculous to me to come into this House and argue to put on a \$500,000 tax at one stroke of the pen on the people of these Islands and then on the next stroke to take tax off. I do not know whether the Members are trying to repent or what, taking the duty off water. I would like to know what that amount of duty is expected to be.

HON. THOMAS C. JEFFERSON: Mr. Chairman, I repented many years ago, Sir. There is no attempt here to repent.

MR. JAMES M. BODDEN: Well could the Member repent and tell us what is the amount of duty we would lose if this passes.

HON. THOMAS C. JEFFERSON: Mr. Chairman, the amount of duty to be lost here is negligible.

MR. JAMES M. BODDEN: No, but that is not an answer....

HON. THOMAS C. JEFFERSON: In previous years we have.... This is nothing new, Mr. Chairman. Last year, if my memory serves me correctly we took duty off kerosene, whereas this year we are taking duty off water. Certainly with the situation in this country over the last three or four months, it would seem to justify in my mind that duty should be removed from water provided it is not going to have a detrimental effect on the revenue of this country, and it is not

MR. JAMES M. BODDEN: We took the duty off kerosene but we also took it off more items than kerosene. However, I feel that we should know the amount in this House because the Member also argued this with us on the other side when the motion came before the house before, and he had some figures on it. I would like the House to be made aware of what is the anticipated loss of revenue if this motion goes through. If we are going to get \$500,000 on one hand and we are going to give away \$50,000 on the other, then we should know whether it is \$50,000 or \$100,000 or whatever it is.

HON. VASSEL G. JOHNSON: Mr. Chairman, this is a clear indication that removal of duty from imported foodstuffs, let us say, has no bearing at all on assistance to poor persons, because in the case of water it is the poor people of these Islands who use a lot of that water. Regardless of what the amount of duty may be it is seen to be a relief to poor people as well.

MR. JAMES M. BODDEN: But I would....

HON. VASSEL G. JOHNSON: So Mr. Chairman, removal of duty from all the other things which were put forward here seem to have been just politics.

MR. JAMES M. BODDEN: This must really be....

MR. CHAIRMAN: I do not think.....

MR. JAMES M. BODDEN:what we are playing now because, Mr. Chairman, following on what he just said, the Government bench and its supporters have been saying in this Meeting all day that when we take the duty off the people do not get any benefit from it. That is what I have heard all afternoon. Now they are coming back with another argument. How do they expect the people are going to be any different on the water when they gave them nothing on importing beans or whatever else it was?

MR. D. EZZARD MILLER: Mr. Chairman, I think in this case they are encouraging the merchants to stock it because it is a shortage. They are not necessarily going to pass the savings on to the poor people.

HON. BENSON O. EBANKS: Mr. Chairman, I cannot help with the quantity but I can help with the purpose. That is to wash down the dry chicken which the duty was removed from. (LAUGHTER).

MR. LINFORD A. PIERSON: Mr. Chairman....

MR. JAMES M. BODDEN: There will never be any duty taken off again I do not think in this administration. So we had better be sure to give them the water.

MR. LINFORD A. PIERSON: Mr. Chairman, as I said earlier, my contribution to this is mainly in view of my interest in my people. I also accept that we are operating under the democratic principle. I am totally in favour of duty being removed from water but as I said earlier, I totally oppose section 2 which was passed. Now as I am not here to oppose for opposition's sake, I have my reasons for any sections of this that I oppose, because I can see where certain areas of this might be detrimental to my people. The removal of duty on drinking water I do not see as being detrimental. So I would have no reservations against that.

MR. CHAIRMAN: I think we have had quite a full discussion on this as well....

MR. G. HAIG BODDEN: The only thing is, Mr. Chairman, that I have not been allowed to say anything.

MR. CHAIRMAN: How unusual.

MR. G. HAIG BODDEN: The Executive Council Members would not let me get a word in.

MR. CHAIRMAN: Well, you may have a word now. Fair enough.

MR. G. HAIG BODDEN: Thank you, Mr. Chairman. This recent proposed amendment which we are discussing, which is to take the duty off water, highlights the confusion which exists in the Government's mind. We have before us a Bill which would increase Government's revenue from customs by half a million dollars or a figure in that area. Our budget which has been presented this morning reflects this.

MR. G. HAIG BODDEN (CONTINUING): How can the Government at the same time be playing such a game? You know the little game people play, "I move to Jack's house and Jack moves to mine". How can we be here pushing a Bill to increase the revenue when we are tagging on to it a little amendment which will reduce the revenue. What does the Government want to do with this Bill? Do they want to increase the revenue or do they want to reduce it? I cannot understand this amendment but it has made it clear to me that there is something bothering the Government with this amendment. Perhaps they were as surprised as I have been to learn that this little Bill will bring such a phenomenal revenue to Government. The ceasing of duty on water is not meaningful at all because it is only a very small amount of water which is imported.

I have my feelings on this. The Government Bench have not been able to say that they import so many gallons of water and the duty taken off would be so many dollars. They are groping in the dark as much as we are, and this is good reason for adjourning this Bill until Monday morning so that the Government can find out what it is doing and end its state of confusion. I would suggest that we defer dealing with this amendment until the Government gets its act together.

MR. CHAIRMAN: Thank you....

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, the Member who just spoke, Sir, has a conveniently short memory. If he would go back and I challenge him to do this, and look in the Hansard, he would see that when other revenue Bills were introduced in this House there were also reductions made in duty on certain items in the past. So this is nothing new.

MR. CHAIRMAN: Thank you....

HON. VASSEL G. JOHNSON: A question, Sir....

MR. CHAIRMAN: I think I would now like to put the question on the amendment because we have had a very full discussion on it. Remember after we deal with the amendment we still have to come back to the Clause either as amended or otherwise.

MR. JAMES M. BODDEN: Is this in section 2 or 3, Sir, because with the hurriedness that this Bill is being put through this House I do not have all the necessary papers?

MR. CHAIRMAN: What we are now putting the question on is whether the amendment to section 3 of the Bill proposed by the Honourable Third Official Member should stand as part of that Bill.

MR. JAMES M. BODDEN: I have an amendment which I want to put....

MR. CHAIRMAN: That comes later....

MR. JAMES M. BODDEN:with your leave to section 3.

MR. CHAIRMAN: We deal first with this amendment. If you have an amendment you can mention it after we have dealt with this one.

MR. JAMES M. BODDEN: No, I just want to be sure, Sir, that we do not get voted out here without a good fight.

MR. CHAIRMAN: No, we go back to Clause 3 after we have dealt with this amendment so you are quite safe. The question is that Clause 3 be amended as proposed by the Honourable Third Official Member. In other words the question is that the proposal about water be included in the Clause.

QUESTION PUT: AYES AND NOES.

MR. JAMES M. BODDEN: I voted against it before, Sir, and I am going to vote against it now. I am against the taking off of the duty.

MR. CHAIRMAN: No....

MR. W. McKEEVA BUSH: I just want it recorded, Sir, that I voted no.

MR. CHAIRMAN: Sorry?

MR. W. McKEEVA BUSH: I just want it recorded, Sir. I did not think it was clear. I voted no on that amendment.

MR. CHAIRMAN: If you want to the vote says....

MR. W. McKEEVA BUSH: Could I have a division, Sir?

MR. CHAIRMAN: Alright.

DIVISION

AYES

NOES

Hon. Dennis H. Foster
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. W. McKeeva Bush
Mr. James M. Bodden
Mr. G. Haig Bodden

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MR. CHAIRMAN: I declare the amendment carried.

AGREED BY MAJORITY: AMENDMENT TO CLAUSE 3 PASSED.

MR. CHAIRMAN: So now what we are doing is....

MR. JAMES M. BODDEN: That was just the amendment to put it before the House. We still have not had the discussion on that. We can still further discuss that.

MR. CHAIRMAN: I am afraid you have taken the words out of my mouth. What I was going to say was that what we now debate is Clause 3 as amended. It is permissible to seek permission to move further amendments to the clause.

MR. JAMES M. BODDEN: Well I beg permission, Sir.

MR. CHAIRMAN: What do you beg permission to....

MR. JAMES M. BODDEN: Under section 3, subsection (2) I would like to propose \$9 where \$10 is proposed now.

MR. D. EZZARD MILLER: The Member has to ask leave of the Chair under Standing Order 52.

MR. CHAIRMAN: So firstly, yes you may have permission under section 52(2) of Standing Orders to move an amendment. Secondly, I take note that your proposed amendment is that the figure "nine" be substituted for the figure "ten" in the final line of the clause. It is the final line is it not?

MR. JAMES M. BODDEN: Yes, Sir.

MR. CHAIRMAN: The effect, so that everybody understands, is that the increase in the duty on cigarettes should be \$9 per thousand....

MR. JAMES M. BODDEN: Instead of \$10.

MR. CHAIRMAN: Do you want to speak to your amendment?

MR. JAMES M. BODDEN: Yes, Sir. First of all, Sir, I want it made clear that I am not doing it particularly for myself because I smoke. I do not want it to be misconstrued.

HON. VASSEL G. JOHNSON: Mr. Chairman, he gave himself away. He has a special interest.

MR. CHAIRMAN: I think he is allowed to declare an interest.

MR. JAMES M. BODDEN: I smoke and probably much too much and if we could get the duty increased to maybe \$100 per thousand it might be better for me personally. However,....

MR. D. EZZARD MILLER: Is that an amendment, Sir?

MR. JAMES M. BODDEN: On the merits of it, Sir, I feel that the increase is too much and I am generally against this Bill anyway. I could be persuaded really to vote in favour of the "10.02" the way it stands but overall I am against most of the items in this Bill because I feel as I said in the beginning that it is a very unfair Bill, and we should have been supplied with more information. So therefore I do stand in opposition in that way. I do not know whether changing it to \$9 is going to help the public very much in view of the other heavy taxes which have been put in today and the heavy burden the people will have to carry. However, those who smoke might appreciate it if we can decrease the duty to \$9. So therefore I beg your leave to put my amendment to section 3.

MR. CHAIRMAN:

I gave you the leave already. You are

now....

MR. JAMES M. BODDEN:

I was just doing it again to be sure

you....

MR. CHAIRMAN:

You are urging Members to vote for your

amendment?

MR. JAMES M. BODDEN:

Yes.

MR. CHAIRMAN:

Well, what is now before the House is a further amendment to Clause 3, the effect of which would be to replace the figure "ten" in the last line of the clause with the figure "nine".

MR. G. HAIG BODDEN:

Mr. Chairman, I speak in favour of the amendment just proposed by the First Elected Member for Bodden Town. The effect would be to increase the duty on cigarettes by two cents a pack, rather than the four cents per pack of twenty which had been proposed in the Bill before the House. This seems like a small figure to be dealing with but as I mentioned in my debate, an increase of four cents would mean the wholesaler must put on five cents. The retailer would then probably put another one cent on the cost so that the price would rise by about seven cents a pack. The amendment which is before the House now would mean that the increase in the price of a pack of cigarettes would be three to four cents a pack. In the long run this does add up to quite a bit of money because those people who smoke usually smoke one, two or three packs a day and it can mean a substantial difference to a person who is on a limited budget.

Let us say the common labourer who is maybe working by the week is going to buy his cigarettes at the weekend even if they cost seven cents more. In this case other items will suffer. While it is true that cigarette smoking is not ideal for health, if a person is in the habit he is going to smoke just like the person who drinks. If we increase the price of the drink he is still going to buy it.

The effect of raising the import tax on cigarettes simply means that we have increased the cost of living, because to the smoker the cigarette is part of his living. We have increased the cost of living to that family. If it is the man who smokes and he is the breadwinner he is going to buy cigarettes and maybe the child will not get the seven cents candy bar which it would have had. So whether smoking be morally right or morally wrong, it is not for us to sit in judgement here. We have to consider the economic effect on the whole family of increasing the price of the cigarettes.

I am looking forward to the day where smoking will be banned from all coffee rooms where I go for my coffee and so on, but this really has nothing to do with the amendment. What we must decide here is whether we can rightfully increase the cost of living to that family by three and a half cents or by seven cents as proposed in the original Bill before the House. I would say, Sir, to make the increase by two cents a pack to \$9 per thousand would be a reasonable increase. Remember it is not just two cents a pack. That is two cents for every pack which a person smokes. It is a habit which I understand....

MR. CHAIRMAN: I think the Honourable Member has made his point. I think everybody will be clear what it is. Thank you.

HON. VASSEL G. JOHNSON: Mr. Chairman, I doubt very much that the increase as recommended here will be affecting too many people, because the position in town now is that there are two large supermarkets in the centre of George Town selling cigarettes at 88 or 90 cents a pack, while all other establishments around town are selling them at \$1 per pack. If we go to the hotels and elsewhere we find that cigarettes are being sold at over a dollar per pack. So there is confusion with prices in town. The thing is that four cents a pack here is not going to affect too many people because those people who are selling at 88 cents and 90 cents per pack are going to be very cautious of the increase which they put on a pack of cigarettes.

MR. JAMES M. BODDEN: I am shocked, Sir, at the way in which the Honourable Fourth Elected Member of Executive Council is speaking and surprised that he is not more up to date with local prices than he is because if he wants to go to Seven-Eleven he can buy them for seventy five cents a pack.

MR. CHAIRMAN: Well, thank you for the illuminating information about cigarettes....

MR. JAMES M. BODDEN: No, no I....

MR. CHAIRMAN: I think we now will put the question on the First Elected Member for Bodden Town's amendment, which to remind Members in case any of them are in danger of forgetting is that Clause 3 should be amended in such a way that the figure "\$10.00" in the final line become "\$9.00".

QUESTION PUT: AYES AND NOES

MR. CHAIRMAN: I am not sure that the mover of the amendment voted on his own amendment, but....

MR. JAMES M. BODDEN: Yes, I was confused, Sir. (LAUGHTER). I was waiting for them to vote yes.

MR. CHAIRMAN: But you had to say aye if you were in favour of your amendment.

MR. JAMES M. BODDEN: I was waiting for them to vote first, Sir, so that I could....

MR. D. EZZARD MILLER: He has lost his chance, Sir.

MR. CHAIRMAN: I am afraid you have lost your chance.

MR. JAMES M. BODDEN: Could I have a division, Sir?

MR. CHAIRMAN: Alright, you get it back then.

DIVISION

AYES

NOES

Mr. James M. Bodden
Mr. G. Haig Bodden

Hon. Dennis H. Foster
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassal G. Johnson
Mr. W. McKeever Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

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MR. JAMES M. BODDEN:

I call that a good communist vote.

MR. W. McKEEVER BUSH:

Did the Member say communist? You do not know that is what somebody is being sued for now?

MR. CHAIRMAN:

Lost.

Order, order. I declare the amendment

AGREED BY MAJORITY:

AMENDMENT TO NEWLY RENUMBERED SECTION 3(2) DEFEATED.

MR. CHAIRMAN:

I will now put the question that Clause 3 as amended in the way already agreed should stand part of the Bill.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:

Mr. Chairman, may I have a division please?

DIVISION

AYES

NOES

Hon. Dennis H. Foster
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassal G. Johnson
Mr. W. McKeever Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. James M. Bodden
Mr. G. Haig Bodden

10

2

HON. DENNIS H. FOSTER:

Now is the time to put the next clause.

MR. CHAIRMAN:
the Bill.

I declare that Clause 3 stands part of

AGREED BY MAJORITY:

CLAUSE 3 AS AMENDED PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SECOND SCHEDULE TO THE PRINCIPAL LAW.

MR. CHAIRMAN: I put the question that Clause 4 stand part of the Bill.

QUESTION PUT: AGREED CLAUSE 4 PASSED.

CLERK: CLAUSE 5. AMENDMENT OF THIRD SCHEDULE TO THE PRINCIPAL LAW.

MR. CHAIRMAN: The question is that Clause 5 stand part of the Bill.

HON. THOMAS C. JEFFERSON: Mr. Chairman, in accordance with Standing Order 52(1) I ask leave of the Chair to move a Committee Stage amendment.

MR. CHAIRMAN: It is actually Standing Order 52(2), but leave is granted.

HON. THOMAS C. JEFFERSON: Yes, Sir.

"That Section 5 of the Bill be amended -

(a) by the deletion of the word and numeral "Item 8" appearing in line 2 thereof and the substitution therefore of the word and numerals "Items 3 and 8"; and

(b) by the insertion immediately before the newly to be substituted Item 8 of the following Item -

"3. Goods in packages - Per package 0.50"
for each 100 lbs or part thereof

MR. CHAIRMAN: I have given leave. Do you wish to speak to your amendment to explain it?

HON. THOMAS C. JEFFERSON: Mr. Chairman, this basically deals with the First Schedule of the Customs Law, proposing an increase both in the goods in packages, as well as unpackaged goods.

MR. CHAIRMAN: Would I be right to say that your amendment, and it is with the amendment alone with which we deal first, is simply to add packaged goods to unpackaged goods.

HON. THOMAS C. JEFFERSON: Yes, Sir.

MR. CHAIRMAN: Does anybody wish to speak to the amendment? I will then put the question that the amendment stands part of Clause 5.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 5 PASSED.

MR. CHAIRMAN: Next is that Clause 5 as amended stand part of the Bill.

MR. G. HAIG BODDEN: Mr. Chairman. Before you put the question I would like to beg leave of the House to move an amendment to this section.

MR. CHAIRMAN: If I may remind you, you do not beg leave of the House. You seek my leave under Standing Order 52(2). As has been the practice in respect of this particular Bill I am perfectly prepared to grant it in principle. Can you tell me what the amendment is?

MR. G. HAIG BODDEN: Yes, Mr. Chairman. The amendment I would like is that the figure "0.50" be changed to "0.20".

MR. CHAIRMAN: Is that in both places where the figure of "0.50" appears, because it will now appear in two places?

MR. G. HAIG BODDEN: Yes, Mr. Chairman.

MR. CHAIRMAN: So your amendment is that in Clause 5 as amended....It says "Weight 0.50" but it does mean fifty cents does it after it says "Weight"?

MR. G. HAIG BODDEN: It should be fifty cents.

HON. THOMAS C. JEFFERSON: It should be as is stated, Mr. Chairman. It is taken from the First Schedule of the Customs Law regarding unpackaged goods.

MR. CHAIRMAN: The "0.50" refers to cents does it? That is my question.

HON. THOMAS C. JEFFERSON: Fifty cents.

MR. CHAIRMAN: Although it does not actually say cents in this Bill, when one gets it into the Law it is clear that it is cents.

MR. G. HAIG BODDEN: Yes, in the Memorandum of Objects and Reasons it says that it was being changed from ten cents to fifty cents. My amendment would mean that it would change from ten cents to twenty cents. In other words it will increase by just 100 per cent rather than 500 per cent.

MR. CHAIRMAN: In both cases?

MR. G. HAIG BODDEN: Yes.

MR. CHAIRMAN: Then the amendment proposed now to Clause 5 is that in both cases where the figures "0.50" meaning fifty cents appear, they should be changed to "0.20" meaning twenty cents.

MR. G. HAIG BODDEN: Mr. Chairman, if I may speak to that amendment; it seems unreasonable to increase the package tax by such a large percentage. I understand that this particular tax has remained at ten cents for a long time, and perhaps it is reasonable to have a slight increase. However, I think that the increase to fifty cents would be excessive and should not be allowed. I therefore would ask the Members to support my amendment to make the increase to twenty cents.

MR. CHAIRMAN: Thank you. I will put the amendment. I think all Members know what it is.

MR. JAMES M. BODDEN: Mr. Chairman, can we speak on that amendment?

MR. CHAIRMAN: *The Member has spoken and....*

MR. JAMES M. BODDEN: *Well, no one else has had a chance to speak on it, Sir. I would like to speak on it.*

MR. CHAIRMAN: *Alright.*

MR. JAMES M. BODDEN: *I would have to go back to my previous request, Mr. Chairman, and see if the Honourable Third Official Member could give us any estimate as to the amount of revenue which we are hoping to receive from this item, and what we are receiving now. If we receive \$10,000 now, if the duty goes up 500 per cent then we will receive \$50,000. Do we have any estimate of it?*

HON. THOMAS C. JEFFERSON: *Mr. Chairman, it is estimated that it will raise \$80,000.*

MR. JAMES M. BODDEN: *With the increase or without the increase?*

HON. THOMAS C. JEFFERSON: *With the increase.*

MR. JAMES M. BODDEN: *So we must be....*

HON. THOMAS C. JEFFERSON: *With the increase to fifty cents.*

MR. JAMES M. BODDEN: *So we must be receiving then about \$16,000 now.*

HON. THOMAS C. JEFFERSON: *Twenty.*

MR. JAMES M. BODDEN: *Well, I am generally against such big increases, Mr. Chairman. A 500 per cent increase on one item seems to be a very large amount and this Legislature would like to be looked on as being a compassionate Legislature I am sure. I could go along with an increase because I can see the reason why it should be increased. I could go along with an increase from ten to twenty cents but I could not go along with an increase from ten to fifty cents. I think that is really too large and I would have to stand against it at fifty cents. I am very much in favour of it at twenty cents and I would hope that the Members of the Assembly pursue the reason for that, Sir.*

MR. CHAIRMAN: *Unless any other Member wishes to speak I will....*

HON. VASSEL G. JOHNSON: *Mr. Chairman, because the ten cents tax has been so long outmoded, this is the reason why the proposed increase to fifty cents is being recommended.*

MR. CHAIRMAN: *I think that has emerged already.*

MR. JAMES M. BODDEN: *But, Mr. Chairman, that is the very reason I think we should not even be considering it. It is so outmoded. It has been in the books so long. It is looked on as such a penny ante type of legislation that I really am surprised that the Members could not come up with something else which would balance their budget other than coming up with items like this. A 500 per cent increase is really too much.*

HON. VASSEL G. JOHNSON: Put the question, Sir.

MR. CHAIRMAN: I was trying to put the question earlier. I will put the question that the amendment proposed by the Second Elected Member for Bodden Town to Clause 5 of the Bill be made.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: Mr. Chairman, may I have a division please?

MR. CHAIRMAN: Yes.

DIVISION

AYES

NOES

Mr. Linford A. Pierson
Mr. James M. Bodden
Mr. G. Haig Bodden

Hon. Dennis H. Foster
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeever Bush
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

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HON. DENNIS H. FOSTER: Sooner or later....

MR. CHAIRMAN: I think I must declare the amendment lost.

HON. VASSEL G. JOHNSON: We nearly lost it.

AGREED BY MAJORITY: AMENDMENT TO AMENDMENT DEFEATED.

MR. CHAIRMAN: That amendment has been lost. You will remember that Clause 5 was earlier amended. The amendment moved by the Honourable Third Official Member was carried. So the question now is whether Clause 5 as amended should stand part of the Bill.

MR. JAMES M. BODDEN: Amended to what, Sir?

MR. CHAIRMAN: Well, I am not sure whether you were absent or not but there was an amendment carried and it was voted on, and....

MR. JAMES M. BODDEN: Did we give away something which I do not get....

MR. CHAIRMAN: You may have done. So I will put the question that Clause 5 as amended stand part of the Bill.

QUESTION PUT: AYES AND NOES

MR. JAMES M. BODDEN: Mr. Chairman, could you tell me what it was again. I do not have a copy of any amendment to Clause 5.

MR. G. HAIG BODDEN: Mr. Chairman, I would like a division for the approval of the other Member.

MR. CHAIRMAN: Let us take a division and the Clerk will show the Member what the....

DIVISION

AYES

NOES

Hon. Dennis H. Foster	Mr. Linford A. Pierson
Hon. Thomas C. Jefferson	Mr. James M. Bodden
Hon. Benson O. Ebanks	Mr. G. Haig Bodden
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Hon. Vassel G. Johnson	
Mr. W. McKeeva Bush	
Capt. Mabry S. Kirkconnell	
Mr. D. Eazard Miller	

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MR. CHAIRMAN: I declare that Clause 5 stand part of the Bill.

AGREED BY MAJORITY: CLAUSE 5 AS AMENDED PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE CUSTOMS LAW (SECOND REVISION).

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled a Bill for a Law to amend the Customs Law (Second Revision). The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.
Reports.

THE CUSTOMS (AMENDMENT) BILL, 1985

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Customs Law (Second Revision) was considered by a Committee of the whole House and passed with two amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE CUSTOMS (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Customs (Amendment) Bill, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled a Bill for a Law to amend the Customs Law (Second Revision) be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Customs Law (Second Revision) be given a Third Reading and passed.

MR. JAMES M. BODDEN: Mr. President, I am of the opinion that to move this into the Third Reading today, the Member piloting the Bill would have to ask for suspension of the Standing Orders.

MR. PRESIDENT: They have been suspended already.

MR. JAMES M. BODDEN: When?

MR. PRESIDENT: When you were out. (LAUGHTER)
So I will put the question.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I declare the motion carried.

MR. G. HAIG BODDEN: Mr. President, may I have a division please?

MR. PRESIDENT: Yes.

DIVISION

AYES

NOES

Hon. Dennis H. Foster
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeava Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. James M. Bodden
Mr. G. Haig Bodden

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MR. PRESIDENT: I declare the motion carried so the Bill has been read a Third Time and passed.

AGREED BY MAJORITY: BILL GIVEN A THIRD READING AND PASSED.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m., Monday, 4th March, 1985.

MR. PRESIDENT: The motion is that this House do now adjourn until 10.00 a.m. on Monday, 4th March, 1985.

QUESTION PUT: AGREED. AT 7.37 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., MONDAY, 4TH MARCH, 1985.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
MONDAY, 4TH MARCH, 1985
(SECOND DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LL.B SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS AND WORKS

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W MCKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF THE LESSER ISLANDS

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
MONDAY, 4TH MARCH, 1985
SECOND DAY

1. PRESENTATION OF PAPERS & REPORTS

(a) BUSINESS COMMITTEE REPORT

(Meeting held 27th February, 1985)

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, CHAIRMAN OF BUSINESS COMMITTEE.

(b) FINANCE COMMITTEE REPORT

(Meeting held 19th December, 1984)

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, CHAIRMAN OF FINANCE COMMITTEE

(c) ACCOUNTS OF CAYMAN AIRWAYS LIMITED AND CAYMAN AIR HOLDINGS LIMITED FOR THE YEAR ENDED 30TH JUNE, 1984

TO BE LAID ON THE TABLE BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. QUESTIONS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 1: WOULD THE MEMBER STATE THE AMOUNT OF REVENUE COLLECTED FOR THE MONTHS OF JANUARY AND FEBRUARY, 1985, AND HOW DOES IT COMPARE WITH THE SAME MONTHS FOR 1984?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 2: WOULD THE MEMBER STATE HOW MANY MORTGAGES HAVE BEEN ISSUED BY THE HOUSING CORPORATION AND WHAT WERE THE QUALIFICATIONS AND CONDITIONS FOR THE TERMS OF THE LOANS?

NO. 3: WOULD THE MEMBER STATE WHAT THE FINANCIAL POSITION OF THE CAYMAN ISLANDS HOUSING CORPORATION IS?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 4: WILL THE MEMBER STATE THE COST OF THE SECOND OFFICIAL OPENING OF THE NEW AIRPORT TERMINAL?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 5: WOULD THE MEMBER STATE WHETHER ANY GOVERNMENT DEPOSITS WERE HYPOTHECATED AGAINST THE GOVERNMENT BANK OVERDRAFT AT 31ST OCTOBER, 1984, AND THE COLLATERAL BACKING FOR THE LOAN TO PURCHASE THE TOWER BUILDING?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 6: IN VIEW OF THE CONFLICTING VERSIONS GIVEN OF THE FINANCIAL POSITION OF GOVERNMENT AS AT 31ST OCTOBER, 1984, WOULD THE MEMBER STATE THE CURRENT BALANCES AT THAT DATE?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST ELECTED
MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 7: WILL THE MEMBER GIVE A DETAILED ANALYSIS OF THE QUESTIONNAIRE GIVEN TO PUPILS TO ANSWERS WHICH INCLUDED QUESTIONS AS TO WHETHER THEIR PARENTS WERE USING DRUGS AND ALCOHOL, AND WHO AUTHORISED SAME?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL
SERVICES

NO. 8: WOULD THE MEMBER STATE WHAT PROGRESS, IF ANY, HAS BEEN MADE TOWARDS THE DEVELOPMENT OF THE SPORTS COMPLEX?

3. GOVERNMENT BUSINESS

(a) BILLS:-

(i) FIRST AND SECOND READINGS

THE STAMP DUTY (AMENDMENT) BILL, 1985

SUSPENSION OF STANDING ORDERS 46(1) AND 47

TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER TO ENABLE ALL STAGES OF THE BILL TO BE TAKEN.

COMMITTEE THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

REPORT THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

THIRD READING

THE STAMP DUTY (AMENDMENT) BILL, 1985

(ii) FIRST AND SECOND READINGS

- (1) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1985
- (2) THE DEFAMATION (AMENDMENT) BILL, 1985
- (3) THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985
- (4) THE INTERPRETATION (AMENDMENT) BILL, 1985
- (5) THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985

COMMITTEE THEREON

- (1) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1985
- (2) THE DEFAMATION (AMENDMENT) BILL, 1985
- (3) THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985
- (4) THE INTERPRETATION (AMENDMENT) BILL, 1985
- (5) THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985

(b) MOTION:-

GOVERNMENT MOTION NO. 1/85 - ASSESSMENT COMMITTEE

TO BE MOVED BY THE HONOURABLE FOURTH ELECTED MEMBER
OF EXECUTIVE COUNCIL.

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MONDAY, 4TH MARCH, 1985

10.10 A.M.

MR. PRESIDENT:

Please be seated.

If I may I will express the regret of the staff of the House for the fact that the Orders of the Day were so late in reaching Members, with the result that we are rather late in starting this morning. There was a problem as a result of which the Orders had to be re-typed at the last moment. Subject to Members' concurrence, since we are ten minutes late in starting I would propose to allow question time to continue until 11.10 this morning. I am sure that I shall be told by the Honourable Second Official Member that some motion is necessary for this purpose but maybe my watch will run slow.

Item 1, presentation of Papers and Reports.

PRESENTATION OF PAPERS AND REPORTS

BUSINESS COMMITTEE REPORT

HON. DENNIS H. FOSTER:

Mr. President, I beg to lay on the table of this Honourable House the Business Committee's Report.

MR. PRESIDENT:

So ordered.

FINANCE COMMITTEE REPORT

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to lay on the table of this Honourable House the Finance Committee Report of 19th December, 1984.

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON:

Mr. President, the Meeting held on 19th December, 1984 approved a total supplementary expenditure of \$175,760.00. A breakdown of that total, Mr. President, is as follows:-

(1)

HEAD 10 - FINANCE

SUB-HEAD 10-001 - COMPENSATION.....\$18,380.00

Funds required for compensation to Mr.

Burton Dacres for crops.

The Second Elected Member for Bodden Town

voted against the supplementary expenditure.

(2)

HEAD 12 - JUDICIAL

SUB-HEAD 7-064 - COURT OF APPEALS.....\$41,400.00

Funds requested to cover expenses of the

Court of Appeal to year end.

The Second Elected Member for Bodden Town

voted against the supplementary expenditure.

(3)

HEAD 19 - AGRICULTURE

SUB-HEAD 07-012 - FARM DEVELOPMENT (\$25,000)

AND 7-016 - FREIGHT AND SHIPPING (\$10,000). \$35,000.00

Funds requested to clear the outstanding

bills incurred by the previous Chief

Agricultural and Veterinary Officer.

The Second Elected Member for Bodden Town

voted against the request.

MR. THOMAS C. JEFFERSON (CONTINUING):

- (4) HEAD 14 - HEALTH, EDUCATION AND SOCIAL SERVICES
SUB-HEAD 04-001 - LEASE OF MEDICAL WING.....\$30,000.00
Funds requested to implement the geriatric services at the Pines Retirement Home to year end.
- (5) HEAD 14 - HEALTH, EDUCATION AND SOCIAL SERVICES
SUB-HEAD 08-020 - OVERSEAS MEDICAL CASES.....\$45,000.00
Funds required to pay the medical expenses of the late Naomi Villamil.
- (6) HEAD 40 - CAPITAL
SUB-HEAD 1-8 - VEHICLES.....\$ 6,000.00
Funds required to provide a van for the police drug dogs.

CI\$175,760.00

There was a virement requested as well during that Meeting, Mr. President, but the request was withdrawn pending a detailed proposal for the establishment of district fire services, to be presented by the Honourable Financial Secretary at the forthcoming Budget Meeting of the Legislative Assembly.

Other matters which arose were the need for the Chairman to vire funds for the re-surfacing of the tennis court at the Cayman Brac High School.

One correction, Mr. President, the Minutes of that Meeting indicate that the Second Elected Member for West Bay, was not present. In fact, Mr. President, he was and we apologise for the error.

There was also, Mr. President, a minority report given by the Second Elected Member for Bodden Town dealing with the Cayman Brac Fire Service previously mentioned.

MR. PRESIDENT: In accordance with the provisions of Standing Order 67(4), this House is deemed to have agreed to the motion.

ACCOUNTS OF CAYMAN AIRWAYS LIMITED AND CAYMAN AIR HOLDINGS LIMITED FOR THE YEAR ENDED 30TH JUNE, 1984

HON. W. NORMAN BODDEN: Mr. President, I beg to lay on the table of this Honourable House the Audited Financial Statements of Cayman Airways Limited and Cayman Air Holdings Limited for the financial year ended 30th June, 1984.

MR. PRESIDENT: So ordered.

HON. W. NORMAN BODDEN: Mr. President, as provided under Standing Order 18 I have elected to leave any comment on these statements until I am debating the Budget Address and the Throne Speech.

MR. PRESIDENT: Thank you. Have copies of the accounts been distributed to Members, or will copies be made available as well as the copy laid on the table?

HON. W. NORMAN BODDEN: They will be made available, Sir. They are here in the House at the present time.

MR. PRESIDENT: Perhaps the Clerk could get the Sergeant to distribute them in due course.
Item 2, questions. The Elected Member for North Side.

QUESTIONS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 1: Would the Member state the amount of revenue collected for the months of January and February, 1985, and how does it compare with the same months for 1984?

ANSWER: Revenue collected during the period 1st January, 1984, to 28th February, 1984, was \$13,632,143.24 compared with 1st January, 1985, to 28th February, 1985, of \$14,066,708.72.

MR. PRESIDENT: Unless there is any Member wishing to ask a supplementary I will invite the Elected Member for North Side to ask question No. 2.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 2: Would the Member state how many mortgages have been issued by the Housing Corporation and what were the qualifications and conditions for the terms of the loan.

ANSWER: Since the Housing Development Corporation became operational in August, 1983, 20 loans have been approved out of a total of 42 applications. Twelve of these 20 are closed loans and 8 are committed loans.

The basic qualifications and conditions for the terms of the loans are as follows:

(1) Borrower Qualifications

- (a) Satisfactory credit history
- (b) Steady employment - two years minimum in present profession or related capacity
- (c) Maximum income of CI\$25,000 p.a.
- (d) Monthly mortgage payments (principal, interest and insurance) cannot exceed 25 per cent of computed earnings
- (e) Total monthly payments including mortgage payments and any other regular monthly payments cannot exceed 33 per cent of computed earnings
- (f) Applicant must be Caymanian or have Caymanian status

(2) Property Qualifications

- (a) Preferred unit is single or semi-detached owner-occupied family dwelling
- (b) Minimum lot size of 6,500 sq. ft. single or 5,000 sq. ft. semi-detached
- (c) Vehicular access to public road
- (d) Necessary Government approvals, e.g., Public Health, Central Planning Authority
- (e) Good/average market appeal, general appearance
- (f) Stable/appreciating neighbourhood
- (g) Minimum 1 bedroom, 1 bathroom

(3) Loan Conditions

- (a) Maximum loan amount = CI\$45,000
Minimum = \$5,000
- (b) Minimum term = 5 years
Maximum term = 25 years
- (c) Interest ranging from base rate to base rate plus 1 per cent, depending on income. Base rate adjusted every 6 months calculated at LIBOR (London Inter-Bank Offer Rate) for 6 months deposit
- (d) Insurance is required on both the property and the principle borrower's life, the latter in at least the full amount of the sum borrowed
- (e) Property must be maintained in such a condition as to retain its maximum market value, and failure to do so would be construed as a default in the terms of the mortgage.

SUPPLEMENTARY:

MR. D. EZZARD MILLER: Supplementary, Mr. President, could the Member state under the borrowing qualifications if any consideration is given to the value of assets which an individual might own rather than just his income of up to \$25,000. In other words, suppose somebody has assets which are worth \$250,000 but only an income of \$25,000 could they still qualify for a loan?

HON. VASSEL G. JOHNSON: Mr. President, unfortunately we have not been able to consider any loans by the Corporation simply because there are no funds. However, from the schedule of applications which I saw in the records the net worth of each applicant is listed and these range from anywhere in the vicinity of \$45,000. to over \$100,000. So the net worth of the applicants is also taken into consideration.

MR. PRESIDENT: If there is no further supplementary question I will invite the Member for North Side to ask question No. 3.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 3: Would the Member state what the financial position of the Cayman Islands Housing Corporation is?

ANSWER: The financial position of the Housing Development Corporation as at 31st December, 1984, indicated a deficit of \$72,809 of which \$55,369 came forward from the year ended 30th June, 1984. The Corporation started its operation on the 8th August, 1983. The accumulated deficit was created because the Corporation's revenue is yet very small in comparison to its cost of operation and cannot improve until the loan portfolio grows to an economic level. Secondly, the Corporation went into operation without a capital structure to assist it financially in the early days of its operation.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Supplementary, Mr. President. We have heard the deficit position. Would the Member state what efforts are being made through his Portfolio to obtain the necessary funds for the Housing Corporation?

HON. VASSEL G. JOHNSON: Mr. President, the Board of the Corporation has instructed me to write to Government, which I have already done. The correspondence was directed to the Honourable Financial Secretary, asking whether it was possible that the loan made by Government in the sum of \$137,000 could not be capitalised in order to put the accounts of the Corporation in a much better financial position. A letter has already been forwarded to the Honourable Financial Secretary and I am now awaiting a reply.

MR. LINFORD A. PIERSON: Mr. President, just a clarification of that. Is the Member stating that \$137,000 has been requested from Government and that that will be put into the Housing Corporation's funds? I was not quite clear on that point.

HON. VASSEL G. JOHNSON: Sorry, Mr. President. The \$137,000 is a loan made to the Corporation during last year to assist it in the gathering of funds for onward lending. We are asking that that loan be now converted into the capital of Government in order to have sufficient funds to meet this deficit and any other requirement of the Board.

MR. D. EZZARD MILLER: A supplementary, Mr. President. In the answer the Member states that the revenue is very small in comparison to the cost of operation. If the revenue from the loans cannot cover the expenses what effort is being made to reduce expenses, that is both in terms of personal emoluments and accommodation now occupied by the Housing Authority?

HON. VASSEL G. JOHNSON: Mr. President, in terms of staffing I do not think that we can reduce what is there now beyond the two members, the manager and a secretary. As far as the accommodation is concerned we have also requested that the office in which the Corporation now operates, which is at the airport, formerly the freight office of Cayman Airways for which a rental of \$12,000 per annum is being paid, be transferred to the Tower Building. Then they would at least save on rental. As far as the financial position of the Corporation is concerned it is envisaged that this will not improve to sufficiently cover overhead and other expenses until the loan portfolio has reached approximately the sum of over \$2 million.

MR. G. HAIG BODDEN: Mr. President, may I ask if it is a fact that there would be no deficit if the banks had purchased the bonds?

HON. VASSEL G. JOHNSON: Mr. President, that is not so because the banks purchasing bonds are held as loans and not revenue. Revenue can only accrue if there is a surplus of money deposited and the interest goes to the Corporation. However, without any money there there is no interest either.

MR. JAMES M. BODDEN: Mr. President, a supplementary. Based on what the Member has just said I would assume that that is an incorrect statement. If the bonds had been subscribed by the financial community at an interest rate of 5 per cent as it is in the loan portfolio, and that money had been put on deposit at whatever the current rate is, or had been loaned out in mortgages to help the middle income people of the country, would it not have provided quite a substantial income?

HON. VASSEL G. JOHNSON: Mr. President, that is correct. I have said just now that when the loan portfolio reaches a level of approximately \$2 million or more; when it earns sufficient income from those investments, then it will be able to meet its overheads. If the banks had subscribed large sums of money the same would happen. There would be sufficient money to on-lend and if not to hold on deposit. These would generate an income as well.

MR. JAMES M. BODDEN: Well, in view of that was your answer to the Second Elected Member for Rodden Town correct or incorrect?

HON. VASSEL G. JOHNSON: Please repeat the question.

MR. JAMES M. BODDEN: In view of what you have just admitted was the answer you gave to the Second Elected Member for Rodden Town on his question correct or incorrect?

HON. VASSEL G. JOHNSON: I cannot remember the question read by the Second Elected Member for Rodden Town. Will you please repeat it?

MR. G. HAIG BODDEN: The question I asked was, is it not a fact that had the banks bought the bonds that the Corporation would not now be in a deficit position?

HON. VASSEL G. JOHNSON: It all depends on how many bonds they bought. We cannot say just buying bonds would have cured the ills.

MR. PRESIDENT: I think there might have been some slight confusion....

MR. JAMES M. BODDEN: Let me add to that then, Mr. President. We have, as admitted in the budget speech, I think approximately 460 licensed banking institutions in the country and over 200 insurance companies....

MR. D. EZZARD MILLER: Point of order. The Member is making a statement, Sir. He has not asked a question.

MR. PRESIDENT: I am hoping that he is coming to his question. He must not make too long a statement.

MR. JAMES M. BODDEN: If you wait I will ask the question. I am quite familiar with the Standing Orders of the House. I do not need to be taught by you.

MR. PRESIDENT: You must address your remarks to the Chair, not to other Members.

MR. JAMES M. BODDEN: Alright, in future I will then. My question, Mr. President... Well in other words then, he should not have said it. You should have been the one to speak.

MR. PRESIDENT: No, he is allowed to rise on a point of order but anybody speaking must address the President.

MR. JAMES M. BODDEN: In view of there being over 460 banks licensed in the territory and over 200 insurance companies, if each of them had subscribed in the manner in which it was understood that they would subscribe, would there not have been sufficient money in the Corporation's funds on the difference in the interest paid and the interest collected, that there would have been no deficit?

HON. VASSEL G. JOHNSON: Mr. President, I agree entirely with what the Member has said. If all of those 460 banks and 200 insurance companies had made appropriate contribution to the Housing Corporation request, we would have had sufficient funds. Unfortunately, however, they did not.

MR. JAMES M. BODDEN: What attempt is being made at the present time to ensure that we get co-operation from these financial institutions?

HON. VASSEL G. JOHNSON: Mr. President, we are now in the process of negotiating with the banks again, and not only with the banks but with the general public for contributions towards the needs of the Housing Corporation. There have been indications that now that there is confidence in the Government again, those who did not contribute before....

MR. JAMES M. BODDEN: A point of order, Mr. President. The Member is imputing that there was no lack of confidence in the previous Government and I for one would have thought that you would have brought that out immediately and would have stopped him.

MR. PRESIDENT: I think he was imputing that there was "a" lack, not "no" lack of confidence and I think that he is entitled to do that. I do not think that that is unparliamentary.

MR. JAMES M. BODDEN: Well, Mr. President, if there was a lack in the last administration, which I seriously doubt in view of the progress which this country made, I think time will shortly tell you that there will be a terrible lack to it this time.

MR. PRESIDENT: I think that is the end of the point of order. I think the Member was still answering the question. Am I right? When the First Elected Member for Bodden Town rose it was on a point of order and I think that you were still completing your reply to a supplementary. You were saying now that there is an indication that the public have confidence in the Government....

HON. VASSEL G. JOHNSON: Yes, I was saying that we are now in the process of approaching not only the banks and trust companies, but the public in general for support for the needs of the Housing Corporation.

MR. JAMES M. BODDEN: Well, in view, Mr. President, of the complete lack of confidence at the present time in the present administration, would the Member explain how he plans to approach the financial institutions in order to raise funds?

MR. PRESIDENT: I do not think that that is really an admissible supplementary because it contains a statement of opinion at the beginning of the supplementary. If you omit the statement or expression of opinion then it would be admissible.

MR. JAMES M. BODDEN: Well, Mr. President, I think I will let my question stand as it is because in view of your not stopping him why should you stop me?

MR. PRESIDENT: Because there is a specific Standing Order which excludes expressions of opinion in questions. That Standing Order does not extend to replies.

MR. JAMES M. BODDEN: Could the Member state how much money was available in the Corporation's funds as at 21st November, 1984, and how much is available now?

MR. PRESIDENT: I do not think that is really a supplementary that arises directly out of this question. I rather think that the Member has put down a question to that effect anyway.

MR. JAMES M. BODDEN: I did not know the way things are run here. I thought my questions may have been taken out in view of this one going in which was similar. However, I would think that it would follow this because the question is, "Would the Member state what the financial position of the Cayman Islands Housing Corporation is?" My question is then how much money was at hand on 21st November, 1984? If one knows what the financial condition is now one must know what the financial condition was on 21st November, 1984.

MR. PRESIDENT: I do not think that it is reasonable to expect the Member to be able to specify on some particular past date or a whole range of particular past dates what the financial position was without having been briefed beforehand that he is going to be asked that. This question asks him what the financial position is now. If you want to know what it was on 21st November, or 1st June or whatever date it may be, then I think that necessitates a specific question. I think that the question which you have put down will be appearing later.

MR. JAMES M. BODDEN: Mr. President, I thought that was the entire purpose of asking questions. You anticipate the additional questions which will be asked and have the answers available.

MR. PRESIDENT: The short answer is, within reason. The supplementary must arise out of an answer given to the original question. We have strayed a little far already but I do not think that we should stray further. Now the Elected Member for North Side. He has been waiting for a long time.

MR. D. EZZARD MILLER: Could the Member state what the salaries are of the two officers of the Corporation.

MR. PRESIDENT: I do not think that that is an admissible supplementary either. If you want to know information as precise as that you must put down a specific question.

MR. JAMES M. BODDEN: Could the Member tell us how much money has been loaned by the Corporation since 21st November, 1984.

MR. PRESIDENT: Again I think....

HON. VASSEL G. JOHNSON: Mr. President, all the loans which were made by the Board or approved by the Board were made before that date. All the loans have not been finally processed or issued as yet but they have been committed and I gave the answer here from the question which was asked. No new loans have been made since that date.

MR. JAMES M. BODDEN: Mr. President, I am quite aware how much was loaned and committed before 21st November, 1984. He has really answered my question by saying that there have been no loans since that date. However, I would like to pose another question. If the Member could advise the Legislative Assembly how much has been collected from the sale of debentures since 21st November, 1984.

HON. VASSEL G. JOHNSON: Mr. President, I understand that a commitment has been made recently by a banking institution but as far as I am aware those monies have not been collected yet. So, from the date the Member is mentioning there, no loans have been collected.

MR. PRESIDENT: No debentures have been collected?

MR. JAMES M. BODDEN: A supplementary, Sir. If my memory serves me correct, in the short time that the Housing Corporation was in existence in 1984 before the election there was probably close to U.S.\$650,000 sold in debentures. Since 21st November, 1984, there has been no further sale of debentures. Would that not give an indication that there is a complete lack of faith in the administration, or no attempt has been made to collect any money?

HON. VASSEL G. JOHNSON: Yes, Sir, it is coming forward from dates previous to the one the Member is mentioning, 21st November, 1984.

MR. JAMES M. BODDEN: No, but my question is, in view of the large amount of money which has been collected in just a few months, would it not show a lack of confidence in this administration if none has been sold since this administration was taken over?

HON. VASSEL G. JOHNSON: Mr. President, I agree that there were quite a number of loans made to the Corporation during last year. However, from the period shortly after the middle of the year no further loans were made to the Corporation and the reason for it is not known. I am sure that when new effort is put into the marshalling of funds for the Corporation loans will be made again. As far as confidence in this Government is concerned that is not questionable at this stage, Sir. There is plenty of confidence in this Government.

MR. JAMES M. BODDEN: That is a matter of opinion. I would like a clarification, Mr. President, on what the Member just said. Did he say that there had been no sizeable amount of debentures sold since the middle of last year? Did I hear correctly on that?

HON. VASSEL G. JOHNSON: I said debentures were issued last year, but during the latter part of the year there were none. I am not too sure of the reason for this.

MR. JAMES M. BODDEN: Would the Member state whether these are in his estimation loans to the Corporation or is it not that the money is derived from the sale of debentures?

HON. VASSEL G. JOHNSON: Whatever one would want to term it. If they are debentures issued by the Corporation, debentures are cousins to loans. There is scarcely any difference between one and the other.

MR. JAMES M. BODDEN: Could the Member state what contacts have been made with the financial institutions since the November election to ensure that they show their great faith and confidence in this Government by buying more debentures in order to finance the Housing Corporation.

MR. PRESIDENT: I think the Member has already replied that the Housing Corporation was contacting both the public and the banks and other institutions. So I think that really has been answered already. I also think that unless we turn to the other questions shortly we shall run out of time. So I will invite the Elected Member for East End to ask the next question.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 4: Will the Member state the cost of the second official opening of the new airport terminal?

ANSWER: The cost of the operational opening of the new terminal building at Owen Roberts International Airport was \$4,047.60

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Would the Member state what this covers; whether this was for food and drink and so forth, or what?

HON. W. NORMAN BODDEN: There were various expenses; food, printing, public address system, a plaque, labour and the cost of a band.

MR. JAMES M. BODDEN: Would this cover the cost of the security and so forth also?

HON. W. NORMAN BODDEN: I do not know that there were any additional expenses incurred for security at this time. I have no record of any expenses for security.

MR. JAMES M. BODDEN: The Member did mention about a plaque, Mr. President, so in view of that I think that I should be entitled to ask the following question. There was a plaque presented at the first official opening of the terminal building from the residents of Dade County to the people of the Cayman Islands. I do not think

MR. JAMES M. BODDEN (CONTINUING): that plaque has ever been put up and I wonder whether the Member intends to have it put on the walls of the terminal building?

MR. PRESIDENT: I take the Member's point but even so I do not really think that that is a proper supplementary. It is a perfectly proper question and if you want to put it down it can be accepted to be asked. However, it is not really a supplementary which arises out of this.

MR. JAMES M. BODDEN: I agree with you finally, but in view of the fact that he mentioned it I thought that it would give me latitude. I know that the appropriate place to deal with it will be in the Budget speech and I can surely drift there and ask it, Sir.

MR. JOHN B. McCLEAN: Mr. President, a supplementary. Will the Member say why a second official opening was necessary?

HON. W. NORMAN BODDEN: Mr. President, in my view an official opening marks an occasion when a public building is declared open for public use. The terminal was not available for public use until 26th January and as far as I am concerned that is when the official opening took place.

MR. G. HAIG BODDEN: Mr. President, as this has never happened before can the Member say why was it necessary with a Government building? Just to let him understand my question, when a bank is opened there is an official opening. The next week or the next day or the next month when the staff moves into it there is no operational opening. Why was Government's money wasted for an operational opening?

MR. PRESIDENT: The supplementary cannot contain an expression of opinion. You cannot ask why was Government's money wasted. You can ask why Government's money was spent if you wish.

MR. G. HAIG BODDEN: Mr. President, why was Government's money spent for an operational opening?

HON. W. NORMAN BODDEN: Because it was considered important by Government that the date on which the building was put into use should be marked with a special occasion.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Since both openings have been mentioned, I wonder if I could ask the Member how the cost for the second official opening compares to the cost of the premature opening, of the other opening. (Laughter).

MR. PRESIDENT: No expressions of opinion. (Laughter).

MR. W. NORMAN BODDEN: Mr. President, the cost of the first ceremony referred to was \$16,557.15.

MR. W. McKEEVA BUSH: What a waste of public funds.

MR. JAMES M. BODDEN: Mr. President, it is funny that the Member has it down to the cents in this case on a supplementary question, when before things of a broader spectrum could not be answered. However, Mr. President, I think that the population has

MR. JAMES M. BODDEN (CONTINUING): judged the opening of the terminal building and history will tell the result. Mr. President, the figure which he has given for the second opening; I did not attend but from some reports which I heard it was as elaborate or more elaborate than the first one. I wonder if some time in the future the Member could advise this House or circulate to the Members the breakdown of the cost of each one of the openings in view of his trying to present such a distorted view to the House.

HON. W. NORMAN BODDEN: Mr. President, I would like time to answer that, Sir.

MR. PRESIDENT: I thought before you answer I must caution the Member who has asked the supplementary that terming it a "distorted view" is again an expression of opinion in my view. The question but for that phrase can stand.

MR. JAMES M. BODDEN: Mr. President, how is it that you only hear what the Second Elected Member for Bodden Town, the Elected Member for East End and I say? However....

MR. PRESIDENT: Perhaps because you talk more.

MR. JAMES M. BODDEN: However, I will take the "distorted" out of it and would appreciate a reply.

HON. W. NORMAN BODDEN: Mr. President, the same Member stated a while ago that he thought that it was normal procedure for a Member of Government to anticipate supplementaries. The reason why I was able to provide the exact cost of the ceremony was because I anticipated that there would be a supplementary to that extent. However, I am pleased to see that he has taken out "distortion" because I can assure that Member that I do not deal with distorted facts. What I have presented here is quite accurate, supplied to me by the Portfolio, and with your permission I can distribute it at any time to Members of this House for their records. I only deal with truth.

MR. JAMES M. BODDEN: Mr. President, in view of the truth could I ask then if he is going to present this to the House so that we have a breakdown furnished. I have already heard....

MR. PRESIDENT: That is what you asked and he has undertaken to provide the breakdown.

MR. JAMES M. BODDEN: Not just the total figures, I want a breakdown of what was incurred the first time; what it was spent for and then what it was spent for the second time.

MR. PRESIDENT: That is my understanding....

MR. JAMES M. BODDEN: I do not want just the two final figures, correct?

MR. PRESIDENT: My understanding is that he is undertaking.....

MR. JAMES M. BODDEN: Is that what the Member is prepared to give?

HON. W. NORMAN BODDEN: I have the details, Mr. President, and with your permission I can give them to the Member now if he wants them.

MR. PRESIDENT: No, I think if you distribute them it would be better because we have several more questions on the Order Paper.

MR. G. HAIG BODDEN: Mr. President, may I ask:-
1) If it is Government's policy to have second openings, and
2) If there is any precedent for fake openings?

MR. PRESIDENT: The first of those question has been answered already and the second is inadmissible.

HON. W. NORMAN BODDEN: I think the precedent for fake openings has been set.

MR. PRESIDENT: Order, order

MR. JAMES M. BODDEN: Mr. President....

MR. PRESIDENT: Order, order. Please be seated. I am passing on now and inviting the Second Elected Member for George Town to ask the next question.

MR. JAMES M. BODDEN: Mr. President, please. The Member said....

MR. PRESIDENT: I have asked the Second Elected Member for George Town to ask the next question. Please be seated.

MR. LINFORD A. PIERSON: Mr. President, with your permission, Sir, I would like to reverse the order of the questions here.

MR. PRESIDENT: No, I am afraid not. If the questions do not get reached today, then it will be possible to put them down for tomorrow.

MR. LINFORD A. PIERSON: Mr. President, may I make a statement here to explain why I requested that?

MR. PRESIDENT: Yes.

MR. LINFORD A. PIERSON: When I submitted my questions, they were submitted for a purpose and for certain information. If these are changed on the Orders of the day there is no way that I am going to get the kind of answer which I request from these questions. The first part of this question, the way I submitted it, was that No. 6 should be asked before No. 5. Now, this was changed without my permission, or without letting me know. So to ask No. 5 before No. 6 as it is here is not what I really intended to ask. However, I will go ahead if this cannot be changed.

MR. PRESIDENT: May I just look at this. Do you mean that you put Nos. 5 and 6 down as one question?

MR. LINFORD A. PIERSON: No, Sir, what I mean is that when I submitted my question, No. 6 was part one of the question and No. 5 was part two. I was further told that they would have to be divided into two questions, but to ask No. 5 as it is here before No. 6 is really putting the cart before the horse.

MR. PRESIDENT: I see. Very well, if that happened I will allow you to ask question No. 6 before question No. 5.

MR. LINFORD A. PIERSON: Mr. President, I beg to ask the Honourable Third Official Member responsible for Finance and Development question No. 6 on the question paper.

MR. PRESIDENT: It is the one that....

MR. LINFORD A. PIERSON: It would be re-numbered as No. 5. It is No. 6 now.

MR. PRESIDENT: It is No. 6, yes.

HON. DENNIS H. FOSTER: Mr. President, just to make the matter clear, Sir. On the business paper submitted to us, part one is question No. 5. Part two or the second question is question No. 6. There has been no change as far as how the questions were sent.

MR. PRESIDENT: You mean the Business Committee has not made a change?

HON. DENNIS H. FOSTER: No.

MR. LINFORD A. PIERSON: Mr. President; that may be the case but I think if....

MR. PRESIDENT: I think we shall not get the answers to the questions if Members persist in taking points of order and discussing matters. There are only a few more minutes for question time.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 6: In view of the conflicting versions given of the financial position of Government as at 31st October, 1984, would the Member state the current balances at that date?

ANSWER: The current balances of Government's financial position as at 31st October, 1984, were as follows:

(a) General Reserves	CI\$10,032,644
(b) Surplus balance	891,510
(c) Public Debt (see Appendix I)	8,587,923
(d) Self Financing Debt (see Appendix I)	2,760,444
(e) Loans due to Government	10,000,920
(f) Bank Overdraft	3,555,372
(g) Amount due from Caribbean Development Bank	3,148,840

SUPPLEMENTARIES

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Is it possible, and I am sure that this probably was anticipated, that the Member could give us a breakdown of the General Reserves and Surplus at the 31st October, 1984?

MR. PRESIDENT: I have not seen the detailed answer, but my understanding is that that was what he was giving you.

MR. LINFORD A. PIERSON: With respect, Mr. President, what the Member gave was the total balance at the 31st October, 1984. I am asking for a detailed breakdown which is a much different matter.

HON. THOMAS C. JEFFERSON: Mr. President, I believe what the Member is seeking is attached to the answer. The summary document is attached to the answer.

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Would the Member state if the Surplus referred to as Development Loans of \$4,603,191.00 which was added to the surplus position has been included anywhere else under expenditure, as being a part of the expenditure, say, on the Tower Building?

HON. THOMAS C. JEFFERSON: Mr. President, the answer is yee and no. With regard to the Tower Building the figure \$4,583,000 is in the expenditure, Mr. President. There is a difference between the \$4.6 million which is an amount due from Caribbean Development Bank. This is included in the figure given earlier, \$3,148,840.

MR. JAMES M. BODDEN: The overdraft position which was mentioned a while ago, would that not have been cleared up by the payment of the loan funds by Caribbean Development Bank?

HON. THOMAS C. JEFFERSON: Mr. President, the receipt of the funds due from Caribbean Development Bank, that is \$3,148,840 were received in late December. That would reduce the overdraft amount by that portion. It would also increase the Public Debt by a similar amount.

MR. JAMES M. BODDEN: But the overdraft was paid off by the funds which were due back to the Government on the Caribbean Development Bank loan?

HON. THOMAS C. JEFFERSON: Mr. President, the overdraft is \$3,555,372.00. The amount due from Caribbean Development Bank is \$3,148,840. The overdraft is reduced by that amount when it is received. There is a small portion remaining.

MR. G. HAIG BODDEN: Mr. President, is it not also true that while the money received from Caribbean Development Bank wipes out the overdraft, those loan funds also increase the revenue?

HON. THOMAS C. JEFFERSON: Mr. President, the arrangement under the loan agreement between Caribbean Development Bank and this Government on the Owen Roberts terminal building was that the Cayman Islands Government pays first and then claims from Caribbean Development Bank. So whenever the funds are received they are taken in as revenue under loans.

MR. PRESIDENT: I am afraid that I am going to have to stop question time because we are already at the end of the period that I allowed. Before actually stopping it I would invite the attention of those Members whose questions have not yet been reached to Standing Order 23(8), in case they wish to exercise their rights under that. Briefly for the information of any Member who is not familiar with the procedure, any question which has not been reached by 11.00 a.m. it should be, gets answered in writing unless the Member down to ask the question signifies the wish in accordance with Standing Order 23(8) to have the question postponed and set down on another Order Paper for oral answer.

Now does any Member wish to exercise that right?

STANDING ORDER 23(8)

MR. LINFORD A. PIERSON: Mr. President, I would wish to exercise my rights under Standing Order 23(8) and have the question postponed until tomorrow if possible.

MR. PRESIDENT: That is question No. 5, which was originally....

MR. LINFORD A. PIERSON: Yes.

MR. JOHN B. McCLEAN: Mr. President, I would like under Standing Order 23(8) to have my question, which is No. 7 on today's Order Paper, carried over until tomorrow.

MR. PRESIDENT: The Second Elected Member for George Town, did you mention both your questions, or did you mention just question No. 5?

MR. LINFORD A. PIERSON: Yes, Mr. President.

MR. PRESIDENT: You mentioned both did you?

MR. LINFORD A. PIERSON: Both, Nos. 5 and 8.

MR. PRESIDENT: I am so sorry. That is fine. That concludes....

MR. D. EZZARD MILLER: Mr. President, on a point of clarification, Sir, can the Members ask that the questions be put down on the following day or do they have to follow space which is available according to the Business Committee?

MR. PRESIDENT: I think that it is a matter - but let me read this anyway. It is a matter for the Business Committee to determine.

MR. D. EZZARD MILLER: Thank you, Sir.

MR. PRESIDENT: I do not think a Member has a right to state that his question should necessarily be asked the following day, although I would expect that the Business Committee would ordinarily put it down for the following day.

That concludes question time and since we have already reached, very nearly at least, the time for our normal morning break, I would suggest that proceedings be now suspended for approximately fifteen minutes.

AT 11.14 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.37 A.M.

MR. PRESIDENT: Please be seated.
Item 3. Bills.

THE STAMP DUTY (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE STAMP DUTY (AMENDMENT) BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Stamp Duty Law, 1973, is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE STAMP DUTY (AMENDMENT) BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Stamp Duty Law, 1973, Law 5 of 1973.

The object of the Bill, Mr. President, is to increase the stamp duty payable on cheques from five cents to ten cents. The amount of stamp duty on cheques, Mr. President, has been five cents since 1973, and it is proposed here to increase it to a reasonable sum, taking into consideration the inflation factors in the last eleven or twelve years. It is also proposed that purchase agreements should attract full stamp duty. At present, Mr. President, there are sales of land sold by an agreement and it is possible in some if not all of those agreements that the property can be assigned from one purchaser to the other and stamp duty not be paid. The only fee payable under the Stamp Duty Law is the Deed of Sale which is \$6.

It is also proposed, Mr. President, in this Bill to create a charge, as mentioned in the Budget Address, for time sharing. It is thought that a number of tourist accommodations are made available on the basis of a timesharing agreement, which in essence is the payment of a sum, whether it is \$5,000 or \$9,000 for one week's stay in an accommodation. In some cases this agreement can stretch over twenty five to forty years, even more. It depends on what it says.

The \$100 is deemed to be a reasonable sum since timesharing is relatively new to Cayman, and it gives us an opportunity to derive some small revenue from it rather than as is sometimes said, "killing the goose which lays the golden egg".

It is proposed, Mr. President, to increase revenue by this Bill, and the amount raised by this Bill is approximately \$300,000. I ask Members' support of the Bill.

MR. PRESIDENT: The question before the House is that a Bill entitled a Bill for a Law to amend the Stamp Duty Law, 1973, be given a second reading. The motion is open for debate. The Member for North Side.

DEBATE ON SECOND READING

MR. D. EZZARD MILLER: Mr. President, I support this Bill in its entirety. I do not believe that the charges being increased on a cheque from five cents to ten cents will bring any hardship to our "poor Caymanians" as the friendly opposition likes to remind us on the other Bills. In fact, it might have a beneficial effect in the business community because it might reduce the number of cheques which are written for less than \$10 which have no value, but because they are for less than \$10 it is not worth the legal expense to recover the money.

As I said, I do not believe it will affect the local people as badly, or the poorer Caymanians, because most of their business is transacted in cash, not in cheques.

So I support that section of the Bill, and I also support the other sections, in particular the introduction of stamp duty to timeshare contracts. I think this is an area of revenue which has been too long ignored in the country. However, Sir, I do not agree with the charges which are being made under the Bill and I do intend, Sir, to seek leave of the Chair under Standing Order 52 to move an amendment which would in fact bring the charges to 7½ per cent, which I believe is the customary charge in Government in most transactions connected with the sale of land and other property of this kind. If, Sir, we confine the charge to \$100 we could receive a maximum revenue on an apartment which sold for \$5,000 of only \$5,000 because it can only be sold for 50 weeks, because I think most places take two weeks for maintenance.

If we applied the 7½ per cent we could have a maximum value on the 50 week sale of the same condominium of \$18,750.

So, Sir, I am in favour of the Bill and I do ask Members of the House to support that amendment when it is proposed in Committee Stage.

Thank you, Sir.

MR. PRESIDENT: If no other Honourable Member wishes to speak I shall invite the mover to exercise his right of reply. Just in time, the Second Elected Member for Rodden Town.

MR. G. HAIG BODDEN: Mr. President, I had hoped that I would not have to speak since I may have to break for the lunch interval if I start at this time.

The Bill before the House is seeking to produce revenue from three different sources. One section of the Bill is good although not as good as it should be. One section is bad, and the third part is the worst calamity which could ever befall the economy of these Islands.

Let me speak on the good part of the Bill. The good part will put a tax on timesharing units. However, the tax proposed is not sufficient. I agree with the Elected Member for North Side that it should be 7½ per cent and I intend to support his amendment. I dare not put the amendment because the closed minds of the "Dignity Party" would reject it and it would not go into law. However, if the Elected Member for North Side puts it I will support it. The reason why I support it is that I feel timesharing units are not in the best interests of this country. Timesharing is brought about when a developer cannot sell a condominium to one person. He then goes out and seeks 50 people to buy it, giving by contract to each person the right to use the condominium for one week out of the year for as long as the contract runs. This, as

MR. G. HAIG BODDEN (CONTINUING): the Member introducing the Bill said can be from 25 to 40 years. So each person has a right to have a vacation for one week per year or to rent or to receive the rent from the condominium for one week per year. The flat tax of \$100 is insufficient because this is a tax of \$100 for the entire life of the contract. When a condominium is sold by this method it is very unlikely that that particular development will ever be sold again. When a condominium is sold under traditional methods, that is one buyer buying from one seller, that unit will be sold over and over again. Under the timesharing system the price of the unit is inflated from the very start and if we look at what is happening here you will see that this is true. It is customary for the time sharing unit to be sold on a weekly basis for a price of from \$5,000 up to \$35,000 in some parts of the world. Let us take for argument's sake a figure of \$10,000. If 50 people buy a condominium, each paying \$10,000 for its use for one week, the year having only fifty weeks for the use of the condominium since the other two weeks are required for renovations of the building, those people would pay a total of \$500,000 to the developer for one condominium unit which probably on the market would have been sold in the traditional manner for \$100,000. So the condominium is now sold at its very inception for five times the market value. This means the price is so inflated that no buyer in the future can ever hope to get his money back if he pays in excess of \$500,000.

Also, it has been found in Hawaii and other places where timesharing units have been used that it is not a desirable type of investment. We should discourage it here. It can attract a type of resident who does not bring as much into the economy as the resident who can afford to purchase the condominium outright. Instead of paying the value of the condominium he pays the one fiftieth of the value, and one may get a person who had he not received his vacation home in this manner, could not afford to take his vacation in a place like this. It may attract people to come in and bring their own groceries; bring their two rolls of toilet paper; bring their couple of bottles of liquor and so on. While they are living here they will not be putting very much back into the economy. The whole history of timesharing has been plagued in other places with a series of frauds and there have been all sorts of problems.

The ideal thing would really be today to pass a law to ban timesharing. However, if we do not take so drastic a move, at least I feel that these people should pay something for the benefits which they derive from Government having put a stamp of approval upon the timesharing. By the introduction of this tax we are really in essence today giving Government's approval to the timesharing business.

The reason why the flat tax is not equitable is because there is such a disparity between the price of the units. The Budget Address suggests that the price will vary from \$5,000 to \$9,000 per unit. In other areas, and it will probably come here as well, the prices of these timesharing units range from \$5,000 to \$35,000. Even in one particular unit, even in a single unit there is a disparity in the price because the people who get their weeks in the winter months pay as much as 50 per cent more than the people who get the use of the units during the summer months. Thus if one person pays \$10,000 for a week in July, another person living in that same unit in January would have paid \$15,000 for his use of the unit. The tax may be hard to police and to collect but, nevertheless, I think that we are on the right track to put a tax on them.

MR. G. HAIG BODDEN (CONTINUING): The Bill is good in that it again highlights the confusion of this present Government over revenue. Because in December, 1984, we met and removed a 4 per cent tax from condominium units and here we are today talking about putting a 7½ per cent tax back on them if the amendment by the Elected Member for North Side goes through. So there is utter confusion in the Government in its economic policy. It does not know what it wants. This was highlighted in the revenue Bill on Friday as well. The confusion exists. They take the duty off water to help the poor man and then they put a half a million dollars extra customs duty on to help him some more. In December they took off the tax of 4 per cent on the condominium units to further the development of condominiums and here they are putting a tax which will, as all taxes do to a certain extent, deter the development. So there is utter confusion in the minds of the present Government in their present economic policy.

We were told in December that it was very necessary to take off that 4 per cent tax because nothing was happening in the condominium market. Now they come here on Friday and in the Budget Speech they tell us that what they said in December was not correct. On page 23 of the Budget Address we read that in 1984 there was a distinct upward trend in the number of units registered, up to 130 in 1984 from 75 in 1983. So the amount of condominium units registered under the Strata Titles Law in 1984 almost double what it had been in 1983. Yet in December we were told that we had to take off that tax, but you see we were not given the statistics on it. We were not told how many had been registered in 1984, because their arguments would have fallen apart had they given the statistics. Nevertheless, that is history but it does highlight the utter confusion....

MR. PRESIDENT: I think that the Member should stick to this Bill. All the points you are making could very properly be made in your speech, which I have no doubt we shall soon hear, on the Appropriation Bill. However, they are not strictly relevant to this particular Bill.

MR. G. HAIG BODDEN: Mr. President, I will repeat this in the Budget Address I can assure you of that, and in the Throne Speech too if....

MR. PRESIDENT: I hope you will save it for the Budget Address. It is not relevant now.

MR. G. HAIG BODDEN: Yes, I will debate it separately, but it is relevant if we are dealing with a tax which will inhibit the growth of condominiums to talk about a Law which was passed in December not to inhibit the growth, but to enhance the growth.

The confusion is not in my mind. It is in the minds of the Government Members. To further highlight my argument I will say that the tax proposed in the original Bill will yield a very negligible amount. If the Member for North Side's amendment goes through, I imagine we will get a substantial amount of revenue. However, we took off a tax which would have yielded substantial revenues and we are now talking about \$100 a week.

So there is utter confusion in the economic policies of the present Government. What they do with their right hand they destroy with their left.

MR. G. HAIG BODDEN (CONTINUING): I have spoken about the good part of the Bill. The bad part is that part which will put the tax, the stamp duty from five cents to ten cents on cheques. Here I differ from the Elected Member for North Side. I cannot agree that it will not hurt the small businessman because some of them write a large number of cheques and perhaps find it difficult not to have an overdraft in their current account. This tax will increase by 100 per cent whatever the cost of having the cheques is. So it will affect every person who writes a cheque in these Islands. Like the Bill on Friday and like the other section yet to come this only shows that the Government is carrying out its policy which it has propounded in the Budget Address on page 44 when it says:

"This year, 1985, the Local residents are being requested to assist with the additional revenue".

As I said on Friday they are not being requested to assist, they are being compelled to pay and to pay through their noses in every area which the Government can devise.

This stamp duty would have a bad effect on local people just the same as the half a million dollars increase which was put on on Friday on the local people. It will take its toll because the Government's stamp duty on a cheque is not the only cost of writing a cheque. The person still has to pay his ledger fees at the bank. So the small business will feel the crunch of this increase and this is just another link in the severe economic squeeze which has been put on the little man since the elections in November of 1984.

In addition to the cost of the stamp duty and in addition to the ledger fees, sometimes the small businessman finds himself having to pay interest on an overdraft. So anything you add to that must add to the burden. The only reason given for increasing the stamp duty from five cents to ten cents is because it has been five cents since 1973 and if I were the Government I would not mention this because this does not justify the increase. The fact that it has remained at 5 cents since 1973 only shows that success in Government, particularly in the last eight years meant that there was no reason to increase it from five cents because they got their increases through stimulation of the economy and the writing of more cheques rather than less cheques, as we will see from now on. So there is no justification for increasing it. The justification given in the Budget Address does not justify the increase but should rather deter us from putting on the increase. As far as the economy is concerned we have come to in these Islands, no matter what is said of the last seven years which have been seven years of plenty, a situation where we are now facing, not seven God help us, but four years of economic famine. These four years of famine have been nurtured by the policies which this Government is implementing today and the policies which they implemented in December as well as the policies which they promised to implement in their campaigns.

Smiles were all over their faces when they walked out of this Chamber at 8.00 p.m. on Friday night having added a half million dollars to the burden of the taxpayer in the Cayman Islands.

So I am against this increase and will certainly vote against it.

Now I come to the third part of this Bill which seeks to put a tax on an agreement for sale or purchase of property. I hope the Elected Member for North Side could move an amendment to strike this section out. I cannot move it. My

MR. G. HAIG BODDEN (CONTINUING): amendment would get four votes. But believe me this is the worst thing which has happened to the Cayman Islands since a previous Government of which two of the Leaders are now leaders of this Government, tried to introduce a development plan in 1975 which killed the sales of land. If they introduce this tax today it will mean the end of real estate development in the Cayman Islands. It will mean economic havoc for the people of the Cayman Islands. What is this thing which has come to pass before our eyes today? What are they doing? They are saying that you must put a tax on an agreement for a sale or purchase of a piece of land and that that tax must be paid within a certain time whether the land is bought or not. This is wrong.

Let us take a poor man wanting to buy a house lot and he goes out and puts a deposit down. Unless he has a contract which is non-assignable and what good is a contract which is non-assignable; one may as well have a money deed which cannot be negotiated. What is the good of having money if you cannot spend it? What is the good of having a contract if the contract is non-assignable? So here on this agreement the person who puts down his deposit of \$500 and signed an agreement to purchase a piece of land, if unable in the future to complete that sale would not only lose his deposit but would have paid 7½ per cent of the value to be transferred.

It is unfair to ask somebody to pay for value not received. Even if the Members had had any conscience at all and had said that the tax would be simply on the deposit or the cost of the agreement this could be understandable, but to make the tax the subject of the full value would be detrimental to this country. The amendment says that an:

"AGREEMENT FOR THE SALE OR PURCHASE of any Land, strata title or other immovable property other than an agreement which provides that rights under it are not assignable or transferable by any party thereto - seven and a half per cent of the value of the immovable property, the subject of the agreement.

ASSIGNMENT by any party of any rights under an agreement falling within the previous item - seven and a half per cent of the value of the consideration".

In the little propaganda at the beginning of the Bill, the Memorandum of Objects and Reasons it says:

"by providing that purchase agreements shall, unless non-assignable, attract stamp duty at a rate of seven and a half per cent of the value of the property the subject of the agreement".

This Bill if passed into Law will have a devastating effect on all real estate sales. This hurts everybody. It hurts the man in the street. It hurts the man building a house. It hurts a man putting up a gas station. It hurts the developer and I believe the slowdown would be as great as the threat of the 1975 Development Plan was.

What we have to consider here is that 80 per cent of all real estate sales in the Cayman Islands are speculative in nature. In other words probably only 20 per cent of people go out and buy land which they are going to use right away. The young man, the young married couple buys a plot because they are going to build a house but later on as they

MR. G. HAIG BODDEN (CONTINUING): mature they go out and buy land which they are going to farm and leave for their grandchildren, and which they are going to hold as an investment because in later years they may get a better price than they paid for it. These purchases are speculative in nature, but you must have speculation if real estate is going to move. If your young people are going to have an opportunity to receive some of the benefits which the current generation has received from its forefathers, they have a right to buy and own property: to buy and own it unencumbered by the nonsense tax which is the subject of this Bill.

So all of this will disappear. Our economy will go flat. The Government will probably laugh because it will have had its seven and a half per cent but, this is not good enough. It was this same attitude displayed in a different manner in the development plan in 1975, which caused the public to raise up and remove the entire Executive Council in 1976. This time it is coming back in little bits and pieces; not as a document proposed by United Nations, but by a simple amendment to a Bill on the Statute book.

Anyone who has any interest in the economic development and the economic welfare of Caymanians alive today cannot vote for this Bill. I understand that the Government believes, although it has not put forward any statistics that it may lose a little revenue here and there because some contract has been assigned. I understand that. However, what is this? Greater hardship will be put on the little man if this tax on these agreements goes into effect, because we have to remember that nine out of ten people who default on the purchase of a piece of land or a property do so only because of economic hardship. Anyone who sets out to buy a property, or to buy a parcel of land or to buy a business follows through with the sale unless something comes up later on and he is prevented from continuing the purchase. This tax would put a further hardship on people. It could only escalate the hardships which would be suffered by those who had defaulted. My contention is that if there is a loss of revenue the Government will make no attempt to define that loss of revenue and will give us no statistics at all to show that there is a loss of revenue. In fact I do not believe that they can give statistics because the statistics which are available to us show that revenue from this source has increased, and I have those statistics.

In 1975 the sale of revenue stamps brought in \$708,763. The revised estimates for 1976 were \$1 million. The 1977 estimated revenue had dropped because of the 1975 Development Plan to \$800,000. However, look at the difference today. In 1983 the actual collection from revenue stamps was \$5,899,907, eight times the actual collection in 1975. So how can the Government claim that they are losing revenue from stamp duty when the statistics show that in 1983 we collected eight times what we had collected in 1975. That dramatic increase over that eight year period came because the Government of the day scrapped the development plan which would have put a stop to development; encouraged developers to buy and to sell land; encouraged local people to invest in land, and this was done without any "hanky panky" business. This was done by simply stimulating the economy. It was done without increasing the 7½ per cent stamp duty which has existed for some time. So that dramatic increase came about in revenue from the sale of land because the sale of land was unencumbered. It came about because there were more sales and more purchases because the Government of the day was not confused in its economic policies. It came about because the confidence of the investor had increased. It came about because the Government respected the buying public and the investor, and they respected the Government of the day.

MR. G. HAIG BODDEN (CONTINUING): Now today we are trying to shatter that confidence, and to shatter it in such an elusive way that it might even deceive the elect. We are trying to shatter it by the manipulation of one of the vehicles for the promulgation of real estate sales; shatter it by putting a clamp on the vehicle for the transference of land or other property. We should not be trying to hinder a purchase or sale agreement. We should be trying to encourage more of them. Some of them will fall by the wayside and some people may lose their deposits. Some people may get them back, but real estate sales will come to a halt in these Islands and when this happens the day will be just as dark as when the Islands were rescued from economic havoc.

For the first time in the history of these Islands we saw Government's revenue decline because of the halt put on development in the Cayman Islands. That had only happened in the year following the 1932 hurricane. It never happened again until 1975 and 1976 when we saw Government's revenue decline. Now we are here today with the same old tired policies; the same old worn out schemes, asking the Members of this House to put a brake on development.

This amendment has been brought in keeping with the policy of the Government which has been put forward that the local residents will be requested to assist with the additional revenue. The Member just mentioned \$300,000; \$500,000 on Friday; nearly \$1 million out of the pockets of the people of this country. That is not bad. That is not bad. What is bad is that while we are expecting them to pay we are destroying the vehicles by which we would earn the money to pay. So in all that the Government has done since November there have been some bad things, but this is the worst because this would destroy the economy. You would take away a man's bread. As Shakespeare said, "you take my life when you take the prop that doth sustain my life". I see this Bill as taking away the prop which sustains the economic life of this country. We did not move forward and upward until land sales started in these Islands; until people started to buy and to develop property. If there were not local people building supermarkets and gas stations and restaurants, nothing would be happening in our economy. We would really have to be looking to getting lessons in making thatch rope and basket making.

We are sitting here being asked to do something which would be detrimental and I for one will not support this Bill. I will not support it because the little 7½ per cent which the person would pay in this tax is not his real problem. Because even if you introduce this the momentum which had been created over the last eight years will continue for some time. However, like a clock which is wound up it will one day run down. A little break in the economy here and a little break there will certainly bring this country to a state where the inhabitants will not be able to enjoy the good life which they now enjoy. We should not do anything which will hinder economic activity. I have waited nearly four months to hear of one item which is going to stimulate the economy and the House has met twice. Every time all I have seen are Bills like this one which will hamper economic activity. This Bill, with the exception of section 2, subsection (c) which deals with timesharing periods is a bad Bill. It looks to me like the type of Bill which we would have expected would have been prepared, like the development plan was, by planners from the United Nations who knew nothing about the Cayman Islands. We did not expect this to come from the people who the public of this country put their confidence in knowing that they were local people.

HON. G. HAIG BODDEN (CONTINUING): They made a mistake but it is not too late to withdraw the Bill. They made a mistake in putting forward the Bill. They perhaps honestly believed that they were doing the right thing, but it is not too late to repent and withdraw the Bill.

I would personally move an amendment to strike out subsections which would increase the stamp duty in these areas. All I can do, however, is speak against it and vote against it, because while I cannot anticipate the vote I can only guarantee four votes against it, and with the powerful Bench sitting out there we need eight votes. One of our good Members has gone off on a trip when she should have been here to help us. However, this would leave a tie which means that the status quo would remain as it had been and there would be no change in the Stamp Duty Law.

Nevertheless, with all this, I must say that I intend personally to spread this news around that the present Government is taxing the small man and is being brazen about it and has put it in the Budget Address in bold print. The local residents are being requested now to assist with the additional revenue to compensate for the tax which they took off the condominiums in December. Because we need dollars to run this country. I believe the dollars should come as they have come in the past from the stimulation of the economy, not from selling one parcel of land, but selling many more parcels. As an Elected Member I have an obligation to speak when the Government goes wrong and it is surprising to see them going wrong so fast.

I can understand a vessel getting off course after the sailors begin to get tired but it is amazing when they have just taken the helm. That they are in such a state of confusion just boggles the mind.

I will not prolong my speech but I will guarantee that I personally will vote against this measure or any other measure which, in my opinion would be detrimental to the welfare of this country.

MR. PRESIDENT: I think perhaps unless any other Member wishes to speak....

MR. JOHN McLEAN. Mr. President, I am sure that there are other Members who would like to speak, but as is customary we thought you would take a lunch break now.

MR. PRESIDENT: Well I was going to contemplate taking a lunch break. I was just making certain whether there was any other Member who wished to speak. I suspect that there are a number who do wish to speak and I think it probably will be best to take the lunch break before anybody is expected to start his speech. So let us do that....

MR. W. McKEEVA BUSH: Mr. President, since we had quite a long break at 11.00 a.m. or just after, could we not carry on until 1.00 p.m., Sir.

MR. PRESIDENT: The normal practice of the House has been to suspend proceedings between 12.30 p.m. and 12.45 p.m.

MR. W. McKEEVA BUSH: Yes, Sir.

MR. PRESIDENT: That has been the general wish of Members and it has usually been felt best not to expect somebody to start a speech and have five or ten minutes of it before breaking off. So I think probably that will be most convenient and I will suspend proceedings until 2.15 p.m.

AT 12.34 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.15 P.M.

MR. PRESIDENT:

Please be seated.

The Second Reading debate on a Bill for a Law to amend the Stamp Duty Law, 1973. Does any other Honourable Member wish to speak? If nobody rises to do so I shall call upon the mover - the Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, before I am accused of allying myself to any particular group in this House I would like to make it abundantly clear that the only alliance that I have is to my people; to give them the best representation that I possibly can. I join one of the former great American Presidents in saying that I believe in a Government for the people, by the people and of the people. I could not in good conscience, Sir, give this Bill to amend the Stamp Duty Law, 1973, my one hundred per cent support as in principle that there are parts of this Bill which are most repressive and will in fact hurt the little people in this country.

Much has been said, Sir, about the minimal effect which these amendments will have on the people of this country, but I cannot, myself, associate with these views or in fact subscribe to any of them. It is true that the \$300,000 in revenue which this Bill seeks to generate is minimal when compared to the whole Budget which is now before us. As a matter of fact I think it would form only about a half of one per cent. The point is, Sir, that the effect of this Bill before us will hurt the little people in this country. I was somewhat surprised, Sir, to hear one of the Members attempt to minimise the effect which the increase of the five cents on the cheques would have on some of the people here. While it is true that many of our little people as they are referred to, although I would rather call them less fortunate, perhaps deal in cash and not in cheques, I think that it is really an untruth for us to be saying here in the House that the little people in the country do not in fact use cheques. Because if you were to check with the banks, and I have done this, more and more of our people are becoming finance conscious. By using cheques it is a very good means for them to keep a close account of their funds. I have no very strong objection to an increase in this manner even though, as I said on Friday, I feel that we are missing the whole point in this country.

I believe that our system of trying to raise revenue is a most antiquated method and I am prepared to argue this point. I will perhaps be saying more on this in the Budget debate and in the Throne Speech. On Friday, one Member mentioned, or questioned why I would suggest that we want no direct form of taxation in this country while at the same time I would say that I feel that these little amendments are somewhat antiquated. My only reply to that, Mr. President, is that I speak of what I know, and I know that there are other means of raising revenue other than by increasing indirect taxation. I would be prepared if I was given the opportunity by the Government Bench to discuss some of these methods with them. I would hope, Mr. President, that the Government Bench will take advantage of the expertise of some of the other Members of this House and not look at them as if they have no contributions to make.

MR. LINFORD A. PIERSON (CONTINUING): If, Mr. President, as is generally felt, the 7½ per cent stamp duty which is now being considered to be placed on purchase agreements will correct a loophole in the Law and will prevent the abuse which I understand is now happening under this Law, then I am all for it. Because to prevent the abuse of any law, in my opinion, Mr. President, is looking after the interests of my people. However, I wonder, Sir, if such an amendment will not in fact discourage developers from coming to this country. It is one matter, or one question to think about the little bit of revenue which we hope to obtain, but it is another to consider the indirect benefits which accrue to the economy even though we may not be in a position to count the pennies in the coffers of the Treasury. There are many indirect benefits which accrue from time to time.

Mr. President, I question again what is Government's economic policy with regards to revenue for this country? Can we continue to squeeze the little people in this country? Can we continue to add 10 per cent, 20 per cent, a little bit here and there to supplement a budget. The Financial Secretary in his speech said that he would join one great speaker in saying that he thought a balanced budget was a good one. But, Mr. President, if this balanced budget is not realistic it has got to be a bad one. Trying to get revenue by squeezing the little people in this country has got to be bad for this country. I cannot support that kind of mentality. I cannot support that sort of financial genius. To me it is an antiquated method, and I believe that I can speak with authority when it comes to some phases of finances.

Mr. President, I feel that before the Members of this House agree to increasing revenue that sufficient thought should be given to the possible adverse repercussions and adverse effects on people of this country. I believe, Sir, and I stand to be corrected, but I believe that this was a desperate attempt to try to reduce what perhaps was a major deficit in the first draft of the Budget which we have for discussion later on. I also believe that these issues were not given full consideration and that the possible adverse effects on the people were not properly considered.

Our country today is in a very serious position, Mr. President. Whether we want to say that the Cayman Islands has the highest standard of living in the Caribbean or not is incorrect at this point in time. The highest standard for whom? If we were to take the per capita income of each person in this country then we would know how poor some of our people are. When we talk about a standard of living and a per capita income all we are doing is taking the national income of this country and dividing it by the population. What we are not considering is that 80 per cent of the wealth in this country is owned by 5 to 10 per cent of the people. There are a lot of people in this country who go to bed at night without even having food to eat. Many of our Members probably do not know this because they cannot identify with these people the way that I do. I happen to know that many of our people in this country are on the subsistence level and even below subsistence level.

At the least, Sir, if we want to have the peace and tranquillity that we boast about in the Cayman Islands, we must continue to make life a little easier for our little people. I believe, Sir, that a good Government is one which makes life easy for its people and makes it easy for the people of the country to be able to do well, not a Government which forces the people into doing wrong things.

MR. LINFORD A. PIERSON (CONTINUING): The point I want to make, Mr. President, is that unless we do our best to try and raise the standard of living of our little people this country is going to go down the drain. We have got to be like some of our neighbouring islands who lost sight of the fact that they should have looked after the needs of their little people. Take for example the 7½ per cent stamp duty which is now being sought. If a little man decides that he has got to get a lot of land for, say, \$10,000 one of the first things which he has to do is pay a 10 per cent deposit or so. If later on he finds out that the loan which he was expecting from the bank is not available then loses his deposit, what happens if he was also forced into paying 7½ per cent on that amount. He would also lose his \$750. This may seem a small amount to some of us in here but it is certainly a great amount for some of our little people who have not a cent to their name and probably have to go and borrow this money.

This is why I say that in principle I do not agree with this, because I do not think that sufficient thought was put into these amendments which have been proposed.

On the question, Mr. President, of the introduction of stamp duty on timesharing of \$100 and if the Elected Member for North Side's amendment goes through, 7½ per cent, I wonder, Mr. President, whether sufficient thought has been given to the position of some of the investors coming here. I wonder if anybody has even looked around to find out how many of the condominiums which have been completed are still there empty because they cannot get buyers to buy them. I wonder, Sir, if anybody has given any thought at all to the loss of capital of some of the investors coming here and whether the little bit of money which they are trying to extract now out of the timesharing is not attempting to kill the goose that laid the golden egg.

Mr. President, it is one thing for us to sit back with a holier than thou attitude, but it is another thing for us to take a serious look at our economic situation at this point in time. I know, Mr. President, as has been expressed here, that I have been pre-empted in my position on this Bill and that it is felt that I will be supporting certain areas, but I support, Mr. President, what I think is true and right for my people. If this coincides with any other Member's views, so be it. However, I cannot see where these little indirect forms of taxation are going to help our people. I believe, Sir, that we are going back ten years when we should be moving forward with a comprehensive economic policy for this country.

I also think, Mr. President, that if we discourage investors here we are making the unemployment position in this country worse. A recent survey carried out by the Labour Office in this country gave us a very sad tale indeed. I believe that for us to start imposing these taxes will discourage investors coming here to invest in condominiums. What will then happen to the people who are employed in the construction industry? What will happen to the local merchants here who sell materials for these condominium developments?

Mr. President, whether or not we need taxes in this country, or revenue, we need to go about it in a very serious and sensible manner.

One Member mentioned, Mr. President, that in the December sitting of this House we took 4 per cent off condominium construction and I am pleased to say that I associated myself with that. But the only reason, Sir, that I supported such a move was to encourage construction in this country, because I feel that it may have been a deterrent to many investors coming here.

MR. LINFORD A. PIERSON (CONTINUING): On the one hand we remove a tax to encourage investors to come to this country and on another we discourage them. It appears to me, Mr. President, that there is quite a bit of confusion.

Mr. President, while I will support the Government Bench in any effort they make to look after the best interests of our people and to protect the interests of our people, I will make it again abundantly clear that I will not be an extension cord and I will continue to speak out on any issue which appears to be in the worse interests of our people. I will continue to support any issue which appears to be in the best interests of our people, however, as I said.

Mr. President, I know that there are many of us here who really do not want to stay until 7.30 p.m. again this evening and I know that some of the long winded-speakers have not spoken yet, but I intend, Sir, to exercise my right and debate this matter further in the Throne Speech and Budget debate.

Mr. President, I would close by saying that I cannot in principle support the Bill before us in its present form, and I hope that in Committee Stage there may be some co-operation from the Government Bench in taking the views of people on this side of the House.

Thank you, Mr. President.

MR. PRESIDENT: Does any other Honourable Member wish to speak? In that case, if nobody rises I shall ask the Honourable Third Official Member to exercise his right of reply. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I rise to debate the Bill which is placed before us, a Bill for a Law to amend the Stamp Duty Law, 1973. In debating this Bill I will have to refer back to Friday's session of this House where I said that what we were resorting to is penny ante financing.

The Budget which is before this House and the Bills which go along with it show myself, and show the public at large that the Members of the elected Government find themselves in a dilemma. They are faced with a problem, regardless of the financial geniuses they are supposed to be, that they cannot cope with. We are asking the people, according to the Budget Address, to assist. Mr. President, we are not asking the people of the Cayman Islands to assist, we are using the hammer of Government to compel them to assist. In no way will they be able to voluntarily assist. This is force as the Russians used in Hungary and we are using it in the Cayman Islands.

Mr. President, this is a very detrimental Bill to the welfare of the Caymanian people and to the Caymanian economy as a whole. I would ask the Elected Members of Executive Council who have apparently fathered and mothered this Bill to withdraw it, because what we are doing and what we are showing the world at large is that our Elected Members have no confidence in the Cayman Islands. If this present elected Government should remain in power much longer, there are only two courses open to the Cayman Islands, and that is a land tax on property holdings or income tax. Whichever they elect to do, as we know and can see, will be passed by this House and God have mercy on us all when they elect to do that.

MR. JAMES M. BODDEN (CONTINUING): Income tax in the minds of some of the Elected Executive Council Members is nothing new. They have thought that one up for years, but have had to withdraw it in the past. Unfortunately, Mr. President, this House is not in a position where there is any strength in the opposition, so therefore when it comes forward again as it surely will come, there is not enough strength to oppose it and it will pass.

Mr. President, as time goes on and we debate Bill after Bill, I really have to wonder and I know the population as a whole is beginning to wonder what is going on. When will it stop? Will we bring taxation on the heads of our people who elected us to the point where they cannot tolerate it any more, and we are forced to have another Boston tea party? Or will we call it the Hogety Bay tea party this time?

I am shocked that with all the apparent financial geniuses a Budget of this nature was presented to this House. In the past eight years the people of this country were not faced with such devastation as they are faced with today in this budget. Before we would have presented a budget which would have been this detrimental to the people of this country we would have been like ostriches and hidden our heads in the sand. However, I do not expect that to take place in this case.

This Bill will have adverse effects on the people of this country and on the economy of this country, not only today but for years and years to come. In my opinion, Mr. President, and I am sure that I am correct, stamp tax must have been collected before on the timesharing units, because timesharing sales in the Cayman Islands have become a way of life as they have in many other areas of the world.

I am not here to debate whether I am for or against it. The point is that it exists and taxes must have been paid in the past. I would wonder why at this time a Bill would come before the House. Why would the sale of a time sharing unit, be it for \$5,000 or \$20,000 only attract \$100 stamp duty for the life of that contract?

It is difficult for me to believe that such a Bill would have been sponsored in this House, and that they would think that our mentality was not higher than that. Or, Mr. President, is this another case of special interests as we have had in the previous Bill where the condominium tax was repealed? I really have to question the motives behind these actions, and to question why they are being done and for whose benefit.

Many untruths and allegations were made in the past but, Mr. President, are we about to be swallowed completely by the Bermuda Triangle or whichever triangle it is? Should all of these revenue Bills before the House be finalised, which I have no doubt they will be, There will be at least an additional \$2.5 million raised because of these Bills in the financial year 1985. You know who is going to pay most of this \$2.5 million? It is going to be the 20,000 people and the approximate 8,000 head of households who we have in this country. I ask these angels of mercy if they think that is the way to show mercy to their fellow men. I do not think that there has been a year in the history of the Cayman Islands when the local people have been asked to pay more of a burden as they are being asked to pay this year. Believe me, as detrimental in the end as it would be it would be much better to tell these people that they are going to pay the income tax that the Honourable Fourth Elected Member of Executive Council and some of his supporters wanted to burden us with so many years ago.

MR. JAMES M. BODDEN (CONTINUING): I would rather pay the known than pay the unknown.

I would have thought that the time-sharing aspect covered under this Bill was adequately covered before. I would hope that to comply with some of the other laws on the Statute Books of the country the hotel tax is also collected on the rental of these units in the future. Our economy as we all know is a very fragile thing. It is built on tourism and stability which attracts the offshore financial institutions. However, those people today must be asking themselves, "How can I show faith and confidence when the Legislative Assembly Members of the Cayman Islands do not show faith and confidence in their system?"; where the course for the future is not charted as some of the sea captains would tell us it is, but rather we are rudderless and going towards the reef.

If we are to show the world at large that we have confidence and faith in our country we must first show that confidence and faith in ourselves and the people. We cannot show it in attempting to degrade the Governments of the past as is continually being done. We cannot do it by tearing down our present Government, however onerous it might be. Rather we must show that faith in our country to the point where we feel that we can build adequately for the future.

I ask the Members of the Elected Executive Council why do they not come up with a programme? There are many avenues open. Why do they not come up with a programme which can attract additional money into the economy? If we build up the economy and attract additional money into it as was done in the years 1977 to 1981, we will not have to worry so much about plugging the deficit. They have already managed to adequately balance their budget by using for this year approximately \$2.5 million of the Reserve Funds which were not supposed to be there. Cannot they be satisfied? They have already used the bread which was made by the sweat of other people. Will they continue to use the bread from the sweat of our people in the future?

I could see an amendment on the purchase agreements to where the agreements would be registered and before the closure of that sale, if there was a subsequent sale, that whatever the increase between the two figures was that would be taxed at 7½ per cent. In other words if a person had an agreement for \$200,000 to purchase a piece of land over a period of six months, and he was fortunate enough to sell that to someone else for \$250,000, then I can see where that additional \$50,000 should be taxed. However, I cannot agree with what we are going to do, which is to tie the hands of development in this country. The present budget calls for about \$6.8 million to be raised this year from revenue stamps. We will not raise \$6.8 million in revenue stamps if this Bill goes through. We will raise much less because people are not going to invest and take the chances which these people are asking them to take. You know what will happen. The rest of the money which has been left in reserve from the unity team Government will be used up like the \$4.5 million which will have already been used by the end of this session.

It seems to me that they have embarked on this system where anyone will be able to spend the money earned by someone else in order to perpetuate the image which they wish to perpetuate.

MR. JAMES M. BODDEN (CONTINUING): In the Bill which is before us under the time sharing plan, the last section of it which defines the time sharing plan is very confusing. I must admit that I have done my best to try to figure out the last three or four lines of it, and really I think we need some definitions on that to come from the Honourable Second Official Member of Executive Council.

In regard to the penny ante scheme to increase the stamp duty on cheques from five cents to ten cents, although it will affect a lot of people and it is a big increase, I will not argue too much with that because I tend to go along with them in their penny ante schemes. This is a penny ante scheme so therefore I may support this one. However, Mr. President, I would hope that they will give due care and diligence to the rest of it, and as they sleep tonight try to come up with some answers which can be of help to our people. I do not believe that this is the time for us to have closed minds. I feel that the Elected Executive Council which has been the brain child of these Bills which are before the House should keep their minds open, and that they should be willing to listen to the criticism and see that if these Bills become Law they are hurting the future of our country.

Mr. President, our country is going to be in for a tough year in 1985. There are many economic factors outside of the Cayman Islands which dictate that. However, we in the Cayman Islands must not do as we did in the years 1972 to 1976, when the outside world was faced with a recession and locally our Government did everything it could to deter investors from investing in this country. If we go back and adopt that system we will be right back to the bankrupt Government that we had in 1976. When I say bankrupt, Mr. President, the records can bear me out. There was no \$10 million in Reserves at that time. The capital debt of this country stood at about \$8 million, which is still a part of the \$13 million which we are being blamed for today. I can well remember those days today. I can well remember those days as I think many people in the Cayman Islands can remember them. I am sure that there are people in the Cayman Islands today who can still remember the hunger pangs of 1972 to 1976, although they may have forgotten some of them. The problem of it is that the same architects who were the architects of our downfall then are the architects who are trying to steer the country at the present time.

I am hopeful, although I do not believe that it will happen, that the Elected Members of Government will see the error of their ways in some of these Bills and will at least offer to accept some of the amendments which may come from this side.

Mr. President, I will leave the rest that I have to say for the further sessions of this Bill and for the Throne Speech and the Budget Address which I hope will be debated separately, rather than as a whole.

Thank you.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. MCKEEVA BUSH: Mr. President, the Bill before this House is one which has been hauled over the coals. I do not believe, Sir, that I will ever be able to please everyone, but at least, Sir, I am going to try to please the 1,139 people who put me here. To please them, Sir, I have to give them a great deal.

MR. W. McKEEVA BUSH (CONTINUING): With our declining economy I can see the need for Government to close up this loophole which has been used to deprive Government of monies due from land title transfers. I would suggest, Sir, that future transfers be registered and stamp duty paid within 24 hours and that no second assignment be allowed without the payment.

The extra five cents on cheques I believe will put no burden on anyone and, Sir, least of all the little man about whom the opposition suddenly seems to be so concerned.

On the matter of timesharing Sir, the extra tax imposed on time sharing cannot affect the little man at all. It cannot affect locals at all, rich or poor. Instead, Sir, it is a move to create more revenue which this country can certainly use as I said, seeing the decline in our economy, and the bad position which we have inherited.

Listening, Sir, to the last Elected Member from Bodden Town, who talked a lot about economic activity, he said that the ideal thing today would be to ban timesharing. We cannot do this, Sir....

MR. JAMES M. BODDEN: Mr. President, I wonder what the Member was hearing when I was talking, Sir. I did not say that.

MR. PRESIDENT: I think he is referring to what your colleague the Second Elected Member for Bodden Town said. He said the last Member from Bodden Town.

MR. W. McKEEVA BUSH: Thank you very much, Sir.

MR. PRESIDENT: Maybe he meant the Second....

MR. G. HAIG BODDEN: Because I am not the last.

MR. JAMES M. BODDEN: I was the last Member from Bodden Town, Sir.

MR. W. McKEEVA BUSH: No, Sir, I said the last Elected Member from Bodden Town.

MR. G. HAIG BODDEN: But, Mr. President, I am not the last Elected Member. I am the Second Elected Member.

MR. PRESIDENT: I was not quite sure to whom he was referring, I confess, when he said last Elected Member. However, I think that the Second Elected Member for Bodden Town did make the point that the Second Elected Member for West Bay is now discussing.

MR. W. McKEEVA BUSH: Yes, Sir, it is so easy to quibble over small matters, whether he is the Second Member. There are only two Members in Bodden Town so he has to be the last Member.

MR. G. HAIG BODDEN: On a point of order, Mr. President, he has an obligation under the Standing Orders to refer to a Member as the First or Second Member.

MR. PRESIDENT: That is quite correct, yes. When you said "last", I thought you meant last speaker to start with....

MR. W. McKEEVA BUSH:
bow to your ruling, Sir.

The Second Elected Member, Sir. I will

Anyway, Sir, my question is this on that point he raised. Why, why should something which is causing no hardship on the populace but is income to the economy as it stands, little though it may be, why should something like this be banned? The income raised from the timesharing could be used to provide a greater amount of revenue as we are now trying to do. If these people who get up and scream, Sir, about the little man this and the little man that when they do not even see the little man because they have run away from their constituencies, thought so much of the little man they would not even think about banning timesharing much less standing on the floor of the House and saying that it would be an ideal thing.

The money derived, Sir, from this area will give us more for education; will give us more for social services and help stop the deterioration of our social structure which we have experienced during the reign of terror in the past eight years. If they want politics, Sir, they can get politics.

Mr. President, the people most affected by the 7½ per cent stamp duty on assignable agreements are the real estate agents who have been buying land from Caymanians at a low cost knowing full well they already have parties interested in buying at much higher prices. That, Sir, is the crux of the matter here today. For example, Sir, the agent buys a piece of property from a Caymanian for \$5,000, pays no stamp duty and then sells the same piece of property for \$15,000 and soaks the investor for the 7½ per cent stamp duty when the title is transferred from the poor Caymanian to the investor. What has this done? This has robbed the little man of \$10,000 less the commission he would normally pay the real estate agent, and, Sir, has helped to inflate the cost of the property to the investor, at the same time robbing Government of the duty on the first \$5,000. I believe I am right in saying that, Sir. Further, Sir, the Caymanian who has made a deposit on a piece of land and paid the stamp duty on the assignable document; if he cannot complete the purchase then he loses his investment. In a non-assignable document on which no stamp duty has been paid he simply loses his deposit. So I believe I am right, Sir, in saying that this Bill will only serve to protect the little man whom we are all so concerned about.

My colleague the lady Member in this Chamber is away on a trip to the United Kingdom to attend a seminar held by the Commonwealth Parliamentary Association. Now, Sir, there is much talk on the streets and it is all because, Sir, of the same type of references which have been uttered from this floor trying to mislead the people. The Member making reference to the lady Member, Sir, knows full well why she is away. However, Sir, I do not believe that that was the reason because, Sir, I am an Executive Member of the Commonwealth Parliamentary Association and I do know that the Second Elected Member for Bodden Town making reference to the lady Member from West Bay also applied to go on that seminar. I do not believe that he was really looking forward to this sitting of the House.

MR. G. HAIG BODDEN: On a point of order, Mr. President, he cannot impute improper motives. I simply said that lady Member was not here and I regretted that she could not help with the Bill.

MR. PRESIDENT: I think it is quite true that the Second Elected Member for Bodden Town did not allege that it was wrong or improper of the lady Member to be absent. Had he done so I should have stopped him at the time. He was indeed, as he now

MR. PRESIDENT (CONTINUING): says, simply regretting her absence because he would have hoped for her support. I think that he might have hoped in vain but that is a separate issue.

MR. W. McKEEVA BUSH: Yes, Sir, nevertheless as I said there has been some talk and I am only putting it on the record for the sake of posterity. So, as I said....

MR. PRESIDENT: Perhaps I should put on the record for the sake of posterity that there is not in my view anything improper in any Member, either the Second Elected Member for Bodden Town or the lady Member who is away; in any Member applying to go on a Commonwealth Parliamentary Association Seminar. I think that it is a quite proper thing and I think all of us should take advantage of opportunities to attend. So I do not wish it to appear from the record that any Member should be thought improper for seeking to attend.

MR. W. McKEEVA BUSH: Thank you, Sir, you are most kind to straighten out that issue. I really did not want to bring it up but, Sir, I think I owe her the duty. I do know of certain people who left the country on less serious matters of state, to go on trips to Honduras, to a little place called Hoq Pen Bight....

MR. G. HAIG BODDEN: On a point of order, Mr. President, is this relevant to the debate? I do not know what he is talking about. He has not shown the relevance.

MR. PRESIDENT: I confess I am waiting to see the relevance and shall stop him if he cannot show it to me fairly soon. I hope the Honourable Member speaking will note that point.

MR. W. McKEEVA BUSH: Yes, Sir. I think I have straightened out that matter pretty well.

Mr. President, as I said there has been much talk about the small man, and people associating with the small man, but, Sir, I am a small man. I can and have been associating myself with the small man. It is from there, Sir, my roots doth come. I have never changed. I can talk their language, Sir, and I know what the small man experiences. I believe I am safe in saying, Sir, that of all the Members here I am the least well off. I was born in 1955, Sir, thirty years ago, so I grew up with Cayman. I know what it is to be barefoot. I know what it is to have to study from lamplight. So I do not think, Sir, that I can be blamed or accused of not supporting the small man. As I said I am a small man. Some may say I am a little bit heavy, however.

I have said it before and I will say it again that I do not believe our people are quibbling about five cents, ten cents or even twenty-five cents. We want roads paved and I have many, many requests, Sir, for my constituency. We want better and better health services. I want a boat ramp and landing wharf for my constituency. We need a proper civic centre and hurricane shelter in West Bay. We need more for social services for the country, and as I said, Sir, in these times of declining economy where is the money coming from?

We hear much about economic activity but, Mr. President, this Government is facing a serious situation and nobody in this Honourable House or on the outside can deny that fact. The accounts for Cayman Airways have been laid on the table and that balance sheet is only showing the deficit at

MR. W. McKEEVA BUSH (CONTINUING): 30th June, 1984. This shows us that we have a deficit, Sir, of \$16,237,553. That is only, Sir, as at the 30th June last year. God only knows the position today. Yet they tell us that we have inherited such a large amount of money.

Mr. President, I am no mathematician but I can certainly say that two plus two makes four. If we have \$10,000 in the bank and it is tied up to a loan and we cannot use it, it is just that, Sir, we cannot use it. So this sham about our good position today is just that, a sham. If the managers of the previous Government had been managers of any large corporation they would have been fired. One previous Member of this House said that money in the bank is money in the bank. Sir, I have always believed that he was a little crazy man and he only served to prove that to me.

As I said, Sir, I will never agree and will get out there and fight against any form of direct taxation on our people, but these little hits of stamp duty cannot and will not hurt the little man. If it were putting any great burden on him, Sir, I would not support it. Therefore, Sir, the entire Bill has my full support and I can stand on the outside on any political platform and tell my people so.

Thank you very much, Sir.

MR. PRESIDENT: I think it may be timely to take our customary afternoon break and I would invite Members to be back ready to start again by 3.35 p.m.

AT 3.23 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 3.37 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The Second Reading debate on a Bill for a Law to amend the Stamp Duty Law, 1973. The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: *Mr. President, I rise to support this Bill, a Bill for a Law to amend the Stamp Duty Law, 1973. Of course I support the three proposals contained in the Bill. The first is that a 7½ per cent transfer tax be applied to an agreement for sale. The second is that a tax of \$100 be imposed on time-sharing and the third is that the five cents stamp duty on cheques be increased to ten cents.*

Mr. President, first of all I would like to say that in 1973 Government was obliged to replace the Stamp Duty Law because of racketeers; people who were devising ways and means of not paying duty on certain transactions. One of the most famous of those transactions was that instead of passing a conveyanced property, the property would be leased for 99 years on which the stamp duty was very small. There was other fiddling under the Law and so Government was forced to replace the Law with the present 1973 Law.

The same thing has happened, or is happening at the present time, Mr. President. There were numerous complaints from the public about the abuse which was taking place under the present Stamp Duty Law and Government was urged to look into it and rectify this ill. Speakers here today dwelt at great length with the poor people of these Islands, yet this is one of the measures to find some money with which to assist those poor people.

One of the systems which is devised to deprive Government of duty is to enter into an agreement for sale which does not attract stamp duty under the present Law. For investors and big people including realtors and our people enter into a device to assign those agreements. Mr. President, if it was only assigning it one time as the Second Elected Member for West Bay said a while ago, it would not be so bad. However, we have known cases which were transferred over five or six times, which meant that in those five or six transfers of assignments Government made no stamp duty on it except the last one when the conveyance was actually drawn. Mr. President, with that arrangement Government lost a lot of revenue.

So if anyone is thinking that Government is doing the poor people ill by introducing this amendment they have another guess coming. I am sure that they are not going to fool all of the people all of the time. They have done this in the past. People are aware today of what is right and what is wrong.

The other measure, Mr. President, is regarding timesharing. We heard quite a lot of rhetoric held about the removal of the 4 per cent tax from condominiums. Now we are going to tax time sharing, in other words taking it out of one hand and passing it out through the other.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, we are all intelligent people and I am sure that we must know the difference between one system and the other. Although the opposition did not like what was done to remove the 4 per cent tax from condominiums, and I am not condemning them for their views, the view of this Government was that we were in a slow period; a slow period which we inherited. It is not something which has just come about. The whole of 1984, we heard cries and talk around town about people out of jobs. What should have been done then to provide some of those jobless people with work was not done. The Tower Building was one of those examples. Had a new building been constructed it would have placed four to five million dollars in the hands of these poor people.

Mr. President, timesharing is a new concept here and we heard quite a lot about timesharing and how the developers were going to rip Government off where stamp duty was concerned. For they intended to sell all these condominium units without paying a penny of tax to Government. It has been happening. It was not going to happen, it has been happening.

Mr. President, the timesharing concept is no different from someone going and selling a condominium unit, which is the present system under the Law. They had to go to great lengths to devise a system whereby they could deprive Government of this tax. I think the present Government should be complimented on having had the foresight in such a short time to block that exit, that loss of Government's revenue. It is not going to harm the timesharing concept except for those developers and investors who had it in mind to deprive Government of its rightful share of that tax. So there is a vast difference between the removal of the 4 per cent tax on condominiums and the time sharing concept.

Someone said that we are killing the goose that laid the golden egg. All sorts of statements have been made here against this Bill. Mr. President, let me say this. I represent a certain number of people in this constituency of George Town, and beside that I look upon myself now as representing the entire Cayman Islands, and I talk from day to day with a lot of people, and poor people not the wealthy. I was not going to be a party to any measure presented to this Legislative Assembly if I knew that I was hurting poor people. Mr. President, all we are doing here is to find a little money to balance our budget; to balance a budget which is going to be for the benefit of the people of these Islands. Because that \$60 million as I said earlier in another address is not going into our pockets. It is not going into the pockets of what they would term special interest groups. It is going into the pockets of the people of these Islands.

Concerning that special interest group which is mentioned here occasionally and the Bermuda Triangle which is also mentioned, I bet you one thing, Mr. President, you never hear anything about those Texas cowboys.

MR. JAMES M. BODDEN: The Texas cowboy money built this country up though, did it not?

HON. VASSEL G. JOHNSON: We begin to hear about them now, Sir.

MR. JAMES M. BODDEN: Good.

HON. VASSEL G. JOHNSON: I knew that they would get to their feet and admit something.

MR. JAMES M. BODDEN: You know because you were very glad to accept permits which came with that were you not? Many times you have had the taxes on transfers.

MR. PRESIDENT: We cannot have - well.... (LAUGHTER).

HON. VASSEL G. JOHNSON: I am glad that he mentioned that, Sir. I am glad that he mentioned that because I am going to tell you that for seventeen years I have been the custodian of Government funds in this country. I have had the responsibility to marshal revenue and taxes here and I am not talking about the poll tax which they referred to a little while ago. I am sure that they have worn that out now and they should look for something else to ride. Everybody knows about the poll taxes. Politics have made it another thing.

Mr. President, I suppose that if I was not so vigilant in the control of expenditure in this country; if I had not spent a lot of time in marshalling and collecting revenues in this country, we perhaps would not have been so well off when I was taking my exit on the 31st March, 1982, when I left \$21 million in the kitty.

MR. PRESIDENT: Up again?

MR. JAMES M. BODDEN: Mr. President, a point of order. The Member in question did not leave \$21 million in the kitty. Just before he left, at the last Finance Committee Meeting which he attended, the loan to Cayman Airways was approved, so he came out February if he left \$21 million in the kitty.

HON. VASSEL G. JOHNSON: The loan to Cayman Airways was another fiasco. (LAUGHTER). Anyway, we will deal with that at another time, Mr. President. That is too big a subject to be dealt with at this stage.

Mr. President, what I was really amused about was that the two Members from Bodden Town, one of them took half an hour this morning to talk about this proposal to increase the stamp duty on cheques from five cents to ten cents. He cried shame on the Government for taking such advantage of the poor people. Then his other colleague got up and said that he is not going to bother with that because we are just a penny Government. So you see the thinking, Sir. One of them thought it very serious and the other one said that he is not going to bother with it. Politics, Mr. President.

Nothing that we propose on this side is going to be accepted over there because they have come back with the same attitude they had between 1972 and 1976. Everything must be politically influenced. One Member, the Second Elected Member for Bodden Town mentioned the 1975 Development Plan this morning and said that that killed the economy. However, I was so happy, Mr. President, to hear his colleague the First Elected Member for Bodden Town admitting that there was a recession in 1975/1976. Mr. President, people were fooled in 1975/1976 about this Development Plan. Every attempt was made to kill that plan and to criticise it in every respect. Everything about that Plan affected the economy and no mention was made of the other conditions which were largely responsible for the slowdown in the economy. Mr. President,

HON. VASSEL G. JOHNSON (CONTINUING): because of those wretched politics they took the opportunity to lambast this Government by blaming that development plan for the economic slowdown here. You know what happened? The Government sat down and was very complacent, and said, "Well people will not believe them". They should have got up and defended themselves. They did not. Things are taking the same trend this time. They are up and crying politics on the poor people of these Islands.

MR. JAMES M. BODDEN: Mr. President, on a point of order please. I do not think that we have ever seen politics in this country played the way they are being played since this Honourable Member has been elected. So I do not know why he is talking so much abuse about the rest of us political animals.

MR. PRESIDENT: I do not think that that is really a point of order but you have made your point anyway no doubt.

HON. VASSEL G. JOHNSON: Yes, Mr. President, when you hit the weak spot they jump.

Mr. President, a statement was made that if we continue at this rate investors will have no confidence in the Islands and therefore the economy will not move. I do not think, Mr. President, that we have to worry about that just now. What we are concerned about is getting the economy moving again, because I am sure that there is little need for this Government to make any wide statement about the present conditions as the public of the Cayman Islands know what the position is. There are people running around in the country from last year looking for work. I had calls from people in Cayman Brac asking me if they could come down here and sit here for a little while to see if they could get some work. I told them they had better not. They had better stay in Cayman Brac but I gave them the assurance that something will soon be moving. Because we cannot and will not sit still and not try to improve the economy somewhere and somehow.

Mr. President, there is absolutely nothing wrong with this amendment to the Stamp Duty Law. We hope that Government will make some money out of it: some money which could possibly go to start building up the Reserve again. We are going to build it up, do not worry.

Mr. President, with all the things which have been said, so numerous that I can scarcely remember them, I, as the last speaker said, am confident that I have no regret in supporting this Bill, and when I go on the outside I can face the public and say to them, "Yes I did this. I did it because of the great concern I had for you. It is being done to raise a bit of money. Never mind the 10 cents which you have to pay on your cheques, an increase of 5 cents". In any case, Mr. President, those people who take a cheque book around are those people who can afford to open a current account in the bank, even if it is not always funded. So the poor people are not concerned about the 5 cents anyway. They take a few dollars in their pockets and go shopping, and that is it.

As far as the other two measures are concerned, we are happy that we have plugged the loophole and that the poor people will enjoy some of the sweets which will come from those measures. Thank you, Mr. President.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Elected Member for East End.

MR. JOHN R. McLFAN: Mr. President, I am totally against any increase in taxes which will hurt or pressure the people of the Cayman Islands. The famous writer John Marshall once said, "The power to tax involves the power to destroy".

The Bill before this House to amend the Stamp Duty Law, 1973, has only one section which merits having been brought here. Mr. President, it is my honest opinion that even that section should be treated cautiously. The section I speak of, Mr. President, is the section regarding timesharing. Just in December, 1984 a 4 per cent tax was taken off condominium developments. Now, Mr. President, so early as March, 1985, we are here again discussing a Bill which will be putting back \$100 per week on condominium timesharing units. I think from this new Bill Government will be receiving about \$5,200 in capital in addition to the original 7½ per cent which has already been paid. Mr. President, I think the Honourable mover mentioned something concerning killing the goose that laid the golden egg. I think if we continue to tamper with an area such as this one, an area which has brought much to the economy of these Islands, we could be looking for problems.

I am not up here to throw stones at anybody. I am not here to criticise the other side. I am merely here to try to make a point which I feel is of benefit to this country and its people.

Mr. President, I think from several debates we have heard, we continue to hear stones being thrown at individuals and I think this trend should be stopped. Rather than taking this stand we should try to endeavour to put our heads together to try to do what is right for this country. I think the time has come when politics should be taken out of this Chamber and we should try to operate as one. I dare not say in unity because I guess I will be told, "Unity again!"

Mr. President, in times like these with a fragile economy like ours, it is my honest opinion that we should do nothing which may frighten away investors. We are also aware of the many difficulties places like Hawaii have experienced with timesharing and, Mr. President, it seems as if from this Bill, that we as a Government will be encouraging time-sharing. Again I say, if this is the stand we are going to take, before we stand in here and waste time we should first bring legislation to cover time sharing.

We, Mr. President, appear to be supporting on one hand a scheme which we disagree with. I disagree with the previous speakers who have spoken on the other areas of this Bill, the area where charges are increased on cheques. Mr. President, anybody in their proper minds knows that whatever means of taxation are put forward in this country, it is going to get to the man on the street one way or the other. I think that each one in here knows that we find many people today who regardless of whether they are successful or not try to manage their own affairs. Take for example a school leaver joining a bank: you can always find him with a cheque book and you cannot call him a rich person. So therefore, Mr. President, when you say that you are going to put 100 per cent increase in duty on one little item like that, it has to hit the man on the street, and I must say that I disagree with it.

MR. JOHN B. McLEAN (CONTINUING): The other section of this Bill, is one Mr. President, which deals with purchase agreements. It is my honest opinion that if this Bill goes into Law as is, and no doubt it will because I think the majority will support it, it will be very crippling to our real estate in this country. I feel that by putting this Law through, Sir, we will be doing an injustice to the people of the Cayman Islands.

Mr. President, this is a serious trend which we have started on. At just about every Meeting since the new Government has been put together we find taxation and more taxation. Where will it end? We must remember our people, the Caymanian people are a very peaceful race. However, Mr. President, we must also remember that when you are going to put somebody's back against the wall, regardless what, they will hit back. Let us change our course. Let us do what is right for our people. Let us endeavour to tap other areas which will be less harmful to our people. Nobody can tell me that there are not areas because there certainly are; areas which will help, Mr. President, and not hurt. We must remember, oppressed people are frequently oppressive and they know two things. That is when somebody stands on their neck, in turn they revolt and do the same.

Mr. President, I am hopeful that the new Government will consider this Bill and put forward amendments to remove the two areas in this which I consider very detrimental to the people of these Islands. It is a true saying that there are only two people who cannot change their minds and that is a dead man and a fool. I do not think that we have either of those inside here.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak?
The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I support this Bill, Sir. During the course of today's debates we have heard much about the buoyant economy through 1984, but I would like to call Members' attention to one or two areas of revenue which I consider the main areas of revenue. I would like to point out that in 1984 there was a fall of revenue in those areas over 1983, much less a disappointment in the amount realised as compared to the amount budgeted for. I refer specifically, Mr. President to insurance licences; the amount collected in 1984, the revised amount is less than the actual amount collected in 1983. Revenue stamps are less by some \$235,000 plus, and Mr. President, the revenue stamps, it should be pointed out, are generally those stamps collected on transfer of property. Company fees were down, Mr. President. Local company and corporation management fees were down, and there are other areas which were also down over 1983. So it is obvious that the revenue has taken a down turn and that if services are to be maintained at current levels, much less improved, Government has to find areas of replenishing the revenue.

The first amendment in the Bill before us, Mr. President, the one to impose 7½ per cent stamp duty on agreements for the sale or purchase of land or other immovable property, which agreement contains the right to be transferred, is an attempt to plug a loophole which has been abused over the years. It is not a measure which will affect the small person, in my opinion, as has been suggested. This loophole has been used by the more affluent in our society.

HON. BENSON O. BRANKS (CONTINUING): Examples have been given and I think they bear repeating, where maybe a Caymanian has had a piece of property and an agent has had him sign an agreement for sale for say \$200,000 knowing full well that the value of the property is much higher. He has a purchaser standing by for \$500,000 and it is transferred for a mere \$6 without Government getting any stamp duty from it. As has been pointed out this is repeated on several occasions and Government only gets its stamp duty when it is finally transferred on the Register.

I do not believe, Mr. President, that a transferable agreement is used that often by the little person in purchasing a piece of property. In any event, if that were so the amendment which I have seen circulated will put beyond doubt that that will not be the effect of this amendment, that is increasing any cost to the small person. In fact, what it will do is to improve the position which now exists with the small person. Because I happen to know, Mr. President, of several instances where people have set out to purchase land on a time-payment basis. The stated consideration in the agreement might have been, say \$10,000, and when they made the final payment the value of the land was then \$40,000 or \$50,000 and they were asked to pay the stamp duty on that amount. With the amendment now going through it will put beyond any doubt that the stamp duty will be the stamp duty paid at the commencement of the agreement.

The arguments, Mr. President, and I will take them in the order in which they go in the Bill, are as follows. Mr. President, the increase of five cents stamp duty on each cheque; it sounds dramatic when Members talk about an increase of 100 per cent, but it is nevertheless five cents increase on each cheque. Unless people are in the habit of writing cheques for very small amounts, this has got to be a very minimal increase in the cost of doing business.

The section dealing with the charge on timesharing units, Mr. President, in my opinion, is a timely amendment to the Stamp Duty Law. I see no relationship to the 4 per cent tax which was removed in December, to the charge which is being suggested here. The 4 per cent tax which was taken off in December applied to all condominium or strata title developments and it was paid up front before the development was ever commenced, unless it was waived. That was the time that it was due. This charge, Mr. President, will come once the development has taken shape and is being sold and it does not apply to all condominiums, only to those which are sold on a timesharing basis. As I understand it, those condominium projects or strata title projects which are now sold on a timesharing basis pay no stamp duty at all, and this is an attempt to get stamp duty for Government on those transactions.

I accept that the amendment proposed by the Elected Member for North Side is a more equitable one in that we are substituting $7\frac{1}{2}$ per cent of the value rather than stating a flat fee, and I would hope that that amendment is accepted.

Mr. President, this amendment can have no effect on the little man in this country. I do not think our little man in this country owns timesharing units in any development, and he certainly would not be well advised to enter into any type of agreement of that nature for shelter for himself. So I do not know where the little man comes into this.

HON. BENSON O. EBANKS (CONTINUING): As I said, it has no relevance whatsoever to the 4 per cent tax which was taken off in December, which was as Members have stated, with a view to stimulating construction and providing jobs for those in the construction industry. This is a way of harnessing a tax which was being circumvented by the time sharing plan which would have normally have been paid if the unit was sold in a conventional way known in the Cayman Islands. So I have no hesitation in supporting that as with the amendment, Mr. President, and I can support the rest of the Bill with equal fervour.

I do not see where those amendments are going to put strain on the little man, or even the 18,000 people as we were told, resident in the Islands. However, I believe that they will put into Government coffers quite a substantial sum of money which should have been there in the first place.

Thank you, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak?

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I was going to say that your watch was a little slow this morning in question time. Perhaps it could be a little quick now and call it 4.30 p.m.

MR. PRESIDENT: If no other Member wished to speak I was going to ask the mover of the motion whether he wished to exercise his right of reply, and if so whether he wished to do so at any length. Or whether he would be speaking quite briefly. Standing Orders as I understand it enable me to defer the moment of interruption if in my discretion I think a short deferment of it may enable the House to finish particular business. If the mover intended speaking for some time then there would be no purpose in....

HON. THOMAS C. JEFFERSON: I do, Mr. President.

MR. PRESIDENT: Well, in that case I think perhaps my watch indicates it is virtually 4.30 p.m. now.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow.

MR. PRESIDENT: The question is that this House do adjourn until 10.00 a.m. tomorrow. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. AT 4.29 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., TUESDAY, 5TH MARCH, 1985.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION

OF THE LEGISLATIVE ASSEMBLY

(TUESDAY, 5TH MARCH, 1985)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LL.B SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O ERANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W MCKEEVA BUSH FIRST ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF THE LESSER ISLANDS

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION

OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 5TH MARCH, 1985

THIRD DAY

1. QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 5: WOULD THE MEMBER STATE WHETHER ANY GOVERNMENT DEPOSITS WERE HYPOTHECATED AGAINST THE GOVERNMENT BANK OVERDRAFT AT 31ST OCTOBER, 1984, AND THE COLLATERAL BACKING FOR THE LOAN TO PURCHASE THE TOWER BUILDING?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST
ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 7: WILL THE MEMBER GIVE A DETAILED ANALYSIS OF THE QUESTIONNAIRE GIVEN TO PUPILS TO ANSWERS WHICH INCLUDED QUESTIONS AS TO WHETHER THEIR PARENTS WERE USING DRUGS AND ALCOHOL, AND WHO AUTHORISED SAME?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL
SERVICES

NO. 8: WOULD THE MEMBER STATE WHAT PROGRESS, IF ANY, HAS BEEN MADE TOWARDS THE DEVELOPMENT OF THE SPORTS COMPLEX?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST
OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 9: WOULD THE MEMBER STATE WHEN THE REGULATIONS UNDER THE CAYMANIAN PROTECTION LAW, 1984, ARE EXPECTED TO BE MADE?

NO. 10: WOULD THE MEMBER STATE WHETHER THE POST OF GOVERNMENT INFORMATION OFFICER WAS ADVERTISED IN THE LOCAL MEDIA?

NO. 11: WOULD THE MEMBER STATE WHETHER ANY GOVERNMENT CONTRACTS, WITH NON-CAYMANIANS WHO ARE EMPLOYED IN THE CIVIL SERVICE, ARE BEING RENEWED WITHOUT ADVERTISING THE POST IN THE LOCAL MEDIA?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 12: WOULD THE MEMBER STATE WHAT, IF ANY, EFFORTS HAVE BEEN MADE IN THE FORMULATION OF AN APPROPRIATE SET OF LABOUR LAWS FOR THIS COUNTRY?

2. OTHER BUSINESS

(a) SUSPENSION OF STANDING ORDER 14(2)

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER TO ENABLE PRIVATE MEMBERS' MOTIONS NOS. 1 THROUGH 7 TO BE TAKEN AT THIS STAGE.

(b) PRIVATE MEMBERS' MOTIONS

- (1) PRIVATE MEMBER'S MOTION NO.1/85 - PROGRAMME FOR THE LEGISLATURE
TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND
SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.
- (2) PRIVATE MEMBER'S MOTION NO.2/85 - LABOUR LEGISLATION
TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND
SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.
- (3) PRIVATE MEMBER'S MOTION NO.3/85 - COMMISSIONER OF POLICE
TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND
SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.
- (4) PRIVATE MEMBER'S MOTION NO.4/85 - APPOINTMENT OF ECONOMIC
ADVISORY COMMITTEE
TO BE MOVED BY THE ELECTED MEMBER FOR NORTH SIDE AND
SECONDED BY THE SECOND ELECTED MEMBER FOR WEST BAY.
- (5) PRIVATE MEMBER'S MOTION NO.5/85 - ELECTORAL LEGISLATION
TO BE MOVED BY THE ELECTED MEMBER FOR NORTH SIDE AND
SECONDED BY THE SECOND ELECTED MEMBER FOR WEST BAY.
- (6) PRIVATE MEMBER'S MOTION NO.6/85 - AMENDMENT TO STANDING ORDERS
TO BE MOVED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN AND
SECONDED BY THE ELECTED MEMBER FOR EAST END.
- (7) PRIVATE MEMBER'S MOTION NO.7/85 - ESTABLISHMENT OF YOUTH CENTRE
TO BE MOVED BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN AND
SECONDED BY THE SECOND ELECTED MEMBER FOR WEST BAY.

3. GOVERNMENT BUSINESS

(a) MOTION:-

GOVERNMENT MOTION NO.1/85 - ASSESSMENT COMMITTEE

TO BE MOVED BY THE HONOURABLE FOURTH ELECTED MEMBER OF
EXECUTIVE COUNCIL

(b) BILLS:-

- (1) THE STAMP DUTY (AMENDMENT) BILL, 1985
CONTINUATION OF SECOND READING DEBATE

COMMITTEE THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

REPORT THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

THIRD READING

THE STAMP DUTY (AMENDMENT) BILL, 1985

(ii)

FIRST AND SECOND READINGS

(1) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1985

(2) THE DEFAMATION (AMENDMENT) BILL, 1985

(3) THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985

(4) THE INTERPRETATION (AMENDMENT) BILL, 1985

(5) THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985

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TUESDAY

5TH MARCH, 1985

10.00 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Questions. The Second Elected Member

for George Town.

QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 5: Would the Member state whether any Government deposits were hypothecated against the Government bank overdraft at 31st October, 1984, and the collateral backing for the loan to purchase the Tower Building?

ANSWER: No Government deposits were hypothecated against the Government bank overdraft at 31st October, 1984.

There is no collateral backing for the loan to purchase the Tower Building. However, Government has agreed not to transfer any fixed deposits presently held by Barclays Bank and to allow the bank's holdings of our funds to increase as revenue is collected. Government's letter dated 5th December, 1984, signed by the Honourable Member refers.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Would the Honourable Third Official Member explain whether the bank overdraft was considered as a reduction to the General Reserve Fund?

HON. THOMAS C. JEFFERSON: Mr. President, the accounting procedure on this matter is that the General Reserves should be shown at the \$10 million figure and there should be a footnote in Government's accounts at 31st December, 1984 indicating that the letter was given to Barclays Bank.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. Am I to understand then, Sir, that the General Reserve Funds of \$10 million plus were not in any way affected by the bank overdraft or the amount negotiated for the Tower Building loan?

MR. PRESIDENT: I think the Honourable Third Official Member has just explained the way in which it was effected.

MR. LINFORD A. PIERSON: What I am asking for, Mr. President, is clarity of the situation.

HON. THOMAS C. JEFFERSON: Mr. President, I believe that in the answer given I indicated that there were no hypothecations against the bank overdraft. Therefore we cannot reduce the General Reserve by the bank overdraft.

MR. PRESIDENT: I think the Honourable Third Official Member has made the position clear. If the questioner feels that the accounts should be kept in a different form or presented in some different way, no doubt he can make representation separately. However, I do not think that further information can usefully be elicited.

MR. LINFORD A. PIERSON: Mr. President, if I may just clarify my point on this. I have as I said in my question yesterday, seen many conflicting versions of this position of Government at the 31st October, 1984, and I think it is only in the interests of this House and of the country that we know the true position.

MR. PRESIDENT: Thank you. Question No.... I am sorry do you have a supplementary? Yes.

MR. JAMES M. BODDEN: Mr. President, I wonder if the Honourable Third Official Member who has answered this question dealing with the accounts of Government could tell us whether he was the one who prepared the release which came out some time ago under the signatures of the four Elected Members of Executive Council, which apparently showed that the country would have been broke if we had followed those figures.

MR. PRESIDENT: I do not think that is really a supplementary. It is a question which the questioner can put down if he wants.

Unless there is any further supplementary, I will invite the Elected Member for East End to ask the next question.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 7: Will the Member give a detailed analysis of the questionnaire given to pupils to answer which included questions as to whether their parents were using drugs and alcohol, and who authorised same?

MR. PRESIDENT: Perhaps I can just mention something. The usual practice is for the Member answering to read out the question, but in fact since we departed from Standing Orders in order to make it clear for people who listen on the radio when proceedings are broadcast, and since questions are now read out in full, perhaps it would be sensible for the questioner rather than the Member answering to read the question. I note that the Elected Member for East End has done just that and I invite other Members to follow his lead. I think that it is perhaps sensible.

ANSWER: Because of widespread public concern regarding the abuse of dangerous drugs and alcohol within the society and in an attempt to develop a programme for treatment and prevention of this problem, a Council on Mental Health and Drug and Alcohol Abuse was established in January, 1984, under the chairmanship of the Principal Secretary for Health, Education and Social Services. In September, 1984, a sub-committee of the Council decided to develop a questionnaire in an attempt to determine the extent of drug and

alcohol abuse. The questionnaire was developed using model questions for a similar survey in the United States.

The form was strictly anonymous and carried no means of identification; the committee being interested in collecting general data, not specific names.

The questionnaire entitled "knowledge, attitude and practices of teenagers towards use of drugs and alcohol" contained eight questions. The first two questions were to determine the age and sex of the individual. The third question enquired whether three specific forms of dangerous drugs and alcohol were ever heard of by the young person. The fourth question asked if the young person had ever observed any of their parents using any of the four specified forms of drugs and alcohol. The fifth question solicited an expression of like and dislike on the part of the student in the event that parents were known to use any of the specified drugs.

The sixth question enquired whether the student had ever used the four main drugs specified and if so how frequently. The seventh question asked if any of the four main drugs had been used by the student during the previous month. The final question sought to determine reasons, if any, for using either form of dangerous drugs or alcohol.

The questionnaire was approved by the Portfolio's Principal Secretary in his capacity as Chairman of the Council on Mental Health and Drug and Alcohol abuse and in consultation with the Health and Education Departments.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask when was the questionnaire approved by the Principal Secretary?

HON. BENSON O. FRANKS: Mr. President, I am not certain of the exact date on which approval was given, but the decision to prepare the questionnaire was taken in September, 1984 so it would have been some time between then and when it was circulated in January of this year.

MR. G. HAIG BODDEN: Mr. President, if he is so positive that the decision was taken in September to prepare the questionnaire can I ask why he does not give us the exact date on which the questionnaire was approved and sent to the schools?

HON. BENSON O. FRANKS: Mr. President, the Minutes of the Sub-Committee indicate the date on which the decision was taken to prepare the questionnaire, but I have not been able to determine the date on which it was approved from that source or any other source.

MR. G. HAIG BODDEN: Mr. President, may I ask why he could not determine that date? Was the date in 1985?

HON. BENSON O. FRANKS: Mr. President, I have said I do not know the date, so I could not say whether it was 1984 or 1985.

MR. G. HAIG BODDEN: Certainly, Mr. President, if the questionnaire went to the schools the Member should tell us, and my question is when did it go to the schools?

MR. PRESIDENT: I think you have been answered that, January, 1985, I was told. That is my understanding. That was the answer to the supplementary.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member to let me hear him say that?

MR. PRESIDENT: Well I will ask him....

MR. G. HAIG BODDEN: I went to the schools in January, 1985?

HON. BENSON O. FRANKS: Yes, Mr. President, I said that in answer to an earlier supplementary. It would have to have been approved some time between September, 1984 and January, 1985 when it was circulated to the schools.

MR. PRESIDENT: The Member for North Side.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Can the Member state whether he personally approved this questionnaire?

MR. PRESIDENT: With respect, the answer to the original question states that the questionnaire was approved by the Principal Secretary.

MR. D. EZZARD MILLER: Mr. President, a supplementary. Will the Member state whether he was aware of the decision to issue this questionnaire?

HON. BENSON O. FRANKS: Mr. President, I did not see the questionnaire until after it had been distributed, Sir.

MR. G. HAIG BODDEN: Mr. President, may I ask if he had any knowledge of it before it was distributed although he may not have read it?

HON. BENSON O. FRANKS: Not of the contents of the questionnaire.

MR. G. HAIG BODDEN: Mr. President, may I ask if the information received from this questionnaire has been handed over to the police so that the parents may be prosecuted, if any of the questionnaire were in the affirmative?

MR. PRESIDENT: With respect, you have already been told that it was anonymous. There could therefore be no possible question of prosecutions.

MR. G. HAIG BODDEN: Despite the fact that it was anonymous information of that nature should be turned over to the police to let them try to find out who the culprits were who were using the drugs if the questionnaire was in the affirmative.

MR. PRESIDENT: That may be an expression of the Honourable Second Elected Member of Rodden Town's view but it is not a view which I share, and it is not something which I would agree to doing.

MR. G. HAIG BODDEN: It is a criminal offence in this country to cover up any criminal activity, I believe. May I ask if the Member intends to turn over to the police in the future any affirmative answers to the use of dangerous drugs?

MR. PRESIDENT: Since the Member has already been told that the questionnaire was anonymous I do not propose to allow the supplementary. Is there any further supplementary?

MR. G. HAIG BODDEN: Yes, Mr. President, I have many more. Mr. President, may I ask the Member what action he is now taking as a result of the repercussions from parents and the public about this matter?

HON. BENSON O. EBANKS: Mr. President, I have not taken any action because the forms are presently with the Committee. There is no way of determining even which schools the forms have come from. They are all amalgamated and hopefully the data which the Committee sought will be compiled and used in an effort to combat drug and alcohol abuse among young children in the community. No other action can be contemplated inasmuch as there is no way of identifying any of the answer papers which were sent in.

MR. G. HAIG BODDEN: Mr. President, may I ask how many questionnaires were distributed and how many have been returned?

HON. BENSON O. EBANKS: I am unable to give specific numbers, Mr. President, other than to say that they were distributed to all children 10 years and upwards.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, a supplementary. If what the Member is saying is correct; he said that as a result of this it is hoped to be able to work on drug abuse among the youth, my question is if that is correct why have the parents been brought into the picture?

HON. BENSON O. EBANKS: Mr. President, as I understand it, it is purely to determine the attitude of children to the use of drugs by adults.

MR. G. HAIG BODDEN: Mr. President, may I ask if my interpretation is correct that ten year old children were asked to spy on their parents?

HON. BENSON O. EBANKS: Mr. President, it was not a case of asking children to spy on their parents. I have seen information, Mr. President, which indicates that certainly in schools in the United States a large percentage of children by the age of twelve have already acknowledged the use of drugs or alcohol. In fact it is among the younger children that the work seems to be necessary if any success is going to be achieved. This was why they were given the questionnaire. No child was asked to spy on his parents. The children were given the paper and asked to answer it right there. They

HON. BENSON O. EBANKS (CONTINUING): did not have time to go home and spy on their parents. It was only if they had in the past seen it being done.

MR. G. HAIG BODDEN: Mr. President, were the parents notified that their children would be filling out these questionnaire?

HON. BENSON O. EBANKS: Mr. President, I am not sure about the parents but I know that the schools were called in and a discussion on the survey was held with them. In fact I think that each school appointed a liaison officer to work with the Committee on the questionnaire.

MR. JAMES M. BODDEN: Mr. President, I wonder if the Member could state whose decision it was to start rolling children at 10 years old rather than say 8, or 12 years, and whether on the reports which have been obtained any widespread use of drugs has been found among the children of 10 or 12 years of age?

HON. BENSON O. EBANKS: Mr. President, I would assume the decision was the decision of the Sub-committee and I have not yet been furnished with any information gathered as a result of the survey.

MR. G. HAIG BODDEN: Mr. President, according to the answer the questionnaire was entitled Knowledge, Attitude and Practices of Teenagers towards the use of Drugs. The question is why was it given to 10 year olds?

MR. PRESIDENT: I think that has been answered already.

MR. JAMES M. BODDEN: Well, in view of that, Mr. President, may I ask the Member whether it was his conclusion that 10 year old children would be in a position to evaluate something of such a serious nature as this and to report on it?

MR. PRESIDENT: I do not think that that is a supplementary either because it has already been made plain that it was not his decision, it was the decision of the Sub-committee to issue the questionnaire.

MR. JAMES M. BODDEN: Well who is ultimately responsible for it, Sir? Is it the Sub-committee? Is it the Principal Secretary? Or is it the Honourable First Elected Member of Executive Council? (PAUSE). I am waiting for a reply to my question, Sir.

MR. PRESIDENT: I am afraid you do not ask questions to me. You can ask the Member that question if that is what you want to do.

MR. JAMES M. BODDEN: I thought I had made it quite clear that I was not talking to you, that I was talking to the Member. I am asking whose decision it was, or who the responsible would ultimately rest with? Would it be the Sub-committee, the Principal Secretary or the Member in charge of the Portfolio?

HON. BENSON O. EBANKS: Mr. President, if this exercise had taken place entirely within my time of office I would have no hesitation in taking responsibility for the action. Unfortunately, it appears that there is a grey area as to when the form was in

HON. BENSON O. EBANKS (CONTINUING): fact approved. I guess this is due possibly because of the elections which took place.

MR. JAMES M. BODDEN: Mr. President, as there appears to be a grey area would the Member circulate to the Members of this House the Sub-committee reports in their entirety as well as the questionnaire, so that it may be determined under whose authority it was issued.

HON. BENSON O. EBANKS: Mr. President, I have given the answer to this. The only Sub-committee report which mentions this is dated September, 1984.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member who has the responsibility for this under the Constitution. Is it the Member, or the Sub-committee....

MR. PRESIDENT That has already been answered.

MR. JAMES M. BODDEN: I do not think with due respect it was, Sir. It seems funny that in probing into this the only date we hear is the date in September, 1984, which could be conveniently used to try to throw the aspersion that it was done by the previous Honourable First Elected Member of Executive Council.

MR. PRESIDENT: The Member must not make statements. If there is a question, please ask it.

MR. JAMES M. BODDEN: Is it any use in this House?

MR. G. HAIG BODDEN: Mr. President, will the Member give a commitment that this type of questionnaire will never again be given to 10 year old children?

HON. BENSON O. EBANKS: Mr. President, I am not sure whether the Member is referring specifically to the question which related to children's attitude to parental habits, or whether he is talking about the questionnaire in total. If he is talking about the specific question which I have mentioned, I would agree that in looking at it if I had seen the question I probably would have asked that that question be left out. However, I would not give the undertaking that a similar survey would not be conducted if I thought that it had value.

MR. G. HAIG BODDEN: Mr. President, may I ask why if the questionnaire wanted to determine if parents used drugs, why was not the questionnaire sent to the parents? If it was given to the child, why was the child not allowed to take it home and let his parents help with the answers?

MR. PRESIDENT: I do not really think that is a supplementary. I think we have strayed rather far from the original question. Unless supplementaries get back to the original answer rather more strictly I think we had better pass on to the next question.

MR. G. HAIG BODDEN: Mr. President, the question asked for a detailed analysis and as far as I am concerned this answer has not given it. That is why I am putting this type of supplementary question. I would have hoped the questionnaire would have been here with the answer with all the dates; the date in January when it was circulated to the schools.

MR. PRESIDENT: I have noted your hopes. Unless there is any further supplementary I will ask the Second Elected Member for George Town to ask the next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 8: Would the Member state what progress, if any, has been made towards the development of the sports complex?

ANSWER: The progress to date on the sports complex includes:-

- (1) The establishment, layout and top soiling of an infield soccer pitch;
- (2) The layout of a professional 400 M running track with most of the sub-base completed;
- (3) The irrigation system for the soccer pitch, including the wells and cisterna, have been completed;
- (4) Work is in progress on the final layout for parking, landscaping, etc.;
- (5) The Lions Club swimming pool on site, and forming an integral part of the complex is well advanced in construction.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Would the Member advise whether the offer made by Dade County to assist with this project under the twin cities programme, has been accepted by Government?

HON. BENSON O. EBANKS: Mr. President, I think that is the subject of a later question.

MR. PRESIDENT: I think it is the subject of a later question and it is not really a supplementary which arises directly out of the answer to this one. So I think you had better wait until you can ask that as a proper question. It is down, although not on today's Order Paper I understand.

MR. LINFORD A. PIERSON: Mr. President, I will have very little purpose in asking this as a separate question because it is directly related to the question which I just asked. So I will no doubt have to delete this from the Order of the Day when it comes up.

MR. G. HAIG BODDEN: Mr. President, may I ask a supplementary? When was the infield soccer pitch established?

HON. BENSON O. EBANKS: Mr. President, work was continuing on the project up until this year but the work on the soccer pitch would have been through the end of last year. I think some work was done on that in January as well.

MR. JAMES M. BODDEN: Could the Member give us a detailed account as to what work took place on this complex before the elections and what has been done since the elections, since apparently he is trying to use that as a cloak in his answers?

MR. PRESIDENT: The latter part of that supplementary has to be disallowed. As to the first part, which is the actual question whether the Member can say how much of the progress was made before and how much after the elections, if the Member has the information and wishes to answer he may do so.

HON. BENSON O. EBANKS: Well, Mr. President, I do not have that detailed information.

MR. JAMES M. BODDEN: Well, I do not expect to get many questions answered in this House but let me pose another one. Could the Member state what action took place on this before the elections and whether he could tell us that 90 per cent of the work which has been done on this so far was done before the elections in 1984, and whether 10 per cent has been done since that time? Or what would be in his mind the percentage?

HON. BENSON O. EBANKS: Mr. President, I am unable to break it down in percentages. All I can say is that work continued as planned from the inception of the programme, other than for breakdowns on the machine which should have laid the surface to the running track, and also because of the fact that that machine had to be sent to Cayman Brac to do work on the airport there. In other words, the surface on the running track would have probably been placed before the end of the year but for the machine going to Cayman Brac and breaking down both before and after its return.

MR. JAMES M. BODDEN: Certainly it would not take a genius to answer this question. Was the majority of the work done before the 1984 elections or has the majority of it been done since the November, 1984 elections?

MR. PRESIDENT: I think if the Member wants precise information of that kind he needs to put down a question. The original question was simply what progress if any has been made. It was not a question which sought information as to the staging. I can understand the Member's particular point but if he wants an answer he may need to put down a specific question so that the answer can be researched.

MR. JAMES M. BODDEN: But, Mr. President, I am dealing with the question as it is asked. "Would the Member state what progress if any has been made towards the development of the sports complex"? I was not the one I do not think who injected a time element into this. It was injected by the answers of the Member. So therefore I am asking, and I will take the elections out of it, what progress was made and was the majority of the work completed before 14th November, 1984? Or has the majority of it been done since 14th November, 1984? That should be permissible. The election is out of it.

MR. PRESIDENT: It is not a question of the election being in or out of it. It is a question that the original question simply asked how much progress had been made now, and not how much progress had been made by a series of specific dates. There

MR. PRESIDENT (CONTINUING): is no reason why, in order to provide an answer to the original question, the Member should obtain information of the kind now being sought. The original question has been fully answered. If you want information of the kind you are now seeking, I am suggesting to you that you need to put down a specific question because the Member does not have the information today as he has already made clear.

MR. JAMES M. BODDEN: I do not think I will be asking it, Sir, because as long as you appear to be in that Chair I do not think we will get the type of answers we....

MR. PRESIDENT: That remark will be withdrawn. Will the Member please withdraw that remark, otherwise I shall have no option but to name him?

MR. JAMES M. BODDEN: Mr. President, I will withdraw it but I would like to see some fairness shown to both sides of this House.

MR. PRESIDENT: So indeed would everybody, I am sure. My hope is that we shall continue to see it. If there is no further supplementary, yes....

MR. G. HAIG BODDEN: Mr. President, I would like to ask the Member, when the progress started on this pitch? When was the work started?

HON. BENSON O. EBANKS: Mr. President, again I am not in a position to give a specific date but it was sometime early last year.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I promise you that this will be my last supplementary. Would the Member state when we can expect to see an official operational opening of any part of the sports complex?

HON. BENSON O. EBANKS: No, Mr. President, but I would assure the Member that we are going to try to have one opening only.

MR. G. HAIG BODDEN: Mr. President, part (5) of the answer says that the Lions Club swimming pool on the site is well advanced in construction. Can the Member say when work was started on this swimming pool?

HON. BENSON O. EBANKS: Mr. President, the first week of December.

MR. G. HAIG BODDEN: The Member also mentioned that the construction is well advanced. Can he tell us what he means by "well advanced"?

HON. BENSON O. EBANKS: The walls are substantially built, Mr. President, with the plumbing and electrical fittings in. Beyond that I am not able to give details.

MR. PRESIDENT: I think I will now, because we are using a lot of the period of question time for few questions, ask the Elected Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST
OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 9: *Would the Member state when the regulations under the Caymanian Protection Law, 1984, are expected to be made?*

ANSWER: *The regulations under the Caymanian Protection Law, 1984, are made and will be published when the Law is brought into force.*

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: *Supplementary, Mr. President. Could the Member state when it is expected that the Law will be brought into effect?*

HON. DENNIS H. FOSTER: *Mr. President, hopefully in a couple of weeks, Sir.*

MR. G. HAIG BODDEN: *Mr. President, may I ask that with the importance attached to this Bill and the prominence given to it when it passed through the House last year, will the Member table the regulations in the House and will he also seek the approval of the Legislative Assembly before putting the regulations into effect?*

HON. DENNIS H. FOSTER: *No way, Mr. President. The regulations are made under provisions given in the Law and they will be published in the Gazette after they have been made by the Governor-in-Council, in due course.*

MR. G. HAIG BODDEN: *Mr. President, does the Member mean to say that the Members of the Legislative Assembly will not know what is in those regulations until they receive a copy in the mail?*

HON. DENNIS H. FOSTER: *Absolutely right, Sir.*

MR. G. HAIG BODDEN: *Mr. President, may I ask if the Member is aware of the expressions of the public and the Members of the Legislative Assembly during the long passage of the Bill before it became Law.*

HON. DENNIS H. FOSTER: *Mr. President, if the House had wanted the regulations to come to the House they should have made that provision in the Law.*

MR. G. HAIG BODDEN: *Mr. President, as the coming into effect of the Law has been so long delayed, will the Member now accept as the wish of this House, or at least this Member that we be given a chance to look at the regulations before they go into Law?*

MR. PRESIDENT: *I think in effect that has already been answered.*

MR. G. HAIG BODDEN: *Mr. President, may I ask just for future guidance, to whom must I direct my questions on a supplementary question, to you or to the Member?*

MR. PRESIDENT: *You address the Chair, but the question is directed to the Member who is to answer it.*

MR. G. HAIG BODDEN: I am confused, Mr. President, because I never seem to get an answer from the Member. The answer seems to....

MR. PRESIDENT: I think perhaps you mean you do not get the answer you want.

MR. G. HAIG BODDEN: No, Mr. President, in the case of the questions directed to the Honourable First Elected Member of Executive Council a while ago we never seemed to get a reply unless it came from the Chair.

HON. DENNIS H. FOSTER: Mr. President, I will try to elaborate, Sir, although the Member knows very well how the working of these things goes. When the Law provides for regulations to be made by the Governor-in-Council they are made in Council and then they are gazetted and the public sees them. Now, Mr. President, I cannot stray from the legal way of doing this. There was a reason for delaying the coming into effect of the Law. It will not be too long and everything will be published together. This was the cleanest way of doing it, Sir.

MR. JAMES M. BODDEN: Mr. President, I think that the question asked by my colleague really did not get the answer it should have because we get 10 per cent of the questions answered by the Members and 90 per cent by the Chair. So we are really confused in knowing who to direct these questions to.

MR. PRESIDENT: If there is no further supplementary I will invite the Elected Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 10: Would the Member state whether the post of Government Information Officer was advertised in the local media?

ANSWER: Yes.

SUPPLEMENTARIES:

MR. D. FZZARD MILLER: A supplementary, Mr. President. Would the Member state whether the advertisement was as a result of my question, because I think my question was put in before the advertisement? If I may explain what I mean, Mr. President, my question was put into the Assembly before the advertisement appeared in the local media on the 8th February.

HON. DENNIS H. FOSTER: I can answer that, Mr. President. The answer is no. This was done before his question was ever received by me, Sir.

MR. JAMES M. BODDEN: Has the position been filled?

HON. DENNIS H. FOSTER: We have many applications and they are supposed to be in by the 8th March, so they are not all in yet. Or they might all be in but they will not be dealt with until after the 8th March.

MR. D. EZZARD MILLER: Supplementary, Mr. President. You might not allow this but the advertisement which appears in the local media for the post asks for a Masters in Arts and a Bachelors in Arts for the Senior Information Officer. Does the Member expect to find a Caymanian with those qualifications?

HON. DENNIS H. FOSTER: Not really, Mr. President.

MR. D. EZZARD MILLER: A supplementary, Sir. Does the Member feel that those two qualifications are absolutely necessary for adequate performance of the job?

HON. DENNIS H. FOSTER: Mr. President, let me put it this way. We would be much more successful if the applicant had these qualifications. If he does not have them then we will have to take the best we can get.

MR. JAMES M. BODDEN: The person presently occupying that position, does he have a Master of Arts and a Bachelor of Arts degree?

HON. DENNIS H. FOSTER: The person there is only temporary, Sir, but to answer his question I am not certain what qualifications she has. She was doing the work before last year up to the 14th November.

MR. JAMES M. BODDEN: I am quite aware of that to a certain extent. I did not see the advertisement so I cannot comment too much on it, but I am rather surprised that we would be asking for that type of degree for this position. I wonder if the Member could state how it was decided to ask for these qualifications?

HON. DENNIS H. FOSTER: To enlighten the Member the application is for a Senior Information Officer and an ordinary Information Officer and it reads, "The applicants should possess a Master of Arts or Bachelor of Arts degree in journalism from an accredited university, and have a minimum of five years experience in the communication media and management of a news service". Mr. President, we are going to get what we pay for and if we do not try to get qualified people in the beginning, we cannot just place an advertisement for an Information Officer. Anybody could apply. I cannot tell you whether we are going to get one with a degree in journalism or not, but it is quite possible that we might.

MR. PRESIDENT: The Second Elected Member for West Bay was the first to catch my eye.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. I wonder whether the Member would state the range of salary which is paid to that Information Officer?

HON. DENNIS H. FOSTER: Mr. President, at this minute I cannot quite remember.

MR. PRESIDENT: I think that strays a bit far from the original question. The First Elected Member for Bodden Town rose. If he still wishes to speak? No, the Elected Member for North Side.

MR. D. EZZARD MILLER: Would the Member state, Sir, whether he feels that the greater emphasis should be placed on academic qualifications or indigenous knowledge of these Islands for such a post.

HON. DENNIS H. FOSTER: Mr. President, I think a combination of both because having a knowledge of the country is one thing, but if the person is not able to write a decent release or put together a requirement from a Portfolio it is no good. I might say, a recent example of which I am very proud is the programme for the marine parks which the Information Service did, and I think that all Members are aware of this. If they have not gone to see it on the slide show they have probably heard it on the radio and I think it was well put across. However, if a person does not have a half decent education they could not do that sort of thing, Sir.

MR. D. EZZARD MILLER: A further supplementary, Sir. In agreeing with the Member that a certain amount of academic qualifications are necessary, would the Member state whether he was satisfied with the individual who previously held such a post in Government and who had no such academic qualifications?

HON. DENNIS H. FOSTER: I presume the Member is referring to the service which we had prior to being contracted out which was a first attempt to introduce some sort of information service. That particular officer had many other duties and when we were advised that the Government needed to communicate more with the public, we decided we had to expand and try to do a better job. To go a bit further, it is not just information from Government to the public either. It is many other duties like the Annual Report; that does not get done on its own, and updating hundreds of different things which come to us from abroad.

MR. PRESIDENT: The next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 11: Would the Member state whether any Government contracts, with non-Caymanians who are employed in the Civil Service, are being renewed without advertising the post in the local media?

ANSWER: Yes. For example, teachers who have performed well are recommended for renewal to the Public Service Commission without local advertising for specific vacancies. A general advertisement for teachers may be placed, and if a qualified local applies, the incumbent's contract will not be renewed. To advertise all posts in the local media would be costly and counter-productive.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Could the Member state if it is not a requirement under Government regulations that contracts held by non-Caymanians be advertised before they are renewed at the end of the jobs?

HON. DENNIS H. FOSTER: Mr. President, I am not sure what is in the regulations but generally speaking it is a practice. However, for instance what would be the sense of advertising for a doctor when we do not have any available. Sometimes it does not make sense advertising. If you have a qualified person in a post and he is giving us satisfactory service; six months in advance he tells us that he would like to renew and we are

HON. DENNIS H. FOSTER (CONTINUING): happy with his performance, we will go ahead and make another contract. Now to me, Sir, it would be a waste of Government money and everything else advertising that again.

MR. D. EZZARD MILLER: Could the Member state, Sir, what criteria is used to determine what posts are advertised and what are not, and where does he get the information concerning all of the qualified Caymanians who exist out there?

HON. DENNIS H. FOSTER: Mr. President, if it is a new post created like the Information Service it is advertised. If the contracted officer is a non-Caymanian and he does not want to renew or we decide we are not going to renew it, we advertise it.

MR. PRESIDENT: I make it that there is just time for one more question. The Second Elected Member for George Town.

STANDING ORDER 23 (8)

MR. LINFORD A. PIERSON: Mr. President, I was just wondering whether I could exercise my rights under section 23(8) of the Standing Orders to have my question postponed until a later day, because I know that it is 11.00 now?

HON. DENNIS H. FOSTER: Mr. President, I would suggest you take it, Sir, since it is the last question on the Order Paper. For once we might....

MR. PRESIDENT: I was....

HON. MICHAEL J. BRADLEY: I think that the Honourable Second Elected Member for George Town is worried that you will cut him off halfway through the supplementaries.

MR. PRESIDENT: Well, that would be a risk, that if there were a large number of supplementaries there would not be time to take them all. My watch does say it is after 11.00, so since the Member has asked for permission under Standing Order 23, paragraph (8) I will grant it, and we will leave his question over.

Item 2. Suspension of Standing Order 14(2). The Honourable First Official Member.

SUSPENSION OF STANDING ORDER 14(2) AND (3)

HON. DENNIS H. FOSTER: Mr. President, under Standing Order 82, Sir, I would like to move the suspension of Standing Order 14(2) to allow Private Members' Motions today instead of Thursday. As everybody knows Thursday is Private Members' day but we had set the debate on the Budget to start on Wednesday morning. So in the Business Committee Meeting yesterday evening Members decided that it was their desire to swap days so that the debate on the Throne Speech and Budget Address could go right on from tomorrow on without a break in between.

I think it makes good sense, Sir. We can get most of these done today probably and when we start debating tomorrow we will be able to go straight on.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. President; Sir, if we could just give a little more particularity, and I would suggest to my Honourable colleague that we suspend Standing Order 14(2) to enable Private Members' business to be taken today. However, we should also suspend 14(2) and 14(3) to enable Government business to continue on Thursday.

MR. PRESIDENT: That is Thursday of this week only. So the question before the House is that Standing Orders 14(2) and 14(3) be suspended in such a way as to have the effect of enabling Private Members' Motions to be debated today and to enable the Government business to continue being debated on Thursday of this week.

Does any Member wish to speak?

MR. G. HAIG HODDEN: Yes, Mr. President, I wish to oppose the suspension of these Standing Orders. I cannot see the difference between dealing with Government Bills which are before the House today and dealing with the Private Members' Motions. I am aware of Standing Order 82 which allows this suspension. I want to question why the business of this House is being conducted in such a topsy-turvy manner.

On Friday, we were dealing with two revenue Bills and we were told that it was essential to finish those two Bills, the Customs Bill and the Stamp Duty Bill. The House was in session until 8.00 p.m. to complete the Customs Bill. We are still dealing with the Stamp Duty Bill which is a revenue earning Bill and we are far from its completion. Why are we not dealing with the Stamp Duty Bill this morning rather than jumping off to deal with Private Members' Motions? Also, why are we not continuing to deal with all the other Bills; some four or five Bills have been on the Order Paper from Friday and yesterday? Why are we not completing these? Why are we jumping off to deal with Private Members' Motions which should be on Thursday? If we simply swap days and deal with the Private Members' Motions today, we would have to deal with the Government Bills on Thursday which would still cause an interruption in the debate on the Throne Speech and the Budget Address. What is even worse, Mr. President, I came here this morning prepared to deal with the Government Bills and all other Members must have also come prepared to deal with the Government Bills today. Now we are told that we have to deal with Private Members' Motions and I personally am not prepared to deal with them, although if it is the wish of the House that we deal with them I may be able to say a few words.

However, Members have come into the Chamber this morning expecting the business to continue in the regular fashion, and it is our right to expect the business to continue in the regular fashion. If there were some urgent Private Member's Motion I could see the revenue Bill being set aside, and I could see any other business of the House being set aside. But there is no urgency at all in any of these Private Members' Motions and it has caught all the Members of the House unprepared. If we were told this yesterday afternoon, that this would be the order today, we could have no excuse. However, you will know that a very unusual thing happened this morning. When I came in at a few minutes before 10.00 a.m. the Orders of the Day were not on the table here and so it was only at 10.00 when the session was about to start that we were handed these Orders of the Day which are making this dramatic change in the order of the House. This is totally wrong because Standing Orders should only be suspended according to Standing Order 82 for a

MR. G. HAIG BODDEN (CONTINUING): *specific purpose. What is happening here is simply a request to suspend the Standing Orders to satisfy the whims and fancies of the Members of the Business Committee who as I understand have many of the Private Members motions before the House. We are not following strict parliamentary procedure if we suspend Standing Orders to satisfy the whims and fancies of the Business Committee. Standing Orders must be suspended for a specific purpose as we did on Friday with the Customs Bill because the Financial Secretary, rightly so, was anxious to have the Bill completed to prevent importers from taking advantage and withdrawing their goods from the Customs warehouse before the new Law went into effect. This would have increased the tax which would have been paid by the importer.*

So while Standing Order 82 allows the suspension at any time by the consent of the majority of the Members it must only be used for a specific purpose. No specific purpose has been given for the suspension of Standing Orders 14(2) and (3). Standing Order 14(2) is very useful in that it gives the Private Members the privilege of having one day set aside for their business. That day is Thursday and it must not change unless there are special circumstances to change it. It is wrong to take the Private Members' business today when we should be taking the Government Bills, and remember that we have that unfinished revenue Bill which we were told on Friday by the Financial Secretary that it was his wish to have the revenue Bills completed on Friday. Because of the length of debate we were unable to finish them. We did finish one on Friday. We worked on one yesterday, but that one yesterday is far from completion. How can we now say that that Bill must be set aside to deal with Private Members' Motions? Are we going to have total disregard for the Standing Orders of the House? Are we going to have total disregard for the procedure of the House? Are we going to have total disregard for the systematic functioning of the House whereby Members know precisely what they will do, what they will deal with and if they are to be. These earthquakes amongst our systems are wrong. At least we should be shown the courtesy of being given advance notice that on Wednesday we are not going to deal with Government business. We are going into Private Members' Motions.

So if this had been the plan of the Business Committee the Business Committee should have ensured that today's Order Paper should have been given to us yesterday evening so that we were not left in this state of unpreparedness in which we now find ourselves. I certainly will vote against this change and I certainly hope that other Members will do so. The Private Members' Motions down on the Order Paper for today, while they may be important, or while they may be worthy of attention, are certainly not urgent. The only reason why you should change your normal pattern of business is to deal with a matter of public importance, a matter of urgency or a matter which arises and cannot await its regular turn. We had an example here yesterday when the Member simply wanted to take question no. 6 instead of question no. 5. The Second Elected Member for George Town was told that it would be wrong to interfere with the Agenda once it is prepared. Yet here we are now upsetting the whole system upon which Parliament has worked, and putting the Members at great disadvantage, for what? We are leaving Government's urgent public business like the Stamp Duty Bill unattended and unfinished. I know from what has happened in this House since November that anything put forward by the Government Bench will pass because they are Members who simply say yes, no matter what the reasoning is behind it. We have a party machinery which has been denied

MR. G. HAIG BODDEN (CONTINUING): but which has worked collectively under the Constitution and in this House. So whether the matter be right or wrong, if somebody dreams it up it appears to me that it passes.

I have been here twelve years and we have never been put to disadvantage in my twelve-year history in the House. It is true Standing Orders have been suspended many times and I agree that they should be suspended, but they should never be suspended simply to put Members at a disadvantage when they have an obligation to the people who have elected them to debate with preparedness and to debate with knowledge any matter which is before the House. So we would be setting a bad precedent today if we were to allow this change.

I certainly cannot support it.

MR. PRESIDENT:

Any other Honourable Member wish to speak?

MR. JAMES M. BODDEN:

Mr. President, the motion before the House should be debated. It is one more instance of the windmill policy of this administration. As my colleague mentioned a while ago on Friday before the House, there was a revenue Bill, in fact two revenue Bills I think, and there was such rush and such urgency that this House stayed in session until about 8.00 p.m. that night to complete one of those Bills. The other one was dealt with partly yesterday, and I would question why are we not proceeding with the Government revenue Bill instead we are allowing the House to go into Private Members' Motions.

I have always been under the impression that important Government business was dealt with first by this House, and other minor matters would come thereafter. I think the Member who placed this motion before the House said something about this being necessary as on Thursday we would probably be debating the Throne Speech and next week the Budget Address. So it would be necessary to keep Thursday clear. Well, I think that we should remind this House that there is no rush for Thursday as this House is going to be in session many successive Thursdays before this session is over. So there is no rush.

Yesterday to quote my colleague the Second Elected Member for West Bay was abruptly told that his questions could not be changed on the Order Paper when he was showing good reason why they should be.

MR. W. McKEEVA BUSH:

On a point of order, Mr. President. The Member, I think is misleading the House in saying that it was my question. Could he please clarify that it was the Second Elected Member for George Town.

MR. JAMES M. BODDEN:

Mr. President, I really apologise. I would not have wanted my tongue to make that slip because I would like to give due credit where due credit can be given. It was the Second Elected Member for George Town and not West Bay. I apologise.

Mr. President, I think that the Members of this House should object strenuously to this and we should not allow the tail to wag the dog any longer. As I said before, we appear to have adopted a windmill policy to the point where there is no stated policy and Government presently is going in any direction that the wind blows. I for one am prepared to debate the motions; prepared to debate anything which comes before the House, but I think we should take it in the order that we have been doing it in the past.

MR. JAMES M. BODDEN (CONTINUING): I will remind this House that the very Members who are proposing this are the Members who so strenuously objected on the outside and cast every aspersion which could be passed about the previous administration because Standing Orders were sometimes dealt with in a manner similar to this, and they were waived.

Yet there was so much wrong in doing it at that time I wonder why it is not wrong at this time. I feel, Mr. President, that we should proceed with Government business and the motions of the Private Members on the successive many Thursdays that we will be in session this time.

Thank you, Sir.

HON. DENNIS H. FOSTER: Mr. President, either the Member was not listening to me or did not understand me, one of the two. Because there was a specific purpose which I mentioned when I asked for the waiving of that Standing Order. The First Elected Member for Bodden Town moved the motion on Friday that we defer the debate on the Throne Speech and Budget Address until Wednesday, 6th March. It was for this specific purpose, and for the purpose of continuity so that if we started tomorrow on the Throne Speech and Budget Address we could continue right on down without doing some tomorrow and then going to Private Members' day on Thursday and then going back on Friday again. This was the reason, which is a legitimate reason. We are not neglecting the Government business, Sir.

Here are the other stages of the Stamp Duty Bill which I think we will get through and we also have the other Bills down here as well which are not as important. The truth of the matter is, Mr. President, the two Members have wasted 25 minutes which is why we cannot get anything done in this House.

MR. JAMES M. BODDEN: On a point of order, Mr. President...

HON. DENNIS H. FOSTER: Mr. President, I did not disturb him when he was talking.

MR. PRESIDENT: No, he is right. It is on a point of order.

MR. JAMES M. BODDEN: A point of order, Mr. President.

MR. PRESIDENT: He is entitled to interrupt if it is a point of order.

MR. JAMES M. BODDEN: I do not think the Members should be casting aspersions that we are wasting the time of the House. Time has been wasted here on many, many occasions and I really am surprised after eight years...

MR. PRESIDENT: You have made your point.

MR. JAMES M. BODDEN: ...of rubbing shoulder to shoulder with that Member that he should make such a statement against my colleague and myself. Because I can assure him as I assure this House, if the time is considered wasted we will be on our feet for a long time this session.

MR. PRESIDENT: The Member's point is taken. I do not think it is proper to say that another Member is wasting the time of the House.

HON. DENNIS H. FOSTER: Well, Mr. President, I am not going to say any more about it. When I have anything to do with a policy, Sir, it is not a windmill policy. I do not mind the Member referring to the other Elected Members of Executive Council on that, but when it is something to do with me they should not refer to me that way, Sir.

I suggest we go ahead with the motion now, Sir.

MR. PRESIDENT: I will put the question that Standing Order 14(2) and (3) be suspended in such a way as to enable Private Members' Motions to be taken today and that Government business, being the Throne Speech debate and the Appropriation Bill be taken on Thursday this week.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: Mr. President, may I have a division?

MR. PRESIDENT: I will ask the Clerk to carry on.

DIVISION

NO. 9

AYES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeever Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

11

NOES

Mr. James M. Bodden
Mr. G. Haig Bodden

2

MR. JOHN B. McLEAN ABSTAINED.

AGREED BY MAJORITY.

STANDING ORDER 14(2) AND (3) SUSPENDED

MR. PRESIDENT: I declared the motion carried, and I think we have run over slightly our accustomed time to suspend proceedings. I will now do so and ask that Members resume at 11.40 a.m.

AT 11.27 THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:41 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Item 2(b) (i) Private Member's Motion

No. 1. The Second Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 1/85

PROGRAMME FOR THE LEGISLATURE

MR. W. McKEEVA BUSH:

Mr. President, I beg to move Private Member's Motion No. 1 and its attachments standing in my name, which reads as follows:-

WHEREAS Standing Order 8(1) of the Standing Orders of the Cayman Islands Legislative Assembly provides that a Session of the Legislative Assembly will usually consist of four Meetings, but that additional Meetings may also be summoned by the Presiding Officer;

AND WHEREAS the present arrangement for this Legislature is that Meetings are held once a quarter, four times a year, and vary in duration from two to seven or more days with the result that both legislation and Private Members' business can only be debated quarterly;

BE IT RESOLVED that consideration be given to establishing a programme for this Legislature which would provide for Meetings to be held on alternate months;

AND BE IT FURTHER RESOLVED that consideration be given to a change in the time of commencement of each Sitting from 10:00 a.m., as is now laid down by Standing Order 10(1), to 2:00 p.m. until 7:30 p.m.;

AND FURTHER THAT these proposals be considered by a Committee of the whole House which said Committee would take into account any consequential amendments to the present Standing Orders of the House.

DRAFT PROPOSED AMENDMENTS TO THE
LEGISLATIVE ASSEMBLY STANDING ORDERS

In accordance with Private Member's Motion No. 1/85 and Standing Order 83(1), the following draft proposed amendments to Standing Order 8(1) and 10(1), (2) and (3) are hereby moved:-

- (a) That Standing Order 8, sub-section (1), be amended by the deletion of the words, "four meetings" as they appear in the third line, and the substitution therefor of the words, "six Meetings to be held on alternate months".
- (b) That Standing Order 10, sub-section (1), be amended by the deletion of the figures and word, "10 o'clock", and the substitution therefor of the words, "2 o'clock".
- (c) That Standing Order 10, sub-section (2), be amended by the deletion of the figures, "4:30", and the substitution therefor of the figures, "7:30".
- (d) That Standing Order 10, sub-section (3), be amended by the deletion of the figures, "4:30", and the substitution therefor of the figures, "7:30".

MR. PRESIDENT: The seconder?

MR. D. EZZARD MILLER: I beg to second the Motion, Mr. President.

MR. PRESIDENT: For the information of Members and of the public perhaps I should make clear that Private Member's Motion No. 1 contains a resolution to the effect that a change should be made in Standing Orders. Standing Orders themselves in Standing Order 83(1) provide that when a motion of this kind is made, the mover shall move the motion, and after it has been seconded the question shall be put forthwith that the motion be referred to a Committee on Standing Orders. If that question is agreed upon no further proceedings shall be taken on that motion until the Committee has reported thereon. The effect of that Standing Order is that the motion now moved does not get debated at this stage, but that the question is simply put that it be referred to a Committee on Standing Orders.

I should add further that there is not at present any such Committee on Standing Orders appointed. However, since the motion itself calls for the proposals in it to be considered by a Committee of the whole House, I would propose for the purposes of the motion to consider that Committee of the whole House as being the Committee on Standing Orders for which Standing Order 83(3) provides.

The question before the House then is that Private Member's Motion No. 1 of 1985, providing for certain proposals to be considered by a Committee of the whole House, be carried.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, perhaps just to keep the record right you would make the appropriate direction under 83(1). Because the record shows that the Private Members' Motion were despatched on the 26th February.

MR. PRESIDENT: Thank you, I had not realised that. I had seen it earlier and I had thought twelve days' notice had been given. However, in that case I am prepared to direct that the motion be accepted now in accordance with Standing Order 83(1).

QUESTION PUT: AGREED. MOTION REFERRED TO A COMMITTEE OF THE WHOLE HOUSE ON STANDING ORDERS.

MR. PRESIDENT: Private Member's Motion 2. The Second Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 2/85

LABOUR LEGISLATION

MR. W. McKEEVA BUSH: Mr. President, I beg to move Private Member's Motion No. 2 standing in my name, which reads as follows:-

WHEREAS there appears to be growing dissatisfaction on the part of the local labour force as to terms and conditions of employment, particularly those employed within the construction and tourist related industries;

BE IT RESOLVED that this Honourable House appoint a Committee of the whole House to study the foregoing matter and make recommendations for suitable labour legislation to be introduced to this Legislative Assembly at the earliest opportunity.

MR. D. EZZARD MILLER: I beg to second the motion, Mr. President.

MR. PRESIDENT: The motion is duly moved and seconded. The mover may now speak to the motion.

HON. CAPT. CHARLES KIRKCONNELL: Mr. President, I thought here, Sir, where it says, "BE IT RESOLVED that this Honourable House appoint a Committee of the whole House", is this not going to follow like the first one, Sir, where no debate will be allowed here?

MR. PRESIDENT: No, that is because the previous motion Private Member's Motion No. 1, called for amendments to be made to Standing Orders. Standing Order 83(3) provides that where a motion calls for amendments to Standing Orders a certain procedure shall be followed and that procedure precludes debate. Private Member's Motion No. 2 does not call for any amendment to Standing Orders. So although it calls for the appointment of a Committee of the whole House, it can properly be debated at this time.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I take it that you are going to wait until all the Private Members' Motions have been considered before appointing various Select Committees, in order that you may decide whether to exercise your nominative power under Standing Order 69(2).

MR. PRESIDENT: Thank you for reminding me of that. It may be convenient, perhaps, so that we do not forget to make the necessary appointments, if as we pass motions appointing Committees we do deal with the question of their Chairmanship. So, if I may at this stage, in respect of Private Member's Motion No. 1 which has already been carried and which has provided for a Committee of the whole House to examine Standing Orders, I will nominate the Honourable First Official Member to be Chairman of that Select Committee.

Now, Private Member's Motion No. 2.
The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, Sir, the Holy Bible says, "Thou shalt not muzzle the ox that treadeth out the corn", and "The labourer is worthy of his reward". This, Sir, is what this motion is all about, requesting this Honourable House to set up a Committee of the whole House to study the labour situation in this country, and to make recommendations for the formulation of suitable labour legislation as early as possible.

Mr. President, as surely as the Bible commands us not to muzzle the ox treading the corn, neither should the ox be allowed to eat all of the corn. The legislation which I envisage, Sir, must protect the employee as well as the employer. I am aware, Sir, that labour legislation in other countries has led to abuse by employers or employees, as well as I know that

MR. W. McKEEVA BUSH (CONTINUING): there are employers who take great advantage of the working man and woman. This mentality towards the working man has led to serious social unrest in many other countries, as it will in time in our country if this Honourable House falls in its responsibility to the people who elected the Members here.

Mr. President, the need for labour legislation has been batted around the political platform in this country since at least 1972, yet....

MR. G. HAIG BODDEN: On a point of order, Mr. President, I must object to the Member reading his speech.

MR. PRESIDENT: I had not noticed he was reading it. I will watch more carefully.

MR. W. McKEEVA BUSH: Yes, Mr. President, I have my notes and for me to understand the notes I guess I have to read them, although I know I cannot read a speech. I do not suppose the opposition expect me to look at my notes and to understand them without reading them. I know they expect quite a bit from this new Government, Sir, but I hope they are not expecting that.

When I was interrupted I was saying that the issue of labour legislation has been knocked around in this country since 1972, with many promises. Yet, Sir, every successive Government has failed to deal with the matter of labour legislation in a positive manner, even as more and more people are employed, and even as more and more complaints are made concerning labour in this country. Ever since I entered the political arena I promised my people, Sir, that I would do all in my power to provide this legislation. Today, with much pride I am fulfilling that promise but, Sir, I cannot do it alone. I am therefore inviting every Member of this House to give me the chance to speak without interrupting and to join me in a vote for a "Yes" for labour legislation. The requested legislation will not destroy the country as one anonymous phone-caller suggested to me but instead, Sir, if properly drafted and then properly administered, it will lead to the strengthening of our social, political and economical stability which the Honourable Financial Secretary so ably stressed in his Budget Address, the need for continuance.

However, we must not, Sir, content ourselves with paying lip service to this need. We must do something positive and this motion is a step in that direction. Legislation currently on our law books affecting labour in this country is outmoded and has no relevance to the situations existing in this country today. As far as I can determine, Sir, there are five Laws in operation, the Workmen's Compensation Law, 1964, the Minimum Wage Law, 1946, the Truck Law, 1944, the Masters and Servants Law, 1842; and the other one is, Sir, the Trade Union Law passed in 1942. Each one of these Laws I am sure, Sir, was passed at the time because the legislators of the day saw a need. However, the need in our country today is more than any of these or all of these can cope with. One of these Laws, the Trade Union Law could be used if dissatisfaction continues to grow amongst our people. None of us want that to happen and that is one of the purposes for this motion being brought before this House today.

I now propose to look briefly, Sir, at the contents of these antiquated Laws. The Workmen's Compensation Law; this Law, Sir, has no relevance to the workman today in Cayman. It can do him no good because it is limited to workmen earning £750 or \$1,500 as the case may be today, for a year's

MR. W. McKEEVA BUSH (CONTINUING): work. There is not, at least I hope not, any such person employed in the Cayman Islands today. Section 5(1)(a) in the amendment to the Law says:

"Where death results from an injury maximum compensation is £750 or \$1,500".

In section 5(1)(b) the compensation is limited to £1,000 or \$2,000 for total incapacity. There is a limitation under section 12 where claims for compensation must be made within six months of the date of the accident. This period too, Sir, is too short a time. Let us say for example a man is injured and that injury requires, (a) treatment by specialists abroad and (b) treatment over an extended period, he would be out of luck. As I said, this period is definitely too short and as you all can see this Law, the Workmen's Compensation Law, 1964, has much deficiency and needs to be replaced.

When the Minimum Wage Law came into force in 1963, it did not set a wage. The only time that a minimum wage was set was in 1967 and it was set in respect of common labourers at six shillings per hour for an eight hour day.

The Truck Law is another Law which is supposed to give the worker some protection. It was passed to prevent employers, especially merchants in those days, from paying workmen a weekly salary or a day's pay with goods from their business, or forcing the workman to purchase goods from their business. As an example, Sir, and this was very prevalent in my constituency years ago, a poor man went to work on a vessel, let us say to the Mosquito Cays. The owner of that vessel owned a store. More than likely the man's family had to purchase their weekly goods at that particular store. This Law was supposed to protect the man and his family from being preyed on by unscrupulous employers. It was supposed to stop the owner of the vessel from saying, "If you do not buy from my store, you cannot work on my vessel". The Law as I said, Sir, was supposed to protect the man from that kind of situation. However, you can believe me, Sir, that that Law was never enforced although many times a poor man came home after a long, gruelling trip, braving the rough weather, and found he had nothing. It had all gone to pay the shop bills. That, Sir, in my humble opinion is an example of a legacy of a time when only certain families in my constituency had anything, and ruled with an iron fist. That is true, Sir, not a fabrication of any kind.

Under section 12 of the Law the penalty for breaching the Law is £50 or \$100. Obviously the Law has no pertinence to matters today.

The Masters and Servants Law was enacted to regulate the rights and conditions of employment between employers and employees. This Law then, Sir, was supposed to be the labour law for the Cayman Islands, but it falls short of providing even the barest minimum realistic regulation of employer and employee relationships in the Cayman Islands today.

Under section 4 of this Law a servant was only entitled to one month's wages or the equivalent for unjust dismissal. Secondly, under section 12 the court is limited to dealing with claims and disputes to a maximum of £50 or \$100. It is quite apparent, Sir, that this is not a realistic figure and has no bearing or application to our situation today.

Mr. President, I have just given what I feel is a brief but true outline of the Laws and trust that this has served to show Honourable Members the deficiencies in the four Laws dealing with labour in the Cayman Islands today.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, Sir, all of us here in this House know of injustices which are perpetuated against workers in the Cayman Islands, both Caymanians and foreigners alike. I would like to think, Sir, that the majority of employers are fair minded but each day, I as a representative of the people must listen to complaints which are almost unbelievable from the working man in the country. Since being elected, Sir, I see an average of three people and handle an average of ten telephone calls a night at my home. There was not enough money left over from the unity team Government you see, so that I could get my office like the Elected Member for North Side. Anyway, I see my people and I would say 90 to 99 per cent of the time these calls and visits are concerning labour. Let us not delude ourselves. There is much discontentment as the motion reads, out there in the tourist and construction industries and we as protectors and defenders have to take strong measures to remove the pitiful plight our people are finding themselves in. We have to work to straighten out the inequities existing in the labour market today.

Sir, I would like to deal now with a few areas in the tourist industry. This industry, Sir, means much to me as I was raised on the tourist industry, but there is much inequity as far as the employee is concerned. The greatest area of discontent right now is the collection and payment of gratuities. There are many stories concerning the gratuity business and many suggestions. One suggestion has been to do away with the system of gratuities. I, Sir, could never subscribe to that idea. This, in my opinion, would be the greatest mistake ever made and as I said, I will never agree to that suggestion. Sir, in those places which are paying the workers their fair share of the gratuities, the worker is doing well. At the place where my mother works, her gratuities for one month have gone as high as \$800. In other places I understand they have gone as high as \$1,200. I do not believe, Sir, any employer is prepared to pay that kind of salary and the guests most of the time are not prepared to leave that kind of tip for the maid, waitress, barman or chambermaid. So, at the end of the month the small amount of money made by the employees could not supplement the kind of gratuity they should be getting if that suggestion was taken up. The maids would go home at the end of the month with nothing and I hope that no Honourable Member in this Legislature would even consider that idea.

What we as a Government have to do is to make certain under the envisaged legislation that the gratuities will not be stolen, and I hope that is not unparliamentary, from our people. There are many complaints, too many in fact, Sir, not to have truth to them. I believe one way of controlling this, Sir, although I do not know whether Members will agree with me, is that managers must be made to submit to Government a copy of the guests' bills which includes the amount of gratuities collected. They should also show how many staff they have on their payroll and what percentage of gratuities goes to maids; how much to gardeners and maintenance men: how much to kitchen workers, and so on. On top of that they must be required to submit a monthly report of what was paid to staff. There are too many complaints, Sir.

Mr. President, when the word went out that I was bringing this motion I had a lot of dirty calls, but happily to say, one honest manager of a condominium complex called me in and gave me an example of how they pay gratuities, and showed me their records also. If I may be permitted I would like to read what they put on paper, an example which corresponds with their records. This is an example of the gratuity system. I will not

MR. W. McKEEVA BUSH (CONTINUING): bother to say which complex this came from but this is a gratuity system based on 50 per cent occupancy; 9 rental units rented for a total number of 154 days. There are 6 staff. The total gratuities charged on all rentals are 5%. The total gratuities collected during the month of January, 1985 were U.S. \$2,447.90. The maids at that complex get 70 per cent of the total and the gardener and maintenance man get 30 per cent divided equally. The maids' portion for the month was U.S. \$1,713.53. The gardener and maintenance man's portion was U.S. \$734.37. The maids worked a total of 76 days. This is then divided into their portion of U.S. \$1,713.53, which comes to U.S. \$22.54 per day. Maid no. 1 worked for 23.33 days multiplied by U.S. \$22.54, which comes to U.S. \$526. Three other maids worked for the same number of days. One maid worked for six days at the rate of U.S. \$22.54 and she ended up with U.S. \$135.27. The maintenance man got U.S. \$367.18 and the gardener got U.S. \$367.18 for the month, making a total of \$2,447.90. As I said, Sir, these figures are based on a 50 per cent occupancy and what amazes me is if a condominium complex has 9 apartments for rent and rents out roughly an average of 4 $\frac{1}{2}$, and pays out \$2,447 for the month, why are those places who rent out much more, let us say 27 out of 31 apartments, paying the staff so little? Why?

Once at one place I know, Sir, they employed 6 maids. Presently they have 4 maids, but the staff is now getting less in gratuities with the same amount of apartments being rented than what they used to collect when they had the 6 maids. So something is definitely wrong. I know that they all have different ways and means of collecting these gratuities but this example, I believe, shows that something is definitely wrong. It is my belief that there are those in the condominiums, restaurants and hotels who are definitely pocketing the gratuities which rightly belong to the staff. They are stealing, Sir, and I believe the figures if they were available, would amount to thousands of dollars.

I would like to make myself clear, Sir. Those restaurant and condominium employers who are guilty of not giving their staff their rightful share of tips are dishonest and wicked, and a stop must now be put to these actions. I have heard some people say that gratuities are a part of the salary, and it would seem, Sir, that this is what they have been doing, taking the gratuities and supplementing the salaries of the staff. This is wrong and is a gross injustice. I wonder, since they claim gratuities are a part of salary, if the guest refuses to pay the gratuity is the management prepared to take it from the coffers of the company to pay the staff? I do not believe so, Sir.

Another area affecting staff and their gratuities is where some owners are not paying the gratuities, I understand. I do feel that the owners should pay because if the apartment is not rented out or if the gratuities are not paid, then the maid is collecting little or nothing for cleaning the said apartment. So I believe that owners should definitely pay gratuities.

Another area, Sir, is some places are collecting 5 per cent; others 6 per cent; others 10 per cent, and some places are even collecting 15 per cent. I think that if we are going to get justice for our people one and all, we should have fixed guidelines and set policies, and let everyone collect gratuities on the same basis. This would help not to confuse our tourists.

MR. W. McKEEVA BUSH (CONTINUING): Another cause for discontent in the tourist industry, Mr. President, is that these people are required to work public holidays and their days off sometimes for regular pay. Employees in industry do not know what it is to offer overtime, but if a person works on a Government public holiday, then the employer should pay them double time, and also double time for Sundays. We cannot expect our people to carry on in this day and age in this manner. We have to do something to protect them. Mr. President, there are a lot of men and women from my constituency, indeed the whole country who by their sweat and occasional blood and tears have made our tourist industry what it is today. They have done the work. They have welcomed the guests. They have been the hosts and they have had to do so to make ends meet; sometimes holding two jobs, one in the daytime and one at night; sometimes to the detriment of the discipline of our children, our younger generation.

This is one of the reasons, ironic Sir, though it may be, why my constituency is looked upon as the unruly republic. I just want to say, Sir, that our people have sacrificed for the growth of the country.

I believe....

By my watch, Sir, it is now 12.30 p.m.

MR. PRESIDENT: The normal practice is that we carry on to between 12.30 and 12.45 p.m., and if a Member finishes a speech during that period, we probably then suspend.

MR. W. McKEEVA BUSH: I do not think I will be finished, Sir, but I will carry on....

MR. PRESIDENT: Well, we will give you a bit longer then.

MR. W. McKEEVA BUSH: The other day I was reminded that I had to stop at 12.30 p.m. Anyway, Sir, I am quite prepared to go on.

I believe, Sir, the time is here now when we, as a Government must help our people working in the tourist industry to receive the full benefit of the tourism dollar. As I said, Sir, there is much inequity in the labour market in this country and I receive the complaints so Honourable Members might as well as hear them. A young lady came to me the other day, and she works at a restaurant. At that restaurant they gave her half an hour for lunch but they took it out of her pay. Even if she did not eat the lunch the cost was still deducted from her salary. Another one came to me and she worked at a business establishment for six years on the Seven Mile Beach as a bartender. However, she also sometimes acted as the manager of the bar. The bar manager's post became vacant at one time and they brought in a bar manager and paid him \$2,000 per month plus his rent, but they could only see fit to pay the Caymanian bar manager \$800 per month. The Caymanian applied for the job but she was not even interviewed. Yet they gave her a good report. They said she was so capable, so conscientious and doing a good job and yet when the push came for a decent salary, they could not even interview her.

A final one, Sir, and this has to do with construction. A man came to me and he has been working with a company for years as a mason doing cement work for \$8 per hour. He works 9 hours per day. He has repeatedly asked them to take his plight into consideration, but his request only fell on deaf

MR. W. McKEEVA BUSH (CONTINUING): ears. At the same time, Sir, they bring in outside help doing the same mason work, and the man who they bring in can brag about saving \$60,000 from one job alone while the local man does not even make \$15,000 for the year.

I hope Members see what I am saying. How long can this situation continue to exist. How long can it go on. Who can our people complain to. The Labour Board is useless, Sir. It has no real substance to it. It has no Law to back it. Something must be done to rectify what I call inequities in our society, or some very serious situations are going to arise. The stability which we have enjoyed over the years is going to be lost. Our people, Sir, must be protected and I do not care who likes it. What I have to say here today I will say. There is too much, I repeat too much injustice and wickedness going on in this country, especially in places of work. We are finding gross injustices meted out to our people.

What is going to happen, Sir, is that our people are going to rise up one day and say, "I have had enough. I am going to do something". That something, Sir, could very well spell disaster. For the good name of stability which our forefathers have built up over the years, it is high time for us to act as leaders who possess ability, courage, foresight and pure old time courage and determination. If we do this, Sir, then we may reverse the adverse trend towards the labouring man and woman in the Cayman Islands. I am not finished yet.

Mr. President, on the matter of minimum wages, I would like to see a committee of the whole House set up with terms of reference where one of its functions is to gather information from the private sector about minimum wages for each job description, so that they can get a current and realistic understanding of what minimum wages have to be set.

Mr. President, I believe all employers, whether foreign or local companies, should file a return, say for example during the month of January each year. This should give the number of employees, their nationality, their salaries, conditions of work such as vacation leave and sick leave. Most importantly they should give factual reports of training programmes, if any, which are currently offered to employees. The reason why I make this suggestion is that it is my firm belief that such returns would serve to prove without a doubt that foreign employees have substantially better terms of employment than locals in similar positions, and steps could therefore be taken to remedy this inequitable and biased situation. Any labour legislation I feel must of necessity recognise, Sir, that the job market place in the Cayman Islands is restricted and therefore a worker who is leaving a position for whatever reason, voluntarily or involuntarily, faces a small job market. Therefore, any provision in such legislation for benefits or redundancy payments to be made by employers must be higher than elsewhere.

I hope Members will take this into consideration. For example, a worker in Jamaica can go from Montego Bay to Kingston to find work. A man from London can go to Newcastle to find work. Outside workers can go elsewhere. This what I mean, Sir. Where can the Caymanian go?

So I hope when the Law is drafted it will take into consideration these things.

Mr. President, in winding up, there is no doubt in my mind that many employers in this country, and perhaps this applies to Government as well, hire outsiders in preference to Caymanians because, Sir, they find it easier to

MR. W. McKEEVA BUSH (CONTINUING): squeeze a little more out of the outsider if he has a work permit hanging over his head. With Government, of course, he does not need a work permit.

Sometimes, as has come to my attention, some of the most unscrupulous of these employers do not even bother to acquire a work permit for employees, making it a little easier to squeeze a little harder. We had one example of this last year, Sir, when a member of the Protection Board was found employing people on his jobs without any permits. The recent condominium boom in these Islands is a good example of what I mean. Hundreds were employed then in these Islands without work permits, often depriving our Caymanians of a job and depriving, Sir, the Treasury of revenue. Today I believe many of these people remain in this country and are being employed by those same people even as Caymanians walk the streets in search of work. For this reason as we can see, some of these employers will go to any lengths to make a bigger profit. That is another reason why this legislation is so necessary in this country today.

Mr. President, I quoted the Holy Scriptures when I began this speech because I believe that mankind has no better example to follow than the Good Book. The admonition not to muzzle the ox was a wise one to ancient people to whom the ox was a major source of power. For the ox to perform properly and to do his job well he needed to be fed, and his feed came from the corn which he was treading. The same, Sir, is true today in our modern society. The worker who produces the income for industry is entitled to a fair share for his efforts. Without him there would be no industry or profit. He is entitled to be able to face his family; to give them food and to be able to live in dignity, no matter how humble his position.

Mr. President, I see some Members who look as though they are going to sleep. I trust that they have been listening, Sir, because as I said yesterday I represent the small man in this country. These inequities which I pointed out are hurting the small man; not five cents on a cheque, these things. I trust that every Member, and I beg that every Member of this House will give this worthwhile motion their support.

Thank you very much, Sir.

MR. PRESIDENT: I think perhaps it will be convenient now if we suspend proceedings until 2.15 p.m.

AT 12.43 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.17 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The motion before the House is Private Member's Motion No. 2/85, which is now open for debate. The Second Elected Member for George Town.

QUESTION PROPOSED: DEBATE ENSUED:

MR. LINFORD A. PIERSON:

Mr. President, I find it very easy indeed to support Private Member's Motion No. 2 on the subject of labour legislation, and I would take this opportunity to thank the Second Elected Member for West Bay for the able manner in which he presented this motion. However, Mr. President, my definition of brief is perhaps slightly different from his and I promise you that my remarks will be brief indeed.

I feel, Mr. President, that I would be remiss in my responsibilities and duties to my people if I let this opportunity pass because I am well acquainted with the facts as given to us by the Second Elected Member for West Bay this morning. I too, Sir, have had many, many complaints concerning the inequities, particularly in the tourism related industries in these Islands. Indeed, no doubt, within the Cayman Islands.

As recently, Sir, as the first part of this week, that is Monday, I had a delegation of people who met me at my office very early in the morning before I came to the Assembly. This is nothing strange. My office is always full of people seeking some form of assistance with their problems.

There is no question in my mind at all, Sir, that the employees within a number of the tourist related services or businesses in the Islands are being short changed. I would not go so far as to say that employers are deliberately stealing from their employees, as I think that that is a fairly harsh term to use, but the net effect, Sir, would appear to equate that situation. Our people are a very peaceful people. Caymanians are known to be one of the most peaceful people in the world and this is perhaps the reason, Sir, why they are oppressed and why they are deprived of their rights, because they are not as aggressive as the people from other parts of the Caribbean and indeed from some of our neighbouring Caribbean Islands.

We want this situation and this attitude of our people to continue, but it is certainly left to our Government and up to us to ensure that we lay the foundations, and that we make it possible for our people to live in peace and harmony.

As I said yesterday, it is my feeling that a good Government is one which makes it easy for the people of a country to do well. I am amazed, Sir, that it was not seen necessary before now for such legislation to come before this Honourable House, before the Legislative Assembly of this country. I see this legislation as perhaps one of the most important pieces of legislation before this country today because it protects the lifeblood of our people. I have been accused, Sir, of being a stalwart for the people but I take this as a compliment because I see my role as being one of a representative of the people. When I say the people, Sir, I do not consider barriers. I consider the

MR. LINFORD A. PIERSON (CONTINUING): Cayman Islands in general and the constituency of George Town in particular. I do not divide the electoral district of George Town in sectors. I represent the people of this constituency.

This problem is not one which is restricted to just one particular class even though it is perhaps more prevalent amongst the poorer people in the community. I have no reservations, Sir, in supporting such a piece of legislation because I know, and I share the view that it is very, very badly needed. Many times I have had to refer individuals to the Labour Office, but in a way, Sir, this was somewhat ineffective. I would not call it a waste of time because the officers in the Labour Department are doing a wonderful job and I am surprised that they can do so well with so little to work with. They are crying out for help. I have spoken to officers in the Labour Department and they are begging us to give them the legislation to work with, because they are aware of the problems which our people face in these areas of employment.

It is all well and good for some of us to sit back and pretend that there is not a problem in these areas. Just shortly after the turn of the New Year I had the distinct pleasure of visiting some of the areas in George Town with the four Honourable Elected Members of Executive Council. Some of the stories we heard and some of the conditions we saw were appalling. How can we in good conscience continue to boast about the very high standard of living of our people in the Cayman Islands when we sit back and see the conditions under which some of them have to work? It should be mandatory that employers pay their employees their rightful gratuities and this seems to be the most vexatious part of the problems. There seems to be such a disparity within the same levels of employment. The disparity is so vast that it creates no consistency and thus it is a mockery. Yet there is nothing that the Labour Department can do about it but call the employers and plead with them. However, the employers need not listen because the Labour Department can do nothing about it without appropriate laws.

Mr. President, there is no question in my mind that urgent attention must be given to proper labour legislation. This morning the Second Elected Member for West Bay took a lot of pains; he did a lot of research to bring to the attention of the House the need for proper and appropriate labour legislation. He quoted a number of instances which he had had to deal with, some of which were very familiar to me because I had encountered similar instances and similar experiences. I feel, Sir, that his motion will get the full support of this House. I cannot see any Member of this House not supporting such a worthy motion.

As I said in past debates, I am here to support what I think is right and good for my people and I could not think of a better piece of legislation for this country today than the labour legislation.

In closing, Sir, may I again congratulate the Second Elected Member for West Bay for his foresight and I feel, Sir, that he is echoing the sentiments and the feelings of the other Members of this House.

Thank you, Mr. President.

MR. PRESIDENT:
Executive Council.

The Honourable Second Elected Member of

HON. W. NORMAN BODDEN: Mr. President, I am prepared to give this motion which has been brought by the Second Elected Member for West Bay, my full and wholehearted support. I, like the speaker before me would like to offer my congratulations to the Second Elected Member for West Bay for the very capable manner in which he presented this motion this morning.

That there is dissatisfaction amongst our local labour force there can be little doubt. More than 50 per cent of the complaints I have listened to in the past two months have been expressions of dissatisfaction mainly with working conditions, the handling of gratuities and other benefits, duty time and so on.

I believe that quite clearly there is a pressing need to address those problems now without further delay. There is a need to provide up to date labour legislation which will adequately meet the needs of the developing Cayman Islands. However, I believe that this matter must be handled carefully and cautiously. Nevertheless, as I have said I strongly support the motion that labour legislation suitable to conditions in the Cayman Islands, aimed at ensuring full and equal protection for all workers must be implemented as soon as is humanly possible.

This will undoubtedly serve the needs of both employee and employer. We must have an equitable system which works and avoid any disruption of services provided to the general public, which is so vital to our tourist and construction industries. I firmly believe, Sir, the the best approach is the one suggested in the motion whereby a Committee of the whole House will be able to study the overall situation carefully; to invite and consider input from the hotel and building industries, Chamber of Commerce and other local labour related organisations. This will assist Government in drafting and presenting suitable labour legislation to this Legislature, possibly at its next sitting.

This type of legislation, I believe is in the best interests of our people the Caymanians, and also those investors who come from abroad to carry on business here. This is needed to retain stability and harmony in our Islands and I give this motion my full support.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I rise to support this Private Member's Motion No. 2 proposing the introduction of labour legislation.

I support the previous speaker in supporting this motion because, Mr. President, without proper regulatory labour protection there will always be dissatisfaction among the working class. I know that there has been much dissatisfaction over the past few years, especially when jobs became fewer and when it was seen that especially foreign labour took a lot of what was available here.

There was dissatisfaction, Mr. President, when large projects on special schemes paid people like masons \$900 to \$1,000 a week. These were seen as inflationary and furthermore, Mr. President, there was nothing anyone could do about it. The other class of labour continued especially in the Government sector at what was seen as the minimum wage standard under the Workmen's Compensation Law. That Law has long been outmoded but apparently it is only Government who uses it.

HON. VASSEL G. JOHNSON (CONTINUING): So there is absolutely no control where labour is concerned, because if you went to a private firm and you said that they must use the minimum wage under the Workmen's Compensation Law they would laugh at you since nobody can employ somebody outside Government at that rate. Why Government is able to employ so many people at that minimum rate is beyond me. However, if you look around and see Government forces at work you will probably know the reason.

Mr. President, if there is no proper facility or protection in the labour force of a country, there will certainly be a lot of social unrest. Social unrest will perhaps lead to many "isms"; "isms" like communism and socialism. We have seen it even where there is some form of labour regulations. Nevertheless, the absence of proper protection can lead to social unrest and I have no doubt that if you search around this country today, you will find much of this.

Mr. President, to provide a proper labour legislation which would fit the local bill is quite tricky and will need to be expertly done. However, I feel that the process which has been recommended in the motion will no doubt explore every aspect of such legislation to ensure that the end product which is recommended here will be acceptable to one and all. I too want to congratulate the Second Elected Member for West Bay for bringing this motion. I think, Mr. President, that he spoke about the need for labour legislation on all his platforms and there is no doubt in the minds of the people of these Islands that it is one of the issues of the election which should be given immediate and urgent attention. I therefore give it my wholehearted support, Mr. President.

MR. PRESIDENT: Any other Honourable Member wish to speak? The Elected Member for North Side.

MR. D. EZZARD-MILLER: Mr. President, I also want to congratulate the Second Elected Member for West Bay on bringing this motion and so ably delivering the needs and justifying it in his speech this morning.

As seconder of his motion, Sir, he has left me little room with which to help him. Sir, in the numerous colourful magazines printed and freely distributed throughout the Islands by the Government's Department of Tourism and a multiplicity of business and commercial interests, the success story of the phenomenal economic growth of the Cayman Islands over the past seventeen years is recounted. Today, Sir, we are facing the ill effects of the problems in labour of that over development and expansion policy. Today it is estimated that 20 per cent of the labour force in this country are foreign nationals.

I believe, Sir, that there is an urgent need for labour legislation in this country. Like the Second Elected Member for West Bay most of the problems which I have dealt with since elected have been labour related and the easiest thing to do is to refer individuals to the Labour Board for directions. When they go to the Labour Board, however, the people there can really only bluff their way to get help for these people. So we need the labour legislation to provide a mechanism on which the Labour Department in Government can function and be established.

I believe, Sir, that under this labour legislation, the employees and the employers both should have their rights and their protections. It should deal with

MR. D. EZZARD MILLER (CONTINUING): minimum wages, severance pay but most important, Sir, I think this labour legislation should enhance the development of our only natural resource in this country which is our people, the manpower resource of this country. It should provide for other benefits other than wages like job satisfaction. It should create opportunities to stimulate the labour force. Good management, Mr. President, and good labour relations leave no room for labour unions. Sir, labour unions may have served a useful purpose in some territories but they have also been a very destructive force in other territories, especially, Sir, when those labour unions are created for political reasons and are backed and organised by political groups. If that situation is allowed to develop in this country and it is not impossible for that to happen, Sir, if we ignore the plights of the labour force in this country much longer, we might get a labour union in this country tied to any political group which would be very detrimental to the economics and welfare of this country.

Sir, I do not disagree with some people that there are some Caymanians who may not work as willingly as others but I do not subscribe to the idea, Mr. President, that Caymanians do not want to work. In fact I had the unfortunate experience of discussing this problem with a bank manager in our community quite recently and I listened to that individual's complaint about the lack of initiative and the lack of drive in Caymanians. That individual, Sir, complained for no less than an hour about the inability and the poor performance of Caymanians. This left me with no choice, Sir, but to tell that individual that I thought the problem rested solely at his feet and he was therefore incapable of managing his organisation. He got very perturbed but I had to go on to point out to the individual, Sir, that Caymanians went to sea in the early 1950s as bedroom stewards and mess men. In a decade, by the early 1960s there were many, probably the highest ratio of any nation on earth for the number of inhabitants of master mariners, usually with unlimited tonnage rating. The reason for that, Sir, was because they were given an opportunity to develop. They were encouraged to learn and they accepted the responsibility. I believe that if the managers in our society today afford the young Caymanians who come back from college or out of high school the same opportunities and give them the same encouragement, the day will draw nigh when Caymanians can hold the higher offices in the financial industry and tourism industry of this country.

This was further brought home to me, Sir, in a recent discussion with a member of the Barbados Institute of Management. We were talking about the training needs of these Islands and I was very perturbed when the gentleman questioned me as to whether he had interpreted the feelings of middle and upper management in our society here in Cayman in our workforce correctly, in that he believed that there was a concerted lack of and a determined effort not to train Caymanians to take over these top posts in the economy. I believe, Sir, that that gentleman was quite right in his assessment, because after all when Caymanians do take over those jobs they will displace foreign nationals who in most instances will be going back to worse circumstances than those which they are enjoying in Cayman.

There are also, Sir, several horror stories about Caymanians being passed over for promotion. To give one example I happen to know of an instance in one of the bigger banks here in town where a Caymanian was in charge of the swimming pool. That Caymanian resigned and was replaced by another Caymanian who in the period of nine months to a year was given a

MR. D. EZZARD MILLER (CONTINUING): pay increase by management. She was told she was doing a good job but to her amazement one day, in walked the wife of a foreign lawyer who had just been employed in this country, and that wife of that lawyer is now the supervisor of the pool. That Caymanian who had been told that she was doing a good job and had been given an increase in pay and had been made to believe that her efforts and contributions were worthwhile, was passed back into the typing pool. That, Sir, is the kind of problem; that is the kind of actions which can lead to ill feelings in our labour relations. Those things have to be covered as well as wages and severance pay, and so on.

In fact, Mr. President, I believe I am correct in saying that some of the financial institutions are required to file some sort of an annual return on their employment situation within the organisations, that is what posts are being held by foreign nationals; what posts are being held by Caymanians; what training is ongoing, and what posts the Caymanians are being promoted to.

It has been my unfortunate experience, Sir, to see evidence that there is fudging in these reports and some of the posts which they claim Caymanians are occupying, they really are not. They are also being paid at a much lower rate than the expatriate who is occupying the post.

That leads me to the fact, Sir, that in many instances in this country Caymanians are doing the same job as foreign nationals. They do not receive a lot of the other benefits which the foreign nationals do; fringe benefits such as houses, cars and so on and they are performing essentially the same functions. However, they are being paid at lower scales. These inequities, Mr. President, have to stop. The Caymanians must be allowed to develop. They must be allowed to take their rightful place in this society. They must be allowed to contribute to the best of their ability.

I have no hesitation, Mr. President, in seconding this motion this morning for the Second Elected Member for West Bay. As I said I fully support the motion and I believe it is high time that this Government got down to action on labour legislation, and ceased to give it lip service.

Thank you, Mr. President.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: In speaking on this motion, Mr. President, I would like to make it very clear that I support labour legislation. However, I would like to make it doubly clear that it is not the result of this motion being placed before the House.

This motion I feel is very much politically motivated and I would not want it to be construed by the public that the only persons in favour of labour legislation in the Legislative Assembly are the persons who have brought the motion to the House. It is true, Mr. President, that there is dissatisfaction in the workforce in the Cayman Islands today and it is coming more to the front every day because of the many attendant problems which go hand in hand with it, one of those being particularly the immigration into the territory.

The next thing is the idea in some of the employers' minds that Caymanians, regardless of how many degrees they may have or how capable they are, are second class citizens in their own country. So we cannot hide that fact that there is dissatisfaction.

MR. JAMES M. BODDEN (CONTINUING): Labour legislation will not take away that dissatisfaction. There will be dissatisfaction in the workforce as long as there is an employer/employee type of relationship. Because it is human nature that each and every individual would like to get to the top of the respective field which they may be in, and every human being wishes ultimately to work on his own. So we cannot legislate anything in this Assembly which will alleviate that problem. However, what we can legislate for is to ease the social unrest which is creeping into the country. This social unrest will come about when labour sees a disparity in their wages and in their working conditions, something which we are aware of which has been happening in these Islands for many years.

The previous Government took some steps towards helping this and I would like those to be made very clear. The Labour Office was set up under the previous administration and in my opinion did a good job considering the restraints which were placed on it and the fact that there was no labour legislation to work with.

I would like to trace the history of it; of the attempts to bring labour legislation by the previous administration into the halls of this Assembly. Labour as a whole was a part of the Portfolio which I was assigned. Many, many years ago I sent off to various parts of the world, to many countries, to get copies of their labour legislation. I amassed quite an amount of different laws and I tried to get labour legislation drafted as far back as the time of our previous Attorney-General Mr. Barwick so that I could present it to this House. I also was instrumental in having a representative of the ILO through the help of the United Nations, come to the Cayman Islands and draft some labour legislation. I did not believe that the labour legislation which was drafted, in view of my experience with legislation as a whole and with labour, being associated with it in many areas in the United States in years gone by, would have been adequate for this country. Therefore, instead of presenting it as a Bill, I presented it to the House and asked that it be dealt with by a Select Committee.

I can remember the disparaging remarks which were passed by some of the Members in our attempt to put that through. We felt that it was necessary to go into a Select Committee so that everyone could give their opinions and that as a whole we could put our heads together and try to come up with legislation which would have been adequate for the country. Unfortunately, the elections overtook that attempt and that legislation still remains in the hands of either the Member who is dealing with labour now, or the Honourable Second Official Member. It is just waiting to be brought back and I have a question posed in this Session asking when it is planned to bring it back.

So I would like it to be made very plain that my association with this motion is in view of the work which was done by the Unity Team Government in the last eight years, attempting to bring labour legislation to the House. I would also like to make it plain that labour legislation is already drafted and is ready for presentation. Ask them if the Elected Members of Executive Council will see fit to bring it back. Much time has been spent in the formulation of the Bill which has been drafted. I personally spent many, many hours reading the legislation of the different countries and adding my ideas to some of the drafts.

MR. JAMES M. BODDEN (CONTINUING): Unfortunately, what I really would have liked to have presented to the House was never drafted adequately in the fashion that it should have been.

The Member speaking on this motion, I think it was the Honourable Fourth Elected Member of Executive Council, if I heard him correctly and was able to analyse correctly what he was saying. I thought that he was trying to portray the idea that if labour legislation is enacted there would be a control of wages. If that is the opinion of the House or the opinion of any Member I think it should be rejected immediately. I agree with setting minimum standards, but Government cannot go into legislation which will tell the employer that he cannot....

HON. VASSEL G. JOHNSON: A point of correction, Mr. President. I did not say that there would be a control of wages. I was speaking about labour and the labour legislation.

MR. JAMES M. BODDEN: What I was of the opinion was said by the Honourable Fourth Elected Member of Executive Council was that he was espousing that Government in its future legislation which would put a lid on what could be paid to people in any respective position. My argument is, Mr. President, that we must set a minimum wage but if the minimum wage calls for \$5 an hour in any respective position and an employer wishes to pay \$6 an hour, Mr. President, then that employer should be entitled to....

HON. VASSEL G. JOHNSON: Mr. President, a point of order....

MR. JAMES M. BODDEN: pay \$6 an hour.

MR. PRESIDENT: Is it a point of order?

HON. VASSEL G. JOHNSON: Yes, Sir, the Member is still insisting that in my remarks I said that there should be a lid placed on the level of wages. I did not say that. I was talking about controlled labour.

MR. PRESIDENT: I think this is a point of explanation not a point of order. If the Member is happy to allow you to proceed that is alright. He is quite happy.

MR. JAMES M. BODDEN: I am quite happy, Sir, he is only putting himself more and more into....

MR. PRESIDENT: He is happy to allow you to proceed so carry on.

HON. VASSEL G. JOHNSON: Mr. President, from my notes which I have before me I was speaking about the need for proper control of labour. I said nothing about wages at all because I know that there are various rates of wages paid by various employers. I spoke about Government applying the minimum wage under the Workmen's Compensation Law while other firms from the private sector pay different levels of wages. What I was trying to say is that there is perhaps need at the present time to either update the Workmen's Compensation Law to introduce a reasonable level of wages, try to rectify that in some other manner. However, I certainly did not say that there should be a ceiling placed on wages.

MR. JAMES M. BODDEN: Mr. President, I only showed my generosity in allowing the Member to speak as long as he did because it was not a point of order.

I stand corrected, Mr. President, but I wonder if the tapes could be played back and we could have an extract of what the Member did say, because I was listening and what I heard was that what had happened in the past, and it did happen here a few years ago, was inflationary. He was bemoaning the fact that some masons had been paid, I think, \$900 per week. If a person had a job to be done and he wished to employ a mason and pay him \$10 an hour and the going rate was only \$5, and that mason was willing to do that job and perform that job to the standard at which it should be performed, then I think that he was entitled to receive that money. Also the man who paid him was entitled to pay him. So I am still wondering why the Member would have injected that type of reasoning in his speech if he was not espousing that there would be some controls put on labour. I am sure that the tapes, whenever they are produced, will prove my point that the Member was intimating that government legislation should be placing a maximum lid on the amount of wages people could be paid. I think that would be the very thing which would hurt and discourage any labour legislation which could be enacted in this country.

If we are going to enact labour legislation please let us sit around the table as a whole as we tried to do last year, and get the necessary input from all sides. Because this is legislation which will help the country and will shape the future destiny of the Cayman Islands. Do not let us put in legislation which has some hare-brained schemes and ideas in it, and will pass this House just because it has the numerical amount to pass it. That will not benefit the working class; it will not benefit the labour force as a whole and it will not benefit the country.

We are already going too far down the road of destruction under this present Government to allow us to go any faster. Once adequate labour legislation is brought to this House the next thing which will follow, and I am prepared to lead that if I have to, is that we have a proper labour union in this country, which will take in all classes and kinds of people, and will work for the benefit of all the workers of this country, not just a select few. Labour unions have played an important part in the development of many countries. I do not agree with everything that a labour union does but unions have done a lot for the working classes throughout the world. We could look at the English labour unions and say that they have brought the country on to its knees but we do not know the reasoning behind most of that. We do not know how those people were held down in years gone by. So maybe the children of the children did wish to benefit themselves more than they should have done. However, labour unions in most countries have tended to play their part in the development of those countries and to do it wisely. I feel that a labour union would do the same thing in this country. We could lead it in the same way that it has been led in other developing countries and I feel that if a labour union was tied in with a political group, it would not be as bad as some of the things which have been tied with political groups in the past.

MR. PRESIDENT:

First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I support the motion before the House. I realise it is necessary that we provide for and protect our working class. I also realise that it is the responsibility of this House to study carefully all aspects of labour legislation before we reach any decision. Labour legislation can be beneficial but it can also be detrimental if it is not the right kind. Therefore, I would ask each and every Member here today to give this very serious consideration as we deliberate in Committee and as the Law is drafted.

Previous speakers have mentioned labour unions. Mr. President, in the early stages in many countries they were beneficial, but if you take the total end result of labour unions you will find that they have brought countries to their knees, particularly developing countries. I would warn again that we should be very cautious as we approach this subject. I personally, speaking for myself solely, do not feel that we need labour unions in the Cayman Islands. I think we are intelligent enough and we are a close enough knit people to help protect each other, and that we can do without the organised labour unions.

In conclusion, Mr. President, I would like to congratulate the Second Elected Member for West Bay for his presentation. Labour legislation has been on my mind from the time I came into this House four years ago and I am glad today that we are moving forward on it. However, again we should do it very cautiously.

Thank you Mr. President.

MR. PRESIDENT: Unless any other Member wishes to speak.... The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support the motion before this Honourable House. I believe that it is in the best interests of our Islands and will, as one of the Members said before, help us to maintain harmony and stability in our Islands.

I feel that the time has now arrived for us to have a comprehensive labour Bill. In the past we have had no labour problems as most Caymanians were self employed or earned their living by going to sea. Today we have an industry, or several industries, the greatest of which is tourism. From tourism we have several spin-offs such as construction, hotel workers, dive boat operations, sailboat operations and I could go on and on. I think that there should be terms clearly laid down for employer and employee alike so that persons working know exactly what to expect. I feel that we should insist that people working should give a fair day's work for a fair day's pay.

In the deliberations this morning much was made of the gratuity system. Mr. President, we happen to own two small hotels on the beach and we inherited the gratuity system. I do not agree with it because I do not feel that gratuities should be made compulsory. I feel that gratuities should be paid to the persons who earn them by the services they render to our visitors. "TIP", Sir, means to ensure promptness and certainly we should not be forcing this on our visitors. I feel that each hotel, or each industry whatever it may be should pay a fair wage to their employees and if they give the service we hope they would give, then the tourists or visitors will in turn give them a tip or a gratuity at the end of the day.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Mr. President, I too would like to congratulate the Member who introduced the motion and I assure him of my full support. It is a pity, Sir, that we have in this Assembly certain Members who are always casting aspersions on the present Members of this Government. We have inherited a very difficult task and that is to get this country back on its feet. Whether the people of this country want to believe that the country is in good shape or not, I am telling them right now, Sir, that the Cayman Islands are not in good shape. We, the four Elected Members of Executive Council are working as hard as we know how, together with the three Honourable Official Members and yourself as Governor, to try to restore financial order in our community, and to try to get control of the Cayman Islands finances before we have lost everything.

The First Elected Member for Bodden Town made mention of a labour union. He did not state his intention but he intimated that this might be one of the roles which he might play in the future, to form a labour union. Well, Sir, maybe he is just sticking to his promise that when this country has nothing for him it will have nothing for anybody else either. So if this is all he has to promise or to give this country, a labour union which will destroy it, God have mercy on us.

I thank you, Sir.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak I will call on the proposer to exercise his right of reply.

MR. W. McKEEVA BUSH: Mr. President, I thank those Members who offered their support and also for their kind remarks. Mr. President, one writer said, "If you squawk like a crow, you look like a crow and you fly like a crow, you will be shot like a crow". Standing up here in this Honourable House, Mr. President, and saying how much he supports labour legislation, and admitting, Sir, that he was the Member responsible for labour; admitting, Sir, that he looked at many laws and he had many experts, but after eight long years of being the Member responsible for labour, I did not, Sir, expect the type of debate which the Member gave. This is very genuine, Sir. He is a senior Member in this House. In fact he is supposed to be the father of the House and, Sir, I expected that he could give a very comprehensive debate on labour legislation. Instead, Sir, he has said that my motion is politically motivated. He said that labour legislation cannot take away all the dissatisfaction....

MR. JAMES M. BODDEN: A point of order, Sir.

MR. PRESIDENT: A point of order so will the Second Elected Member for West Bay sit down.

MR. JAMES M. BODDEN: Mr. President, it is funny that respect in this House is only used when somebody thinks it fills a point for him as the Member is trying to do now.

MR. W. McKEEVA BUSH: What is his point of order, Sir?

MR. PRESIDENT: Is this a point of order?

MR. JAMES M. BODDEN: It might be more than that when I get through with it, Sir.

MR. W. McKEEVA BUSH: Well if he does not have a point of order he should sit down. It is my turn to talk now. The Member has had his turn.

MR. JAMES M. BODDEN: I rose on a point of order then, will the Member wait until I give it.

MR. PRESIDENT: If the Member does not come to a point of order straight away I cannot allow him to proceed.

MR. JAMES M. BODDEN: Will the Member truthfully state what my opposition was on it. I do not draft labour legislation for this Government; I do not do it now and I never did it in the past. It was in the hands of the Honourable Second Official Member and his staff. I pointed out that we had even got an ILO representative....

MR. PRESIDENT: I do not think this is a point of order. It is a point of explanation.

MR. W. McKEEVA BUSH: Thank you, Mr. President, I tried to give the First Elected Member for Bodden Town the respect for being the Member for Labour for eight years, but I also have to point out, Sir, that he did nothing in terms of a labour law. He can do all he wants and he can say all he wants but the fact....

MR. JAMES M. BODDEN: That is incorrect

MR. W. McKEEVA BUSH: Will the Member sit down.

MR. JAMES M. BODDEN: No I will not sit down.

MR. W. McKEEVA BUSH: Well I am standing on my feet and unless the President tells me to sit down I will not sit down.

MR. JAMES M. BODDEN: Well I am not going to sit down because the Member tells me to sit down. Mr. President....

MR. PRESIDENT: Are you rising on a point of order?

MR. JAMES M. BODDEN: Yes, Sir. Mr. President, he is incorrect in what he is saying because labour legislation was put before this House....

MR. PRESIDENT: That is not a point of order. That is a point of explanation. If the Member wishes to reserve his right to rise on a point of explanation at the end of the Second Elected Member for West Bay's speech he is entitled to do so in accordance with Standing Orders, but he must not raise....

MR. JAMES M. BODDEN: I would like to register that now then, Sir.

MR. W. McKEEVA BUSH: Thank you, Sir. Mr. President, about the claim that the motion was politically motivated, are we not politicians? Mr. President, our manifesto which I was elected to office on, "A better say for West Bay", which I hope can become "A better say for the Cayman Islands" said, "When we are elected on 14th November it is our intention to..." One of the sections of that manifesto said, "To investigate the terms and conditions of employment, including those in the tourist industry as well as in the casual labour sector".

MR. W. MAKEEVA BUSH (CONTINUING): I am fulfilling my promise to my people. If the Member has had the people at heart we would not have had any call to do this. For eight years they dozed and did nothing because no legislation is on our books for labour. Can the Member deny that, Sir?

Mr. President, for as long as I have been involved with politics I have heard promises of this Labour law coming and I have not heard it debated here yet. The Hansard of the second Meeting of the 1977 session of the Legislative Assembly on Monday, 7th March says in a speech by the First Elected Member for Bodden Town:-

"During this year as will be revealed in the Budget we plan to employ another Labour Officer. This is necessary because the work load is becoming quite heavy for one officer and it will become even worse later this year when we bring forth our new labour legislation".

I am saying, Sir, that the labour legislation which the Member said he would bring has not been brought to the House, or it is not a law yet. He had sufficient time, Sir,....

MR. JAMES M. BODDEN: Mr. President, the Bill was brought to this House. It is unfortunate that the House did not have enough time to....

MR. PRESIDENT: This is still a point of explanation. The Member must keep it until the end.

MR. W. MAKEEVA BUSH: Yes, Sir. When he explains later I hope it is just on a point of explanation and is not another speech.

In the Throne Speech for 1981, midway in his term I would say, another promise was made:-

"The need for a modern employment law is becoming more pressing".

That is another promise and right down to the last minute, Sir, the Member was saying; this is from the Throne Speech again on Friday, 24th February, 1984:-

"It is hoped that labour legislation will be introduced to this Honourable House in the June sitting".

All I can say, Sir, is that they were promises but there is no law. He had sufficient time for a law to be drafted. So he should not try to confuse people about who wants minimum wages and who does not want minimum wages. For the record, Sir, I want to quote what I said about minimum wages in case they plan to misconstrue that. I am quoting from my speech this morning.

"On the matter of minimum wage, I would like to see the Committee to be set up have a terms of reference where one of its functions would be to gather information from the private sector about minimum wages for each job description, to get a current and realistic understanding of what minimum wages have to be set."

MR. W. McKEEVA BUSH (CONTINUING): I hope that is quite clear.
No ceiling.

I, Sir, am not concerned with who did what. I am a new Member in this House. This is a new Parliament and this is a new Government. The First Elected Member for Bodden Town does not rule us any longer. He does not rule this country any longer. The fact remains, as I said after eight long years there is no Labour Law on the books or enforced.

Regarding the unions, Sir, I do not subscribe to them. Maybe some people when they find that they have lost the faith of the public believe that they can get behind a union and get that faith again. If we give the people the basic necessities he nor anyone else will be able to raise a union in this country and be successful. It will be like the political party, dead, defunct and gone.

Mr. President, I am wondering whether I should read this because it has unparliamentary wording in it, and I do not know, Sir, how you will react.

MR. PRESIDENT: I will stop you if necessary.

MR. W. McKEEVA BUSH: Yes, Sir. I am referring to a publication I received in the mail. This came from the Labour Office. It was dated March, 1979 and has the Honourable First Elected Member for Bodden Town's writing on it. If I am not permitted to read it please tell me so now, because I am about to read it, Sir.

MR. PRESIDENT: You will have to show it to me first for me to judge that. I cannot possibly....

MR. W. McKEEVA BUSH: Fair enough.

MR. G. HAIG BODDEN: On a point of order, Mr. President, I cannot see the relevance of all this.

MR. W. McKEEVA BUSH: Yes, Sir, he cannot see. I know he has always been blind.

MR. PRESIDENT: I think he is answering points which were made during the debate.

MR. JAMES M. BODDEN: On a further point of order then, Mr. President, I wonder if you as the President of this Meeting could then disclose to the House whether that is one of Government's files, or whether it is a letter written to someone or what it is?

MR. D. EZZARD MILLER: On a point of order, Mr. President, I think that when Members of the House rise on a point of order they should quote the Standing Order under which they are claiming a point of order. Maybe that would restore some order in the House.

MR. W. McKEEVA BUSH: All they are doing is trying to block me, but I am wound up now, Sir. I have been wound up.

HON. MICHAEL J. BRADLEY: On a point of information I think it is almost our coffee break time, Sir.

MR. PRESIDENT: No, I think I would have to stop you if you started reading the part I imagine you were going to read of that so it would be better that you should not read it.

MR. JAMES M. BODDEN: Would you disclose to the House whether that was a private or a Government file, or whether it is a letter written in respect of some subject, Sir?

MR. W. MAKEEVA BUSH: If I cannot read it then let us not read it. Let us not deal with it because if we start to talk about it I will want to make my point clear.

MR. JAMES M. BODDEN: The point is, Mr. President, that things which have been done in the past or letters written and so forth in the Government Administration Building have surfaced, apparently through Civil Servants. I am just wondering whether this is another case of a file which has been taken out of the Government Administration Building and brought here to be used? He can read anything he wants because if it is anything that I have put my signature to, believe me I believe in it.

MR. PRESIDENT: Will the Member continue.

MR. W. MAKEEVA BUSH: Mr. President, I am only serving to show, Sir, that those Members who claim they support labour legislation, might have reservations to an extent in supporting my motion. I want to show, Sir, that it is double talk as far as I concerned. That is all it is.

Mr. President, the same Member responsible for labour, according to a newspaper, said that he was asking for work reviews. He said in the Sun newspaper, a Unity Team mouthpiece, "I am concerned to hear recently how skilled Caymanians...."

MR. JAMES M. BODDEN: I object again, Mr. President. Why do you not try to make this man behave in this House, if you expect the rest of us to?

MR. PRESIDENT: Under what Standing Order are you objecting?

MR. JAMES M. BODDEN: He is talking about the Sun being the Unity Team's mouthpiece. Under Standing Order 35(4) he should be able to prove that rather than just quoting anything which comes to his attention.

MR. PRESIDENT: Standing Order 35(4) says that no Member shall impute improper motives to another Member. I see nothing improper about a newspaper being associated with a political party. It is common practice in most countries.

MR. JAMES M. BODDEN: I would bet that if I had raised it on another newspaper I would have been brought out of order, right?

MR. PRESIDENT: If you had raised it improperly you would have been.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, the temperature of the coffee is falling while that of the House is rising.

MR. PRESIDENT: I was hoping that the Member now speaking was going to finish soon and we could then get our coffee.

MR. W. McKEEVA BUSH: No, Sir, if you want coffee let us take it.

MR. PRESIDENT: If he is not going to finish, in that case I think I will suspend proceedings until approximately 3.50 p.m.

AT 3.38 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.53 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, before we took the break, Sir, I was dealing with an article in the Sun newspaper. However, before I go on with that, Sir, I want to say this. I take very strong objection to any Member coming to me in these Chambers and trying to threaten me in any manner. Since I have been elected here and sworn in I have been cursed, and I mean literally cursed within the precincts of this Assembly. I want to say that all this will not serve to intimidate me so that sort of tactic will have to stop. It is not easy to kill a Bush you know. Thank you very much for allowing me to say this, Sir.

Before we took the break we were dealing with an article in the Sun newspaper where the Member responsible for labour was asking all employers to review their employment practices. The Sun goes on to say that Mr. Bodden made a statement just one day after a number of unemployed Caymanians made a peaceful march to the construction site of the new terminal at Owen Roberts Airport. He said:

"I am concerned to hear recently about skilled Caymanians who are unable to find work which they are suited to carry out. I call on all employers to review their employment practices."

Mr. President, I read that in order to read this. This is another Sun newspaper dated Tuesday, 2nd August, 1983. These were the same marchers who he was referring to:

"The marchers said that after they spoke to the foreman and owner who told them to talk to Jim Bodden, the job was closed down. In a telephone interview later Mr. Ben Bosch, manager of Spanish Cove said the workers had been sent home because word had been received they would not be getting any cement. He said Executive Council Member Mr. Jim Bodden was involved, not as the owner of the hotel but as owner of the company doing the construction."

MR. W. McKEEVA BUSH (CONTINUING): I have read this to show, Sir, that all this talk about the Labour Law and how we protect Caymanians is just that, lip service and nothing else.

One other Member, Sir, raised on a point of order that I was not being relevant. That was the Second Elected Member for Bodden Town. I want to read an article he did, Sir, a newspaper report which quoted the Honourable Member as saying:

"Right now the Government could use one dozen more qualified engineers, but where are they going to get them when the parents allow their children to smoke ganja. When they will not let their children go to school."

My argument this morning, Sir, and my arguments now, I maintain, are very relevant to the labour situation in this country. We are talking about protecting Caymanians. Yet here is this Member saying that Caymanian parents allow their children to smoke ganja and not to go to school. I do not believe this, Sir. Caymanian parents in my opinion have a deep and abiding respect and love for their children, and they do all within their power to help them. It is not because of that that they are not getting jobs. It is the situation which I read from the Sun newspaper. It is not Caymanian parents. This is double talk, Mr. President, political rhetoric. If I have to use some rhetoric to prove my point I can easily do that. They have wound me up and that is what has happened. The points are genuine. As far as the labour legislation which the Member claims was drafted is concerned, this is an extract of recommendations from reports of Select Committees as tabled at September, 1984 Meetings of the Legislative Assembly. It says, "The recommended Select Committee Labour Law". Terms of reference:

"At the Sitting of the Legislative Assembly on the 8th day of May, 1984, Government Motion No. 5 moved by the Honourable Third Elected Member of Executive Council, was passed. The Motion read,"

and I believe that this will tell the truth:-

"That this Honourable House do, in accordance with Standing Order 69 of the Legislative Assembly Standing Orders, 1976, constitute a Select Committee to consider and report upon the Laws of the Cayman Islands which now regulate the relationships between employers and employees, and to make recommendations as to whether any changes in such Laws are necessary or desirable and if it is so considered, to make recommendations as to what amending or new legislation is, in its opinion, necessary or desirable;

and that this Honourable House do appoint all the Members of the Legislative Assembly, both Elected and Official, to be Members of such Committee and that the quorum for a Meeting of such Select Committee shall be seven Members;

and that the said Select Committee do make its Report to this Honourable House in the month of or before the month of September, 1984."

MR. W. McKEEVA BUSH (CONTINUING): This says the Committee will make a report; no laws. It will make a report. This is the last month of the Session. If the Committee has drafted a law it could have been passed in that Session if Members so desired. But they said make a report, not bring back drafted legislation. So the Member should not come talking rubbish about drafted legislation. I do not see any. There is none on the books.

Mr. President, one of the reasons I am here today is because I made an overwhelming case against the bad and dismal record of the previous administration. I made an overwhelming case against a record of broken promises such as the labour law. I know, Sir, there are those who oppose this motion. They oppose it. They oppose my motion because they could not stand to see this little Bush boy from West Bay propose a motion when they had failed in eight years to bring legislation which could be debated in this Honourable House.

Mr. President, in winding up or closing off, whichever way we term it, no amount of economic good will make our people a real unity. All efforts will be wasted unless the masses of the people are steadily taken along the path on which they will feel more and more that this place called the Cayman Islands is their home; that it is their destiny and that we as leaders are seriously looking after their interests, and not merely paying lip service to the problems which confront them. They will then do more for their country; make more effort; think more; make more sacrifices; have more discipline; be more honest and do more work than by any other measure which can be brought in this country.

We need a Labour Law and I would have preferred to see support from every single Member of this House if they were genuine.

It is against this background that I commend this motion to the Honourable Members of this House. What say ye?

MR. PRESIDENT: Before I put the question to the vote, the First Elected Member for Rodden Town reserved a right to offer an explanation in accordance with the provisions of Standing Order 34(2) and I call his attention to the limitations imposed by that Standing Order. Subject to them, he may offer his explanation.

MR. JAMES M. BODDEN: Well, the other Member was allowed to drift. I do not know whether I will be able to do it.

Mr. President, the day will never come when I will have to follow the steps of the Bush boy from West Bay. The Second Elected Member for West Bay said a while ago about intimidation. I imagine that was meant to include me because at the break I went to his desk and I said, "If you are going to deal with things which I supposedly had said you had better be sure of the facts. You will not find me Spurgeon Ebanks". I do not think that that was intimidation or a threat. However, it is well meant.

Labour legislation was drafted. It was drafted by an ILO representative attached to the United Nations Caribbean staff and it was placed in a motion to this House last year on the advice of the Attorney-General who is also present here now, who said that that was probably the best way in which to deal with it. It was our feeling that there should have been participation by all Members.

MR. JAMES M. BODDEN (CONTINUING): So it is fruitless for this Member to get up and make the statements which he has made. However it is not surprising when you consider who they come from. I can apologise for him.

MR. W. McKEEVA BUSH: There is an invitation.

MR. JAMES M. BODDEN: It is funny that the drafting department of this Government has been able to draft so many laws so quickly when we had such difficulty for many years, at least five years which I can remember, in trying to get the labour law drafted.

Mr. President, I have not lost the faith of the populace. The Unity Team is not defunct or gone. It is just beginning.

MR. W. McKEEVA BUSH: On a point of order, Sir.

MR. PRESIDENT: I think the Member is straying from the point of explanation. He has been explaining so far about the drafting of legislation. However, if he is going on to talk about the Unity Team's past and prospects, that I think becomes rather more.

MR. JAMES M. BODDEN: I was just referring to the manner in which you allowed the Member to drift.

MR. PRESIDENT: The Member was not speaking on a specific point of explanation. He was answering a debate.

MR. JAMES M. BODDEN: Well, I will then answer one, Sir. He said that if the Member had had the people at heart more would have been done. I would remind him that if he lives as long as Methuselah he would not feel for the people or do for the people of the Cayman Islands what I feel I have done. That is public record.

MR. W. McKEEVA BUSH: You can say that again.

MR. PRESIDENT: I will now put the question....

HON. MICHAEL J. BRADLEY: Mr. President, Sir, with respect I beg leave to make a personal explanation. In that regard I would draw your attention to Erskine May, 19th edition, page 343, in which it says:-

"No debate should ensue thereon but if another Member is involved in a personal statement, he is generally allowed to give his own view of the matter and to say whether he accepts it or not."

MR. PRESIDENT: Very well.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, as Attorney-General, the Second Official Member, I am responsible apart from being Government's chief legal advisor, for the drafting of legislation in accordance with drafting instructions received by me from Government. I hope that I will be as loyal a Member of Government during this administration as I hoped that I was during the last administration.

HON. MICHAEL J. BRADLEY: My memory, Sir, and I think the records of Government will show that at no time was I formally instructed to draft labour legislation. My memory of the conduct of labour legislation is that there had been several drafts prepared by my predecessor. Also I had talked to the First Elected Member for Bodden Town informally and we had agreed on a number of points. I had personally, in anticipation of a formal paper, brought and started work on certain legislation. It was then seen fit and proper by the First Elected Member for Bodden Town to instruct ILO advisors to prepare independent legislation.

I hope that in no way is any slur being cast upon the drafting section of Government or myself in inferring that there was any dilatoriness or reluctance to draft legislation as a loyal Civil Servant.

Thank you.

MR. PRESIDENT: Thank you. I will now put the question that Private Member's Motion No. 2 be now passed.

QUESTION PUT: AGREED.

MR. W. McKEEVA BUSH: Could we have a division, Sir?

MR. PRESIDENT: I did not hear any noes so I am not quite sure of my facts....

MR. G. HAIG BODDEN: I think the Member wants to vote against it himself.

MR. PRESIDENT: Let me just look.

MR. W. McKEEVA BUSH: No, I want to hear the Opposition vote.

MR. PRESIDENT: Let me just have a look at Standing Orders. Maybe the Honourable Second Official Member will be quicker than me at finding what....

HON. MICHAEL J. BRADLEY: Mr. President, Sir, may I respectfully draw your attention to Standing Order 43, subsection (2) which says

"The results shall be declared by the Presiding Officer stating "I think the ayes have it" or "I think the noes have it" as the case may be, but any Member may challenge the opinion of the Chair by claiming a division."

MR. PRESIDENT: Very well, you may have a division. Even though I did not hear a single no you are entitled to a division.

DIVISION
NO. 10

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Copt. Mabry S. Kirkconnell

(INTERRUPTION).

MR. JAMES M. BODDEN: Mr. President, I call your attention to Standing Order 13(4) which says:-

"A division shall be taken by the Clerk calling each Member's name and recording the vote given. The Clerk shall then announce the number of those who have voted for and against the proposal."

So if there is no one against the proposal, in my opinion there should be no division, "shall declare the result of the division" because there were abstentions.

MR. PRESIDENT: I think the answer to that one is that until the Clerk has called the names we cannot be certain that there is no one against. A Member may challenge my hearing as defective and claim that perhaps I did not hear a no or an aye. My interpretation with which, if I understand it, the Honourable Second Official Member was in agreement, is that if a Member wishes a division he is entitled to it.

MR. JAMES M. BODDEN: Well my vote then, Sir, I fully support labour legislation coming to the House but not the motion which is before us because we have already had draft legislation which can be put.

MR. PRESIDENT: I think you must either vote aye or no or abstain. It will be difficult for the Clerk to know what to put down otherwise.

DIVISION (CONTINUED)

<u>AYES</u>	<u>NOES</u>	<u>ABSENTIONS</u>
Mr. D. Ezzard Miller Mr. John B. McLean		Mr. James M. Bodden Mr. G Haig Rodden
11	0	2

PRIVATE MEMBER'S MOTION NO. 2/85 PASSED BY MAJORITY.

MR. PRESIDENT: I declare the motion carried. Private Member's Motion No. 3/85.

HON. MICHAEL J. BRADLEY: Could I hear that count again, Sir. Did the Clerk say twelve?

MR. PRESIDENT: I think it may have been eleven because you are quite right, I think there are two people absent. It was two abstentions and two absentees. It must be eleven.

CLERK: The Honourable Fourth Elected Member of Executive Council and the Third Elected Member for West Bay are absent. That is correct.

MR. PRESIDENT: The motion is still carried but I think you will find when you record it that it is eleven.

CLERK: That is right, Sir.

MR. PRESIDENT: The Honourable Fourth Elected Member of Executive Council and the Third Elected Member for West Bay are both absent.

So, Private Member's Motion No. 3/85. The Second Elected Member for West Bay.

MR. LINFORD A. PIERSON: Mr. President, before the moving of this motion, on a point of order, Sir, I wonder if I could get an explanation from you under section 35(3) of the Standing Orders. The point I want to make here, Sir, is that I feel that it is unproductive in this House for us to continue using such offensive and insulting language as I have heard here today. I would remind Members that our debate are being broadcast.

MR. PRESIDENT: Thank you. I certainly welcome any help I may be given in urging Members to avoid offensive or insulting language about one another. If I hear any, naturally I shall call them to order. Would the Second Elected Member for West Bay now like to move Private Member's Motion No. 3/85?

PRIVATE MEMBER'S MOTION NO. 3/85

COMMISSIONER OF POLICE

MR. W. MCKEEVA BUSH: Mr. President I beg to move Private Member's Motion No. 3/85 standing in my name, which reads as follows:-

WHEREAS by Private Member's Motion No. 5/83, passed by the Legislative Assembly on 1st December, 1983, it was recommended that this Government agree to indemnify fully the Commissioner of Police, Mr. James Stowers, in any costs and outlays he may incur in bringing proceedings for defamation against persons who made or published false allegations against his conduct and character;

BE IT RESOLVED that this Honourable House hereby rescinds the said Private Member's Motion No. 5/83.

MR. D. EZZARD MILLER: I beg to second the motion, Mr. President.

MR. PRESIDENT: The motion is duly moved and seconded. The Second Elected Member for West Bay may now speak.

MR. W. MCKEEVA BUSH: Mr. President, the motion before the House is a very straightforward motion. It is a motion designed to remove from our law books what became known as the Dalmain/Garston motion of December, 1983. This was a motion which offered to the past Commissioner of Police unlimited funds from the public treasury to sue his critics after he, through certain actions, had fallen into ill repute with the public.

I know of nothing put forward, Sir, by any Caymanian Government which was as resented by the general public as was that motion. In fact I believe that although the motion was aimed at me, it helped put me here.

Mr. President, Mr. Stowers, the past Commissioner of Police, has resigned and left the Islands and one may be tempted to ask why is it now necessary to rescind the motion. However, I have been advised that it is legally possible for the past Commissioner of Police to file a lawsuit on persons here whom he might feel led to his downfall. However, the more important reason is to pacify our people who were insulted by the motion's passage in the first place.

Sir, I well remember the passage of that motion; the hate, the nasty things and the deliberate untruths which were injected into the debate. I sat in the gallery and I smiled through it all and said to myself, "What wicked people, may God have mercy on them". As Abraham Lincoln said, "What kills a skunk is the publicity it gives itself".

MR. W. McKEEVA BUSH (CONTINUING): What God did for us was to have some mercy on this country. People like the mover of that motion, the seconder of that motion and that little boy from George Town took the worse beating at the polls than any other politician in our 150 years of representative Government. The skunks have been killed, praise be to God.

That motion was uncalled for; it was unnecessary; it was born of wicked and twisted minds and today it is my great pleasure to move this motion No. 3 rescinding it. I beg Members for their support. Thank you very much.

MR. PRESIDENT: The motion is now open for debate. Does any Member wish to speak.

QUESTION PROPOSED: DEBATE ENSUED.

HON. DENNIS H. FOSTER: Mr. President, it is sad that such a motion as this had to be brought back to the House. As the mover quite rightly said a while ago, it was not necessary for the first one to come. Therefore, I really do not think it was necessary for this one to come. I would like to quote, Sir, from the Hansard of 1st December, 1983, when this matter was before the House. I am quoting what our legal advisor the Honourable Second Official Member quoted there then. He said:-

"I wanted to draw Honourable Members' attention to Government Regulations and to Government Regulation in particular 2.65.2 which is the second paragraph of the Government Regulation which relates to legal proceedings. And I will read it - "Subject to the advice of the Attorney-General in any particular case, the Government will accept responsibility for the defence of officers against whom legal proceedings are threatened or instituted in respect of acts done or liabilities incurred in the execution of their duties. Where any such proceedings are threatened or instituted the facts shall be reported to the Attorney-General, and no legal or other expenses shall be incurred by the officer or other steps taken in connection with any such proceedings until the directions of the Attorney-General have been received"."

I will read another extract of that Hansard:-

"Mr. President, Sir, Members have said or inferred that this is an unusual step being taken and that there are no safeguards against it and that it leaves it open to unlimited public expense. The Motion, Mr. President, Sir, as is before us says that the House strongly recommends that should the Commissioner wish to institute proceedings, Government agree to indemnify fully the Commissioner of Police. This is a recommendation to the Government and if passed would be a recommendation, albeit a strong recommendation."

but it would still be covered by Government Regulations which state:-

"No action may be taken by an officer to institute civil proceedings in any court in connection with matters arising out of the discharge of their public duties, or against any other public officer, or anything done in the performance of his duties, unless the approval of the Attorney-General has been obtained"."

HON. DENNIS H. FOSTER (CONTINUING): Having said that, Mr. President, and the Commissioner is long departed, I hate things which are unpleasant to be constantly brought up and I would ask Members not to dwell on this so hard and so long. It is something which has already happened; something which could have never helped in the beginning anyway, and two wrongs do not make a right.

I think the quicker we can do away with this motion, Sir, the better.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I take strong objection to the Private Member's Motion before the House in that it is a spiteful motion. It does bring up a matter which the public hoped had been laid to rest. For a long time the Commissioner of Police, Mr. Stowers had been ridiculed by a certain segment or a certain faction of the community. He had been ridiculed in a manner which was not becoming for our chief law enforcement officer. The sad part of the story is he was innocent of everything which was said against him.

Everyone knows the story and everyone knows that the act he was accused of was an act committed by Radio Cayman. Everybody knows the story. This motion should certainly not be brought at this time. What wrong did Commissioner Stowers do? He made a statement on the radio to clarify a position which had been distorted by the radio. It had in fact been reported in the normal way the press in this country report. They report what they want to hear rather than the actual facts.

I do not want to go into the details as the case may still be before the courts. However, the Commissioner was accused of having been the person to cause a mistrial in the court. Everyone knows it was not the Commissioner but it was a statement made by a newscaster on Radio Cayman. So the man has done nothing wrong.

The same faction which started this campaign has ridiculed the Commissioner, and also forced an investigation into the conduct of the Commissioner and other Civil Servants. The result of that investigation was published and showed clearly that the Commissioner had been exonerated, and that he had done no wrong. The investigators were brought in and they examined all the evidence. I believe you, Sir, in your capacity as Governor made a few news releases at the time and certainly the press carried the story that the Commissioner was a man of honour.

The motion which was brought to the House in December, 1983, was a good motion. I supported it then....

MR. PRESIDENT:

I am afraid I must interrupt the Member now. It is quite clear that he is not going to be able to finish his speech today, and therefore in accordance with Standing Order 10(2) I will invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow, Sir.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. tomorrow morning.

QUESTION PUT: AGREED.

MR. PRESIDENT: No Member wishes a division?

MR. JAMES M. BODDEN: I would just like to know whether tomorrow it is planned to debate the Throne Speech or the Budget Speech, which one?

MR. PRESIDENT: It is the continuation of the Second Reading debate on the Appropriation Bill, during which you will be in a position also to comment on the Throne Speech, in accordance with past practice. Is that not correct?

HON. DENNIS H. FOSTER: Yes, Sir, we will be debating the two speeches at one time.

MR. PRESIDENT: We have in fact already voted on the motion of thanks for the Throne Speech. That motion is therefore now dead. We have still before us the Second Reading debate on the Appropriation Bill and that is what the speeches will be on. That is my understanding.

HON. MICHAEL J. BRADLEY: I was just wondering, Sir, whether you could give me your interpretation on Standing Order 10(5) which says:-

"Any matter under discussion at the moment of interruption and any business not entered upon before that time shall stand over to the next meeting or sitting."

MR. PRESIDENT: Well, that is a good point which I had not considered.

HON. MICHAEL J. BRADLEY: My own feeling, Sir....

MR. PRESIDENT: Meeting or sitting - sorry you were going to say?

HON. MICHAEL J. BRADLEY: I was going to say that my first impressions on that, Sir, would be that the thing which is interrupted continues on tomorrow and then the Order Paper as set down tomorrow would continue in the normal way. In other words if we finished this particular Private Member's Motion tomorrow and then we went on to the Budget, that would be correct.

MR. JAMES M. BODDEN: One of my questions would be that the Throne Speech and the Budget are two completely different items and, in my opinion, they should be debated individually rather than to try to group the two as a whole.

HON. DENNIS H. FOSTER: In the past, Sir, they were both debated together.

MR. PRESIDENT: They have both been debated simultaneously and we have already voted on the motion in respect of the Throne Speech.

MR. JAMES M. BODDEN: Mr. President, we seem to be setting so many different courses to the past I just wondered whether it would not be more appropriate if we did it, because we are dealing with really two substantially different items.

HON. DENNIS H. FOSTER: We are not changing the course, Sir. The course in....

MR. PRESIDENT: You or certain other Members have been so concerned about "windmill variations"; I cannot remember what the phrase was....

MR. JAMES M. BODDEN: "Windmill policies" if that will help you, Sir.

MR. PRESIDENT: "Windmill policies". So perhaps it is better that we get off the windmill for a time and revert to the accustomed procedure which was to debate the two matters simultaneously. Moreover, in both cases Members are free to range over practically any topic they wish.

HON. MICHAEL J. BRADLEY: Why I am asking this, Sir, is....

MR. PRESIDENT: Yes I was trying to go back to the point which the Honourable Second Official Member had raised. It says, "next meeting or sitting" and the definition of Meeting is really remarkably wide, the whole or part of any session. I think it could be interpreted either way and it is really a matter of what suits the convenience of the House. Whether Members wish to continue debating the Private Member's Motion No. 3 which we are in the middle of debating now, before we start on the debate on the Appropriation Bill or not is up to them. In fact if you had taken the point the other day, were we not in the middle of a debate on the Stamp Duty Bill which is incomplete? So I think the precedent is that we do not necessarily continue with what has been interrupted.

HON. MICHAEL J. BRADLEY: My only concern, Sir, was that having gone that way the other day, if we are going to keep repeating the process.....

MR. PRESIDENTS: We are going to have loose ends.

HON. MICHAEL J. BRADLEY: Yes.

MR. PRESIDENT: Well, we are. I think it will only be two loose ends if we now start on the debate on the Appropriation Bill. We can pick up the loose ends thereafter.

MR. JAMES M. BODDEN: In view of what has just been said, Mr. President, are we going through with the Stamp Duty Bill tomorrow also as something has been left off?

MR. PRESIDENT: No, I was suggesting that since we had advised all Members and agreed to a motion that the Appropriation Bill be debated tomorrow, that we go ahead and debate it and leave both the Stamp Duty Bill and this Private Member's Motion over until we finish the debate on the Appropriation Bill.

MR. JAMES M. BODDEN: I do not think there will be any urgency, Sir, because we are going to be here about six weeks anyway.

MR. PRESIDENT: So, unless anyone thinks otherwise I think that is perhaps the best arrangement; that we go ahead with the debate as planned, leaving the other things to be completed at a later stage. Did I put the question? I forget. Yes I did, because I asked if any Member wanted a division and nobody spoke. So we will assume nobody does.

AT 4.37 P.M. THE HOUSE ADJOURNED
UNTIL 10.00 A.M., WEDNESDAY, 6TH
MARCH, 1985.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
(WEDNESDAY, 6TH MARCH, 1985)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRKCONNELL	MEMBER FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER FOR DEVELOPMENT AND NATURAL RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
WEDNESDAY, 6TH MARCH, 1985
FOURTH DAY

1. QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 12: WOULD THE MEMBER STATE WHAT, IF ANY, EFFORTS HAVE BEEN
MADE IN THE FORMULATION OF AN APPROPRIATE SET OF LABOUR
LAWS FOR THIS COUNTRY?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST
OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 13: WOULD THE MEMBER STATE:-

(a) THE TOTAL NUMBER OF MOTORCYCLE ACCIDENTS DURING
THE YEARS 1980 TO 1984; AND

(b) CATEGORIZE THE ANSWER IN THE FOLLOWING:-

(i) BY SIZE OF ENGINE OF CYCLES;

(ii) HOW MANY OF THE INDIVIDUALS INVOLVED
WERE CAYMANIAN?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST
ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 14: WOULD THE MEMBER STATE WHAT THE PRESENT COST PER PATIENT
AT THE HOSPITAL IS AND WHAT IS THE OCCUPANCY RATE?

NO. 15: WOULD THE MEMBER STATE THE QUALIFICATIONS OF THE MEDICAL
OFFICERS EMPLOYED AT THE HOSPITAL AND WHAT ARE THE DUTIES?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST
ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 16: WOULD THE MEMBER STATE WHETHER THE OFFER MADE BY DADE
COUNTY TO ASSIST WITH THE SPORTS COMPLEX PROJECT, UNDER
THEIR TWIN CITIES PROGRAMME, HAS BEEN ACCEPTED BY THIS
GOVERNMENT?

2. COMMENCEMENT OF DEBATE ON THRONE SPEECH AND BUDGET ADDRESS

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WEDNESDAY
6TH MARCH, 1985

10.00 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. Questions.

The Second Elected Member for George Town.

QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM
AVIATION AND TRADE

NO. 12

Would the Member state what, if any, efforts have been made in the formulation of an appropriate set of labour laws for this country?

ANSWER

At the sitting of this Honourable House yesterday, 5th March, Honourable Members considered and passed Private Member's Motion No. 5/85 which appointed a Committee of the whole House to formulate draft labour legislation suitable to the Cayman Islands.

Based on the recommendations of that Committee, a Bill for the introduction of appropriate labour legislation will be submitted to this Honourable House at the earliest possible opportunity. I support this as the proper means of formulating appropriate legislation suitable to the Cayman Islands.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN:

Mr. President, may I ask the Member if his answer to this question was dependent on the passage of the Private Member's Motion yesterday, and if it was can he let us know if that was the reason why there was the upheaval in the procedure of the business so that the Private Member's Motion could be taken yesterday instead of the Government Bills?

HON. W. NORMAN BODDEN:

The answer, Mr. President. It had nothing to do with the Private Member's Motion yesterday, because it was my intention to bring a Government Motion to the House in connection with this matter if I did not have knowledge that there would have been one brought forward by a Private Member's Motion. Papers were distributed well in advance and I was aware of that.

Regarding the upheaval referred to by the Member, I think this was a recommendation which was made by the Business Committee. It had nothing to do with my reply this morning.

MR. G. HAIG BODDEN:

Mr. President, can the Member tell the House why his answer referred to yesterday's motion if yesterday's motion had nothing to do with his answer?

MR. PRESIDENT:

I think really in effect he has already answered that. If he wishes to answer.

HON. W. NORMAN BODDEN: Well, Mr. President, it is basically that the answer was updated as a result of the proceedings yesterday. This is only normal.

MR. PRESIDENT: If there is no further supplementary, I will invite the Elected Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 13: Would the Member state:-

(a) The total number of motorcycle accidents during the years 1980 to 1984: and

(b) Categorize the answer in the following:-

(i) By size of engine of cycles:

(ii) How many of the individuals involved were Caymanian?

ANSWER: (a) The total number of reported motorcycle accidents during the years 1980 to 1984 was 207 (two hundred and seven).

(b) (i) 206 of the motorcycles were between 50 to 90 cc and one was over 200 cc;

(ii) 99 cyclists involved were Caymanians.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member how many motor cycles on the Islands have engines which are larger than 90 cc?

HON. DENNIS H. FOSTER: The Member is not here, Sir. I do not know.

MR. G. HAIG BODDEN: Mr. President, the reason for asking this is that we have a very distorted answer, because there is probably only one motor cycle in the Islands which is above 90 cc.

MR. PRESIDENT: I understand the purpose of the question but I can sympathise with the Member for not having the information available.

MR. G. HAIG BODDEN: Mr. President....

MR. PRESIDENT: Perhaps he would like to undertake to obtain it for you and let you have it if that would be....

MR. G. HAIG BODDEN: It would be very useful, Sir.

MR. PRESIDENT: Could the Member undertake to do that?

HON. DENNIS H. FOSTER: The Member wants to know how many motor cycles over 90 cc are on the Islands?

MR. PRESIDENT: If the Member would distribute that to Members of the House that would be appreciated.

MR. D. EZZARD MILLER: Mr. President, if I could ask the Honourable First Official Member to add to that how much the number of motor cycles over 90 cc has increased in the last year?

HON. DENNIS H. FOSTER: I can answer that here, Sir. The Law prohibits anything over that coming in and I am sure that there would be no importations allowed.

MR. JOHN B. McLEAN: Mr. President, a supplementary. In light of the answer which has been given would the Member state if the ban which has been placed on the larger motor cycles should not have been placed on the smaller ones.

HON. DENNIS H. FOSTER: That is a matter for this House. If they want to amend the Law that is fine with me.

MR. PRESIDENT: If there is no further supplementary I will ask the Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 14: Would the Member state what the present cost per patient at the hospital is and what is the occupancy rate?

ANSWER: The present average cost per patient at the George Town Hospital is \$206.83.

The occupancy rate is an average of 67 per cent.

SUPPLEMENTARY:

MR. D. EZZARD MILLER: Supplementary, Mr. President. The Member states what the average cost per patient is. I do not think that is the answer to my question, Sir. My question refers to the cost per patient day. "Day" has been left out, Sir. It should be cost per patient day at the hospital. There is probably nothing I can do.

MR. PRESIDENT: I am not absolutely sure I have understood. Are you asking whether the figure quoted was the cost per patient day for inpatients?

MR. D. EZZARD MILLER: Yes, Sir.

MR. PRESIDENT: If that is a supplementary and you would like the Member to elucidate then certainly he may.

HON. BENSON O. EBANKS: The cost given is for inpatients, Mr. President.

MR. PRESIDENT: Is it per patient day.

HON. BENSON O. EBANKS: Per patient day, yes, Sir.

MR. PRESIDENT: Unless there is any further supplementary I will invite the Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL, RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 15: Would the Member state the qualifications of the medical officers employed at the hospital and what are their duties?

ANSWER: Of the ten medical officers presently employed at the George Town Hospital, seven have MB BS (Bachelor of Medicine: Bachelor of Science) as their main qualification and three hold an MB CH.B (Bachelor of Medicine: Bachelor of Surgery). In addition several hold qualifications in specialities which include anaesthetics, ENT (ear nose and throat), obstetrics and gynaecology, public health and surgery.

All medical officers share general duties. In addition, each conducts clinics or sees patients in accordance with their sub-speciality.

General duties include:-

- (1) To be on duty daily, Monday through Friday; at weekends to share duties, as required, with other medical staff.
- (2) To attend the out-patients section daily, Monday through Friday, to provide primary medical care including minor surgery.
- (3) To carry out accident and emergency duties in and, as required, out of normal working hours.
- (4) To be available for consultation at the request of medical colleagues in accordance with his particular interests, expertise and specialities.
- (5) To admit patients to the hospital wards and provide secondary medical care.
- (6) To refer suitable patients to consultants via the Chief Medical Officer, either in Cayman or overseas, for a further opinion, and, if necessary, tertiary care.
- (7) To attend, as required, clinics dealing with ante and post-natal care, pre-school examinations, family planning, genetic counselling, maternal and child health and other public health activities.
- (8) To carry out home visits at the request of a public health nurse.
- (9) To instruct nursing staff in aspects of medicine and surgery.
- (10) To undertake such other duties as may be required by the Chief Medical Officer.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary, Mr. President. In view of the long list of duties and such things being included as genetic counselling and a whole other realm of specialities, could the Member state all of these medical officers who are qualified in, for instance, ear nose and throat, obstetrics, gynaecology, public health and surgery are Board certified? The qualifications given here do not indicate that they are.

MR. PRESIDENT: I am not sure that I have fully understood this supplementary. Is the supplementary to ask the Member whether he will indicate whether all of the ten medical officers have qualifications in every single speciality?

MR. D. EZZARD MILLER: No, Sir, simply to ask if those who are purported to be qualified in the specialities listed: ear nose and throat, obstetrics and gynaecology, public health and surgery are Board certified. In other words does the surgeon have an FRCS? Is he a Fellow of the Royal College of Surgeons?

HON. BENSON O. EBANKS: Mr. President, that is my understanding, Sir.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: A supplementary, Mr. President. In light of the answer:-

"General duties include:-

- (1) To be on duty daily, Monday through Friday; at weekends to share duties, as required, with other medical staff."

Could the Member state why when some people are taken to hospital there is no doctor there to help them?

MR. BENSON O. EBANKS: Mr. President, I presume that is as a result of the fact that there are occasions when the doctors are on call but not necessarily on the premises and a patient would have to await the arrival of the doctor once he has been called.

MR. W. McKEEVA BUSH: Just a statement, Sir, a very short one. That may be so but not with a heart attack or a stroke. Could the Member give an undertaking that a doctor would be there at all times. Thank you very much, Sir.

MR. PRESIDENT: That did not sound like a question to me. It sounded more like a statement. I am not sure whether you meant it as a question?

MR. W. McKEEVA BUSH: Yes, Sir, I said it was going to be a statement and could the Member give an undertaking that a doctor would be there at all times.

MR. PRESIDENT: Do you mean will the Member give an undertaking?

MR. W. McKEEVA BUSH: Yes, Sir.

HON. BENSON O. FRANKS: Mr. President, I would give an undertaking to review the present position, but the decision would be based on economic factors when all the information is available to me.

MR. D. EZZARD MILLER: I do not know whether this will be allowed under supplementaries, but in light of the answer given to the Second Elected Member for West Bay I wonder if it would be possible to utilise the apartment which was constructed in the hospital grounds several years ago for the purposes of physicians being on the compound? This cost at the time, I believe, about \$35,000.

MR. PRESIDENT: I think really that is straying rather far from the terms of the original question. Does any Member want to ask a further supplementary? If not I will invite the Second Elected Member for George Town to ask the next question.

MR. LINFORD A. PIERSON: Mr. President, before asking the next question I wish to draw your attention to section 22(1)(d) of the Standing Orders, which speaks about the excessive length of a question. This is with a view to seeking your advice for future guidance in this House regarding the presentation of questions. The purpose for this, Sir, is that when questions are split up so that they bear no relevance to each other and are set for different days, it makes it somewhat redundant for a Member to get up and ask part of a question. I find it somewhat redundant in this case to be asking this question. As a result I would wish to have it withdrawn.

MR. PRESIDENT: I am not altogether sure of the relevance of Standing Order 22(1)(d) which says that questions shall not be of excessive length. I am not sure of the relevance of that to the point which the Member was making. As I understand it the Member's point is that sometimes he may wish to ask two separate but related questions. If that is so and if he would, whenever that happens and the same applies to any other Member, be good enough to make clear to the Clerk and perhaps also to the Chairman of the Business Committee that he would like two or even three - not more than three because no Member can ask more than three on one day - questions to be set down for answer the same day, then I am sure that the Business Committee will do their best to accommodate the Member concerned.

MR. LINFORD A. PIERSON: Maybe, Sir, with your permission I can enlighten you on the relevance of this. From my discussion with you on the reason for splitting the questions I gathered that the reason was because of excessive length of a question.

MR. PRESIDENT: No, if I may make it clear and I am sorry if you were misled, the reason was not excessive length. The reason was that two questions came disguised as one and without seeking to imply that you were intending to do so, Members have been known to try to get more than their fair share of questions set down for a particular day, by wrapping two, three or even half a dozen questions and purporting to present them as one. One of my tasks is to seek to distinguish when something should really be treated as two questions for the purposes of Standing Orders. It was that, not excessive length which trapped the question concerned.

MR. LINFORD A. PIERSON: Mr. President, about your ruling, Sir. I think that if we have a look at the questions as they were set down on the question paper it is quite clear that there is a distinct relevance between the two questions and that they are not two separate questions.

MR. PRESIDENT: I accept that they may be connected but they did seem to me, nevertheless, to be two separate questions for the purpose of Standing Orders. The point I am seeking to make with you is that if they are so closely related that for your purposes it is necessary to be able to ask them one after the other, then I am sure that we can accommodate your wishes in future if you make those wishes known to the Clerk and the Chairman of the Business Committee. Meanwhile, if you wish to withdraw this particular question, then let me just look at the Standing Orders. I have not yet found a specific provision. Can you refer me to the Standing Order under which you are seeking leave to withdraw the question?

MR. LINFORD A. PIERSON: The specific Standing Order under which I am seeking leave to withdraw the question is 22(1)(f) which states:

"A question shall not be asked -

- (i) which raises an issue already decided in the House."

I believe that part of my question was answered yesterday. To be asking the second part which is directly related to the first today would be of no relevance at all. We need continuity and this is the point I am making. In future before any questions are split up and set for different order the person asking the question should be told, because for me to ask the second part today is really not going to make very much sense.

MR. PRESIDENT: Unless any Member seeks to object I am certainly prepared to give leave for the Member concerned to withdraw his question although I have not found a Standing Order yet which I am really satisfied entitles me so to do.

I have been given notice by the Honourable Second Elected Member of Executive Council that he wishes to make a statement in accordance with the provisions of Standing Order 30(1). I will therefore invite him to do so now.

STANDING ORDER 30(1)
STATEMENT BY THE HONOURABLE SECOND ELECTED MEMBER
OF EXECUTIVE COUNCIL

HON. W. NORMAN BODDEN: Mr. President, I wish to inform this Honourable House that it is necessary for the Honourable Fourth Elected Member of Executive Council responsible for Development and Natural Resources and myself to be absent from the Meeting this afternoon and subsequent Meetings which will be held during the remainder of this week. The reason for our absence is to attend to urgent Cayman Airways business with top level Government officials in the United Kingdom and the understanding of this House in this matter will be appreciated. Thank you.

DEBATE ON THE THRONE SPEECH READING OF THE APPROPRIATION
BILL, 1985

MR. PRESIDENT: The next item on the Order Paper is the commencement of the debate on the Throne Speech and Budget Address. That question is now open for debate.

HON. MICHAEL J. BRADLEY: Merely a technicality, Mr. President, Sir. Should the Order Paper not read Appropriation Bill, 1985, Second Reading continues because....

MR. PRESIDENT: Well I think it should. I was quoting from the Order Paper as set down before me. I think in fact you are quite right that it is the Second Reading debate on the Appropriation Bill, 1985. That is technically what we are debating. Does any Honourable Member wish to speak? I find it difficult to believe that nobody wishes to speak. However, if nobody rises I shall be bound to invite the mover of the motion to reply. Very well, I shall invite the mover of the motion to reply. Does no Member wish to speak?

HON. THOMAS C. JEFFERSON: Mr. President, I am taken by complete surprise, Sir.

MR. W. McKEEVA BUSH: Mr. President, since more able speakers and more senior Members of the House do not want to speak I am wondering whether the House will show some leniency and continue with the motion from yesterday afternoon.

MR. PRESIDENT: No, we set down the debate on the Appropriation Bill for today and it has been announced. If no Member wishes to speak, which takes me by surprise, I think in the future we will have to find some convenient way of determining the order in which Members speak. Because clearly it is not going to be satisfactory for the House either to reach a position in which nobody is willing to speak first, and indeed everybody wishes to speak next to last and so nobody rises at all and we sit in silence for a long time, or worse to reach a position in which the mover actually does reply and everyone is denied a chance of speaking. I am sure that Members do wish to speak.

MR. G. HAIG BODDEN: Mr. President, under Standing Order 38(1) I move that the question now be put.

MR. LINFORD A. PIERSON: Mr. President....

MR. PRESIDENT: Yes, sorry.

MR. LINFORD A. PIERSON: I was just going to advise that I would break the ice.

MR. PRESIDENT: I beg your pardon? You said that you would break the ice. Well I think so. It is perfectly true that a motion could be put under Standing Order 38(1), but I think that it would be premature. Standing Order 38(1) says "unless it appears to the Presiding Officer that the motion is in abuse of the rules of the House, or an infringement of the rights of the minority," the question shall be put forthwith. I think that it would be an infringement of people's rights to put that question straight away. If the Second Elected Member for George Town will continue.

MR. LINFORD A. PIERSON: Mr. President, I think I would be remiss in my duty, Sir, if I let such an excellent opportunity pass. I would first wish to thank you for your comprehensive, timely and well delivered Throne Speech and to congratulate the Honourable Financial Secretary, the Second Official Member for a Budget Address which is clear and well set out. He is to be commended, Sir, for the improvements and professionalism which he has brought to bear on the contents of the Budget Address.

Mr. President, it was President Reagan who made the following remark shortly after taking office at the White House, and I quote:-

"The path we will chart is not an easy one. It demands much of those chosen to govern but also from those who did the choosing, and let there be no mistake about this, we have come to a crossroads, a time of decision. The path we follow turns away from any idea that the Government and those who serve it are omnipotent. It is a path impossible to follow unless we have faith in the collective wisdom and genius of the people. Along this path Government will lead but not rule, listen but not lecture. It is indeed the path of the creative society."

I believe, Mr. President, that these words of wisdom are as applicable today to the people of the Cayman Islands as they are to the people of that great nation of the United States of America.

Mr. President, in listening to the presentation of the Throne Speech and the Budget Address, and having had time to further assimilate their content, I am left to wonder how many people really appreciate the awesome responsibility which we the representatives of the people have undertaken in assuming the stewardship of the management of Government and the accountability of the public purse. Mr. President, I believe that the people have shown by the result of the recent election that they wanted certain changes. Whether these changes will be good or bad for this country will be seen over the next four years. I also believe, Sir, that we have a good Government and that the people of this country will stand to benefit from the choice which they have made. However, Mr. President, I would warn against any form of complacency because, Mr. President, I already know, Sir, that the Opposition is grouping and that they are grouping in strength, and that they intend, Sir, to make great inroads in the 1988 elections. I hope, Sir, that we will be able to work together for the betterment of this country; that we will cease to deal with pettiness as I have seen exhibited in this Honourable House over the past few days. It has been a shame what I have seen here, Sir. Our people elected us to give them good representation not to stand here and call each other names. I heard remarks such as "skunk". I heard other unfavourable remarks and this happened after drawing the attention of this Honourable House to the fact that it was against the Standing Orders of the House to use such remarks.

The franchise, Mr. President, given to the Members of this House on 14th November, 1984, can be taken away if we forget the real purpose of being here. The purpose as I said, Mr. President, of being here is not to ridicule each other. Any idiot can do that, Sir, and I feel that with the number of very good candidates who ran in the last election, those elected by the people should be considered the cream of the crop. But are we, Mr. President, when we behave as if we are coming out of the gutter.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I believe that we need to learn a lot of dignity in this House. I would feel much prouder, Sir, if I could state with honesty and sincerity that the behaviour of the Members in this House is something which could be emulated by the young people of this country. I believe, Sir, that the mentality of some of the Members is that shouting is a sign of their intelligence. We want intelligent representation for our people. We do not want to have a lot of Members who can just shout at each other.

As I stated, Mr. President, anybody can shout. We want to get some intelligent shouting, not just shouting for the sake of shouting.

Mr. President, I believe, Sir, that it was that great President of the United States, President Lincoln, who reminded the people that a good Government is one which seeks to give the country representation for the people, of the people and by the people. Any time, Sir, that we lose sight of the fact that we are here to represent the people then it is the time, Sir, I feel that we should be men enough and woman enough to tender our resignations, because we are no longer worthy of the franchise which the people of this country have placed in our hands.

Regardless, Sir, of our political leanings I feel that we cannot lose sight of the fact and the purpose of our being here. We must work together. We must cut a lot of the politics out. Of course we will have politics because as one Member said yesterday, we are politicians. Therefore you are going to have politics. What else could we have in this House. However let us have intelligent and clean politics, Sir.

I commend you, Sir, for the very honourable way in which you conduct this House and I am proud to know that when any of us get out of place you are the first to put us in order. I hope that this will continue but I also hope, Sir, that when any other areas of our Standing Orders are infringed the same diligence will be given. I am sure, Sir, that you will do this.

I want to know, Sir, that after I have spent four years in this House I can look at my people and they will say to me, "Well done thou good and faithful servant", and they will also say to me, "You have been faithful over the little things over the last four years; now we will return you for the next four years". However, Sir, I am afraid that there are many of us who will hear, "Depart from me, I know you not". This will be said by the people of this country unless we give them the form of representation which they deserve. No Member of this House got here under his own steam. It was the people of this country who decided to put us here. We have twelve Members of this Honourable House who have been elected and it is for us to join together in supporting the Government Bench.

As I said a few days ago I will support what I think is right. I have heard remarks such as "intimidation". I have heard remarks such as "threatening". I ignore those remarks because as many Members know, I am not easily intimidated. I do not see other Members of the House who will intimidate me. I am not afraid of that so I pay no attention to those simple and unnecessary remarks. My only intimidation comes from the people who put me here, not from any Member of this House. What I want to find in this House, Sir, is a situation where the Members of the Back Bench, for want of a better term, can approach the Government Members and expect to get a reasonable and honest answer to their problems.

MR. LINEFORD A. PIERSON (CONTINUING): So far, Sir, I must admit that I have found it very easy to work with the Members of the Government Bench. So far, Sir, some of the promises which I made to my people in my manifesto have already been realised. I must give thanks where thanks are deserved. Some of this came about through the co-operation of the Members of the Government Bench. Of course, perhaps, I am helped a bit in that two of the three Members for George Town are Members of Executive Council. So they have a vested interest in seeing that some of my requests are fulfilled because we stand for pretty much the same thing.

Mr. President, remarks were made shortly after the elections that I would be put in cold storage because I did not give allegiance to any particular team. Mr. President, I see my position as that of representing my country in general, Sir, and the George Town constituency in particular. However, I also gave my assurance to the Members of the Government Bench that I would give them my full support, but I must again make it abundantly clear that my full support will only come if the matters which I am supporting are matters I feel I can live with; matters which I feel are in the best interests of this country. This is why, Sir, I recently opposed the Revenue Bill, because I did not feel that these Bills were in the best interests of this country.

I know the reason for these Bills was to fill the gap, a shortfall in the bucket of this country. However I also feel, Sir, that there are many other ways of raising revenue instead of squeezing the lifeblood of the little people in this country. Let nobody fool you, there are a lot of little people in this country. We talk about such a beautiful and high standard of living, but I asked a question this morning. Who are the beneficiaries of such a high standard of living? I meet a lot of people. As a matter of fact, Sir, I have opened the doors of my office to my people in George Town. My number is listed. My people can call me at any hour of the night. I have not yet been fortunate enough to get an office in the Tower Building but then, Sir, this to me is not imperative at this point, because I have opened the doors of my office to my people. They know that any time they want to see me they can see me.

I was amazed to hear, Sir, that remarks were made that some of the Members from other constituencies do not see the people of their electoral districts. The only thing I can say, Sir, is that some constituencies are bigger than others. If there is a constituency with 400 people it is much easier for them to be able to meet their representative than it would be for 3,000 or 4,000.

We must also not lose sight of the fact, Sir, that in certain constituencies the needs may be proportionately greater. I have also, Sir, set aside one day a week when I do nothing else but see members of my constituency but this is in addition to seeing them any time they want to see me. During this sitting of the House I come out at 8.30 a.m. sometimes 8.00 a.m. so that I can see my people before I have to come here at 10.00 a.m. I also leave here and return to my office, when we do not leave here at 8.00 p.m., and I carry on the business of the office and see my people.

This is the sort of dedication that we need from our representatives. We do not need to go on the front page of the newspapers every week, Sir, to impress the public that we are doing our jobs. Our jobs should be done in the communities. This is where our assistance is needed, not

MR. LINFORD A. PIERSON (CONTINUING): on the front page of our media.

I would have hoped to have seen before now, Sir, a comprehensive economic policy for this country. I will not sit idly by and to continue to approve the increase of indirect taxation which could harm our little people. Before a wrong impression is received I want to make it abundantly clear that I do not support any form of direct taxation. However, I should also make it abundantly clear to those who may not know that there are other forms of raising revenue other than we have been pursuing. I believe, Sir, that it would be in the best interests of this country if we seek to find out those forms of raising revenue.

Recently, Sir, we were dealing with penny ante things; five cents on a cheque; ten cents increased to fifty cents on package tax. We passed this situation twenty years ago. We are trailing twenty years behind a sophisticated and mature financial industry. The people of this country are very nice people, Sir. We are always told this. People come here and say we are so nice. How long will this continue if we as a Government continue to squeeze the little people in this country. What happened to the question I asked here in December regarding the establishment of a contributory pension scheme for our people? I was told that this would be looked into in due course. Unfortunately, Mr. President, I cannot put a time frame on "due course". How do I go back to my people and tell them that I will look after their problems in due course. How will they treat me in 1988 if I am still looking at these problems "in due course".

Someone once said, Mr. President, that the road to Hell is paved with good intentions. Mr. President, within the scheme of our development we cannot and we must not lose sight of the fact that we cannot run our country solely on good intentions, or even solely on a business basis. We are running a Government and the Government takes into account not only the business aspects of the country, but also the social aspects.

While there is much to be said in favour of the commercial business approach within our system, Sir, such an approach could tend to ignore the needs of those amongst us who are desperately in need. I have heard a lot of people talk about the very high cost of living in this country. The inequity of the system, Sir, is that the same price which the little man on \$50 a week has to pay in the supermarket is also offered to the man who is getting perhaps \$1,000 a week. How can the system continue to expect stability which is the key to our future if we are going to continually oppress the little people in this country?

Mr. President, I identify with the little people in this country. I represent the full constituency regardless of the race, religious background, financial background or whatever of the people. However, I think, Sir, that we cannot lose sight of the fact that there is a major problem in our social and environmental structure in this country. Many of us like to say that there are no problems in this country. There are no racial problems, there are no social problems. Who are we kidding? This is a lot of nonsense, Sir. There are a lot of problems in this country, Sir, and we know about it. Let us be honest and call a spade a spade. We have a lot of problems in this country and it is time that we pull our heads out of the sand like the ostrich, and recognise these problems and do something about them before they devour us as has happened in some of our neighbouring Caribbean Islands. We want to continue to live in peace and racial harmony, but this will only be possible if we make a determined effort to keep it that way.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, this country, this Government, all Governments should show a certain level of humanity. In other words, Sir, we should have a heart. This country can only be good for all of us when we appreciate and consider the problem of the little people. I have been accused, Sir, as I said yesterday of being a champion of the little people, but I take this as a compliment, because somebody has got to be the champion of the little people. Whether we want to refer to them as the little people or not they are most important in the present and future development of this country, because it is the majority of the people in this country who can decide the course that this country will take in the future.

One of the reasons, Sir, that the Jamaican economy is what it is today is because of the changes brought about by the little people under their franchise of voting. Under any democratic system the little people will continue to decide in these areas and in these matters. So if we foolishly push our heads under the sand, Sir, we have only ourselves to blame. Per capita income of the Cayman Islands, Sir, is one of the highest in the world today, indeed the highest in the Caribbean. This is a bit of a joke. Per capita income for whom? Eighty per cent of the wealth in this country is owned by a small minority, so when you split up the income of this country a lot of the people who you say earn "x" amount a month or a year; it is really a fallacy. This is not the case. What are we doing about the high cost of medical care in this country? Is there any comprehensive policy in the making to protect those who cannot pay their way?

I have heard a lot of people saying that when they go to the hospital, unless they have the money to put up front they are denied treatment. I know, Sir, that this system caters for all people, but are these people aware that they can get assistance through the Social Services Department? What are we doing to make our people aware of their rights in this country? There is a lot of discontent in many areas of Government today. One of the greatest complaints I have heard is perhaps about the hospital staff. Our own people are complaining that they are not being treated properly.

Why is it, Sir, that Caymanians are not given the preference where they are qualified, to fill jobs? Where Caymanians are trainable why are they not given the opportunities for training? Sometimes, Sir, when I go to the Government Administration Building I feel that I am in London. Why do we not have more Caymanians in some of these positions? I had a young lady who came to me yesterday out of the computer section. She has been told that her performance is not good and therefore she cannot be recommended to be kept in the job. What is going to happen to this young lady? From talking to the young lady she appears to me to be fairly intelligent and I believe, Sir, that I have the capability of judging one's intelligence.

I have a lot of people, Sir, who have come to me complaining about the Personnel Department of this Government. Caymanians seem to be treated like dirt. Why is this happening? I am not one to stand here and say Cayman for Caymanians. I only would say it if I felt genuinely that Caymanians could fill the position. Sir, if one were to take a census now of the number of non-Caymanians in jobs which could be filled by Caymanians, it would be appalling. Mr. President, I am one for integration in our community and indeed in our society. I have no racial hangups. The reason why I have no racial hangups, Mr. President, is that I see it as redundant. I see no need for having a hangups. The only time I will feel it is if I regard

MR. LINFORD A. PIERSON (CONTINUING): the next man as being better than me. However, I do not see that sort of situation and therefore there is no need for hangups. There are a lot of our people who are being squeezed though. In my manifesto I stated and I wish to quote a short paragraph of it:

"In our rapidly developing financial community it is not reasonable to suppose that we can produce in the short term the required number of lawyers, accountants, bankers and others locally with the necessary expertise to ensure the proper expansion and development of the industry."

I recognise this, Mr. President, and this is why it is a basic part of my manifesto which I intend to live up to over the next four years and the next four years. I believe that the key to successful long term development of the financial industry is integration of the Caymanian professional, not replacement of the expatriate. The term expatriate here is intended in its broadest sense to include all who are non-Caymanians regardless of ethnic or national origins. So before anybody leaves these precincts and gets the impression that I am saying Cayman for Caymanians, let him think again. Let him quote me properly. What I am saying is that positions which Caymanians can rightfully fill should have the first option and the first chance given to them of filling these positions.

Mr. President, I have often heard individuals refer to Caymanians as lazy and non industrious. This annoys me, Mr. President, because these people who are shouting laziness know nothing about the history of this country. The basic foundation of this country, Mr. President, was built on the industry and hard work of Caymanians. It was the National Bulk Carriers and other employers who built the foundations of this country. We would not have a financial offshore operation today or a vibrant tourism operation if it had not been for the foundations laid by our forefathers. With the limited education of many of our people, Mr. President, they were able to leave these shores and stand by foreigners who had had the privilege and opportunity of college and university education. Today some of those people are amongst the greatest mariners and marine engineers in the world, with unlimited ability to become master mariners of unlimited tonnage.

Mr. President, I would ask that people resident in this country; who are visiting here and know very little about the history of this country desist from referring to Caymanians as lazy and non industrious. Anybody coming to this country who does not like the way of life in this country should leave. When you go to Rome you do as the Romans do. I am not suggesting, Sir, that we cannot learn from those coming here, because we have learnt a lot. Most of the social clubs today and social services when they are on a voluntary basis, are services rendered by expatriates. I am happy to see this because I believe in integration and I believe that we can learn a lot from them. However, I want them to desist in referring to Caymanians as lazy and not industrious.

Mr. President, in order for us to live in peace and harmony in this country we must recognise and we must appreciate that what is so admirable in this country today would not have been possible if it had not been for the foundations laid by our forefathers. We tell the public coming here that the Cayman Islands are the most stable country in the world. Did this just come about, Mr. President, or was it built over a number of years by our forefathers?

MR. LINFORD A. PIERSON (CONTINUING): We hear people coming here say, "The people are so friendly, they are so nice". Did this just come about? I say no, Mr. President.

Mr. President, I intend to be talking for a much longer period and I know that this is the usual time for a break. I do not know if you wish me to stop at this point?

MR. PRESIDENT: I think we could go on for another ten minutes or quarter of an hour. If you will still be continuing long after that we will take the break.

MR. LINFORD A. PIERSON: Mr. President, a matter as important as the debate of the Throne Speech of this country; a speech which gives us a glimpse at the policies intended for this country, and a matter as important as the Budget Address must be given sufficient time to be discussed. I would be remiss and it would be an insult to the people who did such a wonderful job for me to gloss over some of their contents.

Mr. President, still on the question of this country, I said in my manifesto that there were certain tenets of democracy which I believe in. These tenets of democracy I am happy to say, Sir, are very evident in our society; retention of the basic human rights and freedom including freedom of religion, speech and the press; freedom of the person and the right to have the basic necessities of life preserved.

Mr. President, I think I am well enough aware of the situation which exists in the world today and I also know, Sir, that within any system you have to have the "haves and the have-nots". All I am seeking here, Sir, is to bring to the attention of this Honourable House that the gap between the "have and the have-nots" is widening. Do we sit idly by, Mr. President, and let this beautiful country go into ruin? I have nowhere else to go and many of my people have nowhere else to go. Therefore we must preserve what we have.

Mr. President, I previously referred to the derogatory remarks which are made by many of the people who happen to visit here. We are going to get some of our people put in the category of dregs of society, Mr. President, and this would not be the case if only a little patience and tolerance had been exercised. Mr. President, with a bit more understanding many of the problems facing our people today could be effectively addressed. We boast about the Cayman Islands not having any beggars on the streets, but with the recession the way it is in the Cayman Islands today I fear that this situation will soon change, not out of habit, Mr. President, but out of necessity.

We need to stimulate this economy, Mr. President. We need to stimulate this economy by encouraging investors to come here, not by discouraging them by squeezing them with these petty increases in import duties which affect them directly. When I use any remark here, Mr. President, I want it to be known that it is in my opinion and does not necessarily reflect the opinion of others in this House.

Mr. President, I see the major function of any Government as that of endeavouring to make it easy for the people of the country to do well. It is not for them to do evil so that we have a repressive and oppressive set of legislation as we have today under the Liquor Licensing Law. How can the people of this country do well under such a repressive piece of legislation. On one hand, Mr. President, our Executive Council has the power to open up the West Bay area to all and sundry to get whatever category of licence they want: free and for all, the supply

MR. LINFORD A. PIERSON (CONTINUING): if you cannot afford it. Unfortunately, Mr. President, all people cannot afford it. The people around George Town cannot afford it. The people who own the little restaurants around town cannot go on the West Bay beach, because it is priced out of their range. Are we protecting the interests of our little people, Mr. President, when we do that. Why should not such an important decision be brought before this House? I know, Mr. President, that anything to do with the regulations is done by the Governor-in-Council, but I feel that a matter as important as this should have been brought to this House the same way that we will be bringing the Liquor Licensing Bill (Revised) to this House.

We are seeking, Sir, to make certain changes which will make life better for the people in this country and I know, Sir, that there are going to be a number of Members who will not support those changes. However, win the election or not in 1988, you can bet that I am going to live by my conscience. I might not want to run in 1988 anyway.

Mr. President, we have to have legislation in this country which is fair for all our people. We cannot be catering to any special interest groups or we cannot be catering to any particular sector of our society. We have to look at the interests of all the people of the Cayman Islands. In particular, Sir, we seem to contradict ourselves every time we turn around. I know of an establishment, Sir, in North Side, a wonderful establishment; one which perhaps cost a million dollars if not more. Yet the proprietor of this establishment is being deprived of even being able to meet his capital and recurrent expenditure under the loan mainly because we have a lot of people who tend to interpret certain areas of legislation to suit themselves.

On the same subject, it seems ridiculous, Mr. President, that that same individual can get a number of temporary licences as long as he says it is for charity. What are we dealing with, Mr. President? Is this a joke? If it is wrong, it is wrong. What happened to the charity? What happened to the money coming from the sale of liquor in this establishment? I wonder, Sir, if any Member of the church, maybe the preacher, questioned any visitor where the money was coming from which he was giving to orphans?

We strain at a gnat, Mr. Camel - Mr. President, but we swallow a camel. Mr. President, that was not meant to be derogatory because everybody knows that you are a wonderful President. You could never be referred to as a camel.

MR. PRESIDENT:

Nor as a gnat I hope. (Laughter)

MR. LINFORD A. PIERSON:

Mr. President, a little humour is a good thing because I do not want my fellow colleagues to get too serious. I just want them to relax and listen to some good common sense.

Mr. President, shortly we will be dealing with some very important pieces of legislation and I trust, Sir, that we are going to let our conscience be our guide. We are going to think of the interests of people in Sheila's restaurant, of people in Dominique's restaurant, of people in the Brian Ebanks restaurant. I could think of a number of places. I know of instances, Mr. President, when up to twenty people have entered those establishments for food, and when they were told that they could not get even a glass of wine they walked out and went right across the street to a place which was much nearer to the church.

MR. LINFORD A. PIERSON (CONTINUING): Because that place was in operation before the coming into effect of the Liquor Licensing Law, it is still given the opportunity to get licences every year. Mr. President, I question whether such a system is a proper system, in view of the fact that the Liquor Licensing Law states that you must reapply. It does not say that there will be an automatic renewal. A reapplication is a reapplication. You cannot say that because that establishment had a licence donkeys years ago that it should automatically get a renewal. If we are going to be looking at the harmful effects then let us not bury our heads in the sand.

Mr. President, we must take a very close look at the adverse effects such a system is having on our people. As I said earlier, Sir, without wanting to be repetitive any good Government will try to make life easy for its people. It will not make it difficult for them to do well. Mr. President, I notice you are....

MR. PRESIDENT: I did not want to interrupt you in the middle of a sentence but I was getting ready to take advantage of your earlier offer to suspend proceedings. If this is convenient I will do this now. If you are wanting....

MR. LINFORD A. PIERSON: Very well, Sir.

MR. PRESIDENT: Then in that case I will suspend proceedings until approximately 11.45 a.m.

I would like before Members leave to get their coffee just to say that I have myself a commitment which requires my going earlier than usual to lunch. Rather than interrupt the business of the House and inconvenience it I have asked the senior Official Member, that is the Honourable First Official Member of Executive Council to preside over the proceedings after this short break until lunch time.

AT 11.32 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.50 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. I would invite the Second Elected Member for George Town to continue his debate on the Throne Speech and Budget Address.

DEBATE ON THE THRONE SPEECH AND SECOND READING OF THE APPROPRIATION (1985) BILL, 1985 CONTINUED

MR. LINFORD A. PIERSON: Mr. President, before taking the break I was dealing with some of the social ills in this country. Just last night listening to the radio, Sir, I got some very disturbing news indeed which I am sure many of us heard. It was that one of the friendly countries to the North of us, Turks and Caicos, the Chief Minister of that country and others were involved in certain drug related charges. Mr. President, I am wondering, Sir, whether before the Honourable Second Official Member tries to get your attention if we should not make sure, Sir, that we... There is no necessity for the Member to get up. I will not be repeating that again. He can save his breath...do not make a grave mistake if we do not attempt to ensure the similar system which may exist over there is not allowed to creep into our society.

I believe, Sir, that what I have said is public knowledge because it was broadcast on the radio last night so I do not think that I am out of order for saying it here.

Mr. President, a part of my manifesto dealt with our social services in the Cayman Islands. One of the points in my manifesto stated that I would support a system within our social services particularly designed to enhance the lifestyles of the less fortunate within the socially deprived areas of the country. I believe that it is necessary to secure an undertaking by Government to provide better housing facilities for those individuals genuinely in need of such a system.

Mr. President, it has been my experience in my discussions with the people, not only in my constituency but also from other constituencies in the Cayman Islands that housing is a major problem. This very morning before coming to this Honourable House a lady came to me for advice and also some assistance with her rent. This lady can ill afford some of the high rental charges being charged. Mr. President, that lady was fortunate because she had a place to live in. She could at least afford some of the rent. The situation which I have experienced with some of the people is that many of them are unable to meet any element of the cost of rental. What are we doing, Mr. President, to assist these people before it is too late, not only in the social structure of this country but also for the peaceful future development of this country? A prosperous Cayman Islands, Mr. President, will largely depend on the assistance and interest we give and place in all our residents regardless of racial, ethnic or social background. This is another section of my manifesto.

This country should be good for all and I will therefore support any efforts designed to enhance the financial and economic well-being of all our people, bearing in mind that such reward will depend on the appropriate individual effort. What I am saying, Mr. President, is that I do not believe

MR. LINFORD A. PIERSON (CONTINUING): in hand outs, but I believe that our people should be given the opportunity to live in this country. I do not want to see a welfare system in this country but we can avoid such a situation only if we become a little bit more sensitive to the wants and needs, particularly the needs of our people.

I believe, Sir, that more attention must be given to assisting the less fortunate by providing for basic social needs in this country. Mr. President, if these areas are neglected we will inevitably experience grave economic problems resulting in social discontent.

Mr. President, the drug problem in this country is reaching major proportions and we cannot ignore the fact that it is having a very damaging effect, not only on the lives and conditions of the people in this country, but also on the country as a whole. All these individuals who are getting themselves involved in drugs and other illegal acts are victims of society. In the middle to late seventies many of our people were introduced to a level of living, to an affluence not before seen in this country. Now those people who became accustomed to this standard of living have had it taken away from them and they are finding it very, very difficult indeed to adjust. This is one of the major reasons why they resort to supplementing their income by illegal means. What is our social services department doing to identify some of the environmentally deprived areas in the country? Are we trying to get more social workers in these areas or do we continue to expand our jail to look after them?

We have a cause and an effect and we are only dealing with the effects, Mr. President. It is all well and good for us to say that we will expand our jail to take care of the trouble makers, but our greatest interest, Mr. President, should be to prevent any more of our young people going into jail.

Mr. President, a major section, a major area of my manifesto dealt with prison conditions and the upgrading of the prison's conditions. I said in my manifesto that I would endeavour to improve our prison conditions, and ensure that proper rehabilitation programmes are provided for people to enable them to fit into society on their release from prison. More attention must be given to counselling with families to help to prepare them to cope with some of the many social problems which they encounter. There is no family in the Cayman Islands which can claim immunity from the evils of the society. Your children and my children can be victims of the society.

Mr. President, last Thursday I had the unhappy experience of visiting Her Majesty's Prison. I was not unhappy because I visited the inmates because I recognised the inmates in the prison as human beings and if it were not for the grace of God many of us could be there today. However, Mr. President, somehow we turn our noses up at those people and we leave them to rot. Then when they come back into society we treat them like dirt not realising, Mr. President, that they have paid their debt to society. I believe, Sir, that provision is being made in this Budget for the extension of certain prison facilities. In fact I will certainly be asking, if it is not there already, that provision be allowed, but I believe it is in fact in the Budget.

Mr. President, we need a proper rehabilitation programme for our prisoners. We do not want a situation, Sir, where as soon as they are placed back into society they find themselves back in prison. We want to know,

MR. LINFORD A. PIERSON (CONTINUING): Sir, that coupled with punishment is the opportunity for those who are being punished to reform themselves. This can be done only through a proper rehabilitation system. In my visit to the prison I had the opportunity to talk with the Director of prison services, a man for whom I have a lot of respect; a man who is respected throughout this country. Alas, Mr. President, his hands are somewhat tied for lack of facilities. The space provided for conducting classes for some of the prisoners has had to be used for the prison officers since the prison was built at Northward. I think there were 102 prisoners including inmates when I visited there. Mr. President, people are crying out for help in that prison. There are people who have been kept on remand for up to four months and over, because of the machinery of Government. I do not want to place blame. I am saying this before I am challenged. However, I think I have made my point. People taken in on remand should be given as prompt a trial as possible. Why should they have to rot in prison for four or five months without the privilege and their rights of being heard.

In our democratic society, Mr. President, and in any civilised society a man is innocent until he is proven guilty. When we allow him to be punished, Sir, for up to four months before he can be heard then we are reversing it. We are punishing him and proving him guilty before he has had the chance of being heard. This is the net effect even if it is not intended. It is the net effect, Mr. President.

This is one of the reasons, Mr. President, I have paid a lot of attention to the social conditions in this country. Not only is the problem in the George Town area which I represent, the problems exist in West Bay, Bodden Town, North Side, East End and Cayman Brac, wherever. We have these problems, Mr. President. What are we doing to address them? We have the Rastafarian cult which is growing in this country, but the understanding which I have of the situation is that they are relegated to the dregs of society and that nobody is making a determined effort to cope with this problem. Do we push the problem aside and hope that it will disappear? If we had cancer tomorrow, Mr. President, would we pretend that it is not there until it devours us? I submit, Mr. President, that this Rastafarian problem is like a cancer in our society. Are we going to ignore the problem? Is this problem, Mr. President, and all the other multitude of problems which are affecting our youth today a result of our ignoring that there is a problem? Is it a result of our insensitivity to the problem?

Mr. President, I intend in one of the sittings of this House to put forward a Private Member's Motion for the establishment of a youth centre in the George Town area. Without pre-empting the Members in this matter I would hope that they will see it in their hearts to support such a worthy motion.

Mr. President, I can speak of George Town with some authority because I know the problems in George Town. However, my motion will not seek to pretend that there is not a problem in other areas of the Cayman Islands, and I hope that in time attention will be given to all these areas. Mr. President, we cannot lose sight of the fact that the George Town district is the largest district in the Cayman Islands and we have a higher proportion of the problems within the George Town district. We therefore will have to start somewhere. My experience has been in the past, Mr. President, that when we try to deal with a matter in too general a manner we end up not doing anything. It is all well and good for us to request

MR. LINFORD A. PIERSON (CONTINUING): that the whole Cayman Islands be looked into, but I say, Mr. President, that it is incumbent and imperative that the problems in the George Town area be given urgent attention. We have many groups, Mr. President, anti-social groups which are forming themselves in the George Town district and I would refuse to accept that these youths are bad youths. I would rather feel, Mr. President, that they are victims of a society which has ignored their needs over the years.

Mr. President, when we consider the future of this country can we measure it in terms of a few thousand dollars? If this country is destroyed will there be any purpose to the sort of Meeting we are having here today? If a tourist is killed in any area of this country and it reaches the international press where would our economy go from there? We have a very fragile economy, Mr. President, an economy which is based primarily on the existence and the continued stability of our country. Stability is the key to our future, Mr. President, and if we allow this stability to erode; if we allow an erosion of this stability we can bid the Cayman Islands goodbye.

Mr. President, we fool ourselves in believing that the Cayman Islands is the only place which investors can go to. We are so wrong.

Mr. President, on Monday night I was fortunate to have dinner with a big developer in this country, a man who has spent millions of dollars here. One of the complaints which he made was that he cannot take his wife or their friends to any of our night spots here without the young men being a pest. Why is this happening, Mr. President? I know many of us here know that this happens. Why do we continue to ignore this problem? The way we handle it is that we do not go there, but we leave it to our tourists coming here to have to fight. One much esteemed gentleman said to me that this behaviour spoilt the freeport area. We have the mentality building up in some of the young men who consider themselves studs around the place and go around the beach areas believing that the women are brought down here for their purpose, when in fact 90 per cent of the time they are vacationing with their husbands or boy friend or whatever.

Why is this problem continuing? Why has the problem not been addressed? Do we totally blame the young men who do this on the beach? Maybe if those same young men were occupied more fruitfully in a satisfactory and meaningful manner they would not find it necessary to go on the beach. These young men, as I understand it, do this out of boredom or for economic reasons. But regardless of the reason, it is wrong and it will kill our tourism in this country unless something is done about it.

Mr. President, I hope my fellow Members in this House will support such a motion which would seek to establish a youth centre in George Town. George Town is the hub of everything which is happening today, whether we want to believe it or not. We have the community centre in South Sound but to suggest that the people in central George Town could use this, I think would be ludicrous. Of course they could use it, but we have to consider the practicality of the situation. We need to move into the areas, Mr. President, where the greatest needs exist. We too often ask the problem to come to us, Mr. President, instead of moving to the problem. This is perhaps one of the biggest problems today in our society. This is why even the churches have taken a different approach to the problem. They are no longer sitting back in their churches expecting the problem will come to them and be solved. You have groups like the

MR. LINFORD A. PIERSON (CONTINUING): Youth for Christ and others which are going into the areas which are the biggest problem areas in the country. They are trying to help the youth in the country.

Mr. President, I have also spoken to some of the developers in this country and got very positive responses with regard to assisting with the development of such a centre. As I said, Sir, I feel that these same developers, if they are properly approached, will assist with other areas in the country. I hope, Sir, that the view will not be taken that "because I do not have it in my electoral district, you should not have it".

Mr. President, while we need private participation and while I feel that it is highly commendable that we get private participation, I feel, Sir, that Government must take the lead in many of these areas. We cannot allow ourselves to be led all the time as one respected Member said yesterday. We cannot allow the tail to wag the dog.

It is a pity, Mr. President, that we were forced to debate the Throne Speech and the Budget Address together, but I think this was the system used in past years. The reason I say it is a pity, Mr. President, is that there were so many good ideas raised by the Governor in his Throne Speech. I trust, Mr. President, that in years to come we will have the opportunity to debate these two important speeches separately. However, I would nevertheless wish to deal with certain specific areas which I feel require very urgent attention.

I was pleased to note the statement made in the Throne Speech regarding the peaceful and efficient manner in which the General Election was conducted. I feel, Sir, that much credit must be given to the people of this country for the way in which they conducted themselves. The situation could have been very different had it not been for the very efficient manner in which one of our own Caymanians, the Supervisor of Elections, Mr. Kearney Gomez conducted the whole election process. I think, Sir, that he should be commended for a job well done. If I had it in my power I would give him the OBE because I think he deserves it.

Mr. President, my experience of the election was that it was the most efficient and well organised election I had seen in this country. I speak not only as a citizen of the Cayman Islands, but as a person who served as Returning Officer in various elections. I was therefore surprised to hear that it is the intention of Members of this House to seek to change something which is working well. It has come to my attention, Mr. President, that the reason for this is that certain Members were a little upset that I had so many "one" votes. What can I say, Mr. President, if my people want to give me one vote? Do you expect me to tell them no?

Mr. President, I feel, Sir, that if we are going to make any changes in our Election Law it should come about, and only come about, after we have given such an important piece of legislation very careful consideration. We can talk about dividing electoral districts into sections. We can talk about all this. I have even heard talk about internal self-Government and Independence for this country, but beware of the course we follow because we could destroy this country. I will have more to say about this, Mr. President, when this motion is brought to this House.

MR. LINFORD A. PIERSON (CONTINUING): I do not want to pre-empt what I may say then. The point I want to make here, Mr. President, is that I think we had a very efficiently conducted election and I feel, Sir, that when we decide to make any changes they should be in the best interests of this country as a whole and not of any particular interest group, and they should be made in the total interest of this country, not from selfish motives. The people of this country voted on 14th November as they felt the persuasion to vote. They exercised their franchise. They returned those who they wanted to represent them over the next four years. Why are we questioning what they did? We are here to represent the people. It is not for us to question whether they did right or wrong. We must give them the credit that they are very sensible people and they know what they are doing. When we suggest to them that they should not vote for this man or that man because we do not like it, we are depriving them of their democratic rights.

Mr. President, with 1,157 votes I feel that a number of those votes came from a cross section of this electoral district. When I consider myself as a representative in the George Town district I consider myself as a representative for all the residents of this district, be they white, black, pink, yellow, purple, it does not matter to me because I do not see racial barriers. Whether or not I felt that somebody voted for me it would not matter. My doors are open even more to those who may have opposed me because I hope that I may be in a position to convert them. Many of us make mistakes, Mr. President, and I am sure that many of those who may not have voted for me have already realised their mistake.

Mr. President, we are here to represent the people and this is the point I am making. We are here to represent the people regardless of their political leanings. We should stop saying that, "because you voted for me I am going to help you in business", or "because you voted for me I am going to set you up in this or that", but "if you did not vote for me God help you, I am going to squeeze the life out of you". That is wrong Mr. President. We cannot have this in our society.

Mr. President, again I congratulate the Supervisor of Elections. He is a very capable man indeed; a man with whom I have had the pleasure and privilege to work on different occasions. Mr. President, we have four years God willing to deal with the Elections Law. I see no reason for any rush at this stage.

Mr. President, regardless of our persuasions we should consider them the objectives, out of many one people. Mr. President, we have a lot to protect. We have grown to the level of maturity in this country where we want to move away from anything which could cause us to put ourselves into groups and sectors; anything, Mr. President, which could cause us to create little societies or groups where we feel that this group belongs to this certain individual and another group is for another individual. We have been complaining about this, yet now we seem to be wanting to encourage it. I want to see a situation in this country where expatriates and Caymanians alike will live in peace and harmony. I want to see a situation in this country where black and white will live in harmony; the poor and the rich will live in harmony.

We have got to be careful not to introduce a separatist attitude such as we have in South Africa or Rhodesia, or wherever. We have got to be careful not to introduce an apartheid system in this country. It will only destroy us. We have too many important things to think about,

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, without tampering around with our legislation. Mr. President, we are moving into a period when more than ever our country needs efficient and sound guidance. Right now, Mr. President, we should be considering a comprehensive social policy for this country. We should be considering a comprehensive economic policy for this country. Mr. President, our energy and efforts should be based around this. How much consideration has been given to the possibility of improving our present Currency Board. How much consideration, Mr. President, has been given in trying to establish a monetary fund for this country.

Many of us, Mr. President, may say initially that we are not supportive of such an idea. However I ask the question, Mr. President, how many of us understand what it entails? Before I look at a matter and say that I do not agree with it I first try to understand what it is all about. Mr. President, I would not suggest here that I have the answer to all these problems. I would however suggest that I have some of the answers and I trust, Mr. President, that Members of this side of the House will indeed be given the opportunity to look into some of these areas.

I feel, Sir, that the opportunity should be given for certain feasibility studies to be carried out to determine the viability of some of these matters. It is easy for one to say that it cannot be done. If the Members had taken that attitude where would we be today?

Mr. President, I believe that we must explore many avenues. We cannot continue to deal with matters which are inequitable to the interests of the majority of the people. We cannot continue to satisfy only the needs and the wants of the minority when it was the majority of the people who put us in this House.

Mr. President, I would like to think that I am associated with individuals and Members who will deal with matters with an open mind. I would wish to see an innovative approach taken with regards to the future development of this country. We have reached the maturity, Mr. President, when we must start looking at the country's affairs in a mature and sophisticated manner. We cannot continue to have this country ruled by remote control. We cannot have special interest groups in this country running it for their own benefit. We cannot have certain people in this country trying to have it run as if it was their private business. Mr. President, as I said earlier, I do not think that this will be possible because I have a lot of confidence in the Elected Members of Executive Council and the Honourable Official Members. I also have a lot of confidence in the Members on the other side of this House including, Mr. President, my good friend the Second Elected Member for West Bay.

Mr. President, my advice is leave well enough alone, but at the same time let us not stagnate in our indifference. Let us realise that the only way that this country can be good for us is if we endeavour to make it good for all the people of the Cayman Islands.

Mr. President, in considering changes, it is incumbent on this House that they consider the effects of those changes both positive and adverse, and do a benefit analysis to determine which outweighs the other. We cannot make changes for changes' sake.

Mr. President, I was very pleased indeed to hear from the Throne Speech that major emphasis is being placed on the development of locally based courses for Civil Servants. Too often I hear that this Civil Servant and that Civil

MR. LINFORD A. PIERSON (CONTINUING): *Servant is inefficient. I heard this when I was first employed in 1963 and throughout my sixteen years in the Civil Service. When I left as the Principal Secretary for Health Education and Social Services, I was still hearing this. I know the problems which the Civil Servants are faced with. I feel that much more must be done to train our own people. I am very proud when I walk around and I see some of the local Caymanians, and I am not saying local Caymanians in a derogatory manner because I think it is generally accepted that we have two types of Caymanians and I love them all. But when I say local Caymanians, Mr. President, I mean Caymanians born here. I want to see more of them filling their seats with efficiency such as our very efficient Clerk of this House; such as our very efficient Financial Secretary and many other Caymanians. However, Mr. President, I also want to know that Caymanians are not pushed up the ladder just because they are Caymanians.*

Mr. President, the whole emphasis is that our people be given the amount of training which they are capable of handling. Train our people to fill these positions. I am happy to see that this problem is recognised and that you, Mr. President, in the Throne Speech have given recognition to the needs of having this done. Mr. President, I notice that it is getting close to 12.45 p.m. I do not know whether you would like to break at this time.

MR. PRESIDENT: *Yes, I think this might be a convenient time for us to break now. It is normal that we break at about this time. So I will suspend proceedings and we will resume at 2.15 p.m.*

AT 12.43 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.20 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Continuation of the debate on the Second Reading of the Appropriation Bill. The Second Elected Member For George Town.

MR. LINFORD A. PIERSON:

Mr. President, at the break for lunch I was at the point in your Throne Speech where you said that major emphasis is being placed on the development of locally based courses for Civil Servants, and I applauded that as a very good move indeed.

You also said, Sir, that particular importance would be placed on middle management and I see this as an extremely good move in the development of this country. However, Mr. President, I think that we have reached the stage in our country's development when we must also look into the areas of training for

MR. LINFORD A. PIERSON (CONTINUING): top management posts in this country.

In the December sitting of this House there was some question about the appointment of a Speaker to this House. My own opinion on this, Sir, is that we are somewhat premature for such an appointment. In the short time I have spent in this House I have seen the professionalism, the tact and the knowledge which you have brought to bear on the position of President of this Legislative Assembly and I would wish to see this continued until such time as we are mature enough to find one of our own people to fill this position, be it in twelve months time or in twelve years time. I feel that the progress and the future of this country is based on a well run and stable country.

It was very heartening, Sir, to see the recent appointment of one of our own people to the post of Deputy Commissioner of Police and I think, Sir, that such an appointment was long overdue and well earned. This morning I expressed the need for loyalty in this country; loyalty to our Government and loyalty to the authority in this country. When I speak of loyalty, Sir, my definition of loyalty encompasses loyalty to the Government as a whole and not to a group of individuals. I do not believe in loyalty to any particular team at this point in time if such loyalty is blind loyalty. I realise, Sir, that for any country to succeed that that country must have a properly run organisation where there are those in power and there are those who are loyal to those in power. I would wish to associate myself with those who will give every support possible to those in power; to those on the Executive Council, but only in areas where such loyalty is in the best interests of this country.

Mr. President, on the question of loyalty, I am reminded of a quotation made by Eleanor Roosevelt, one of the first ladies of the United States of America. She said:

"Up to a certain point it is good for us to know that there are people in the world who will give us love and unquestioned loyalty to the limit of their ability. I doubt, however, if it is good for us to feel assured of this without the accompanying obligation of having to justify this devotion by our behaviour."

Mr. President, there is a much different situation when one is given loyalty which is sincere and earned rather than being in a position where one can be referred to as an extension cord. I am not an extension cord for any group, Mr. President, and I will never be. However, I hope that I am intelligent enough to support what I feel is good for this country.

Mr. President, in the December sitting of the House there was long discussion on the amendment of a Law known as the Parliamentary Pensions Law. At that time, Mr. President, I made it quite clear that I could not support the repealing of the coming into effect of the Parliamentary Pensions Law unless a specific time was set when this Law would have been brought back to this House. I think that a matter as important as the protection of those of us Caymanians who charted the way for the development of this country, the vestrymen, the old legislators, should have been dealt with. I feel, Sir, that some protection should be given to them in their old age.

MR. LINFORD A. PIERSON (CONTINUING): I am totally opposed, Sir, to any move in this House which would tend to look like vindictiveness. I am not going to be a party to any legislation or amendment brought before this House which would seem to be a vindictive move. I am totally in favour of a comprehensive insurance scheme. We need a general scheme. We need a contributory pension scheme. Whatever form it takes I feel that the interests of this country must first be taken into account, but at the same time, Sir, I do not feel that it is right for us as a Government to arbitrarily shelve what was done by previous Governments.

I feel, Sir, that in areas where we can justify to ourselves that previous Governments of this House, regardless of how far back this extends, have done a good job, our job here is to build on the good things and remove the bad things. Too many Governments, Sir, are guilty of removing the landmarks and things done by previous Governments, but I would hope that this Government of which I am a part will show their maturity and not get involved in such pettiness. I feel assured, Sir, that the colleagues we have in this Assembly, the fellow Members of this Assembly will indeed desist from such juvenile acts.

As I said this morning, Sir, our major emphasis should be placed on the future development of this country. This is one of the reasons, Sir, why I asked a question in the House yesterday concerning the financial position of this country. The Governor in his wisdom deleted part of that question and he was perfectly right because I said that the matter should be put to rest. However I think, Sir, that I have the latitude to say now that I hope that the matter of the question of the financial position of this country at the 31st October, 1984, will now be put to rest. I hope, Sir, that we will desist from performing post mortems on the acts of the past Government, unless those post mortems are going to be in the best interests of this country; unless like the scientists we can learn methods of improving the longevity of the human race.

Mr. President, one of our Members, the lady Member in this House is on a course in the United Kingdom and I am very happy that it was possible for this to have happened. I hope, Sir, that I will be considered next for such a course. However, regardless of which one of the Members here is given that consideration I feel, Sir, that every opportunity should be taken and given to Members of the Cayman Islands Legislative Assembly to improve themselves so that we will be a Legislative Assembly second to none in the world. I believe, Sir, that this is possible because we have the infrastructure and we have the embryonic contents for this possibility and this reality.

All we as Caymanians have ever needed, Sir, was the opportunity. We can hold our own against any nation in the world. All we need is the opportunity. This is why, Mr. President, I support so strongly your wise move to train our Civil Servants, and I hope that the private sector will take cognisance of what you have done and will follow on the same path.

Mr. President, this morning I made brief mention of the need for the Caymanian public, locals and visitors together, to do all in their power to build the Cayman Islands for the good of one and all. This is why, Sir, I wish to mention some of the good work which has been done by some of the social and voluntary clubs around these Islands. I can think of clubs such as the Rotary Club, Kiwanis, Lions and many arms of the ladies' clubs which have done so much good work. I feel, Sir, that it is important that they be given some recognition by

MR. LINFORD A. PIERSON (CONTINUING): Government. I speak specifically, Sir, of the clean up and beautification committee which was so instrumental in beautifying this country for the visit of Her Majesty the Queen. Today we see the results of the hard work of this committee when we drive along the road to the airport. I would hope, Sir, that this Government will support such a good committee by providing a small sum in the Budget. I happen to know, Sir, that the Cayman clean up and beautification committee has a number of plans for further beautification projects, but these can only become a reality, can only be possible if sufficient funds are available. Most of the funds to date have been collections from members and institutions in the private sector. I am happy to say here, Sir, that credit must be given to the last Government for their donation to this Committee. I think the sum was something like \$3,000 to \$4,000. I would state here also, Sir, that this money was well spent.

As a group of Islands, Sir, as a country we are not as blessed as many of our neighbouring Caribbean Islands with respect to the scenic beauty which some of those Islands possess. Then again, Sir, we are blessed with some of the best people in the world. So we can make our position even better when we endeavour to keep our Islands clean and beautiful. When one looks at the Court's office grounds and sees the beautiful flowers blooming there one should also realise, Sir, that these did not just come about, it was the determined effort of a group of dedicated people who used a lot of chargeable and non-chargeable time to devote to their community. I have requested funds to support this committee and I hope, Sir, that this will be considered.

In one of the other areas of my manifesto I spoke on the need for sidewalks along the West Bay road. Again the past Government must be congratulated on their efforts to do this. I am one who believes in giving credit where credit is due, but then we cannot live in the past. Alas we are in the present and we have to look towards the future. I would hope, Sir, that this project which was started will be completed. So often, Sir, in driving along the West Bay Road, and indeed in walking along the West Bay Road I saw tourists splashed by cars. I saw them having to jump from stone to stone and I thought, Sir, that the introduction of sidewalks was a major step forward in the interest we place in the tourists who visit these Islands.

Mr. President, one of the major points raised in my manifesto was the improvement of the arterial roads around the George Town district, but in general of the arterial roads in the Cayman Islands. The reason for this, Sir, is that these areas were badly neglected. I am happy to report, Sir, that already this year these areas are receiving attention. As I promised my people during the election campaign I will continue to raise these issues or any issue which I deem in the interests of my people until I see action taken.

Mr. President, you also mentioned in your Throne Speech that the most significant development in the last twelve months was the passing of the Caymanian Protection Law. I could not agree more, Sir, and while I can appreciate the delay in bringing this Law into operation due to certain matters to do with the the Nationality Act and so forth, I trust, Sir, that this will be brought into operation in the very near future. Because under the present Caymanian Protection Law we have a set of legislation which is useless to our people. I think it is ridiculous, Sir, when we have sons and daughters of Caymanians who come back here and cannot get a job because they cannot get a work permit in their own country. I would wish to see that

MR. LINFORD A. PIERSON (CONTINUING): would happen one of these days if this section of the Caymanian Protection Law is challenged. As I said, Sir, a good Government is one which ensures that it passes legislation which can enable its people to do what is right.

Mr. President, I have had the wives of foreign males come to my office, Caymanian ladies, crying about the situation which they are faced with. They marry Jamaicans, Americans, English or whoever and come here, and their husbands are given two or three weeks to stay on the Islands. Their husbands cannot work. Is this in the best interests of this country and our people?

At the same time, Mr. President, if a male Caymanian marries a female from Russia or wherever, she gains his status and can work in the Cayman Islands. This is a gross inequity, and I would hope that very soon this new Law will be brought into effect and such practices will cease.

I am not prepared to continue to tell my people that that is the way it is when in fact I am convinced that that is the way it should not be. Too often, Mr. President, our people apply for jobs in this country and the qualifications required are so high that they could not even dream of getting the job. The reason that this is done many times is because those jobs are already filled. So many times our Caymanians apply for clerical jobs, lower management jobs and middle management jobs, and they are told that they do not have the experience. How in the world can we expect a school leaver to have the necessary experience for a job unless somebody gives that school leaver the chance to get the experience.

Mr. President, this is a serious situation. We must have more than a passing interest in this situation. We must ensure that our Immigration and Protection Laws are there to protect the Caymanian public. Why call it a Caymanian Protection Law unless it is designed to protect our people? I heard one speaker refer to it as the Caymanian Destruction Law. Maybe that is more appropriate. Mr. President, we have to take a realistic approach to the needs of this country and cater to those needs.

This takes us a step further back. We always have the situation of a cause and an effect. Invariably, Mr. President, we find ourselves dealing with the effect. So seldom do we take the time to try to find out the causes and I submit, Mr. President, that one of the basic problems with our system today starts at the school level. Mr. President, statistics show us that only 15 to 20 per cent of our school population will indeed get the five to six average number of 'O' Levels at the acceptable pass rate of a grade C or above. I ask you today, Sir, whether the 85 per cent who cannot reach this standard should be pushed aside and relegated to the stream of commercial subjects as is felt in the school system today? This is a totally wrong mentality because we are not all meant to be academic. Therefore, Sir, I feel that more emphasis should be placed on the vocational and technical side of our schools. It is not enough, Sir, to provide a little woodwork shop or some form of metal work shop and then feel that that is the answer to the problem. Why should we have to still employ so many masons, carpenters, steel workers and others from outside? Why are we still spending so much money in a marine school which perhaps has become redundant, when in fact the marine life of this country is almost nil? Why do we not become more practical to the needs of this country? A vocational and technical school is badly needed in this country and I would hope, Sir, that this Government would place this as a top priority.

MR. LINFORD A. PIERSON (CONTINUING): If we are to expect more industries in this country then we must attempt and endeavour to have properly qualified people. I heard an investor a few weeks ago saying that we cannot hope to have a viable and new major franchised hotel established in this country unless we are prepared to take a different approach to the training policies in this country, indeed to the quota restrictions placed on people coming here. This is why, Sir, I am pleased to see where you state in your Throne Speech that the Government now proposes to abandon quota restrictions for imported labour. However, while I am pleased to see this I am nonetheless very concerned that every attempt must be given to the training of our own people. We should not accept as an excuse that our Caymanian people are not trainable or are not experienced enough to fill certain jobs. Give them the training and the opportunity and then we will see how well they do. If our past experience has anything to do with it, Sir, we know that our Caymanians are capable of anything. I remember, Sir, during my days in the Civil Service, in 1970 I left these shores to go to England and I was told then that it was unheard of for any Caymanian to take his family and go to England to pursue a major qualification. I was told it was impossible, how could I do it with the responsibility of a family.

The point is, Sir, that what men have done men can do, and I am proud to say, Sir, that with ambition Caymanians can accomplish anything. Mr. President, all we need is the opportunity. All we need is the chance.

Mr. President, a recent survey indicated that there are now nearly 200 or more unemployed in this country but I would submit, Sir, that these are only the people who have gone in and registered. I believe that there are many in the George Town district but these people consider it a waste of their time to go and register if they feel nothing is going to be done. This has been the expression of their feelings to me. Why waste their time by going to register at the Labour Office? As I said previously, I congratulate the members of the Labour Department on the wonderful job they are doing with so little. This is the reason, Sir, why I feel that the labour legislation will get the unanimous support of this House. However, this does not in any way nullify the fact that the people today are in need and there is no light at the end of the tunnel.

At the end of the school year this year we will be seeing another two to three hundred people, our young people leaving school to get in the private sector or public sector. Mr. President, where are the jobs? What are we doing as a Government to expand our economic base so that there can be more jobs in this country? What are we doing to encourage more industries in this country? The private sector the banks, the accounting firms, the legal firms and others are saturated. What do we do with the increasing number of young people coming into the employment market? It is a very serious question, Mr. President.

In the Budget Address last Friday we heard the Honourable Financial Secretary give a very comprehensive account of the contributions already being made to our local economy through the private sector, and this is good indeed. But how much longer can we continue to squeeze the private sector without allowing them to expand themselves. Mr. President, the Honourable Financial Secretary in his very comprehensive Budget Address gave a lot of valuable statistics. One such valuable statistic was that the banks and trust companies in this country contributed according to the 1983 figures up to \$131 million to the economy, I think the figure was. The point is that they contribute a major

MR. LINFORD A. PIERSON (CONTINUING): portion of the funds which come into our economy.

One area of concern, Mr. President, is the restrictions which have been placed on our legal firms in bringing new lawyers into the country when such restrictions are not equally placed on accountants. The legal firms in this country, Mr. President, contribute \$4.8 million to our economy and I submit that this could have a multiplying effect if we were not so restrictive with these firms. Why are we restricting the growth? Why are we preventing more lawyers coming here when we have no local people who are qualified to fill these positions when these very firms have a very vibrant training policy within their own company?

I would hope, Mr. President, that Government will take a much more flexible approach to the question of permitting lawyers to come to this country. While I am on the question of legal firms I must congratulate our Attorney-General under whose supervision, I understand, the law school falls, for the wonderful job which they are doing in training our local people to eventually fill openings in these firms. I think it is a great move forward and I hope that one of these days I will see the same happening in the accounting profession.

Mr. President, the reason I believe for the Throne Speech and the Budget Address which you will be hearing over the next few days will be for Members to have the opportunity to express their views on matters raised in these speeches. I do not feel, Mr. President, that we should gloss over any of these areas or any of the areas of the Throne Speech or the Budget Address. They are perhaps the most important speeches which will ever come to this House during this year. Mr. President, we must build the infrastructure facility for the continued growth and development of this country. We are simply pricing ourselves out of the market. So often I hear tourists coming here complaining about the cost in the hotels; complaining about the high cost of food and so on, not to speak of the adverse effects it is having on the residents of this country

Mr. President, these variables can take different forms but invariably they produce the same detrimental effect on a country. The increasing cost whittles away the expected return on the capital employed by the investor and it whittles away the small salary being earned by the local people.

Mr. President, I have intentionally taken a lot of time in speaking on the position of our economy because this is the most important thing facing this country today. We must have a serious look at all facets of our economy. As I said, Sir, immediate plans should be put into effect in order for us to do a proper study on broadening the economic base of this country. This Government needs to take stock of the available expertise in this country and we need to endeavour to obtain this expertise whenever needed. There is no use in this Government, including all the Members of this House, feeling that we can lend the expertise required in certain technical areas if we are not qualified to do so.

Mr. President, in the Honourable Financial Secretary's Budget Address he stated that the incidence of indirect taxation affecting the general public of these Islands is viewed as an inequitable system; I do not want to misquote him. I would say that while he is totally right he is stating the situation very mildly. Mr. President, indirect taxation is the most regressive form of taxation because it produces an effect where the little people bear the same burden as the more wealthy; a burden which they can ill afford.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I will move from this subject before I am accused of advocating a direct form of taxation because I am not.

In debating the Customs Amendment Law, 1985 on Friday last or previously, one Member of the Government Bench expressed some amount of surprise at my comments regarding the disastrous impact which indirect taxation can have on the little people. By little people I mean those in the lower income bracket. I must only say, Mr. President, that I have to speak as my conscience dictates and I can only sympathise if any Member of this House cannot see the disastrous effects which indirect taxation can have on the little people of any country. No man is an island, Mr. President. No man is in a position to have answers to all the ills of a society. This is why I will again state that it would be advised for this Government to seek assistance in areas which require technical expertise if those areas are not presently available to them.

Mr. President, one should recognise one's limitations. The saying goes, Sir, and it is as true today as it was when it was said, "He that knows not that he knows not is the worst kind of person". I would not say a fool, but that is what it says.

Mr. President, we must wake up and realise that we are now in 1985. While I do not agree with a deficit budget, Sir, we must take a better progressive view and know when an economy needs to be reflatd. We must know when an economy needs stimulation. It is one thing, Sir, to say that the budget is balanced but when I see the amount which has been cut out of the capital budget I wonder where our people will find employment.

While I believe in a "laissez faire" type of economy where the economy is controlled according to the dictates of good trade and of good business, and while I do not believe in state controlled economy, I believe, Sir, that this Government and this country must take cognisance of unfair trading practices where they are seen to exist.

Mr. President, I listened to the Honourable Financial Secretary, the Third Official Member with keen interest during the Budget Address. As said earlier he is to be commended for a superb Address. His accounting of his stewardship during 1984 is commendable but, Mr. President, 1984 is history in the Cayman Islands. We are now in 1985. We must concentrate our energies and efforts on now and the future. Mr. President, the past has little serious value except as a guide to what may come. As a matter of fact the present already contains much of the past. So we are being redundant when we try to dwell on matters of the past. However, Mr. President, lest we ignore the past we are reminded by one of the world's greatest geniuses no other than the great Confucius who reminds us that we must study the past if we would define the future. However, Mr. President, the message here today is that we do not live in the past.

My concern today is exactly what is our Government planning to do to stimulate the economy so that our people can be placed in worthwhile jobs. Mr. President, it is noticed that Government has cut back over \$6 million on capital expenditure alone, when you compare the 1985 Budget with the approved 1984 Budget. When the 1985 estimated Budget is compared with the revised capital Budget of 1984 the figure is nearer \$10 million. This is in effect the amount which we are taking out of this economy at a time when we should be trying to put funds into this economy to stimulate it. Mr. President, figures do not lie and these are the figures as reflected in

MR. LINFORD A. PIERSON (CONTINUING): the proposed Budget.

Mr. President, this is not intended to criticize any efforts made to balance their budget. The point which I am making here is that this balanced budget will further stagnate the economy at this time. What do we do, Mr. President? We do not believe in a deficit budget yet we say that because the budget has been cut for it to be balanced it is a bad situation. The point I am making, Mr. President, is that we need to expand our economy and find other areas of getting the necessary revenue. It does not mean that because we have cut that \$10 million it is good for our country, when in fact our country needs that money to stimulate the economy. What is the use of our balancing a budget now, to have to come to this House in six months time and ask for further supplementary appropriation.

Mr. President, it is the usual thing for any Government to set the pace in stimulating an economy. However, I will agree that because of the type of our economy the private sector has, to a large extent, set the pace in that respect. My question, Mr. President, I think will be answered in the months to come when we will be forced to come back to this House and ask for more funds because a balanced budget at this stage is perhaps unrealistic. I believe in a balanced budget if such a budget is realistic to this country's needs, but I am saying that cutting \$10 million out of our capital budget is not right for us at this point in time. Much has been said about the amount of money which was spent by the last Government, and I am one of the critics because I felt that a lot of the money which was spent could have been avoided. However, I also know that the spending of that money at the time was necessary in order to provide a lot of work for the people in this country.

We need to study the full impact of a budget on a country's progress and development. Very recently we read in the papers that President Reagan has again opened the doors so that the Japanese can trade in that country without restriction. Very recently we read that the Secretary of the Treasury in his attempt to stimulate the economy was pushing more funds into the economy. While we cannot compare ourselves with these great countries they certainly serve as a guide to us. It seems somewhat inconsistent, Mr. President, that \$10 million would be taken out of the economy from capital works alone when based on the 1984 revised figure, yet at the same time over \$1 million is provided for new services with most of this going into the Civil Service.

Mr. President, I would have thought that more attention at this point in time would be given to cutting expenses all around. One month ago I heard that there was a move to strengthen the productivity of the members of the public service with a view to cutting back on staff. However, in viewing the new services being requested I wonder, Mr. President, whether we are not worsening the situation in working under the theory of Parkinson's Law. Wherever there is a void, Mr. President, that void will eventually be filled. I said this when the Tower Building was purchased and I shall say it again because I think that that purchase was a good investment. But the remarks which I made then which still apply are that very soon there will not be any space in that building and we will be seeking other buildings for staff. That is the operation, Sir, of Parkinson's Law.

Mr. President, my argument in support of a more comprehensive and expanded revenue base is borne out in the meagre account of \$4.4 million increase in ordinary revenue. This was only possible from an already heavily taxed

MR. LINFORD A. PIERSON (CONTINUING): economic base; an already over taxed system. Of the \$58.4 million of ordinary revenue budgeted for 1985 \$20.5 million comes from import duties. More than 33per cent is on the backs of the little people in this country. More than 33per cent is a most regressive form of taxation hurting the little people of this country. While this is necessary to keep the Government going the fact is that we should now be looking into other areas of expanding our economic base.

Mr. President, I notice that it is about 3.30.

MR. PRESIDENT: Yes, I was going to ask you whether this would be a convenient moment to interrupt, because it would seem that you are not quite finished. I will suspend proceedings until just before 3.45 p.m.

AT 3.28 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.46 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. Continuation of the Second Reading debate on the Appropriation Bill, 1985. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, before taking the break I was debating the reduction in the capital expenditure of almost \$10 million when the revised 1984 figure is compared with the 1985 estimates. However, Sir, I would point out here that included in the revised 1984 estimates is an amount of \$7.5 million which is comprised of the cost of the Tower Building and the airport development. While, Sir, the Tower Building was purchased outright there are no additional funds going into the economy other than had originally been put there when the Tower Building was built. This is not the same case as the \$3.1 million for the airport development. So all in all, in order not to have this picture distorted it is felt that this further explanation on the loans fund should be given.

While I am on the question of the airport development, Sir, I feel that this is as much an appropriate time as any for me to state that the Government responsible for that development should be highly commended. The airport development, the new air terminal at Owen Roberts airport is indeed one of the best small airports which I have seen in my travels. Many of the people I have talked to have also expressed the same sentiments. I believe, Mr. President, that this new facility is an asset to this country and I believe, Sir, that it will enhance the future smooth and orderly development of this country. I was somewhat saddened, Sir, at the second operational opening of the airport; that it was not seen possible or necessary to give credit to those who had made

MR. LINFORD A. PIERSON (CONTINUING): such a facility initially possible. However, Sir, this is the name of the game, politics.

Nonetheless, it brings out the point that such a facility is something which all Caymanians can be justly proud of. When I visited the new facility at Owen Roberts Airport I was very favourably impressed. I had to pinch myself to make myself realise that I was still in the Cayman Islands. I am proud of that airport. I used to be most embarrassed when I had to meet people at the old airport. I found every excuse in the book to let them know that it was just a temporary structure and that it would soon be pulled down but now, Mr. President, at last we have a structure which we can be justly proud of. I am proud, Mr. President, that that \$3.1 million which I referred to a while ago was part of the development of this structure.

Mr. President, it is noted under the capital budget that an amount of \$2 million has been allocated to the development of our water and sewage system during 1985 and I believe, Sir, that other than the airport this is perhaps the second most needed facility in this country. I hope, Mr. President, that much care will be given in deciding which contracts will be given to the various individuals. From my understanding, Mr. President, again this is being handled in a Portfolio where I think quite a bit of expertise is available, and I understand that the whole project will be monitored under a critical path analysis programme where there will be some ten to twelve contracts monitored through the Portfolio. Mr. President, there was some question as to whether this project should get priority in the West Bay area but I think that the Honourable Fourth Elected Member of Executive Council, in charge of Development and Natural Resources, has given a fairly comprehensive statement on the philosophy and the reasoning behind the idea of giving the West Bay area priority.

Mr. President, even though we paid dearly for the property for the sewage disposal I believe that such a project will justify this expenditure. However, this is a subject of another report which I hope to bring to the House, Sir.

Mr. President, on the question of future facilities, protection of our country and its facilities, I could not let the opportunity pass this afternoon without commenting on the very wise move of our Government to establish a marine park system. I know, Sir, that there have been some objections to a marine park system in this country, but on further examination and study of the matter I also know that we are not at all unique in our efforts to establish a marine park system. Mr. President, the members of this committee are to be congratulated for their efforts in trying to make the project viable. It was heartening, Sir, to read a message from the first lady of this country expressing her views on the need to protect our marine life. I was very pleasantly surprised, Sir, when I was invited to join the committee to see the number of people who had given up their time freely; individuals such as Mr. Dudley McLaughlin, Mrs. Consuela Ebanks, Mrs. Patricia Bradley and others who are lending their expertise to such a committee.

We are all concerned, Mr. President, regardless of whether we are natives of this country or just residing here. Mr. President, I was somewhat surprised that there were any objections at all when in fact we were only thinking and talking about 37 per cent of our shore-line protected. This equates to about 20 square miles. We are talking about a marine park system which will be divided into basically four areas of non-fishing zones, line fishing zones, replenishment zones and environmental zones. We have heard the question,

MR. LINDORD A. PIERSON (CONTINUING): "What form of technical statistics or scientific approach was used to arrive at a decision on what areas should be designated in a particular way?". Mr. President, on my enquiries into this matter I have been assured that the results of these studies and surveys were not arrived at by arbitrary or random means. This decision came about from recommendations made by many of the noted individuals involved in one way or the other with marine related businesses in this country.

I will not attempt to give credit to any individual who may have been involved in this as I would hate to leave anybody out. Suffice it to say Sir, I think our gratitude and the gratitude of this country should be expressed to these individuals for the time and expertise which they have given in the establishment of these parks. On Sunday last it was a distinct pleasure and privilege for me to participate in a radio broadcast between 4.00 p.m. and 6.00 p.m., in trying to get across to the public the importance of respecting these various zones. Mr. President, it is not hard to see that much thought and effort was put into this study. However, Mr. President, in view of the fact that tourism is one of the major sectors of our economy and that our marine life is the basis of the tourism industry in this country, it is more imperative that ever that we protect our marine life in these Islands.

I believe, Sir, that we must give this very serious attention. I believe that the best approach to establishing our marine parks is to solicit the cooperation of the people of this country and the tourists who visit us here, but I do not believe that we should rely solely on that cooperation. I feel that we should put sufficient clauses in our Marine Conservation Law so that anybody contravening the terms of the Law or any sections of the Law will be treated in accordance with the Law.

Even the simplest person, Mr. President, whom you meet will tell you that they can remember the day when one could wade fifty feet into the sea and come to the shore with all the conches they needed. I also remember individuals saying to me that they can remember the days when they could go a few feet offshore and get all the lobsters they needed. Mr. President, that is indeed past tense. That was the past.

Today the situation is much different. We can do one of two things, Mr. President. We can sit back and say that they are the evils of development, so be it. Or we can make a determined effort to restore as far as possible the former position. I believe, Mr. President, that the people of this country would be done a grave injustice if nothing was done to create these parks.

Mr. President, as I said the creation of marine parks is not peculiar to the Cayman Islands. There are marine parks in Jamaica, Trinidad and Tobago, the United States Virgin Islands, Southern Florida and many of the tourist destinations. The Governments of those countries found it necessary to create these parks to protect their marine life. The same is true, Mr. President, of other forms of marine life other than conches and lobsters. We also know that it was possible for fisherman to go out and come back with whatever number of turtles they desired. Today this is not possible, and hopefully, Mr. President, we will indeed have a very vibrant Turtle Farm or Ranch in the future.

Mr. President, I hope that the people of this country will abide by the conditions set by the Convention on the protection of endangered species and that we will be successful indeed in our negotiations at the CITIES meetings to be held in Argentina in April of this year.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I believe that our people the Caymanians are law abiding people and I believe, Sir, that when the Marine Conservation Law is brought before us and further brought to the attention of the people, we will have no problems in having them comply with the conditions of that legislation.

Mr. President, on this question of marine parks I feel very strongly that Government must be very firm with offenders under the Law. It must be treated as a very important part of this country's development. It must be given the same importance as any contravention or offence under any of the other laws in this country. I would wish to see, Sir, prompt and efficient attention given by the police when they are called upon to deal with a marine offence.

Mr. President, as I stated earlier and in my attempt not to be repetitious, I said that together with the four Elected Members of Executive Council I had met during the early part of this year on one of the issues which was dealt with and had to do with matters relating to the little people in this country. One of the things which we must bear in mind while we are considering the question of protecting any assets in this country whether it is marine life or otherwise, is that we consider the effect which this can have on the little people in the country. Much has been said about the harmful effects of nets and pots and so on on the country, but let us not be blinded to the fact that many of our people rely on making a living from the use of pots. I feel that it is in the interests of this country and this Government in particular to identify those individuals and those areas to endeavour to ensure that their interests are protected.

Mr. President, recently in our tour of George Town we entered an area called Breezy Castle and I was surprised, Mr. President, that nothing has been done over the years to open the road going to Breezy Castle. It is not possible for an ambulance, or a fire truck or the garbage truck to go into this area. The residents of that area have had to take their garbage to the dump in their cars. Mr. President, this was a matter which we have noted for urgent attention and I will be giving this very close attention to ensure that something is done about it. I think, Sir, that the people in this area have been very tolerant indeed over the years. As a matter of fact, Sir, I believe that now that we have such a wide, rambling airport up there that consideration should perhaps be given to obtaining that property for future development and expansion of the airport. Because the airport has been extended in that area and has created a much bigger nuisance to the residents of that area. The airport went there and found the people there. It was not the other way around, Mr. President, and I feel that the people should be compensated in some way or the other.

Mr. President, it is very difficult when one has to debate a Throne Speech and the Budget Address at the same time, not to refer from one to the other. This is why I hope that from next year or in future as this as this usually happens at an election time, that it will be possible to have these two important documents debated at different times.

Mr. President, one area which I view with a lot of concern is the question of Private Members' Motions in this House and parliamentary questions. Too often, Sir, I think that sufficient regard and seriousness is not given to answers to questions. It appears to be a way of pacifying the person asking the question. I do not have time to waste, Mr. President, and when I ask a question in this House it is for a purpose. I believe, Sir, that I made my point pretty clear on how I feel about asking questions. So I will not dwell on this further.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, in the 21st December, 1984 issue of one of our leading newspapers there was an article in the editorial column entitled, "Good liquor licence sense". How right, Mr. President, I was also happy to hear that this problem would receive some attention very soon. Suffice it to say, I will have the opportunity of further debating this Bill when it comes before us.

Mr. President, I was somewhat concerned this morning when I felt that the opportunity for Members to debate the Throne Speech and the Budget Address would be lost. I had not intended to speak on this until next week, when I would have been in a position to quote from some of the remarks made by previous speakers. However, the advantage of speaking first is that they will be repeating me.

Mr. President, just yesterday, I had an individual who approached me and commented on the great need for sanitary conveniences in the town. What is our Government doing to provide such a facility? I see the Honourable First Elected Member of Executive Council tapping the budget. I hope he has provisions in there for this facility. \$38,000 is but a drop in the bucket. Mr. President, this is a very needed facility in this country.

Another need in this country is for covered bus stops so that the school children can be protected from the rain when they are waiting for the buses. I understand that a small provision is being made for this.

It is interesting, Mr. President, to see so many manifestos so late after the election campaign and the election. Mr. President, I believe that my attention is being drawn to the fact that there are other Members who share my concern. This is good because I now know that there are other Members who see the need for this facility, and they are not bringing my Private Members' Motion at some future date. I am sure that the Second Elected Member for West Bay will second it.

Mr. President, another area which I see requiring urgent attention is street lighting in many of the roads around the Islands. They are too numerous to mention at this point but, Mr. President, I trust the Members of this House will give this matter their very sympathetic attention when it is brought in Committee Stage.

Mr. President, I am going to say one more thing before closing. I would say to all Members on this side of the House that our very purpose here is to work together for the betterment of the Cayman Islands. I intend, Sir, in Committee Stage to take a much closer look at the budget and I regard it as somewhat redundant to repeat what the Honourable Financial Secretary has already said in his Budget Address.

So in closing, Sir, I want you to know how much your speech was appreciated and to thank you, Sir, for a well delivered Throne Speech. I would also thank the Honourable Financial Secretary for his Budget Address.

Thank you, Mr. President.

HON. DENNIS H. FOSTER:

Mr. President....

MR. PRESIDENT:

I was just looking at my Standing Orders. I am not sure that they do specifically provide for a situation in which a Member finishes speaking at about 4.26 p.m. However, it does seem to me that it is likely to accord with the wishes of most Members that the adjournment be moved now rather than that anybody....

MR. LINEFORD A. PIERSON: Mr. President, I was just saying I could go on if you wish. (LAUGHTER).

MR. PRESIDENT: I do not think Members will need to trouble you. I think let us move the adjournment and if Members feel it is wrong to move it before 4.30 p.m. they can vote against it. I think it will be the wish of the House, however, to adjourn rather than to expect anybody to start a speech.

HON. DENNIS H. FOSTER: I think so, Sir.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow morning.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. tomorrow morning.

QUESTION PUT: AGREED. AT 4.27 P.M. THE HOUSE ADJOURNED
UNTIL 10.00 A.M., THURSDAY, 7TH
MARCH, 1935.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
(THURSDAY, 7TH MARCH, 1985)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H POSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON CAPT CHARLES L KIRKCONNELL	MEMBER FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

ELECTED MEMBERS

MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
THURSDAY, 7TH MARCH, 1985

1. QUESTIONS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 17: WOULD THE MEMBER STATE THE AVERAGE NUMBER OF PATIENTS TREATED IN OUT-PATIENTS AT THE HOSPITAL EACH DAY, AND HOW MANY DOCTORS ARE UTILIZED TO SEE THESE PATIENTS?

NO. 18: WOULD THE MEMBER STATE THE COST OF THE NEW X-RAY TRANSFER EQUIPMENT AT THE HOSPITAL AND HOW OFTEN HAS IT BEEN USED IN THE LAST THREE MONTHS?

NO. 19: WOULD THE MEMBER STATE WHY INTERNATIONALLY KNOWN SYMBOLS WERE NOT USED IN CONJUNCTION WITH THE NAMES ON THE NEW SIGNS RECENTLY INSTALLED AT THE HOSPITAL?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 20: WOULD THE MEMBER STATE WHETHER THE CAYMANIAN PROTECTION LAW, 1984, WILL BE AMENDED TO REQUIRE NON-CAYMANIANS WORKING IN GOVERNMENT TO HAVE GAINFUL OCCUPATION LICENCES?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 21: WOULD THE MEMBER STATE WHETHER GOVERNMENT PROPOSES TO SET AN OPERATIONAL DATE FOR THE PARLIAMENTARY PENSIONS LAW, 1984, TO COME INTO EFFECT?

2. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND SECOND READING OF THE APPROPRIATION (1985) BILL, 1985

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THURSDAY

7TH MARCH, 1985

10.01 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. Questions.
The Elected Member for North Side.

QUESTIONS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 17: Would the Member state the average number of patients treated in out-patients at the hospital each day, and how many doctors are utilized to see these patients?

ANSWER: The average number of patients treated in the out-patients department when computed on the number of days clinics were held in 1984 was 98 patients per day.

In order to treat these patients the hospital utilized an average of 8.5 doctors per day.

SUPPLEMENTARY:

MR. D. EZZARD MILLER: Supplementary, Mr. President. Could the Member state if they have included in these figures of 98 patients those patients who visit casualty?

HON. BENSON O. EBANKS: Yes, Mr. President.

MR. PRESIDENT: Unless there is any other supplementary I will invite the Elected Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 18: Would the Member state the cost of the new X-ray transfer equipment at the hospital and how often has it been used in the last three months?

ANSWER: The cost of the equipment which enables the hospital to transmit an X-ray by telephone to be read by a radiologist overseas was C1\$5,628. In the two and a half months since the equipment was installed at the hospital, fourteen X-rays and EKG's were transmitted.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary, Mr. President. Would the Member have available what percentage of the total X-rays taken at the hospital within that two and a half month period those fourteen X-rays represent?

HON. BENSON O. EBANKS: Mr. President, I am afraid I do not have that information, Sir.

MR. JOHN B. McLEAN: Mr. President, a supplementary. Will the Member state if it is correct that an appointment has to be made to have X-rays taken, and sometimes it could take up to a week before results are received?

MR. PRESIDENT: I really do not think that is a supplementary. It is a perfectly permissible question if the Member wants it put down as a question in his own right in the Order Paper. However, I do not think that it really arises from the answer given to the substantive question now asked.

Unless there is any further supplementary I will ask the Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 19: Would the Member state why internationally known symbols were not used in conjunction with the names on the new signs recently installed at the hospital?

ANSWER: No signs have been purchased for the hospital recently. If and when signs are purchased for the hospital consideration will be given to having internationally known symbols incorporated into their design.

SUPPLEMENTARY:

MR. D. EZZARD MILLER: Could the Member state whether someone was not hired recently for the specific purpose of designing name tags, signs and so on at the hospital?

MR. PRESIDENT: I am not sure that that is really a supplementary. Perhaps I could see the answer to the first question before ruling. It is the one he is bringing round now. It will be coming.

We have usually been fairly generous in allowing supplementaries. I suppose it is alright. What was the supplementary again?

MR. D. EZZARD MILLER: It is alright, Mr. President. I will deal with it in my contribution to the Throne Speech and Budget Address.

MR. PRESIDENT: Alright.
Is there any other supplementary?
In that case I will invite the Second Elected Member for West Bay to ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 20: Would the Member state whether the Caymanian Protection Law, 1984, will be amended to require non-Caymanians working in Government to have gainful occupation licences?

ANSWER: Section 23 of the Caymanian Protection Law (Revised) makes certain exemptions which inter alia include persons employed by Government.

Section 23 of the Caymanian Protection Law, which is not yet in force, repeats the same exemption and this was debated at some length at the time the Law passed this Honourable House and it was agreed to retain the exemption.

The same argument holds now as then: that we do not want to bring the constitutional powers of the Government into conflict with other laws while under instructions from Her Majesty's Government some appointments need approval of the Secretary of State. The answer to this problem is administrative and not legal.

MR. PRESIDENT: Unless any Member wishes to ask a supplementary I will invite the First Elected Member for Bodden Town to ask the next question.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 21: Would the Member state whether Government proposes to set an operational date for the Parliamentary Pensions Law, 1984, to come into effect?

ANSWER: Government proposes to have a close look at the Pensions Law, 1984, and bring an amending Bill to the House in due course.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Supplementary, Mr. President. I wonder if the Member could give us an indication of what a "close look" is? Is it two or three months from now? What sort of date is being planned to bring this into operation?

HON. DENNIS H. FOSTER: Mr. President, I am hoping for the next sitting, Sir.

MR. PRESIDENT: I think on a point of clarification I should ask whether the Honourable First Official Member really means the next Meeting? The next sitting would be later today I think.

HON. DENNIS H. FOSTER: I apologise, Sir. I meant the next Meeting.

MR. PRESIDENT: No, it would be tomorrow, the next sitting. I am sorry. However, the next Meeting is what is meant.

MR. JAMES M. BODDEN: Could the Member state whether the proposed amendment will drastically affect the Bill as it was passed by the House, or is it just minor amendments which are planned?

HON. DENNIS H. FOSTER: Mr. President, I do not really know what amendments might be made or what might not be made, Sir. It has not been looked at closely yet by the Government. I cannot predict, Sir, what might be the amendments.

MR. JAMES M. BODDEN: Your answer is that you are just proposing to have a look. It has not been looked at at this time. Is that correct?

HON. DENNIS H. FOSTER: That is correct.

MR. JAMES M. BODDEN: Well, will the proposed look mean that the Law will be altered to a situation where it will have no effect?

MR. DENNIS H. FOSTER: It is difficult for me to say that, Sir. The Government might decide on just a few minor amendments. I really do not know.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member in view of the statements made in the House in December when the Law was amended to change the operational date, will the Member ensure that the new Law will have an operational date which will be retroactive to the 1st January?

MR. DENNIS H. FOSTER: Mr. President, I cannot ensure anything, Sir. The Member knows that this is more political than administrative and we will just have to wait and see what comes forth, Sir.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if in view of the unusual circumstances surrounding this Law, which are that no Law has ever yet had the operational date changed in recent years, he is now admitting that the move was political as he just said?

MR. DENNIS H. FOSTER: Mr. President, I am afraid that the Member misinterpreted what I meant by political. I mean, Sir, that we will be carrying out the policies of Government which have not been laid down as yet in respect of this Law. As far as retroactive is concerned, Sir, I can give no assurance of that at all. Here again it is a Government policy decision and we will just have to wait and see, Sir.

MR. G. HAIG BODDEN: Is the Member aware that a change in the operational date was a promise of the dignity team during the elections?

MR. DENNIS H. FOSTER: No, Sir. I am non-political and I did not even look at any of the manifestos, or go to any of the meetings whatsoever, Sir.

MR. G. HAIG BODDEN: Mr. President, may I ask if the Member ever listened to the radio in connection with the operational date and the change proposed in this Law?

MR. PRESIDENT: I am not sure that I have fully understood the supplementary. Is the Member asking whether the Honourable First Official Member listens to the radio broadcasts of parliamentary debates, and if so whether he had listened to that particular one? Is that the supplementary?

MR. G. HAIG BODDEN: No, Mr. President, what I was really trying to find out was where was the Member during the elections if he did not hear the campaign cry of the dignity team on scrapping the Parliamentary Pensions Law which had been passed?

MR. PRESIDENT: I am sure that the Member had got a very effective pair of ear muffs. If there is no further supplementary we can pass on to other business.

Before embarking on Item 2 there are two points I should like to mention with the leave of the House. The first is that the Clerk has in her capacity as Secretary of the Cayman Islands Branch of the Commonwealth Parliamentary Association, received from the Secretary-General of that Association, Sir Robin Vanderfelt, a letter which I thought that I would like to read to Members. It reads in part:

MESSAGE FROM CPA HEADQUARTERS SECRETARIAT

"I am delighted that the Hon. Herb Swan and Mrs. Swan's visit was so successful and that you were able to involve so many present and former Members of the Branch in their programme.

I have spoken to Mr. Swan on the telephone since his return to Regina and he told me how much he and his wife had enjoyed their visit to Cayman. He specially mentioned their pleasure at having stayed at Government House.

Mr. Swan will of course be writing his own letter of thanks but may I, as Secretary-General, ask you to convey to the Government and to the Branch at the first appropriate opportunity our most grateful thanks for the welcome, generous hospitality and kindness extended to our President. Not for the first time the CPA is in the Cayman Island's debt".

MR. PRESIDENT: I thought Members might wish to be aware of that generous tribute and I am sure would wish to join with me in thanking the Clerk and Members of the Executive Committee of the Commonwealth Parliamentary Association for the admirable arrangements which they made for Mr. Swan's visit.

The second point which I would like to make if I may is that the Clerk has reminded me that all Members of the Assembly received some two or three weeks ago an invitation to have lunch with the residents at the Pines tomorrow at 12.30 p.m. The Pines at present are uncertain how many to cater for because many Members have apparently not yet had the opportunity to reply. During the mid-morning coffee break today I would be grateful if all Members could be kind enough just to let Miss Bothwell who will be seeking to contact each of them for the purpose, know whether they expect to be able to go to the Pines tomorrow.

HON. DENNIS H. FOSTER: May I suggest, Sir, that we do it right now.

MR. PRESIDENT: Well, we could do it like that. You mean ask for ayes and noes?

HON. DENNIS H. FOSTER: Yes.

MR. PRESIDENT: If Members do know that would perhaps be a convenient way.

HON. DENNIS H. FOSTER: Hands up who want to go.

MR. PRESIDENT: Hands up those who are able to go. One, two, three, four, five, six, seven; it looks like eight. So perhaps the Clerk could be kind enough to let Miss Bothwell know that later; that it is expected that there will be eight going.

Item 2 on today's Order Paper is the continuation of the debate on the Throne Speech and Second Reading of the Appropriation Bill, 1985. Again I think technically it is the continuation of the Second Reading of the Appropriation Bill Debate. Does any Member wish to speak?

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND SECOND READING OF THE APPROPRIATION (1985) BILL, 1985

MR. PRESIDENT: I hope we are not going to get ourselves into the difficult situation which arose yesterday. (Pause). If no Member does wish to speak I shall....

MR. D. EZZARD MILLER: Mr. President, I would wish to speak, Sir, but I would appreciate it if somebody else could do so before me because I am having a problem with my throat this morning.

MR. PRESIDENT: Well, I think everybody wants somebody else to go before him.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I do not propose speaking, but purely on a point of order I think the dignity of the House would be best served if informal consultations could take place on future occasions to arrange a batting order. I appreciate the desire of Members to have the last word, but I think that it does not look good from outside if Members appear to be reluctant.

MR. PRESIDENT: I think that is quite true. I do not think it adds to the dignity of the House if we sit here in silence for two or three minutes with nobody speaking at all, and I am sure that it would not really be the true wish of Members if I were obliged to call upon the mover of the motion to reply before others have had the opportunity to speak. However, in thirty seconds time I shall be obliged to call upon him to reply if nobody has risen to speak. No, I think for the future we should certainly take heed of the point made by the....

MR. D. EZZARD MILLER: Mr. President, I will make my attempt, Sir, and.....

MR. PRESIDENT: The Elected Member for North Side then.

MR. D. EZZARD MILLER:

I shall ask for your indulgence if I have to take long breaks to get my throat wet because I do have a bad case of influenza.

Mr. President, I too want to congratulate both yourself and the Honourable Third Official Member on the very competent and able way in which your respective speeches were presented. The Throne Speech was short and concise; the kind of speech which I like to listen to. The Budget Address, Sir, by its very nature had to be long and detailed, and I must compliment the Honourable Third Official Member on his organisation and content. His delivery was so good that I do not think even one Member of the House fell asleep.

Having said those kind words, Mr. President, it now becomes my allotted task to pick them apart. That task is made the more difficult because we have to deal with both in the same speech. I would join the Second Elected Member for George Town in saying that I too would like to see in the future, even if it is because of an election, two separate Meetings being held. In the case of new Members it would give us that one more shot of having a say, Sir. That is probably the only thing which I am going to agree with that the Member said yesterday, Sir.

The Bill before the House, Sir, a Bill for a Law to appropriate certain expenditures for the services of the financial year 1985, seeks to give the Financial Secretary of these Islands the authority to spend a total of \$57,104,354 under several sub-heads of expenditure.

The Budget as detailed in this Bill and its sister document the draft estimates of revenue and expenditure is a good one and I would like to remind Members that it is not a balanced budget, Sir, but one which shows a surplus of \$15,410 at the 31st December, 1985, even though it started the 1st January, 1985 with a deficit position of \$252,357.

Mr. President, I attach great importance to the concern you expressed about the growth of the Civil Service. In your Throne Speech, Sir, you said that the number of public officers rose from 1,225 in 1983 to 1,298 in late 1984, due to demands for improved services. In the draft estimates which accompany the Appropriation Bill, 1985, Sir, there is provision to add another 39 officers for 1985. I also note, Sir, your suggestion that appropriate means must be found to limit the growth of the Civil Service and I could not agree with you more. Here, Sir, I would like to make a few suggestions. The administration section for the Civil Service needs to commission, Sir, as a matter of urgency a proper organisation and management survey; not the usual type where we bring in a retired colonial officer to do a study and he then winds up on our established staff for four or five years, but a professional group, Sir, with the intent to reduce staff while increasing output. The group should give consideration to time and motion studies and to the organisational structure with the hope of obtaining a closer perimetrical structure rather than the present rectangular structure which exists in the Civil Service.

One of the areas in which I believe great improvements could be made, Sir, and great savings while at the same time enhancing the typing, is in the clerical area of Government. Let us look at the number of clerical officers already on the established payroll of Government. Presently, Sir, there are 138 clerical posts in Government and with their maximum salary of \$12,180 that represents an expenditure of \$1.6 plus per year. Now, Mr. President, my enquiries from the Education Department of these Islands determined that when a student graduates from the

MR. D. EZZARD MILLER (CONTINUING): High School with some qualification in typing, and I assume that when we talk about senior clerical officers in this we are talking about people who the Education Department say can type at least 50 words per minute; if we use the standard number of working hours in Government of 37.5 hours per week, that translates, Sir, that those 138 senior clerical officers should be putting out a total number of 759,375,000 words per year. Now, Mr. President, I know that the officers in Government produce a lot of paper, but by anybody's standards, Sir, that is a lot of words. So I would venture to guess at this stage that if we introduced typing pools in the Government service we could cut the clerical staff in half and get more output. Sir, I have not included in these figures personal secretaries and personal assistants etcetera who also do typing for Government.

Another savings which might be realised if Government introduced typing pools, Sir, would be in the area of office supplies which I believe in this year's Budget are somewhere over \$200,000. In any Principal Secretary's office which you walk into in Government today, Sir, you will see three or four writing pads scattered over the desk. If these officers were instead using dictaphones which could be more easily utilised in a typing pool, these tapes could be used again. I am sure, Sir, that the savings realised on paper and pens in Government could be substantial.

Direct personal emoluments in this year's Budget stand at \$28,186,966. This is very close to 50 per cent of the national Budget and if we include the other related benefits it will go over the 50 per cent mark. There are some other figures which were startling to me in this Budget, Sir, and those are the perks which the Civil Servants are allowed. I supported these perks years ago when the Civil Servants were being paid a measly salary. However, Sir, today when those in the higher executive level of Government are making salaries which range from \$33,000 to \$49,000. I really cannot support their getting mileage, car upkeep allowance and other perks as well. I think at that salary any travelling which is done by the officer is part of the job. This mileage and car upkeep allowance budgeted for, Sir, is no small figure. It totals over \$144,968. Add to that a provision for uniforms of \$163,445. Then, Sir, there are other things which must be added to the personal emoluments such as duty allowance, acting wages and overtime which total in themselves over \$2.8 million.

Mr. President, I would not want to suggest that the Civil Servants are not worthy of these salaries. As I believe, they do work hard for their salaries. However, I think that the time has come when the salaries should represent the responsibility and the work involved. So, therefore, the perks must go by the wayside.

The recurrent expenditure for the year 1985, Mr. President, is estimated at \$49,436,228 or 81.45 per cent of the Budget. That, Mr. President, is I believe dangerously high and it must be curtailed. Government, Sir, must exhaust the resources which it has in hand in the form of manpower before it adds new services. The trend has always seemed to be that if we are going to add a new service we have to add a new department, etcetera, etcetera, etcetera. We must find ways, Sir, of increasing productivity of the service rather than simply increasing the numbers to get productivity. I believe, Sir, that these things can be done if a proper organisation and management survey is done. There has been much dissatisfaction in the Civil Service over the years, Sir, and today it seems to be even worse, even with the increases and reasonable salaries which are now being paid. I believe, Sir, that

MR. D. EZZARD MILLER (CONTINUING): this dissatisfaction rests on the fact that the officers are not getting job satisfaction. They are not being encouraged to develop. They are not being motivated to produce. They are not being demanded or made to produce for the salaries which they are being paid. They need to be encouraged to have pride in their job and a job well done. One of the most frequent complaints which I hear from the Civil Service is this. It seems that foreigners can come to the Islands today and start to work in Government tomorrow. In answers given to questions in Meetings prior to this as revealed in the Hansards of the Assembly, Sir, the latest answer which I could find indicated that there was one foreigner employed in the Civil Service for every Caymanian employed. That, Sir, again I believe is a very dangerous ratio and I think that we could cut a lot of this fat which I think exists in the recurrent expenditure of Government. Then we could help the Second Elected Member for George Town with some more capital expenditure.

I am sorry to hear, Sir, in an answer given this morning that Government intends to continue to employ foreigners without subjecting them to the scrutiny of the Protection Board. While I agree with part of the answer given that there are certain posts in Government which appointments are made to which could lead to legal problems if they are subject to the Protection Board, that represents a very small minority of the officers in the Civil Service, Sir. I believe that the Caymanians who work in the Civil Service would feel more satisfied if especially the junior officers who are foreign nationals were subjected to the rigors of the Caymanian Protection Law.

Mr. President, I have an even more grave concern about the Civil Service, Sir, and that is the brain drain which has occurred in the Civil Service over the last six or seven years. I am afraid, Sir, that as a matter of urgency the personal regulations should be revised, although I do note that there is intention to do so. I hope that that will have a beneficial effect but the reason for this brain drain must be found and it must be stopped.

Mr. President, I believe that what has prevented this country in the years past from going the way many of the neighbouring territories have gone is that we have always had a strong productive, viable administrative sector in the Civil Service. However, Sir, we cannot continue to lose people at graduate level from the Civil Service because we have not found ways to utilise them; ways to motivate them; ways to let them have pride and a feeling that they are contributing to the running of this country. If ways of doing this are not found the Civil Service is going to be in a very serious state of affairs for the next couple of years. In fact we may already be at that stage, Sir, because a lot of the Principal Secretaries, etcetera grew up so to speak with the country and therefore although they did not have great academic qualifications had many years of experience under their belts. Today we are finding that with the graduates leaving we are being left with people to be promoted who do not have academic qualifications, nor do they have the years of experience which the others had. I think, Sir, that this is a serious problem facing this country.

Mr. President, another reason why I believe an organisation and management study is a matter of urgency is to do with staffing and the utilisation in the Tower Building. There again, Sir, I have to differ with my good friend. I do not think that the Tower Building was a good investment.

MR. D. EZZARD MILLER (CONTINUING): According to the Budget Address the departments presently in the Tower Building are Social Services, Planning, Police Administration, Tourism, Training Unit, Government Information Services, Law School, Water Authority and Environmental Health. Those scheduled to move shortly are Customs training and crime Branch, Lands and Survey, Registrar of Companies and teachers' centres.

Mr. President, I feel that the offices which move into that building should have some interrelationship and working coordination amongst themselves. I would have preferred to have seen, Mr. President, that we had moved for instance a whole Portfolio and its subsidiary departments into that building, or one or two Portfolios as the case may be so that there would be some continuity amongst the departments utilising the space. It would also be more convenient for the public, Sir, if they could find services which interrelate and with which they may have to cross paths to get a problem solved located in the same building. Maybe it is another example of the old common adage, "Send a fool a little further", rather than trying to solve the problem which the public is asking to be solved.

On a more positive note, Mr. President, I am glad to hear you say in your Throne Speech that steps are to continue to strengthen the police and, Sir, I am justly proud that a Caymanian has recently been appointed to the post of Deputy Commissioner. Our police force, Sir, needs all the help it can get to cope with the increased crime and the young officers must be given all the encouragement and training we have the resources to provide.

The increase in the prison population gives me reason for concern as we have to find ways to redirect the energies and talents of our youth towards rehabilitation and a reduction in crime.

It is also good to read in the Throne Speech, Mr. President, that Government intends to remove the quota restrictions from imported labour, but I must caution them, Sir, in that in conjunction with this we must have increased vigilance by the Caymanian Protection Board. Caymanians who are being victimised or treated unfairly in the private sector must be encouraged to let their grievances be known to the Caymanian Protection Board, and ways must be found to encourage the development of the manpower resource in this country and its utilisation by the private sector.

Mr. President, I am pleased to hear that Radio Cayman has had another successful year and the draft estimates for 1985 expect it to contribute \$142,136 to the revenue of this country. The reason why I am happy about this, Sir, is because of the suggestion which I am about to make. Mr. President, I would like to see Radio Cayman established as a Government owned corporation removed from the direct control of Government. It can be managed by a Board of Directors under that corporation as is similarly done in the Port Authority. It can still be required to make its excess revenue over expenditure a contribution to the annual revenue of this country but, Sir, the greatest thing that will do is that it will remove the concern and the fears which some people have that Government rigidly controls the programming and the news service of Radio Cayman. I think that if we set it up as a Government owned corporation we will find that the professionals within Radio Cayman would blossom and develop and it would, as I said, remove the fear of many Caymanians that the news is packaged and controlled etcetera. Mr. President, I would not be adverse to the introduction of a private radio station just for the competitive age, Sir, and to increase the development of the people and the quality of the programmes which are provided on Radio Cayman.

MR. D. EZZARD MILLER (CONTINUING): It is good to learn, Sir, that with redistribution of responsibility in the Health Education and Social Services Portfolio they will give particular attention to the development of the Community College. The hotel school, the marine school and the building and trade school now under the Portfolio are steps in the right direction. If this Community College is developed into a proper business school and trade centre and we add two years on to the school term of the average Caymanian we would find him coming out of school at the age of eighteen instead of sixteen. The maturity which one gains between the ages of sixteen and eighteen is difficult to measure, Sir, but an eighteen year old is certainly much more mature in his outlook on life and could give a much more worthwhile contribution to the development of this country in the private sector or in Government, especially if he is provided with training in a specialised area within that business college.

We have heard a lot of talk in years past, Sir, about the introduction of a large hotel into this country but, Sir, I do not think that it would be wise, although I believe that it is economically necessary at this point in time, to bring in a large hotel unless we have provided the services which can develop the resources and manpower which such a large hotel is going to need to operate properly and profitably. To bring one in and have to bring in lots of imported maids, bartenders, middle managers etcetera is only going to put fuel to the fire which exists at that level of our society between Caymanians and expatriates. If we bring it in and the resources and manpower are not here to help run the hotel successfully, and we do not allow them to bring in the manpower to run it successfully and it fails, it is going to be even more difficult to get another one in the future, Sir.

The education budget in the Budget Address is well provided for, Sir, and it is as it should be but, Sir, there are some concerns about the figures presented in that 78 per cent of the figure budgeted of \$5 million goes to teachers' salaries. I am well aware that there is provision in the capital expenditure to increase physical facilities but, Sir, the subsidy provided to the private schools who are making a very worthy contribution to the education system is only 3.3 per cent of what it would cost to educate those children in the private schools. It is also interesting to note from the Budget Address that these private schools are educating 28 per cent of our children.

Figures indicate, Sir, that Government is spending about \$1,600 per annum per student on teachers' salaries leaving only a little more than \$600 per student for materials, equipment and other administrative costs. Sir, the other area in the education system which gives me concern is that I believe that if an education system is effective it should produce two things, Sir; one, a graduate who is career orientated or on the other hand graduates who are work independent, or in other words can be self employed with trades, etcetera.

Although, Mr. President, in the last four or five years the statistics which have been spewed out by that department in Government indicate that there is an ever increasing number of passes per year and I do not deny that figuratively this is so; there may in fact be more numerical passes each year than there have been the year before; that is to be expected, Sir, because more students sit the exams each year. However, what gives me concern, Mr. President, is that there does not appear to be a corresponding increase in the number of graduates who can go on to institutes of higher learning and come back here as graduates to fill worthwhile positions in our economy. If Caymanians are going to fill the key positions in our financial economy, being a graduate is almost

MR. D. EZZARD MILLER (CONTINUING): invariably going to be a pre-requisite. So I am very concerned, Sir, that the number of people who are receiving good passes in enough subjects to enter institutions of higher learning seem to be diminishing.

Of grievous concern in this section of the Portfolio, Mr. President, is the fact that according to the Budget Address we are bringing in American evaluators and instructors yet we have a system, Sir, which is based on the British system of education about which few American instructors know very much. The systems are markedly different in several ways, Sir, and I can speak from first-hand knowledge. I went to institutes of higher learning in both the British system and the American system. One gets the feeling that what is being done here is that if one looks long enough one can find someone to praise him and agree with what he is doing. If this is what is happening in our education system which we are being told by these evaluators is a good one and we are improving the standard of education in our country, the fact remains, Sir, that there is lessening percentages of those graduates who are going on annually to institutes of higher learning. So it leaves me to wonder why we use American evaluators and trainers if we are going to base our system on the British model and our external examinations are British examinations.

Now, Mr. President, I would like to comment very briefly on the health care system in this country. Mr. President, we appear to be spending more and more and more dollars on health care in this country and obtaining less and less and less. Mr. President, there are some who are very religious and say that the Lord works in mysterious ways. I believe He has because after the Honourable First Elected Member of Executive Council over there who is now responsible for health answered my question yesterday I received in the mail last night an extract of the American Hospital Association Guide. This contains relevant hospital statistics. Of course, Sir, I realise that the problems which exist in health care were not perpetuated by the Member who now holds the Portfolio, but by that little man who occupied it before him and who had the big brains and all the qualifications. May I just read from these statistics, Sir.

This year we are spending over \$5 million in personal emoluments in health care in a 48 bed institution. Now, Sir, I will give them the benefit of the doubt in that they do in fact provide some services which an institution of similar size would not provide in the United States, such as out-patient services and public health services. However, I believe that is a minor part of the budget. Sir, from these statistics a 50 to 99 bed hospital in the United States which has an occupancy rate of 64.5 per cent, which is very close to what I was told the occupancy rate is at the hospital here in these Islands by the Member yesterday; I think he told me it was 67 per cent Sir; this type of hospital is being operated at a labour cost which includes payroll and employee benefits of half a million dollars, Sir, \$525,015. When you add the cost of the materials which this type of hospital is using it is less than \$1 million, \$962,869. Now, Sir, this indicates to me that there is gross wastage and mismanagement of public funds in the health care field and I have other reasons to believe that that is true, Sir. Because using the costs per patient day which he gave me yesterday of \$206.83 and using standard formulas used in the hospital administration field, that indicates with an occupancy of 67 per cent as he stated in the answer, a wastage of over 169 per cent. Something is wrong somewhere, Mr. President, and I think it lies in the management or health care facility and

MR. D. EZZARD MILLER (CONTINUING): the fact that the health system in this country has no policy direction. So, Mr. President, even if I grant the management of the health care the benefit of the doubt and say that they are offering services which are not provided by like institutions, a cost of \$5 million (Cayman Islands Dollars) and the statistics which I read from were in United States Dollars, for staffing, Sir, indicates that there is something wrong. That is further borne out, Sir, in an answer given to me this morning and I quote from this answer:-

"The average number of patients treated in the out-patients department when computed on the number of days clinics were held in 1984 was 98 patients per day."

The average number of doctors used to see 98 patients was 8.5. Now, Sir, that worked out to 11½ patients per doctor. I will again give them the benefit of the doubt because I do not believe that we will have any half patients arriving at the hospital, so we will say that each doctor is seeing 12 patients per morning, Sir. That is a ridiculous utilisation of such expensive human resources.

Today at the hospital, Sir, a doctor has to spend less time with a patient to diagnose his case because he no longer has to rely entirely on symptomatic diagnosis, that is intensive questioning of the patient to find out what the problem is. They have expensive diagnostic equipment at the hospital and I can remember, Sir, as an employee of that hospital when one doctor was seeing 40 patients per morning on a symptomatic diagnosis basis. Then, Sir, when we ask why is there not a doctor at the hospital 24 hours a day they tell us they do not have the resources to provide them. That is ludicrous, Sir. Two doctors work in out-patients and since, Sir, as another answer given me by the Member stated that the duties of any medical officer at the hospital seem to be a multiplicity of activities, ten to be exact in the answer given to me, and since these doctors do not confine themselves to specialist duties, then we should be able to shift them around and provide a much better benefit for the people of this country. Because according to this answer they all seem to be doing basically the same things except for the few who are doing sub-specialty work. I am not sure what sub-specialty is because I thought it was either general practice or specialties. Maybe it has to do with the fact that the other part of my supplementary could not be answered in terms of board certifications, so they are playing it safe and calling it sub-specialties.

Mr. President, the time has come when we have to face the realities of the situation and the hospital must provide 24 hour doctor service to this country. This, Sir, was made even more ridiculous over the past couple of years under the administration of "Mr. Brain", when an apartment was constructed on the hospital compound specifically to house doctors so that they could be on the compound, because one of the excuses being given at that time, Sir, was that they could not spend the night at the hospital because they did not want to leave their wives at home. So they built them an apartment and I do not believe, Sir, that that apartment which cost over \$30,000 has ever been used. So, Sir, there are no more excuses. We must have 24 hour coverage at the hospital. They have ten doctors, Sir, so they have lots of physicians to share around. I think, Sir, when we are paying an officer the salaries which we are paying our doctors, to ask them to see only 12 patients a day is a very small demand. As I said before, Sir, I think it is a very poor utilisation of resources.

MR. D. EZZARD MILLER (CONTINUING): Here again, Sir, we find in the Budget Address the principle that if you look long enough you will find someone who will agree and say that you are doing a good thing and that your facilities are better than anywhere else. Because they have done the opposite in this case, Sir. Our physical plan at the hospital is aligned to or designed in a similar way as American institutions. So what do they do in this case, Sir? They bring in people from Jamaica to examine the X-ray and laboratory facilities and we all know the state of their economy up there, Sir. They probably have not had a new X-ray machine in the last fifteen years. So of course they are going to think and to say that what we have here is good; it is probably the best in the Caribbean. It is better than anything they have in Jamaica. In Spanish Town hospital, Sir, they are still using beds with iron railings in which the holes are rusted through. I know what I am talking about. I have seen it.

This kind of maneuvering in terms of evaluation of services provided to the people in this country, Sir, really has me concerned. The people are being led to believe that we are getting good returns on the investments we put into the Budget and I do not subscribe to that, Sir. What the health care system in this country needs is a comprehensive health care policy, a policy which is going to identify what the needs are in terms of health care of the country; what health services are going to be provided for the people of this country. It needs to clearly identify how those services are going to be paid for; whether it is going to be by direct payment and we stick to the system which we have now where Civil Servants and their dependents are free and people can go to the social welfare department and be issued a card calling themselves indigent or poor and get free medical care.

However, Sir, in practice I believe that what happens is that there are a lot of people who go up there even under that system and say they are Civil Servants or dependents, but because they are not made to identify themselves as such they get free medical care. We need to decide whether it is going to be done as it is or we are going to go to a direct payment, to third party insurance systems and Government will have to insure its Civil Servants, dependents and indigent poor so that the hospital becomes a self-sufficient entity. It collects enough revenue to pay its bills. Or they could operate it on what is a new trend in the United States market today, a health maintenance organisation where the physicians contract for a specific fee to offer medical care to the population of this country. However, the fact that we do not have a proper health care policy is the problem and the meagre attempts made by the former Member some years ago, Sir, to make what he termed health care policies were not health care policies, Sir. They were what would be more accurately called operation procedures and bye laws of a hospital. They should not have been developed at the Portfolio level. They should have been developed in the grass roots of the system and in the management of the system so at least the employees would have loyalty to the system which they developed. When they are developed at that level and they are sent down with a dictatorial type stance, "This is the way it is going to be done", Mr. President, most of the employees are not going to accept it. That in itself, Sir, has contributed to the wastage and the poor utilisation of manpower resources in the health care system.

So, Sir, something needs to be done desperately about the health care system in this country and I hope that the new Honourable First Elected Member of Executive Council responsible for Health Education and Social Services can find ways and means to straighten it out and provide the kind of service which the people of this country not only are demanding, Sir, but deserve.

MR. D. EZZARD MILLER (CONTINUING): Because the people of this country are the ones who are paying the piper.

MR. PRESIDENT: I wonder if this might be a convenient moment to take a break?

MR. D. EZZARD MILLER: Yes, Sir.

MR. PRESIDENT: I will suspend proceedings until approximately 11.35 a.m.

AT 11.21 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.43 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, to continue, Sir, the Budget Address indicates that a dental clinic was established and equipped at East End. While, Sir, I would not question the need in that particular area for such a facility; I fully believe the people in that area are entitled to that facility, but I believe that the total national picture could have been better served by purchasing a mobile unit which could visit all the districts. It could treat adults in the districts and it could also visit all of the schools including the High School to provide treatment. So I would have much preferred to have seen that money spent on the purchasing of a mobile unit.

With regard to the teleradiological equipment which was installed at the hospital recently, the cost is given as \$5,628. Now, Sir, I have to assume that that is the capital cost. It has nothing to do with the cost of operating the equipment, that is providing the up link and down link via satellite, telephone lines or whatever. Sir, for the introduction of such a service which has only been utilised 14 times in the last two and a half months one has to wonder whether those 14 times justified its use or whether they were merely practising. Because, Sir, my experience in health care and X-rays indicates that there is no question that X-rays have a diagnostic value. I question the urgency in that we need to telegraph the X-ray to Miami to be read by a radiologist and the information telegraphed back.

If, as it says here there is no radiologist on the Islands to read X-rays and to increase the diagnostic benefit, we have a fairly decent Bio-Fac service in this country which could take those X-rays to Miami fairly rapidly. Sir, in the cases where the reading of the X-rays would help in urgent diagnosis, probably more in the line of broken bones etcetera, most of the physicians, I believe, can see a broken bone on an X-ray. So, Sir, I question this kind of investment

MR. D. EZZARD MILLER (CONTINUING): when I know that they do not have the proper bandages to treat burn patients. Because an unfortunate incident happened last year when a friend of mine was burnt and I provided the burn bandages, Sir, because there were none in stock at the hospital. When we look at this kind of investment and these kinds of sophisticated diagnostic equipment and the utilisation rate, if it is to be done at the expense of necessary supplies I think, Sir, something is radically wrong with the management in place.

I note with interest, Sir, that steps have been taken to improve the accounting situation at the hospital and hopefully they are going to collect more so that we do not have an increase in uncollectables again this year as they have had in almost every year for the past four or five years. I believe I am safe in saying that the recent increase in medical fees at the hospital did not produce a significant increase in the revenue collected, but a very significant increase in the uncollected revenue for the hospital. So I look forward to improvements in that area.

Then again, Sir, we go down a little further in the Budget Address and we find that we have spent \$1,004,000 on a kitchen, car park and other facilities. Now, Sir for a 48 bed hospital which has a utilisation rate or occupancy rate of 67 per cent I wonder what they are going to do with the number of meals which can be produced in a kitchen and meeting room facility which cost over \$1 million. The freezer room in that facility, Sir, is probably bigger than the one which exists in the biggest local hotel. If we fed the people in the 48 beds six or seven times a day we probably could not properly utilise the total capacity of that facility. While I will concede, Sir, that in constructing such a facility it is wise to build in provision for increased capacity in the future expansion of the hospital, \$1 million to me sounds like a lot of money for a kitchen, meeting room and car park. It is a very expansive facility, Sir. I have been and looked at it personally. However, I believe that it is going to create some problems not that dissimilar, Sir, to what was created in the operating theatre a couple of years ago when we had a problem with the sewer system. I hope, Sir, that the same problem does not happen with the kitchen. I believe that it is very difficult for water to drain uphill and carry floating material in it.

Sir, it is this kind of thing which is basically wastage of public funds. It just happened that these facilities were open when I was walking around, Sir, but I noticed that the supply line goes from a two inch line from the main tank to a one inch line to supply the hospital. Then it balloons to a three inch line to supply this new facility and goes back down to a three quarters of an inch line to go into the facility. I believe that there are going to be some problems with reduction in pressure and other related problems of water supply when the plumbing is done in that kind of fashion. Sir, something has to be done about the haphazard lay out and additions which have taken place in those facilities over the past couple of years. I have witnessed them construct buildings on top of shut off valves for the water supply and things like that.

In the early seventies when the plan was first laid there was a complete map of the plumbing facilities there and all the drainage supply lines were clearly marked out. However, Sir, I believe it would take several Philadelphian lawyers, as the saying goes, to straighten out the maze which exists there now.

I hope that the signs which the Honourable First Elected Member of Executive Council told me this morning have not been erected, but my information has it,

MR. D. EZZARD MILLER (CONTINUING): Sir, that an individual was hired specifically to do a sign programme there, when they are put up will assist people to find their way around the confused facility which now exists up there. I also hope that it is not too late to incorporate the international symbols into the signs because there are some people in this country who cannot read and write, and there may be some visitors who cannot read and write but can follow a sign.

The Financial Secretary in his address said that supplies are the next largest element in recurrent expenditure over personal emoluments in that facility. That cost stands at over \$700,000 and he hopes that the solution will lie with the Chief Medical Officer prompting the physicians to stick to the formula at the hospital.

That will provide a certain amount of savings but I hope, Sir, although I have not seen the formulary that it has not done what formulary have done in some neighbouring countries which is in identifying the medications which can be prescribed, they are not of any lesser quality or will not produce any lesser benefit to the patient. Because I am of the opinion, Sir, that there is a marked difference in the bio-availability of medications made by generic companies as opposed to those made by brand name companies. So I hope that the savings will be realistic but that they will not compromise the individual receiving the medication.

The Honourable Third Official Member also gave a figure which amounts to \$72,000 for the cost of consultants. It says that it covers specialists resident on the Islands and also consultants who visit the territory periodically from overseas. Then it goes on to say that the number of visiting specialists in 1977 was only three. In 1984 we had eight physicians from overseas and we are paying these eight physicians to come here apparently on an ad hoc basis \$72,000 a year. I wonder how many visits are made and how many patients these people are seeing for this kind of money, Sir.

It is good to know that the public health section is continuing to work well and that emphasis is going to be placed on primary health care. However, in his Budget Address, Sir, the Honourable Third Official Member said that arising out of the workshop a council on mental illness was established under the chairmanship of the Principal Secretary for Health Education and Social Services with the Chief Medical Officer and also senior representatives from the Education and Social Services Department. Mr. President, it is my belief, and I have expressed this many times before, that it is bad managerial practice. The same goes for Members of Executive Council being chairmen of boards and committees. What concerns me, Sir, is that because of the seniority represented by the chairman of the board to a junior officer, whether that junior officer if he disagreed or felt he should make a recommendation which he was not sure whether his boss, the chairman of the committee would accept, if he would in fact make that recommendation; also if, Sir, the fact that the Principal Secretary was chairman of this committee might not be reducing the usefulness and the information which can be gathered from that committee. I hope that I am proved wrong, Sir.

I am also pleased to see that there is going to be increased provision for the health care of the elderly and I supported the voting of the funds to open the ten bed-unit facility for elderly people at the Pines. This has long been a source which needed attention. I hope that we are successful and that we can adequately treat the elderly in that unit at the Pines.

MR. D. EZZARD MILLER (CONTINUING): I also note with interest, Sir, that in your Throne Speech you said that preliminary steps were taken during 1984 to address the provision of mental health, drug and alcohol abuse services. Here again I think that there is a desperate need for these services and I offer all the support which I can give to the provision of these services in the hope that they can alleviate some of the suffering which is caused in these areas.

Mr. President, in your Throne Speech you said that the Department of Social Services will be further strengthened during 1985 to enable it to meet growing demands. The Honourable Third Official Member put it a little differently. He said the Department of Social Services in Government has a new face. I am all for the Social Services Department having a new face, new offices etcetera but, Sir, I expressed the hope that the department is not going to have a new face but is going to have a new outlook on the problems and the solutions of those problems which exist in this country. Those social problems span the total age in our population. There are social problems of the elderly in need and these range to the youth in need of counselling and direction. So I hope, Sir, that with the increased funding, because 42 per cent increase in funding is no small amount, we could have a corresponding increase in the services provided by that department. There is a desperate need for those officers to move out into the field in this country to visit the areas of need in the various districts; to visit those people who need their services and try to assist them. I therefore hope that the new offices, new chairs, new desks and new environment will not encourage them to stay there and wait for the problems to come to their desks, but that the new Member will find a way to motivate them and send them out into the various districts to provide the various services where they are needed.

With regard to Civil Aviation, Sir, I myself am quite proud of the new airport terminal which we have. It is a good facility. There are some things which I think could have been better, but it is there and I think it is the job of the new Government to operate the facility which was provided with efficiency, effectiveness and to better serve both the tourists and the local people who pass through the facility.

Now, Sir, we get to Cayman Airways. In your Throne Speech, Sir, you indicated that the airline was averaging a loss of \$3.5 million annually during the four year period from May, 1980 to 1984. Sir, that is a serious situation and I doubt that any country, in particular a country with resources as small as ours, can continue to subsidise any service or entity at that rate. On the statement, loss and deficit for the year ended 30th June, 1984, which was tabled during this Meeting there is a deficit at the end of the year ended 30th June, 1984, of \$16 million plus. Now, Sir, I will not say that I do not support Cayman Airways but I believe there comes a time when the nation like a man must tighten his belt or lose his pants. While I would not argue that Cayman Airways has contributed something to our economy; there is a certain amount of national pride one can have saying we have a national airline: \$3.5 million a year is a fair price for pride. I do not completely subscribe to the fact, Sir, that an airline is absolutely essential to our survival because looking at the other side of that coin, Sir, the argument given is that if we do not have a national airline any other airline can abandon us at any time if it is not a profitable route. That is a true argument, Mr. President, but the argument can also be extended that if there is nothing for a private airline to come here for there is going to be nothing for Cayman Airways to come here for or to carry either. Because if the tourist is not coming here to spend money in our economy and if the investor is

MR. D. EZZARD MILLER (CONTINUING): not coming here to invest money in our financial industry which can pay another airline to come here, they are not going to come on Cayman Airways and the Caymanians who live here will not be in a position to afford to go anywhere on Cayman Airways. There is an argument, Sir, which always seems to be glossed over. In all the years of controversy surrounding Cayman Airways I have yet to hear any figures presented on the cost to the individual in this country of subsidising that airline. Because, Sir, I believe that that airline; I speak subject to correction on this, but I think that the national carrier in instances like ours would set the tariff rates and the other airlines would simply adopt them, and I do not have the figures here before me as to what air freight or air passage to Miami cost before the advent of Cayman Airways but, Sir, I know that today that the airline charges exorbitant rates between here and Miami. You can fly from Miami to Seattle almost as cheaply as you can fly from Miami to Cayman.

Further, Sir, if one looks at advertisements by other territories around us in national magazines in the United States market you will find that in some instances tourists can fly from Chicago to Montego Bay, stay there for two nights and three days cheaper than they can actually fly from Miami to Cayman round trip. So, Sir, I think that the position of Cayman Airways has to be looked at very critically. I look forward to the report which I hope will soon be out by the experts who have been called in to do a detailed survey on that. However, Sir, I do not believe that if we were to lose Cayman Airways and unfortunately, Sir, the figures presented in the accounts indicate that it will probably cost much more at this stage to get rid of it than to keep it; it would be too drastic. It is employing a number of people. It is contributing a certain amount into the gross national product of the country, but I think that we have to take a critical look at the situation and determine which is greater, its contribution or its utilisation of a portion of the gross national product, and if another airline could not provide the same contribution without the utilisation of gross national product. So I look forward to a critical look at the situation regarding Cayman Airways. I would look at the figures with an open mind. I am not biased either way whether it should continue or be closed down, but I think that it has to be looked at critically in the interests of the survival of the Treasury of this country.

I note, Sir, that in your Throne Speech you said that the Labour Office will continue to provide assistance to employees and employers where possible and I was quite pleased by the passage of the motion a few days ago which was brought by the Second Official Member - Second Elected Member for West Bay and seconded by myself; I am not indicating that he should be promoted, Sir, (LAUGHTER) to have labour legislation brought as soon as possible to try to alleviate some of the problems in this country. Because while the employees of the Labour Office are doing a remarkable job, they have to be given something to work with. They cannot continue to successfully bluff their way around; they have to be given the legislation under which they can act and it is our obligation, Sir, to provide to the employer the guidelines on which he can operate, and to the employee the guidelines of what he is expected to perform. So I look forward with hope and anticipation to the introduction of the labour legislation.

The fire service sub-station at Frank Sound was completed in 1984. This is a service for which all the residents and citizens of the Eastern districts of these Islands are grateful. The fire service is doing a remarkably good job, Sir, and I would offer to that department all the support that I can. In fact, Sir, I think that it is the only department detailed

MR. D. EZZARD MILLER (CONTINUING): in the draft estimates to which I have not applied my red marker.

You also mentioned in your Throne Speech, Sir, plans to relocate the present post office in George Town and the incorporation of a multi-storey car park. I do not know which is needed more, Sir, the new post office or the multi-storey car park, but I do not think it can be debated that a need exists for both facilities. If the Government can find a way to incorporate them together, hopefully making them a self paying entity in that the rental of the car spaces can service the loan which obviously will have to be sought to put up the facility, so be it, Sir. That is the kind of Government which this country needs. We need to identify the services which are needed. We need to identify how we are going to provide those services and we need to identify by what means we are going to pay for those services.

The Public Works Department. Mr. President, this again is a department in Government which I think needs some close scrutiny. Recurrent expenditure of the department totalled \$2 million in 1984 to do a capital works programme of \$6 million. I would propose that the Public Works Department of this Government be scaled down and that it become a design facility, an inspection facility, a licensing facility for the trades such as electrical, plumbing, carpentry, auto mechanics or whatever. However, Sir, to continue to provide funds for recurrent expenditure of \$2 million and increasing annually is going to put a serious drain on the economy of this country. I believe, Sir, and I have seen evidence on this, that when Public Works Department gives out contracts to private enterprise there is usually a savings in money. If the Public Works Department put all of the capital projects out to private enterprise and private construction it would be better but, Sir, not the way it is presently being done. At the moment the contract is in some cases a contract for labour plus and Public Works Department supplies the materials, or the contracts are for labour for the walls of the building, the flooring and the roof while Public Works Department does the electrical and plumbing and supplies all the materials. It is going to be very difficult to realise a savings in that kind of a situation because the private contractor who has the contract is hampered in meeting his deadlines on which he based his profit for the contract if he has to wait for Public Works Department to do the electrical or do the plumbing or he has to wait for them to provide him with materials. He could wind up in a loss position and to alleviate that possibility, Sir, I believe that some of the private contractors are forced to inflate the contracted cost for the building in order to safeguard their profits.

Sir, the maintenance section of Public Works Department is necessary, but I think that something is going to have to be done in certain areas. One example is that in my district the bulb in the light over the post office, Sir, has been out for three years. The way the postmistress has to go about getting that bulb replaced, I think, is to write a letter to the Postmaster General who will probably write one to the Principal Secretary of the Portfolio who in turn will write one to the Director of Public Works, who then will write a memorandum to his maintenance co-ordinator who will send a truck to North Side with two men to change a light bulb. So if we take the fact of the cost of delay, even the price of the bulb in three years has probably doubled in this country, and remove this cost saying that it is no one's fault even with all this letter writing and passing the buck, the fact that two men have to leave George Town to go to North Side to change one light bulb is going to take them all day nearly. With the rates detailed

MR. D. EZZARD MILLER (CONTINUING): in the estimates which we are paying labourers like that, it is going to turn out to be a fairly expensive light bulb. So, Sir, I would rather see the creation of a post of janitor or maintenance man in most of these civic areas. We have spent a lot of money over the past couple of years building civic centres and I think there is over \$500,000 budgeted in this year's budget to complete the civic centre in East End. That is going to be a grand facility, Sir, but it is going to need maintenance. It has to be cheaper to hire somebody in these outlying districts on a weekly or monthly basis to do the minor maintenance of the public buildings in those districts. In North Side it is a simple procedure because all of the civic buildings are in one compound. In some of the other districts they may be located as much as a mile apart, but that is still closer than Public Works Department is, Sir. So I would like to see the creation of these posts for maintenance and janitorial services in these districts because I believe again we can better serve the people who put us here to serve them with these minor adjustments in the personal emoluments of this country.

It is heartening, Sir, to hear that there may be some success for our Turtle Farm this year in the CITIES meeting in Argentina and I, Sir, support that and hope that we do get back into the United States market and the Turtle Farm can in fact be put back on a profitable footing.

The Port Authority mentioned in the Budget Address, Mr. President, continues to be a viable operation. That is good news indeed, Sir, because the more viable operations which Government has the more viable Government is going to be. The only piece of information in that section which I query, Sir, is where the Financial Secretary says that it must be stressed that the port of George Town has the highest cargo throughput per hour of any port in the Caribbean of a similar size, and many of the larger ports are conscious of our record. As I said I have my doubts on that statement but I will give him the benefit of the doubt and assume that he has the documentary evidence to prove it.

It is also nice to hear, Sir, that the plans are well advanced for the placing of permanent moorings for the tourist ships. This has long been needed to stop the destruction of the marine life in the area.

Mr. President, it is noted that the Portfolio of Development and Natural Resources is going to take on the sewage problem in the Seven Mile Beach area. I support this programme. I think that it is long overdue. Again, I think that it is a wise decision to start the programme in the area where it can be most highly utilised and therefore the greatest amount of revenue can be realised on the expenditure.

It is good to hear that even with the removal of the name Agriculture from the Portfolio there is going to be continued and hopefully more emphasis placed on the development of agriculture in this country.

From the answers given to questions of mine on the Floor of this Assembly regarding the Housing Corporation it seems that it could be in some difficulty for some time. That is regrettable, Sir, but hopefully a way can be found to provide some capital and in the answer given to me an indication was given that some individuals who got loans under the Housing Corporation had assets of over \$100,000. Now, Sir, I do not believe that those are the kind of people who really need assistance in areas like housing, because they could quite readily qualify for a \$45,000 mortgage in the private sector and leave the funds there for the people who are genuinely in need of that kind of help.

MR. D. EZZARD MILLER (CONTINUING): Now, Mr. President, I would like to get to the nitty gritty of the Appropriation Bill, that is dollars and cents. I think that it is very commendable, Sir, that the Government has found a way to come up with a surplus budget for the year 1985 while starting in a deficit position. However, Sir, as I have a Private Member's Motion coming before the House in a couple of days to which some reference was made yesterday by the Member speaking, I will reserve my comments until the presentation of that motion. I do think though, Sir, that the Member was rather presumptuous in telling the public what my motives for bringing those motions were. However, Sir, I think like I said that I can more adequately deal with the position which he has taken on that in presenting those motions.

Sir, the estimated ordinary revenue for 1985 is \$58.4 million, an increase of \$4.4 million or 8.1 per cent. This is an optimistic view by the Government, Sir, because they have inherited a declining economy. I think revenue has been declining for the last year, certainly for the last month of the year 1984, but I will join them in their optimism. I believe that the country is on the threshold of another boom period and I think that although the problems of this country were certainly greater than I anticipated in seeking election to office, we have the people there who can turn the economy around; who can pull this country out of the doldrums and I intend to offer them my full support in doing so and make whatever contributions I can in assisting them.

Mr. President, in the last couple of days in the debating of the Revenue Bills I have heard the words "little man" used so often that it is frightening, Sir. I hope that they were not using "little man" in the same terminology as I used it earlier in referring to one specific individual, but I will assume, Sir, that they were talking about the less fortunate people in this country. Now, Mr. President, much has been made of the argument that the Revenue Bills are going to affect these unfortunate people so terribly, but, Sir, any Government can but deliver to its people that which it got from its people. In the past the revenue has been raised from the financial industry in terms of licensing fees and things of that nature and, Sir, the truth of the matter as I see it is that it is still the less fortunate who carry the brunt of the taxation. I do not think that there is any form of taxation which effectively taxes the rich in any country because even in the form of direct taxation, Sir, the rich can afford high powered lawyers, accountants to create tax shelters which is what our economy is based on. We know that there have been quite a few created because we have had a fairly good gross national product for the last several years. So almost invariably, Sir, any form of taxation is going to wind up on the little man as they term him. This is nothing new. This is not something which the new Government has dreamed up to squeeze the life-blood as it is referred to out of the little man. We are just being a little more straightforward with the little man. We are asking him to contribute and we are telling him the ways in which he will contribute. What has been done in the past, Sir, is they have been telling him, "You do not have to contribute, we will tax the banks, trust companies and all the other areas of the financial industry and it will not cost you anything". That is not a fact, Sir. The fact is that when a banking licence goes up my banking charges go up. When my banking charges go up as a merchant in this company, the prices in my store go up. When the prices in my store go up the little man has to pay more for the goods which he buys from my store. So it all winds up on the little man.

MR. D. EZZARD MILLER (CONTINUING): So like I said this is nothing new. This is not a new system of taxation which is being introduced by the new Government. It has always been that way. It is a straightforward fact of life.

I disagree with the Member speaking yesterday in his argument concerning duty. I will not try to quote him for fear of misquoting him but I think in essence what he said was that the little man pays more duty than anyone else.

MR. LINFORD A. PIERSON: On a point of order, Mr. President....

MR. PRESIDENT: I think you probably mean a point of explanation, but I am not quite....

MR. LINFORD A. PIERSON: On a point of order, Mr. President, I am being completely misquoted by the Elected Member for North Side. I did not say....

MR. PRESIDENT: It is a point of explanation. I must....

MR. LINFORD A. PIERSON: May I reserve my rights, Sir?

MR. PRESIDENT: Well, let me speak for a moment. If you will sit down I will explain. I would be grateful if Members would distinguish more carefully between what are points of order and what are points of explanation and if Members, both those who are making speeches and those who are interrupting would clearly understand what are permissible interruptions. It is perfectly permissible to interrupt a speaking Member in terms of Standing Order 34(1)(b) which is not a point of order, and it is not necessary to get up to say that one is raising a point of order when a speaking Member misquotes him or when he thinks he can help by clarifying something which he is saying. However, under Standing Order 34(1)(b) if the speaking Member will not give way, then he has to ask to reserve his right to offer an explanation in terms of Standing Order 34(2). It is often helpful if the speaking Member will give way, but it is better not to ask him to give way on a point of order which then turns out not to be a point of order at all.

Now I do not think that your interruption is a point of order. I think it is under Standing Order 34(1)(b). As far as I am concerned, provided the Elected Member for North Side, which he indicates he is, is willing to allow you to continue, you may continue speaking.

MR. LINFORD A. PIERSON: Mr. President, that is exactly the section of the Standing Orders which I have open before me and I wish to clarify what the Elected Member for North Side has just said since he has given way.

Yesterday in my debate of the Budget Address I said that an indirect form of taxation is the most regressive form of taxation, and because of the state of our economy that all people have to be equal to the same strains of such indirect forms of taxation that it has a much greater effect on the little people. By little people I did not use the term in a derogatory manner. I meant those who are less well off and I believe, Sir, that the Elected Member for North Side is quite aware of exactly what I meant by that. To try to give a different meaning, I feel, is giving the wrong impression to the public and I will, Sir, exercise my rights with your permission if he continues to misquote me.

MR. D. EZZARD MILLER: Mr. President, I thought I had made it quite clear that I was not attempting to quote the Member in fear of misquoting him. I do not really....

MR. PRESIDENT: I am in the Member's hands, but I wonder whether since he has been interrupted already it would be a convenient moment to adjourn for lunch. If you want to finish dealing with a point I am quite happy for you to speak for another minute or two but....

MR. D. EZZARD MILLER: Well, maybe we could just put this to rest.

MR. PRESIDENT: Put this to rest. Alright.

MR. D. EZZARD MILLER: Yes, Sir. I was talking about import duty and I do not know whether the Member elucidated what in fact, he had said about it, but what I was getting to was that import duty is 33 per cent of the revenue in this country. My interpretation, Sir, and it is my right to interpret what is said, of what the Member was saying was that import duty causes more hardship to the little man than it does to some other sectors of the economy. However, Sir, I think that what part of the import duty which one contributes is directly related to one's purchasing power within the economy and I believe, Sir, that as has previously been said the greater purchasing power is with the minority of the populace. I agree with that and therefore, Sir, it follows that those who have the greatest purchasing power in this country are going to make the greatest contribution to import duty.

We can take lunch now, Sir.

MR. PRESIDENT: (LAUGHTER) I think we need time to digest that. Let us therefore suspend proceedings until 2.15 p.m.

AT 12.44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.17 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Elected Member for North Side.

MR. LINFORD A. PIERSON: Mr. President, there is a bit of clarification which we require. I do not know if you would take it at this point but we were discussing here a while ago that it would be good if the House could have one point clarified before we continue so that we do not make a mistake which we have repeated already through the proceedings. I would like to state the point if you do not mind, Sir.

MR. PRESIDENT: Is this a separate point from the point which you clarified before?

MR. LINFORD A. PIERSON: The point has to do with section 34(1)(b) and section 34(2) of the Standing Orders where when one rises on a point of order, we were wondering whether one needs to say one is rising on a point of explanation, because there does not seem to be any such point, except that one rises on a point of order and then one states that one's point of order is to do with an explanation or to elucidate or whatever?

MR. PRESIDENT: My understanding of Standing Orders is that if a Member is rising on a point of order he is rising in accordance with the provisions of Standing Order 34(1)(a). Under those circumstances he should say that he is rising on a point of order and he should immediately specify in detail what the point of order is and ideally should refer to the Standing Order he alleges is being broken. If a Member is rising in accordance with the provisions of Standing Order 34(1)(b), then it is not a point of order at all and he should simply say that he is rising in accordance with the provisions of Standing Order 34(1)(b) to elucidate the matter. The importance of making the distinction is that if a Member is rising on a point of order under 34(1)(a) he is absolutely entitled to be heard until I rule that it is not a point of order at all. If he is rising under 34(1)(b) then it is up to the Member being interrupted to decide whether to give way or not. If the Member being interrupted declines to give way then the interrupter is entitled to seek to be allowed to offer his explanation later in terms of Standing Order 34(2).

Does that make it clear or not?

MR. LINFORD A. PIERSON: Thank you very much, Mr. President. I think that makes it much clearer than it was before.

MR. PRESIDENT: Well that certainly is how I interpret Standing Orders and it will be helpful, I think, to all Members if any Member who does have a genuine point of order makes it clear that he is rising under 34(1)(a) and specifies immediately the Standing Order which in his view is being broken, but that he does not say he is rising on a point of order when in fact he is rising under Standing Order 34(1)(b).

Alright, now the Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I would like to deal briefly with the capital expenditure. Capital expenditure is estimated at \$9.9 million. This is a cautious approach to capital expenditure this year and I do not agree with what was stated yesterday that there has been a cut in capital expenditure. I think that there is really no relationship between capital expenditure provided annually, but more it is a view taken by the Government as to the areas they see which need their attention and which require capital expenditure.

I would also like to compliment the newly Elected Members of Executive Council on the way they went about preparing their capital expenditure budget, in that they visited most of the districts, in fact I think all of the districts with Members to see what the needs were in the specific areas. I think, Sir, that they have done a reasonably good job of spreading what was available, around.

I note, Sir, with pleasure that two out of my five requests for North Side have been provided for in the budget, that is the completion of Bullrush Walk Road in North Side which is a road which was started about five years ago and it never was completed to the stage where it would be useful to the farmers who farm in the area. Also there is provision for \$179,000 for

MR. D. EZZARD MILLER (CONTINUING): the extension of the North Side Primary School and development of the facilities there. So I certainly support those two areas.

The other area which I offer a lot of support to, Sir, is the \$35,000 which they have provided for the provision of rest room facilities for George Town, which I think are very much needed facilities.

Mention was made, Sir, that the Tower Building was a good investment, and as I said earlier I do not think that it was a good investment and I think that it is borne out here in that even after paying the funds which were paid we have to allocate a figure in the capital expenditure of \$305,000 to make the building useful as a Government administration building. That is not to provide furniture. That is to fix the building in such a way that it will be useful.

So, Mr. President, I agree with the other major provisions as outlined in the Budget Address under capital expenditure, that is the water and sewage projects, the Gerard Smith Airport Terminal, the sports and cultural centre and parks, the East End civic centre, and the school buildings at the Middle Schools and High Schools in Grand Cayman and Cayman Brac. I think they have done a reasonable job like I said in spreading the gold around and I offer them my compliments, Sir.

It is with these remarks, Sir, that I offer my support to the Appropriation Bill, 1985. Thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak? I think the First Elected Member for the Lesser Islands rose.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I take this opportunity to congratulate you, Sir, on the very impressive and comprehensive Throne Speech and I would like to thank and compliment the Honourable Third Official Member for his very clear, impressive and comprehensive Budget Address which he delivered to this Honourable House on 1st March. I am indeed proud, Sir, to be able to stand in this Legislative Assembly once more, representing the people of the third electoral district of the Cayman Islands, Cayman Brac and Little Cayman and to be able to make my contribution to this debate.

I am very thankful to all who helped to return me to this seat and I shall do all that I can to uphold their trust.

Mr. President, I am very concerned by the fact that I am in this Assembly to represent the people of my district and am a Member of the Legislature of the Cayman Islands. I shall always be guided by Standing Orders and your decisions as President. I feel this is the way all legislators should behave and may I ask all Members to consider the election completed. Let us put politics aside and put shoulder to shoulder to represent our people and to provide the proper Government for the people which they deserve here in the Cayman Islands.

Mr. President, I am very grateful to the present Elected Members of Executive Council for briefing which they have given to ordinary Members of this House of which I am one. This situation did not exist in the four previous years that I served as a Member here and I can assure you that it is most appreciated and very beneficial to the ordinary Members.

I again pledge my support to the Government and as has been my policy from the time I entered this House, I shall give them my full support whenever in my judgement their actions are in the best interests of the Cayman Islands.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): Mr. President, residing in Cayman Brac, District 3 of the Cayman Islands, which is separated by 60 miles of ocean water gives me quite a different approach to the needs of my people than other Members who have the highways to reach central George Town. We are not in the position that Executive Council Members can visit us at short notice therefore I am most grateful, and would like to go on record as thanking each of the four Elected Members of Executive Council for their visit to my district so shortly after they took office. I think history was made by the fact that four of them were present in Cayman Brac at the same time. I am also most grateful to them for allowing us to hold a public meeting at the Aston Rutty civic centre on the Friday night that they visited, after completing a complete tour of the island and seeing our needs and finding the facts for themselves.

I had the honour of sharing the platform with the four Honourable Members and to serve as moderator for the night. Each Member answered questions concerning their Portfolio and I would like to say at this time that this was very greatly appreciated by all in attendance, and I heard many who did not attend who said they were very sorry that they had not attended after hearing how nicely and pleasantly the meeting went. Again may I say thank you to each of the Honourable Members.

Mr. President, I could not stand here and not thank the Honourable First Official Member for the able way he administered local administration during the four years it was his responsibility. We are most grateful for all the achievements which have been made in my district.

I must also state on behalf of my people that we feel we are most fortunate in having my colleague the Honourable Third Elected Member of Executive Council as a Member of Executive Council, and in particular representing district administration. We are very grateful that you have placed this responsibility in his Portfolio.

As I said earlier, we being separated by 60 miles from central George Town need a person in authority who is knowledgeable about the situation in the two smaller islands. We are possibly fifteen years behind the development in Grand Cayman and we are striving hard to close the gap.

In your Throne Speech, Mr. President, you stated most of the infrastructure necessary for economic development in Cayman Brac is in place and I agree. You also stated that attention will be focused on attracting developers and visitors alike to help our economies to expand and to generate employment and this is most encouraging. It is my view that the first step in obtaining this result should be to obtain a market study for projected projects and their concepts and how these would relate to Cayman Brac and Little Cayman. There is an internationally respected firm in the United States, an accounting and marketing study firm which has been performing market studies in the Caribbean since 1957. This firm has also been doing studies in the Cayman Islands since 1971 and was responsible for the Cayman Islands tourist development ten year plan. I strongly suggest that we employ a firm of this structure to make a study in Cayman Brac. In my opinion it would not be a costly outlay and it could possibly put us on the right tracks for future development. I think this survey could be done in three phases, the first phase being a preliminary market assessment. I am told this could be done in approximately six weeks.

If the first phase report was positive then we could move on to the second and third phases which I understand would take approximately an additional three months.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): After having these studies at hand we could then move ahead. It is noted that this firm in their ten year tourist plan for the Cayman Islands stated that there was substantial opportunity on Cayman Brac and Little Cayman for development, while they considered that Grand Cayman was somewhat saturated.

Mr. President, I therefore would appreciate it if the Honourable Member of Executive Council responsible for Tourism Aviation and Trade would give this study very serious consideration. It is my judgement that it will be a great step forward in the development of Cayman Brac and Little Cayman, and will enable us to help ourselves, boost our economy and provide employment for our people with the needed development.

I strongly recommend the development of Cayman Brac and Little Cayman as an exclusive resort to further promote the Cayman Islands as a viable Caribbean resort for North American, Canadian and to a lesser extent European tourists.

Mr. President, continuing to deal with my district the present Cayman Airways Boeing 727 jet flights to Miami and Grand Cayman from Cayman Brac have done much to encourage the tourist industry in Cayman Brac and I am very grateful to the present management that they saw fit to continue the flights on Monday when it was proposed that they would be changed. We are finding that our tourism is gradually increasing and it is my hope that we will be able to help Cayman Airways and not continue to require additional expenditures.

We are proud of the extension to our runway. We now consider our runway equal to if not better than the Owen Roberts Airport. What we do lack, Mr. President, is the airport terminal and I shall deal with that later. While dealing with Cayman Airways I have talked with the Chairman and the Member responsible for Tourism Aviation and Trade and said that in my opinion if the Tri-Lander was converted to a shuttle service between here and Cayman Brac and Little Cayman as opposed to the scheduled service it now runs, it would definitely encourage tourism in the two smaller islands. May I explain my reason for saying this, Mr. President. The aircraft being very small, with only 14 seats available creates the situation where often tourists attempting to come to the islands via Grand Cayman are told that they can only be weight listed to Cayman Brac. Naturally tourists coming to a destination may want to start their vacation on arrival and not to be delayed and forced to pay additional hotel expenses in Grand Cayman, so they either cancel their trip completely or decide on Grand Cayman as their destination. If the Tri-Lander was serving as a shuttle service with the first departure as it is now at 7.30 a.m. each morning, and it could make flights approximately every three hours until the traffic load was cleared, it would result in each and every person seeking to come to Cayman Brac and Little Cayman being guaranteed reservations on the next departing flight. This is done in the United Kingdom by British Airways and I understand it is very successful. I feel that it is worth our trying this to help improve our flights.

Mr. President, in my debate on the Customs Bill I spoke of the higher freight rates which we have to pay in Cayman Brac and Little Cayman. I do not want to over play this subject, but it is my responsibility to bring to this Honourable House the needs of my people and solutions if I think I have them. We are paying a much higher air freight although the destination is almost the same. Freight in the Cayman Islands is calculated on cost, insurance and freight therefore the landed cost of our

CAPT. MABRY S. KIRKCONNELL (CONTINUING): merchandise is considerably higher. This is further aggravated by the fact that ocean freight to Cayman Brac exceeds an additional 50 per cent over the rate charged to Grand Cayman. You can see, Mr. President, when this is converted to the prices of our merchandise on the shelves, the cost of living in Cayman Brac has to be considerably higher than Grand Cayman. This does not serve to encourage even our locals to purchase, let alone foreigners to come to our shore.

I would ask if there is any possibility that import duty could be calculated taking into consideration the freight from the manufacturers' port to Grand Cayman, and not the additional 50 or 52 per cent to Cayman Brac and Little Cayman. This, Mr. President, as I said is creating a hardship and with lack of employment in the islands is being called to my attention on almost a daily basis.

We are very proud of the development of our Little Faith Hospital. The Elected Members of Executive Council visited there on their visit and I think they were quite impressed with what they saw. We realise that we are a small territory and we are blessed by the fact that we have a facility such as we have, but we also have people in our islands who are not able to pay their medical fees. I understand that the Department of Social Services will issue cards to the elderly and the indigent people who are unable to pay their medical bills and I shall be seeking the help of the Social Services in providing this facility for my people, as at present they do not enjoy this privilege.

Mr. President, we have watched with keen interest the development of the Water Authority here in Grand Cayman. I honestly feel that desalination will be the solution to this problem but I would ask that the Water Authority make available their services to secure a water lens if it is available in Cayman Brac or Little Cayman, because presently we are experiencing a very serious drought. Very little water is in the wells at low tide and most of them are becoming very salty in content. If a common water lens could be secured, and we do not require large quantities of water, I believe that they would be successful in our district.

Previous speakers have advocated a change in our liquor licensing laws. Mr. President, I do not share their view. I feel that although we do need laws to regulate our liquor, we also need laws which will protect our churches, our civic centres and our schools. We must realise that alcohol is absolutely not a necessity of life. It is a luxury and an expensive one at that; and I would advocate today if this is the view of the Honourable Members of this House that the moratorium of a quarter of a mile from a church should be abolished in the law that consideration be given to leaving it in my district. We are God fearing, God abiding people and we respect our churches and our youth, and I feel that consideration should be given to our views.

Mr. President, the General Election held in November, 1984 was, in my opinion, a very great success. I would like at this time to compliment the Supervisor of Elections and his entire staff for the good work and also the people of the Cayman Islands for the orderly manner in which the election was carried out. It was a credit to us and again I compliment all who took part in it.

I turn now to our youth programme. The most important asset which a country has is its youth and I feel that we as senior citizens must do all we can to provide facilities for our youth and to prevent them going in the wrong

CAPT. MABRY S. KIRKCONNELL (CONTINUING): direction. I congratulate all the social clubs and the organisations which are encouraging organised sport in the Cayman Islands. We are proud that a step has been taken forward in our district and the Cayman Brac Football Association has been formed. They are shortly planning a tour to Jamaica and I hope that it will be successful. I am very grateful to all who have contributed and are contributing to this. It is encouraging our youth to participate in team-work and to realise that team-work is necessary to be successful in their adult life.

I turn now to the financial sector. It is noted that at the end of 1984 there were 459 banks and trust companies on the register and this was an increase of seven. I am happy to see that the number has increased and I hope that it will continue to do so. It shows that the confidence in the Government is here. We have the stability and the infrastructure to work on.

Also we note in the Budget Address the great part the Cayman Islands Currency Board is playing in contributing to our general revenue. We are proud of that group and the progress it is making.

With regard to company registration I am happy to see that this too has not declined as many had prophesied that it would. I am happy that this is continuing to hold its own and I am hoping that it will increase.

Tourism. When we consider how strong our Cayman Island dollar is as opposed to our neighbour's devalued currency it really speaks highly for our tourist industry and the Portfolio of Tourism Aviation and Trade that this continues to increase. I have talked to many and they all quickly say the cost is high but they do get the service, and I hope that everyone employed within the tourist industry will realise that we are dependent on tourists and that they will make every effort to give them a dollar's worth for a dollar spent.

I would like at this time to congratulate Cable and Wireless on the installation of the submarine coaxial cable between Grand Cayman and Cayman Brac and their other many developments here in Grand Cayman. We have a first class telecommunications system and for the first time since the inception of service by Cable and Wireless are we able to utilise our telex service from Cayman Brac without static interruption. It is a great improvement and I look forward to the further improvements which are planned and will come on stream towards the middle of this year. This company is to be congratulated and complimented for the way they are training our Caymanians to take important positions in the telecommunications world.

Cayman Turtle Farm has had many set-backs both before the Government purchased it and since. It is my real hope that the CITIES meeting in Argentina in April will enable the United States to lift the ban on the turtle products and let us go ahead with our planned development. I also feel that there is money to be made in shrimp, lobster and fish farming and that this should be given a serious look at, as if we had more than one product we certainly would have more than one chance.

The Fire Service. For a small territory such as the Cayman Islands we must compliment our Chief Fire Officer and his staff for all they have accomplished during the years. The Frank Sound Fire Station certainly adds security to the East End, North Side area and I am happy to see that. I fully realise that it is also needed in the West Bay area and that I hope will come.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): This brings me to the point, Mr. President, where we seek an improvement in the fire service in Cayman Brac and Little Cayman. We would like it done as economically as possible but we do feel that we must have firemen on call 24 hours a day for we have had major fires within the last year to eighteen months. There have been four or five which has more or less quadrupled anything which we had had in previous years. So the need for a domestic fire service does exist.

The Police Department is playing a great part in our security and development of these Islands. I respect each and every one of the officers throughout the force. In Cayman Brac we have quite a large force for a small island and I feel that the time has come where with clerical help they could have someone to answer the telephone in the station 24 hours a day. With the police cars having radio communications in them they could be sent to the scene in a short period of time. As it is now while the police are in the patrol car there is no-one at the station and there is no means if one has a need for the police, of getting in contact with them unless they do go by the scene accidentally.

I am very proud to see that customs, the largest revenue earner in the Cayman Islands will be housed in proper quarters in the very near future, in the Tower Building. Much has been said about the purchase of the Tower Building. I supported it then and I support it now. I think that it was a wise decision taken by this Government. Its location so near to this building, the Legislative Assembly and the Customs building and to down town George Town makes it a great asset. It is also close to the Port Authority. It has been able to give proper housing to so many departments which were in cramped quarters and spread around before. As I said I supported it then and I support its purchase now.

Lands and Survey Department is again a very important part of our Government. It controls the development of these Islands. We understand that the Planning Department will become more active in Cayman Brac and Little Cayman in the near future and the Lands Officer is seeking to employ someone who could be knowledgeable and handle the Land Office and some of the survey work himself. This in my opinion is a good move and I hope that the recruitment can be completed at an early date.

Mosquito Research and Control. I could not touch on this subject and not pay my respects to the late Dr. Giglioli for his invaluable service to this territory over the many years he headed that department. I consider that without him and his department the success which we enjoy today would not have been possible. Any of us who remember when mosquitos were a major factor here, will agree.

The Planning Department. During the last year and a half I have had fairly close contact as a member of the Central Planning Authority and the Development Control Board in Cayman Brac and I am happy to see the progress this department is making. The new head of the department, Mr. Bruce King, is working very hard to help develop the Planning Department and town planning as a whole. He has been most helpful to the Development Control Board in Cayman Brac. He has made two visits there and any information or expertise which we need as members of the Board can be obtained by calling on his department, and they are only too happy to help us. I would like to congratulate him on the job he is doing and thank him for his service to our Board in particular.

Mr. President, the health and welfare of our people is one of my major concerns. Poor relief is necessary. I fully realise that we are all here striving to achieve a balanced budget and to provide the necessary services for our people. However,

CAPT. MABRY S. KIRKCONNELL (CONTINUING): we cannot forget the people of our communities who cannot help themselves. I hope that we will continue to give this area all the attention it needs.

I have touched on district administration quite lengthily in other parts of my debate but, Mr. President, I am encouraged to see in the estimates that funds will be available for the continuation of the Bluff road in Cayman Brac and for our airport terminal. We wish to state that it is not for pride or prestige that we are seeking an improved air terminal. We want to have it safe for our people. Our airport terminal is presently located very close to the runway and with the new site the taxiway will give us the required international distance and provide facilities to encourage people to come to our Islands. We do not want and we do not need something as elaborate as Grand Cayman, but we do ask that it be modern in structure and efficient to the needs of our community.

Mr. President, I said in my 1981 debate on the Throne Speech and Budget Address that I felt very privileged that we of the Cayman Islands could consider a budget then of CI\$40 million, having a population of under 17,000 people. Today we are debating a budget of CI\$60.6 million. This figure represents, Mr. President, truly a large budget for a small territory, and I congratulate the Members of Government on how they have appropriated the capital improvements. I realise that the exercise has been a difficult one, but I think a fair distribution has been made and I am looking forward to further discussing this in Committee stage.

Mr. President, I agree with the words of our Honourable Third Official Member in his closing remarks in the Budget Address and I would like to quote them:-

"There is no doubt in my mind, Mr. President, that the Cayman Islands is one of the most preferred offshore financial centres, and we are, in my view, on the threshold of great things for these Islands and our people, but we need to concentrate on the world around us, lest we lose this opportunity."

These are wise words, Mr. President, and I hope that all the people will give them their serious consideration.

Mr. President, I had hoped that I would have gone on for considerably longer, but I am having problems with my throat and since other Members have been not quite as brief as myself I will try to conclude at this time.

So in conclusion I would like to again thank you, Sir, for the Throne Speech and the Honourable Third Official Member for the very detailed Budget Address. May I again ask all Honourable Members of this Legislative Assembly to take politics out of their actions in this Chamber, and abide by the Standing Orders. We should all remember that every word spoken in this Legislative Assembly is recorded in the Hansard and is now broadcast word for word on Radio Cayman. So the whole world is hearing us and let us therefore be very constructive in our actions.

Mr. President, I support the Appropriation Bill, 1985, and look forward to going into details in the Committee Stage.

Thank you, Mr. President.

MR. PRESIDENT: It is a little early still for our customary afternoon break so if another Member wishes to speak, albeit that if he speaks for any length of time we may break before he finishes, I think that it will be convenient for someone to do so.
(PAUSE) Once again if no Member catches my eye I shall be obliged to invite the Honourable Third Official Member to exercise his right of reply.

(PAUSE) Would the Honourable Third Official Member wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON: No, Mr. President.

MR. PRESIDENT: Sorry?

HON. THOMAS C. JEFFERSON: No, Mr. President.

MR. PRESIDENT: Then in that case, if no Member wishes to speak. (PAUSE). It is Standing Order 63(3) I think. If no Member wishes to speak the question is that the Bill entitled a Bill for a Law to appropriate certain expenditures for the services of the financial year, 1985, be read a second time and in accordance with the provisions of Standing Order 63(3) that Bill and the estimates would then stand referred to Finance Committee. So if no Member wishes to speak...the First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I will carry on the debate this afternoon until the House adjourns and I promise you I will be back tomorrow also.

If the Elected Members and the Government Bench with the extensions think that our voices will not be heard at the end, my colleague the Second Elected Member for Bodden Town is prepared to lose his chance or speak as one of the last.

I am very pleased to be here to debate the 1985 Budget. There are many people who I am sure wished that my colleague and myself would not be here, but thanks to our people in the Bodden Town district we were returned with a majority against the other six or seven contenders who challenged us. I must hand it to the opposition that they gave us a good fight and that they fielded so many candidates. I am sure the results were very depressing to them at the end.

Unfortunately in this bitterly contested election some of my other very close colleagues were not returned to the House, but time will prove that the losers in that event are going to be the people of the Cayman Islands and the Legislative Assembly. I wish to pay tribute to my other colleagues of the unity team who were defeated and I wish to remind the Government of the day that we will be back and that they will be back.

In any democracy the voice of the majority prevails, and that is what happened here. The people had been fed many unsubstantiated lies and for what reason I do not know. However, they fell victim to those lies. As I go about and talk with people I encounter many who were the very strong, strong supporters of the present administration and who are now crying buckets of tears for what they see happening to the country.

Much rhetoric has gone on and much will follow my debate, but the truth is that I personally am confused and ashamed to see how some Members of this Legislature and the Elected Members of Executive Council could try to manipulate the truth, manipulate the facts and try to stop the onward future

MR. JAMES M. BODDEN (CONTINUING): development of this country which has been going on very successfully. I have wondered many times how they expect to present the image of the Cayman Islands to the people abroad if they continue to slander the previous administration and to tell the people that the country is broke.

If a man goes to the bank to borrow money he would be very foolish to even attempt to see the bank manager if he is going to tell the bank manager that he is broke; he has no assets; he has got cancer and expects to drop dead the next week, and he has no insurance, because it would then be very foolish for the bank manager to even talk to him, much less consider lending him money. That is the position which our Elected Members of Executive Council are beginning to put this country in.

I am very pleased that the Government has a public servant who is capable of putting together the facts as he has so capably done and I refer to the Honourable Third Official Member. I imagine that it has been a very difficult task with all of the garbage which has been strewn around him to be able to present the true financial picture of the country to the people as he has so ably done.

Mr. President, it does not take a real genius to play with the figures as the Elected Members of Executive Council have done. Mr. President, if ever a country was broke and on its knees, and suffering gloom and depression it was this country in 1976. The records will bear out what I will be saying. At that time the country had a very small budget. The money which the country was capable of earning was very small. There were no Reserves. There was no surplus. If my memory serves me correctly the complete cash asset position of the country at that time was less than \$0.75 million. Yet the country had a long term debt of about \$7.8 million, and the same Elected Members of Executive Council who are there now have taken my colleague and myself to task on many occasions for saying that the country was in a very poor position at that time.

It is true that that administration had built some public buildings, but it was also true, Mr. President, that the payments on those capital expenditures did not begin until after the unity team administration took over at the elections in 1976. So the money which they had spent to build these Government buildings was money which was not covered by any surplus. If a country with a debt of about \$8 million in 1976 and assets of about \$0.75 million was not broke how in the world can a country be considered to be broke in 1984, when it had a surplus and Reserves of over \$10 million. At that point, if I am correct and I think that I am, the National Debt stood at around \$13 million with approximately \$8 million of that having been brought forward from the administration of 1976.

The ex-Financial Secretary as I am sure he was the man responsible for preparing these figures and presenting them to the public and probably pressuring his other colleagues to sign them with him, should be ashamed of himself for having vacated the post of Financial Secretary with its attendant honours and for going into politics and actually trying to use his former position to try to confuse the people of this country in the manner he has done. I wish he was here today to hear me, but I hope that the good Lord is helping me and that the ether of the winds is taking every word I am saying to wherever he is.

Mr. President, this country prospered in the years 1977 to 1984, under the unity team administration. Like it has never prospered before, and probably will not do so in the future. During that time this country was able to spend about \$40 million on capital expenditure from surplus revenue. There were very few problems of the country which needed to be attended to which

MR. JAMES M. BODDEN (CONTINUING): were not attended to. It is the only time in the existence of the Civil Service in this country that the Civil Servants have been able to earn a liveable wage. It was not like in the dark ages in the history of this country when the Government had to ask the Civil Servants not to ask for a raise, but to drink soup instead of eating steak.

I am very proud that at least the people of two districts in this Island were sensible enough to see what was happening and returned at least three of us to the House.

I support fully the policies which were carried out by our administration and I know that my colleagues who are here with me today also fully support it. We have nothing to hide. We have nothing to be ashamed of. We love the people of the Cayman Islands; we love our country and we have grass roots in this country which extend very, very deep. My colleague from Bodden Town and myself, thank God, can claim our roots in this country which come from the first settler in this country. It is a name which has been carried through the history of this country and the people of that name have played a great part in the development of this country. We are proud of that background. We have our roots here. We intend to stay here and we intend to carry on the fight.

Now that I have said that much, Mr. President, I will try to deal with the two speeches which were delivered in this House.

MR. PRESIDENT: Would it be a convenient moment since you seem to have reached a natural break for us to take the afternoon break.

MR. JAMES M. BODDEN: I am in your hands for the next four days, Sir.

MR. PRESIDENT: Well if it is that long I am sure that a breather will not come amiss. I will suspend proceedings until approximately 3.40 p.m. That is about fifteen minutes.

AT 3.25 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.49 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, the Caymanian people have always been people who have been very resourceful; people who are very independent minded; people who have tried to make their own way in life and to make their mark in history. This has been brought about because of our affiliation with the sea. From time immemorial Caymanians have followed the sea and although a lot of

MR. JAMES M. BODDEN (CONTINUING): Caymanians regrettably have lost their lives at sea; those who survived have usually been people to be reckoned with. I am very proud of the people of Cayman because I have always said that the only competition we have in the world is the Jewish faith. They are the only people who have suffered and been through the adversities of time the way that we have. I am very proud to be able to stand in this House as a representative of the Bodden Town district. In case the Members had forgotten it was the first capital of the Islands. It will be the capital again and it is the political capital.

For my convenience I am going to deal with the Budget Address and the Throne Speech separately. There may be occasionally some overlaps.

The speech which you as President of this Assembly have delivered to the House was ably done. I cannot associate myself with it being graciously done, but it was ably done. It is a speech which leaves much room for thought. I will deal with what I consider to be the important points in your speech.

The Throne Speech similarly to the United States where one has the State of the Union message really details the activity of the year past and the hopes and aspirations for the year to come.

The year 1984 saw the country have two Executive Councils, one sponsored by the unity team and the other one by I think they sometimes call themselves the dignity team. So you in the past year had to contend with two different points of opinion with regard to what was taking place in the country. Mr. President, I distinctly feel that the people of our country are disillusioned because they went through a period of eight years when the prosperity in this country was unlimited; when the people from all walks of life had a chance to make a decent livelihood for their families. They did not have to worry as we are all worrying now what type of taxes were going to be levied on them in the next sitting of the House. The accomplishments of this country in the past eight years were phenomenal. We had reached a peak where we were the envy of many parts of the world, particularly in the Caribbean. We like to associate ourselves with the Caribbean because we are a part of it. Geographically we cannot take ourselves out of the Caribbean. So whatever happens in the Caribbean is going to have some rub off effect on the Cayman Islands.

I am very glad that this past year saw the initiation of our own Court of Appeal. We have had over many hundreds of years very, very close association with Jamaica. People from Jamaica in this country or of Jamaican heritage probably account for about 25 per cent of our present population. The people of Jamaica have helped the Cayman Islands over many a hard period and many of them have been very respected citizens of this country. Many of them in years past helped to shape the destiny of this country by sitting as representatives in the Legislative Assembly. So we must not lose sight of the fact that we are closely allied. However, Mr. President, there comes a time in the history of a country like there comes a time in the growing period of a man and a woman where they like to know that they have entered the state of manhood or womanhood. The Cayman Islands have come to that stage and I associate myself with the move which we made and was glad to make that move to set up our own Court of Appeal. The only thing which I regret is that no Caymanian has the qualifications probably at this time to sit on that Court. I will consider it a great honour to this country if we ever reach the stage where Caymanians can be appointed to the Court of Appeal.

MR. JAMES M. BODDEN (CONTINUING): I feel that we have reached the point where we should call the shots and not some other country, and I hope that in the future the Court of Appeal will look on cases in that manner; that they will look on them as giving justice completely to the Caymanian people.

I will address myself to the part of your Throne Speech which dealt with the Civil Service. According to the figures delivered by you, Mr. President there are 1,298 people employed in the Civil Service in this country. I do not believe that that takes into account the people who work on a day to day basis in the Public Works and maybe the Health Department and areas like that. I am sure that by the time everything is accounted for that Government is directly responsible today for 25 per cent at least of the work force's employment. That is coming to the point where it is becoming alarming. Any Civil Service in any country which grows in the percentage manner in which ours has grown tells us several stories.

I feel as I have said for many years and I preached it in Executive Council for the entire time that I was there, that the time has come to curtail further employment in Government positions. I know that this is a difficult thing to accomplish and some people will get hurt, but again the country as a whole will benefit. I feel that it is time that we come to grips and change some of the rules and regulations which govern employment in the Civil Service. We have many dedicated Civil Servants; many people who have been there for many years at small salaries and so forth, but we must now evaluate and make changes. The system is a very cumbersome one. It is one which creates stagnation. It is one which does not easily build up middle management and if the service of this country is weak that is the area which we are really weak in.

In my opinion a small pool of hand picked people should be groomed from Portfolio to Portfolio in Government so that when the time comes and there is an opening as an Assistant Secretary or as a Principal Secretary we would then be able to reach out and get capable people to fill those positions. As it is now, we depend too much on longevity. We depend too much on advancement in the Civil Service coming by filling a dead man's boots. I feel that as long as we continue with this system we will be paying out too much money for what we get in return. It is an area which in my opinion priority should be given to.

Another area, Mr. President, is the youngsters who return from abroad after their training. They should be placed in positions of responsibility commensurate with their ability and their merit rather than just being put into any hole to plug it for the time being. When a young man or a young woman has spent four years abroad in any university or college they acquire different habits to what they were used to in the Islands. Their perspective of life has broadened and they do not feel, I would say rightly so, that they should come back in and take a position below some person who has warmed a seat for twenty years and is there just enjoying coffee breaks.

We must get to the point where we promote our Civil Servants on merit and merit only. Our youngsters will shortly become disillusioned and they will leave the Civil Service and go into the private sector because there is a chance of advancement there. There is a chance for them to take responsible positions. There is not that sword of Damocles hanging over their heads with regard to their ever filling a more responsible position.

Too many times I have seen our young people come back and join the service and they are put in positions where their pay is much less than people from abroad, or much less than someone who has been there for two or three years before them.

MR. JAMES M. BODDEN (CONTINUING): Too many times our people have come back. Just as an example, the graduate was probably trained in computer science and he comes back and there is no position available for him to fill there so he is maybe put in broadcasting on the radio. This has happened in nearly every Government department, and it is time that it ceases. I have stressed for many years that our priority should be to train young people to become teachers in the school system and if we have to entice them by giving them a super scale to get them we should do so. Because when we bring people from abroad as teachers to teach the youngsters of our country, again it is a different method of teaching and they do not associate with our people in the manner which our own people would do. They are not, as a rule, going to pay the attention to the student that a person who knows their father or mother or somebody else in the family may be inclined to do.

We bring the people from abroad. We pay them the same scale of wages usually as our people. However, on top of that the gratuity system increases their salaries; the housing allowance increases them and there is allowance after allowance with the result that some of these people will probably be earning 50 to 60 per cent more than our local graduate. That is why today so many of our youngsters are not inclined to become teachers.

I am hopeful, Mr. President, that regardless of how meaningless my speech today, tomorrow, Saturday and Sunday will be, you will pay attention this year to a re-vamping of the Civil Service system and the possible doing away with the Public Service Commission. I feel strongly that the Public Service Commission is a perpetuation of an anomaly which has existed through the colonial times and it is time that we look at it in a different light.

I will now touch on another portion of your speech which dealt with the police. I associated myself with the bringing into our country of additional trained police officers, but I will say now as I said before that I am hopeful that they will not become desk bound. I hope that their work with our people will be mainly in the field and that they will assist and train our young people, maybe on a one to one basis, so that they can fill meaningful posts in the future. I am pleased again to see that there has been the promotion of some local officers, but I hope that this was done on merit and not as a token gesture. I would like this House to be informed how many of these gentlemen we now have from abroad, and how many more we intend to bring in until we feel that the force is suitably trained.

I associate myself with saying that I am pleased to see that the Deputy Commissioner is a Caymanian. I hope that he will fill that post with honour. Over the past several years contrary to what some of our prophets of doom and our Isaiah have preached the police have attained a position of respect in the community. The force has been built up to a point of professionalism and I feel that with few exceptions we can be a bit proud of our police. However, I also feel that there is a lot more which should go into it and I hope that in the years to come much attention will be paid to it.

I associated myself some years ago with the belief that in order to get away from the old method of just filling positions in the police force it was necessary to attract our youngsters by a super scale. This was done and I believe that in the years since then the efficiency of the police force has greatly improved.

MR. JAMES M. BODDEN (CONTINUING): What I think is a disgrace, Mr. President, is the lack of respect engendered by a handful of people, I would say, against the past Commissioner of Police. I know that that motion is down for debate here and I will lend myself to that debate when the time comes. I believe that steps should have been taken by the Government to stop the abuse and the insults which were hurled at a professional man who conducted his office, in my opinion, in a very professional manner. It is true that the unity team supported the previous Commissioner and I will stand here today and support anything which I believe is right. I feel that the man was made a martyr because of the foolish actions of a few would be politicians. I am alarmed, as I have said before, Mr. President, not for the sake of the Commissioner of Police, but at the lack of respect for law and order, and the lack of respect for the man who filled the highest police position in the country to be railroaded out of the country in the manner which this present elected Government did.

I feel strongly, Mr. President, that it was another story of the tail wagging the dog. It cost the tax-payers of this country in excess of \$50,000 in order for a few politicians to have their way, something which I thought could not have been done under our form of Government. Unfortunately I was wrong in that one as I have been in so many things lately with regard to the present administration.

I will address my next portion of my speech to the growing prison population. We have heard much said in the past election about the social ills which were afflicting this country under the previous unity team administration and what the dignity team proposed to do. I have been searching and searching that Budget and I find unfulfilled promises. The unity team Government did all it possibly could to come to grips with this problem as well as many other problems.

The growing prison population imposes on the finances of this country a large monetary cost. Years ago when I first entered politics I made a promise to myself and that was that I would see that the Cayman Islands would eventually have its own prison system. I associated myself with every movement with regard to that and I am glad to know that our people today are not being sent abroad; not being marooned from the land of their birth just because they have committed a crime.

I am going to deal with this subject in two ways. I am going to deal with what I think is the large monetary drain on the country and I am going to try to deal with it in the rehabilitation area also. I have said for many years that the prisoners should be made to work. I think that to fulfil a day's work, even if it is in confinement would lend more to the mental health of the person concerned than to sit around in idleness. Unfortunately, every time I have ever raised this subject it has been rejected. I am in favour of a rehabilitation scheme to be put into effect to help these people. It is no use our banishing these people from the community for one, two, three, five years or whatever it may be if we do not try to rehabilitate them to come back into society decently. I will be the first one to agree that maybe it is difficult to rehabilitate a person who has served five to ten years in prison because everything with regard to their life must definitely have changed by that time, but I think we should make an attempt at it.

I am not one who believes in being over lenient, but I think that the time may have come for us to give attention to streamlining our laws in such a way that first offenders who would be given say thirty to sixty days could be

MR. JAMES M. BODDEN (CONTINUING): put into some kind of public service rather than being put in prison. Because the youngster at that point will carry a blemish on his life for as long as he lives once he has served that prison sentence.

I am not in favour of relaxing any of the sentences including the minimum sentences with regard to drug offenders unless it would be for the point of considering just the user. However, with regard to those who traffic in it, never will I be a part of easing any of the penalties attendant to that. It is really departing from what has been the Caymanian past when we think that today we probably have over 100 people in our jail and maybe a dozen or more waiting to go there. It appears to be that the prison is becoming nearly like death where everybody wants to be an angel, but nobody wants to die. So nobody wants to go to the prison. However, more and more the prison is being filled.

With regard to immigration, tighter controls must be exercised. We need a system where there will be more checks and balances in it. The identity cards which were spoken of in your speech will be a means of maybe easily identifying the people who are here under work permits, but I hate really to think about it, because if we start issuing cards to those people it will soon come about that the people of Bodden Town will have to be issued a different card to carry around when they come to George Town. I would never like to think that the identity cards would be used in a manner similar to what has been done with the apartheid system in South Africa.

In addressing the Narcotics Agreement which was entered into last year between this country, the United States of America and the United Kingdom much was again said about this particular subject during the last election. However, I am happy to see that those Members are now quietening down and beginning to realise that it was a step made in the right direction. It has put us in a much stronger bargaining position and it identifies the Cayman Islands as an area where we are not trying to build an economy based on drug money. I am sure that as we progress with this there will be some slips from time to time, but it is much better to have those slips, Mr. President, than to face the chaos which our economy could have faced if we had gone on much longer towards a head on collision. I would warn the Members of the present Government that it is not an easy task to deal with the negotiations which will be attendant to this particular agreement in the future. When any steps are taken by this Government with regard to this agreement in the future, I hope that the Members of Government will commit themselves to apprise all Members of the House as was done under the unity team administration when we negotiated it. I hope that they will not find themselves out in the dark dealing with this, trying to keep the rest of us from knowing what they are doing.

I would also warn them that this agreement, to be successful and not hurt the economy of this country, must be negotiated and carried out in many different stages over many years to come. Great pressure will be exerted by the United States authorities and also by the United Kingdom authorities to get us to accede to further requests. I would hope that any changes to this will be done by doing it on the basis that we follow eighteen months for the next slight agreement; eighteen months for the next slight agreement until eventually we may get to the stage that we will have a treaty. However, by that time our economy should have built up so that it would not be affected by the move that we will then make; but if we rush headlong and agree to all the requests which the United States Government will put before us, in the very near future we could bring ourselves into a very gloomy and depressing era in this country.

MR. JAMES M. BODDEN (CONTINUING): As I read your speech, Mr. President, I tried very hard to come to a conclusion as to whether or not you had an Elected Executive Council for ten and a half months last year because everything which I read into your speech seems to intimate to me that you were only dealing with the present Elected Executive Council and the one and a half months that they were in office last year. Regardless of whether you personally liked any of the members of the Unity Team or any of their policies, I would have thought that mention could have been made in a more direct manner than the manner in which you did it.

Someone has seen fit to re-shuffle the Portfolios of the Elected Members of Executive Council since the last election. I am glad to see that in some of the re-shuffling it took so many people to do what a few people have done before. It is evident to the Elected Members of this House and to the country as a whole that the re-shuffling was probably done around one person. I hope that all Members of the Elected Executive Council will find themselves with enough work to keep them busy.

MR. PRESIDENT:
for our adjournment.

I think that the time has now come

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow morning, Sir.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. tomorrow morning. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED.

AT 4.30 P.M. THE HOUSE ADJOURNED
UNTIL 10.00 A.M., FRIDAY, 8TH
MARCH, 1985.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
(FRIDAY, 8TH MARCH, 1985)

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON CAPT CHARLES L KIRKCONNELL	MEMBER FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

ELECTED MEMBERS

MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION

OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 8TH MARCH, 1985

1. QUESTIONS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 22: WOULD THE MEMBER STATE THE COST OF THE NEW SIGNS RECENTLY INSTALLED AT THE HOSPITAL, INCLUDING LABOUR?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 23: WOULD THE MEMBER STATE WHETHER ANY FUNDS WERE DISBURSED FROM THE CAYMAN ISLANDS TREASURY UNDER THE AUTHORITY OF PRIVATE MEMBER'S MOTION NO. 5 OF 1983 - COMMISSIONER OF POLICE - PASSED BY THE LEGISLATIVE ASSEMBLY ON 1ST DECEMBER, 1983?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 24: WOULD THE MEMBER STATE WHAT STEPS ARE BEING TAKEN BY GOVERNMENT TO ENFORCE COMPULSORY PILOTING OF VESSELS INTO THE HARBOURS OF THE CAYMAN ISLANDS?

NO. 25: WOULD THE MEMBER STATE WHAT THE ACTUAL COST WAS OF RIPPING UP AND REPLACING THE HOT MIX SURFACE AROUND THE NEW AIRPORT TERMINAL DURING ITS CONSTRUCTION?

NO. 26: WILL THE MEMBER STATE HOW MANY PERSONS HAVE BEEN LAID OFF BY THE PUBLIC WORKS DEPARTMENT SINCE 14TH NOVEMBER, 1984, GIVING A BREAK-DOWN OF CAYMANIANS AND NON-CAYMANIANS?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 27: WILL THE MEMBER STATE WHETHER THERE ARE PLANS TO CONTINUE ASPHALT HOT-MIX ON THE ROAD FROM FRANK SOUND TO EAST END AND ALSO WITHIN THE DISTRICT IN 1985?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 28: WOULD THE MEMBER STATE WHETHER COMMISSIONER STOWERS, ON HIS OWN FREE WILL AND ACCORD, TENDERED HIS RESIGNATION OR WAS HE ASSISTED BY SOMEONE IN GOVERNMENT INTO TAKING THIS ACTION?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 29: WOULD THE MEMBER STATE WHAT PREVIOUS CONVICTIONS HAD
THE PRISONER WHO HAD BEEN CONVICTED OF A DRUG OFFENCE
AND PART OF WHOSE SENTENCE WAS RECENTLY REMITTED SO
THAT HE WAS RELEASED EARLY?

NO. 30: WOULD THE MEMBER STATE WHETHER THE RELEASED PRISONER
WHOSE SENTENCE WAS RECENTLY REMITTED IS RELATED TO
ANY MEMBER OF THE LEGISLATIVE ASSEMBLY?

2. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH
AND SECOND READING OF THE APPROPRIATION (1985)
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FRIDAY

8TH MARCH, 1985

10:00 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. Questions.

The Elected Member for North Side.

QUESTIONS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 22: WOULD THE MEMBER STATE THE COST OF THE NEW SIGNS RECENTLY INSTALLED AT THE HOSPITAL, INCLUDING LABOUR?

ANSWER: NO SIGNS HAVE RECENTLY BEEN INSTALLED AT THE HOSPITAL AND THEREFORE THERE HAVE BEEN NO COSTS ASSOCIATED WITH THE PURCHASE OR INSTALLATION OF THE SAID SIGNS.

SUPPLEMENTARY:

MR. D. EZZARD MILLER: A supplementary, Mr. President. I wonder if the Member could state clearly that there has been no labour cost in relation to new signs at the hospital, whether they have been erected or not?

MR. PRESIDENT: I do not think, well, I will allow the Member to ask, but the question is the cost of signs recently installed.

HON. BENSON O. EBANKS: Mr. President, that is a fairly broad question, but maybe I could give the Member some information that would help. That is that although no signs have been installed, a signage plan for the hospital to be used in the future has been devised and the cost of that was \$1,000.

MR. PRESIDENT: If there is no further supplementary, I will invite the Elected Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 23: WOULD THE MEMBER STATE WHETHER ANY FUNDS WERE DISBURSED FROM THE CAYMAN ISLANDS TREASURY UNDER THE AUTHORITY OF PRIVATE MEMBER'S MOTION NO. 5 OF 1983 - COMMISSIONER OF POLICE - PASSED BY THE LEGISLATIVE ASSEMBLY ON 1ST DECEMBER, 1983?

ANSWER: THE MOTION, AS SUCH, DID NOT AUTHORISE ANY EXPENDITURE AND NO FUNDS WERE DISBURSED FROM THE CAYMAN ISLANDS TREASURY UNDER THE AUTHORITY OF PRIVATE MEMBER'S MOTION NO. 5 OF 1983.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if he can tell us how this act of no spending of funds compared with the spending of funds on the investigations which were linked to this matter?

MR. PRESIDENT: I do not really think that is a supplementary that arises out of the answer to the question. If the Member wishes to find out the cost of certain investigations then he can put down a substantive question about it.

MR. G. HAIG BODDEN: That is fair enough, Mr. President. May I also ask if the Member can state how this act of no spending of funds compared with the \$50,000 given to the Commissioner whose premature leaving of the Force was in some indirect way connected to this?

MR. PRESIDENT: I do not really think that is a supplementary either, but I expect you think you have made your point.

MR. D. EZZARD MILLER: Mr. President, a supplementary, Sir. The Member in his answer stated that the motion did not authorise the disbursement of any funds. Could the Member explain how the person was going to be indemnified fully for expenses without spending any funds had they been incurred?

HON. THOMAS C. JEFFERSON: Mr. President, my understanding is that the motion was recommending strongly that the Commissioner should be indemnified if he wished to proceed with legal action. However, the authority for indemnifying the Commissioner would have to be brought back to the House.

MR. PRESIDENT: Perhaps it will be of assistance to the House if I explained that the motion would have been, in my view, in contravention of Standing Orders had it sought to authorise expenditure. I allowed the motion because it contained a recommendation, not an authority, and as the Honourable Third Official Member said, it would have been necessary to return to the House for the authorisation of expenditure.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if it is correct that the only body which can authorise expenditure is the Finance Committee?

HON. THOMAS C. JEFFERSON: Mr. President, that is correct. The only authority in the land which can authorise expenditure is Finance Committee.

MR. PRESIDENT: I wonder if the Honourable Member, so as to make it quite clear to the House, would like to mention also the constitutional provisions..... which I am trying to find?

HON. MICHAEL J. BRADLEY: Section 37(2) may be relevant.

MR. PRESIDENT: I do not think it is 37(2).
I am looking for the provision in the Constitution which authorises the Governor to certify expenditure under certain circumstances. I am sure there is such a provision.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, would it not be 'Governor's reserved power - 38(1)(b)'?

MR. PRESIDENT: That is limited to a period when the territory is in receipt of financial assistance. Perhaps that is what I was thinking of. It does not apply at present, but there are circumstances under which it could theoretically apply.

I am sorry to have interrupted the business of the House, but I think the substantial answer is as the Honourable Third Official Member has given.

If there is no further supplementary, I will invite the Second Elected Member for West Bay to ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATION WORKS AND DISTRICT ADMINISTRATION

NO. 24: WOULD THE MEMBER STATE WHAT STEPS ARE BEING TAKEN BY GOVERNMENT TO ENFORCE COMPULSORY PILOTING OF VESSELS INTO THE HARBOURS OF THE CAYMAN ISLANDS?

ANSWER: GOVERNMENT HAS TAKEN A DECISION TO INTRODUCE A BILL TO ESTABLISH A MARINE BOARD FOR THE LICENSING OF PILOTS AND A PILOTAGE AUTHORITY.

MR. PRESIDENT: Unless there is any supplementary, I will invite the Second Elected Member for West Bay to ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATION WORKS AND DISTRICT ADMINISTRATION

NO. 25: WOULD THE MEMBER STATE WHAT THE ACTUAL COST WAS OF RIPPING UP AND REPLACING THE HOT-MIX SURFACE AROUND THE NEW AIRPORT TERMINAL DURING ITS CONSTRUCTION?

ANSWER: TWO SMALL AREAS OF HOT-MIX WERE REMOVED AND REPLACED DURING THE HOT-MIXING OF CAR PARKS AND ASSOCIATED AREAS AROUND THE NEW TERMINAL BUILDING. THESE WERE IN THE WESTERLY BAGGAGE HANDLING AREA AND THE EASTERLY SHORT-STAY CAR PARK. IN TOTAL THEY REPRESENTED APPROXIMATELY 25 TONS OF HOT-MIX. UPON INSPECTION BY PUBLIC WORKS DEPARTMENT ENGINEERS, THESE AREAS PROVED TO BE BELOW THE REQUIRED QUALITY AND WERE CONSEQUENTLY REMOVED AND REPLACED BY THE PAVING CONTRACTOR RESPONSIBLE FOR SUPPLY AND PLACING THIS ELEMENT OF HOT-MIX. THIS WORK WAS CARRIED OUT AT NO ADDITIONAL COST TO GOVERNMENT.

SUPPLEMENTARY:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if it is correct that the reason for appointing Public Works Department to monitor these jobs was that there could be supervision of the works to ensure quality and to ensure that the price gave us value for the money which was spent by Government?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the answer is yes.

MR. PRESIDENT: If there is no further supplementary, I will invite the Second Elected Member for West Bay to ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATION WORKS AND DISTRICT ADMINISTRATION

NO. 26: WILL THE MEMBER STATE HOW MANY PERSONS HAVE BEEN LAID OFF BY THE PUBLIC WORKS DEPARTMENT SINCE 14TH NOVEMBER, 1984, GIVING A BREAKDOWN OF CAYMANIANS AND NON-CAYMANIANS?

ANSWER: THE NUMBER OF PERSONS LAID OFF BY THE PUBLIC WORKS DEPARTMENT SINCE 14TH NOVEMBER, 1984, IS TWENTY-FOUR. OF THESE, TWO WERE CAYMANIAN AND TWENTY-TWO WERE NON-CAYMANIAN. ALL WERE WEEKLY PAID EMPLOYEES.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, a supplementary. Will the Honourable Member say whether any of these persons, who were laid off, have been reinstated?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I understand that some of them have been reinstated.

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Would the Member state whether the two Caymanians laid off were reinstated?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am not sure on that, Sir.

MR. JOHN B. McLEAN: Mr. President, another supplementary. Is the Honourable Member able to tell this Honourable House the reasons for having to lay off twenty-four persons from the Public Works Department?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the workload in Public Works Department was reduced; the money for capital projects has not been approved and no capital projects can be started until approved by Finance Committee. This was the reason of the reduced workload. Secondly, the laying off of labour was to make more jobs available for Caymanians.

MR. LINFORD A. PIERSON: Mr. President, I just comment, Sir. I am confused by that answer because my supplementary was

MR. PRESIDENT: You must ask another question.

MR. LINFORD A. PIERSON: My supplementary, Mr. President, was would the Member state whether the two Caymanians were re-employed. The Honourable Member's answer was that the laying off of persons was to provide employment for Caymanians. So I am confused by that answer, Sir.

MR. PRESIDENT: But you must turn your confusion into a question and then if it is order ...

MR. LINFORD A. PIERSON: Would the Honourable Member, Mr. President, say if in his opinion laying off two Caymanians will provide labour for additional Caymanians?

MR. PRESIDENT: No, I am afraid the Honourable Member cannot be asked for opinions. There is a Standing Order that precludes that, but you could, for instance, ask the Honourable Member how many additional Caymanians have been taken on because part of his supplementary was to the effect that some had, and that might have confused you.

MR. LINFORD A. PIERSON: Mr. President, would the Honourable Member state the number of Caymanians who have been taken on?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am afraid I do not have the answer on that, but I would be happy to supply this information to the Member.

MR. PRESIDENT: I think it might help Members if you were able to let them know whether the two Caymanians who were laid off have been re-employed and how many Caymanians have been taken on during this period, because you did tell the House that was one of the reasons for laying off non-Caymanians. So I think that perhaps might be helpful to Members and I am grateful to you for undertaking to provide the information.

The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, the Honourable Member has stated that twenty-two non-Caymanians have been laid off in order to create jobs for Caymanians. Can the Member say what will happen to the non-Caymanians once Caymanians are found for these posts?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think that is something I am unable to answer, Sir.

MR. JOHN B. McLEAN: Mr. President, what ...

MR. PRESIDENT: I think it would be for another Member to sorry answer that question because the implication is, would they have to leave the country?, then it is an immigration matter which should be addressed to the Honourable First Official Member probably.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the immigration authorities were advised of the lay off of these foreign labourers.

MR. JOHN B. McLEAN: Mr. President, that is the answer I wanted, Sir.

MR. PRESIDENT: If there is no further supplementary, I will invite the Elected Member for East End to ask the next question.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATION WORKS AND DISTRICT ADMINISTRATION

NO. 27: WILL THE MEMBER STATE WHETHER THERE ARE PLANS TO CONTINUE ASPHALT HOT-MIX ON THE ROAD FROM FRANK SOUND TO EAST END AND ALSO WITHIN THE DISTRICT IN 1985?

ANSWER: THERE ARE NO PLANS TO CARRY OUT SUCH WORK IN EITHER OF THE TWO AREAS IN 1985.

THE CAPITAL BUDGET PROPOSALS DID INCLUDE FUNDING OF HOT-MIX PAVING TO 1½ MILES OF ROAD FROM BREAKERS (WHERE SUCH A SURFACE NOW ENDS) TO FRANK SOUND. UNFORTUNATELY, THIS PROJECT COULD NOT BE INCLUDED IN THE 1985 CAPITAL BUDGET.

IT IS, HOWEVER, GOVERNMENT'S INTENTION TO CONTINUE TO APPLY THIS SURFACE TO THE ROADS IN THE EASTERN DISTRICTS IN INCREMENTS OF 1 TO 2 MILES PER YEAR SUBJECT TO AVAILABILITY OF FUNDS.

SUPPLEMENTARY:

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if he is aware that during the last four years, every year, hot-mix has been put on the roads starting from the graveyard at Bodden Town going east.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, yes.

MR. PRESIDENT: If there is no further supplementary, I will invite the First Elected Member for Bodden Town to ask the next question.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 28: WOULD THE MEMBER STATE WHETHER COMMISSIONER STOWERS, ON HIS OWN FREE WILL AND ACCORD, TENDERED HIS RESIGNATION OR WAS HE ASSISTED BY SOMEONE IN GOVERNMENT INTO TAKING THIS ACTION?

ANSWER: MR STOWERS HIMSELF ANNOUNCED LAST NOVEMBER THE REASONS WHY HE HAD DECIDED TO RETIRE EARLY. HIS OWN WORDS WERE QUOTED IN A PRESS RELEASE ISSUED AT THAT TIME. I AM TABLING A COPY OF IT IN CASE ANY MEMBER DID NOT SEE IT THEN, BUT I HAVE NOTHING TO ADD TO IT.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Was he not approached by someone in high authority on recommendation from the Elected Executive Council that it would be best if he tendered his resignation and make an offer to settle his contract?

HON. DENNIS H. FOSTER: I have no knowledge of that at all.

MR. JAMES M. BODDEN: We were told in Finance Committee to a question put there that the Elected Members of Executive Council had been the ones to prod his removal. Can you substantiate that?

HON. DENNIS H. FOSTER: No, Sir, I am really not in a position to do so because I was not a party of any meetings or anything where this was discussed at all.

MR. JAMES M. BODDEN: But, being the Honourable Member responsible, should you not have been privy to what went on and have been privy enough to know how to answer this question when it came to the floor of the House?

HON. DENNIS H. FOSTER: Although I am responsible for that, when it comes to the hiring of certain very senior officials that the Foreign Office have to approve, those appointments, Sir, are made by the Governor and the Foreign Office. I honestly was not a part of any of these discussions. I do not know what really took place.

MR. JAMES M. BODDEN: Well, if you are acquainted with the hiring policies, why are you not acquainted with the firing policies? In this case you fielded the question by saying that the Foreign Office would have to be apprised or more or less agree. Did the Foreign Office then agree at that time for the dismissal of Commissioner Stowers? Two questions.

HON. DENNIS H. FOSTER: I do not think, as far as I understand, it was a case of dismissal at all, Sir. It was a case of early retirement and I will presume that the Foreign Office had been notified about his decision to retire early.

MR. JAMES M. BODDEN: Do you know that fire anywhere you put it is like a rose. It is still the same thing. I cannot bother with anymore question here, Mr. President. I will deal with it in the debate.

MR. PRESIDENT: If there is no further supplementary, I will invite the Second Elected Member for Bodden Town to ask the next question.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO. 29: WOULD THE MEMBER STATE WHAT PREVIOUS CONVICTIONS HAD THE PRISONER WHO HAD BEEN CONVICTED OF A DRUG OFFENCE AND PART OF WHOSE SENTENCE WAS RECENTLY REMITTED SO THAT HE WAS RELEASED EARLY?

ANSWER: THE PREVIOUS CONVICTIONS ARE:

- (i) INDECENT LANGUAGE ON 12TH MAY, 1967;
- (ii) MANSLAUGHTER ON 3RD NOVEMBER, 1967;
- (iii) INDECENT LANGUAGE ON 28TH AUGUST, 1970;
- (iv) ASSAULTING POLICE ON 28TH AUGUST, 1970;
- (v) POSSESSION OF GANJA IN 1972; AND
- (vi) POSSESSION OF GANJA ON 14TH FEBRUARY, 1984.

ALL OF THE ABOVE CONVICTIONS APART FROM THE MOST RECENT ONE IN 1984 ARE OVER 10 YEARS AGO.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: What do the convictions being ten years ago have to really do with regard to the question that was asked?

HON. DENNIS H. FOSTER: Mr. President, I just thought I would make it clear that prior to the last conviction the rest were quite old convictions.

MR. JAMES M. BODDEN: Would it not be considered that a charge of manslaughter is a fairly serious offence?

HON. DENNIS H. FOSTER: Yes, I think manslaughter anywhere is a serious offence, Sir.

MR. JOHN B. McLEAN: Mr. President, with a record this long it would take a good Sony player to play it. Can the Honourable Member say why a person with such a long record has been pardoned and is now in a free society again?

HON. DENNIS H. FOSTER: Mr. President, the Member knows the circumstances, Sir, but I will remind him of them. I think if I gather the facts correctly it was a case where the fellow was convicted for a very small amount of ganja found in a cigarette and the Law gives a minimum sentence of which it is a minimum prescribed by law for a second offence. He was sentenced for two years with a fine of \$5,000. By this being prescribed in the Law the Magistrate or officer in charge of the court had no choice but to hand down that sentence, but he then in turn recommended to the Governor that he should exercise his prerogative powers to mitigate the sentence so that natural justice may also be done in the case.

MR. JAMES M. BODDEN: Can you advise the House whether this plea for mitigation had been previously turned down?

HON. DENNIS H. FOSTER: Mr. President, is it the intention of the Member that I should air things that were discussed in past Executive Council? I do not really think it is advisable or necessary.

MR. JAMES M. BODDEN: I think, Mr. President, my answer required only a yes or a no reply. That is a very evasive answer. I have gotten and I will deal with it later then in the Budget debate since he feels he cannot answer it.

I will ask a further supplementary. Has mercy been shown to anyone else even with a less record, than this one, in the past?

HON. DENNIS H. FOSTER: Mr. President, I do not think that any such circumstances as this have arisen before, at least not to my knowledge, Sir.

MR. JAMES M. BODDEN: Well in other words, the Executive Council and the Governor had seen fit in other cases with the possession of less amounts of ganja, let us say, to not show mercy. I do not think I am out of order, and in this case with a man having this type of criminal record, they have seen fit to give mercy. Why?

HON. DENNIS H. FOSTER: Mr. President, I think, Sir, if there was a similar case to this, past or in the future, with the recommendation coming from the Magistrate it would be dealt with in the same way.

MR. JAMES M. BODDEN: With this present Elected Government, yes, I agree it would.

MR. PRESIDENT: Order! Order! The Member must not make comments, he may only ask supplementaries.
If there is no further supplementary, I will ask the Second Elected Member for Bodden Town to ask the next question.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 30: WOULD THE MEMBER STATE WHETHER THE RELEASED PRISONER WHOSE SENTENCE WAS RECENTLY REMITTED IS RELATED TO ANY MEMBER OF THE LEGISLATIVE ASSEMBLY?

ANSWER: YES.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Would the Honourable Member state whom?

HON. DENNIS H. FOSTER: The Second Elected Member for West Bay.

MR. JAMES M. BODDEN: How close a relationship is it?

HON. DENNIS H. FOSTER: A cousin.

MR. JAMES M. BODDEN: First, second or third?

HON. DENNIS H. FOSTER: I could not say, Sir.

MR. JAMES M. BODDEN: Is it the policy of the present Executive Council to show mercy to families of the present elected House?

MR. PRESIDENT: That is not a proper question. It is really out of order in terms under

HON. MICHAEL J. BRADLEY: Mr. President, Sir, may I say on a point of order that it is my understanding that the exercise of the prerogative of mercy is your constitutional function under the Constitution in which you act in your discretion having taken such advice as you or may not be given. It is your discretion. The inference by any Member that you acted other than properly in accordance with your direction is contrary to Standing Orders.

MR. JAMES M. BODDEN: Well, is it not a fact that the President of the House consults with Executive Council on such matters before a decision is usually made? Would you (the Honourable Second Official Member) advise the House whether or not I am correct?

HON. MICHAEL J. BRADLEY: You are correct, Sir, and he may disregard such advise if he so wishes.

MR. JAMES M. BODDEN: And you may then appeal to the Foreign and Commonwealth Office right?

MR. PRESIDENT: Could I make the position clear because there could be confusion in Members' minds. There is a distinction between what happened in capital cases and in other cases.

In accordance with the provisions of the Royal Instructions (and it is Royal Instructions 13(1) and (2)), I am obliged to consult Executive Council about capital cases, but I am then to decide those cases in my own deliberate judgment as Governor. I am not bound by the advise of Executive Council nor subject to the normal constitutional provisions about what I should do if I disregard such advise.

In non-capital cases when the prerogative of mercy may be exercised, I am also obliged to consult Executive Council and in those cases if I do not follow Executive Council's advise I am subject to the normal constitutional provisions which say that I must report to the Secretary of State. I can read the constitutional provisions in full if Members wish to be apprised of them, but essentially that I must report to the Secretary of State if I do not accept Executive Council's advise. So there is a distinction between capital and non-capital cases.

We are talking here about a non-capital case and in a non-capital case I could act contrary to advise, but in that case I should be obliged to report to the Secretary of State.

MR. JAMES M. BODDEN: I would like to thank you, Sir. I am familiar with the policy. I just wanted the public to have the answer and I will deal with it in the debate on the Budget Address and Throne Speech when I will have latitude.

MR. PRESIDENT: Perhaps I should just advise the Member that although of course he will have certain latitude, the latitude will not extend to statements which are out of order, and it is out of order to impute improper motives to another Member.

MR. JAMES M. BODDEN: I just hope that other Members do not have any more latitude than the Members sitting here will have, Sir. I would like to ask another supplementary. Why did you not agree previously to allow pardon in this particular case and later on changed your mind evidently?

MR. PRESIDENT: Could I make one more point clear for Members of the House and members of the public? There is a legal distinction between pardon and other things. Pardon, if the word is used properly, means that the person concerned has his conviction expunged totally, because it is considered that the conviction was wrong and usually this is done in very exceptional circumstances where fresh evidence has come to light after a court convicted a prisoner, and it is the view after careful enquiry (usually judicial enquiry) that the conviction was pardoned.

Remission of sentence is a separate matter which can also be granted by the exercise of the prerogative. It does mean that the person was wrongly convicted and that the conviction is expunged. It simply means that part of his sentence

MR. PRESIDENT (CONTINUING): is remitted for one reason or another. It may happen as an example in the case of a prisoner who is terminally ill and it is decided to release him early. It may happen in certain other cases. It did happen in the case which is now in question.

I will allow your supplementary, but I did want to make it clear that it was not a pardon; it was a remission of a part of a sentence.

MR. JAMES M. BODDEN: I will take back the word pardon, Sir, and I will use mercy. Did any other evidence come to light after 14th November, 1984, that would give reason to show additional mercy in this particular case?

HON. DENNIS H. FOSTER: Not to my knowledge, Sir.

MR. JAMES M. BODDEN: Is this just a fulfilment of campaign promises?

MR. PRESIDENT: I do not think that is a proper question either.
Is there any further supplementary?

MR. W. McKEEVA BUSH: Mr. President, not a supplementary, Sir, but under Standing Order 31, I believe, Sir, that I can make a personal explanation since serious aspersions or allegations have been cast on my honesty.

MR. PRESIDENT: I have not heard anybody

MR. JAMES M. BODDEN: Mr. President, I did not cast any aspersions. I just asked the particulars surrounding this case, Sir.

MR. PRESIDENT: I have not heard anybody cast aspersions on your honesty....

MR. W. McKEEVA BUSH: Mr. President, I just

MR. PRESIDENT: I can understand that since it was said that you were related to the prisoner, you may wish to make a personal explanation.

MR. W. McKEEVA BUSH: Certainly, Sir.

MR. PRESIDENT: However, in the course of an explanation you must not say things which were not so, and I did not hear anybody cast aspersions on your honesty.

MR. W. McKEEVA BUSH: Thank you very much, Sir, but just as was said before, a rose by another name is just as sweet.

MR. JAMES M. BODDEN: Should not the Member stand when he is addressing the chair, Sir?

MR. PRESIDENT: The Member should stand, yes.

PERSONAL EXPLANATION

MR. W. McKEEVA BUSH: Yes, Sir, I am standing now. Thank you very much.

Mr. President, the match for any amount of propaganda is the facts. I beg your permission, Sir, to tell this Honourable House that the man referred to in the question just asked is related to me. Yes, he is a cousin. Yes, he is a first cousin.

Mr. President, I am not embarrassed by the question, although I am sure the questioner expected me to be. I can only say, Sir, thank God, but for His mercy, there goes either one of us in this Honourable House.

I also want to inform this Honourable House and the people of this country, Sir, that I in no way influenced or even attempted to influence his release. Personally, Sir, I think the case was put forward by the Honourable Chief Secretary, the First Official Member.

I would just close by saying, Sir, that if other persons related more closely to Members of this Honourable House who are as honest as this poor man, and had the evidence in a rape case not disappear

MR. JAMES M. BODDEN: Mr. President, that is a matter of opinion.....

MR. W. McKEEVA BUSH: from the court house, this question would not have been asked in this Honourable House today

MR. JAMES M. BODDEN: the Member is completely out of order

MR. PRESIDENT: Would Members please sit. Thank you. I think the Second Elected Member for West Bay has strayed beyond what is permissible by way of personal explanation, so he must discontinue his statement.

MR. W. McKEEVA BUSH: Thank you very much, Sir. I abide by your ruling, Sir.

MR. PRESIDENT: Thank you. That, I think, has concluded questions. The next item on the Order Paper is the continuation of the debate on the Throne Speech, and the First Elected Member for Bodden Town was speaking.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH
AND SECOND READING OF THE APPROPRIATION (1985)
BILL, 1985

MR. JAMES M. BODDEN: Mr. President, this is probably a good time for me to deal with the question that has just been asked.

Mr. President, some of the Members of this House, some of the Members of the past Government and the populace as a whole I think were concerned about this action. I had many people who asked me about it. I also had people to lobby me for support before the General Elections on this issue, and I am sure my fellow colleagues also experienced the same thing.

MR. JAMES M. BODDEN (CONTINUING): I do not think I am telling any tales out of school at this point, but there have been approaches made to show mercy in the past and mercy at that time was not given in view of the man's previous record.

We have had had many cases and I would like to make it very, very plain that I have fought for many years in this House to see that we had an adequate drug law. There have been many cases, many of them I am sure that necessitated mercy in the past, and I am sure that even at the present time the prison at Northward is filled with many similar cases; in many cases probably youngsters for the first offence and yet mercy has not been shown to them.

This was a point in the campaign in West Bay. I feel about this, Mr. President, as I feel about the dismissal of the previous Commissioner. When the tail can wag the dog to the extent which has apparently been done in order to fulfil campaign promises, then I will say that we are fast approaching the stage when any man is going to have respect for the Government of this country.

We have to be very careful in the image that we portray. In speaking this way I do not want to give the impression that my heart is made of stone, because as most people know it is not. But, Mr. President, I abhor a decision such as this to have been taken by our Government and so shortly after the elections.

I am used to, in this House, getting replies to questions that stray from the point. I am used to being told that I am out of order because I have asked such and such a thing or said such and such a thing, when the same latitude is being given to other Members to do the same thing without it being brought to their attention; so this is nothing new to me.

I was a friend of Commissioner Stowers and I did not keep it a secret from anyone. If I cannot show my friendship to a person, why should I consider that person a friend? In my opinion Commissioner Stowers was dealt with in this country in an ungentlemanly fashion and his reputation was allowed to be torn apart on the streets without any action ever being taken by the Government to assist him. If the man had been guilty then he should have suffered.

Some Isaiah from the western district made himself very noticeable in many areas of the country continually downgrading this gentleman. That is one of the reasons that the Private Member's Motion, which will be debated in this House, was made, because although Commissioner Stowers, like any other Civil Servant, is taken care of under the Government Regulations, government saw fit to make no move; and it was about time for somebody to make a move to keep law and order in this country and to keep the number of lies which were being told to be perpetuated much further.

Government may hide the real issue as best they can, but I have been told reliably that Commissioner Stowers was asked to resign. I would not like to go any further in my debate and really disclose whom I heard requested this of Commissioner Stowers.

To a question that I personally made to the present Elected Executive Council they agreed and answered in the affirmative that they had assisted in that move being made. In discussion with Commissioner Stowers I gathered from what I was told that that is actually what took place.

MR. JAMES M. BODDEN (CONTINUING): My point, Mr. President, is as I have said before that we are in a very poor condition in this country when a person is able to castigate a public official, one of the highest in the land, and ridicule and do everything to scandalize that person, eventually get into politics and through the political pressure applied was able to terminate a man's contract.

This is a serious thing. It is as serious as what I think has been done with regards to showing mercy when I am sure 99 per cent of the people would have said mercy should not have been shown. That, Mr. President, is what I am against and it is what I will speak out against.

Much has been said in the past by a certain politician about the inadequacy in the Police Department, but it seems as though the Police Department has been doing their job. It was other areas that fell down. I was very pleased to hear in one of the speeches that was delivered here that there has been a decline in the number of drug cases in 1984. I hope that that will continue. But, I will state categorically from this House and from any other place in the land, Mr. President, that I feel why Commissioner Stowers was castigated in the way he was is because the man had found a way of coping with the drug trade. He was one of the few who ever held that position who came to grips with it, and it is because he was able to bring some cases to successful conclusions. He stepped on the toes of some people and that is why the campaign was built up against him, and that is why he was summarily dismissed in the manner in which he was. I hope the present Chief of Police and the Chiefs of Police to come will be dealt with in a more fair manner.

I hope that this system will be washed away from our society and that we will see no more of favouritism in any respect.

I was very pleased that the Honourable Third Official Member was able to advise this House this morning that no money had been spent under the motion that had been kicked around this Island by some simple minded people with regards to the Stowers motion.

Mr. President, I will go on in my deliberation with something which you dealt with in your Throne Speech. I apologise to the House if should sometimes, in my deliberation, mix up some of the things which you have dealt with and some of the things dealt with by the Honourable Third Official Member. I have tried to put them in order and to follow the manner in which the speech was given.

Reference was made to the Community College. The Community College has served this country well. It has done a good job, it has helped a lot of people and the enrolment has increased dramatically. However, in my opinion, it is time for us to take a further step and I think it is time that the Cayman Islands worked towards achieving a graduate college here in the Island.

This could be done in affiliation with the International College of the Cayman Islands. I know the first thing we will hear is that I have personal interest. Mr. President, I have no personal interest in it. I bought bonds to help support it and later gave them those bonds. I gave them the land on which the College is built. I am a life-time trustee. I have not attended meetings in several years. My only wish is to see that College grow and grow for the benefit of Caymanians. It has been recognised. Many students have gone on from it and gotten masters degrees in the United States of America and in the United

MR. JAMES M. BODDEN (CONTINUING): Kingdom. So I fail to see why we cannot work hand-in-hand with that institution and have our own local College. It will save Government a lot of money because we could educate three people there for what it costs us - that is in some fields - the College cannot teach everything, but in some fields three people could be trained for what we would pay for the training of one person abroad now.

I know that in some cases Government has sent students abroad on scholarships to colleges that are not accredited as well as the International College of the Cayman Islands is. I am hopeful that those who are responsible for the education of our youngsters will bear in mind what I have said today on this subject and not just look at it as idle words coming from the opposition. The education of the youngsters of this community or this country is of priority.

If we look back over the colonial past of the Caribbean we can understand readily why those countries have been faced with the many problems that they have faced. We are no different; we have faced the same thing. Education was never looked upon in the colonies as a priority. It was only made available to those who could afford to send their children abroad. That system continued in this country until probably twenty or so years ago.

You can count on the fingers of one hand the number of people in my age group in this country who were lucky enough to have a college education. The rest of us had to get ours through the college of hard knocks.

We have reached the stage and for the past eight years the Unity Team Government did put a lot of emphasis on education. We approached it in every area that finances would permit. We arranged for student loans. We enlarged the educational system. We gave a lot of scholarships and we paid attention to the vocational training institute. We set up the Hotel Training School, the Maritime Academy and the Trade and Building School. I am certain that in the very near future neither one of these establishments will still be handled by Government.

I hope that the present Government is not taking a backward step with regards to scholarships. I have looked through the Estimates very closely and if I read them correctly it is my opinion that it is intended this year to spend probably half of what was spent last year to send students abroad on scholarships.

I hope that this is not the intention of this Government in an attempt to balance their ridiculous budget which I will deal with as time goes on. If it is, we will warn them now that the youngsters of this country will not suffer in their hands at such a feeble attempt being made to balance a budget. The youngsters of this country expect it and in view of the financial position of this country, I would say it is their birthright if they are qualified enough to go abroad.

Steps were taken under the Unity Team administration to make great strides in mental health and drug and alcohol abuse and I hope that this Government will see fit to continue along these lines.

Drug and alcohol abuse is a serious thing in any society. It exists in ours as it does in every society today. There are few families in the whole world who are not affected by it one way or another. So it is not something, Mr. President, that we can brush under the carpet and forget about. It is an ongoing problem. It is a terrible social disease and it is incumbent upon the Legislative Assembly of this country to do something about it.

MR. JAMES M. BODDEN (CONTINUING): I hope that a programme will be forthcoming when we get into the Committee Stages in Finance Committee where we will decide that more attention has to be paid to this subject and that more money has to be allocated for it. It is a surprise to me that the amount allocated is so little in view of the many areas of criticism that the Unity Team got from the present Members who are of the Dignity Team in this House. We were continually told on every street corner that we were missing the boat with regards to the social problems of this country.

I am putting it to the House today that we saw them, we tried to deal with them, the other group made political hay out of them and is doing nothing, or proposing to do nothing in the years to come.

Our administration put into movement the completion of the wing at the Pines Retirement Home in order to further assist the poor indigent people of this country.

MR. PRESIDENT: Would it be a convenient moment for us to take the usual morning break now?

MR. JAMES M. BODDEN: I am in your hands, Sir.

MR. PRESIDENT: Well I imagine you are probably continuing for quite some time and therefore

MR. JAMES M. BODDEN: I promised that I would and I will open it again on Monday, Sir.

MR. PRESIDENT: Let us then suspend proceedings for approximately fifteen minutes until 11:30 a.m.

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, the Unity Team in the past few years made quite a stride in trying to assist Caymanians in a low-cost housing programme. For the low-income housing that was started on Government land in the Eastern Avenue area of George Town, congratulations for that scheme must go to the previous Member who had the Portfolio of Health, Education and Social Services. The man who has been, in the usual manner of a certain Member of this House, castigated on the floor of this House as well as on the outside.

Yesterday reference was made to him as the little man with big brains. Thank God he does have big brains because there is more in his back pocket than there is in the heads of the majority of Members.

I give notice to the present elected Government that the people of this country are expecting that programme to continue and to continue with Government's help and not only in the district of George Town, but to be expanded to the other districts of this Island.

MR. JAMES M. BODDEN (CONTINUING): The Members of the Unity Team who are still in this House will definitely be acting the part as watch dog to see that this is done.

The other big straw item that was made by the Unity Team Government was the Housing Development Corporation. We could easily see the problems that the man in the middle income bracket would have and the difficulties to be encountered in obtaining mortgage financing for a home. A man's home is his castle and it is incumbent upon this Government as it is upon governments in many countries of the world to see that action is taken to help those people.

I well remembered the reception which was accorded to myself and the other Members of the Unity Team when the Legislative Assembly was held in Cayman Brac. Enough lies had been told before we got there. The way in which the people were to the point they would have tarred and feathered us if they were able to do so. I well remember the fight that myself and my colleagues had on the floor of the House in attempting to get that Bill passed. The same Members who are controlling Government at the present time, with a few extensions, were the same Members who bitterly opposed us in the passage of that Bill in Cayman Brac. Thank God the Bill was passed into Law. It took sometime to bring it into action because of various moves that were made over which we had no control, and of the inactivity experienced in a certain section. Finally, we were able to put the Housing Development Corporation into operation. At that point Government assisted the Housing Development Corporation by loaning the Corporation \$137,000 to enable it to get started. The Housing Development Corporation hired two employees after a long search. The Housing Development Corporation rented space from the Cayman Islands Corporation at Owen Roberts International Airport, and to my knowledge it is still located there.

I have asked some questions in this House with regards to the Housing Development Corporation and I have not received the replies that I think should have been forthcoming. During the time that I was the Member responsible for this, we handled 25 mortgages at a value of \$762,300. Mr. President, there were many more applications, but we could not deal with them as the money was not available, and I will deal with the difficulty in obtaining the money as I go on in my speech. But we can readily see that Government itself has put but very little money into the Housing Development Corporation. It is true that the rest of it has been secured in the faith that people have in the country, but Government's only direct advance was \$137,000.

Mr. President, we provided a Board which was made up of very substantial persons in the community. The policies which were formulated were done by that Board over a period of many, many months, and it is on those policies which I, as the Member responsible for the Board, acted upon. I was shocked to hear the Honourable Member who is now responsible for it, after he had been in office for over one month, state to this House that he had not found time to look at the records or to have any information on the Housing Development Corporation.

In the speech which was made to this House it is stated that the Housing Development Corporation is actively pursuing a search for funds to meet demand. Mr. President, the vehicle which would have furnished the funds for the Housing Development Corporation have been put in place for a long time. That is the vehicle we used to get roughly \$750,000 subscribed to it that has been used. However, it is not to the point that they have actively pursue the search. The point, Mr. President, is that there is no hunter. The search is on, but we do not have a hunter.

MR. JAMES M. BODDEN (CONTINUING): The Honourable Member who is directly responsible for that in the Portfolio now, in my opinion, will never be able to cope with the problems attendant to the Housing Development Corporation, and if we stand here for ten years from now there will be but very little money ever subscribed on the bond issue through his efforts. He is incapable of dealing with it. Besides that, it is not an issue which will touch the generosity of his heart.

A further statement was made in the speech that future transactions must relate to the true purpose of the scheme. I really question that and have read it over several times. What is meant by the true purpose of the scheme?

Mr. President, it is evident to everybody that the true purpose of the scheme was to enable persons in the middle income bracket to eventually own their homes. Very few people who are earning \$25,000 or less in this country can afford to own a home. Many of them will never own a home because as the family burden increases, in order to meet the financing cost at 14 to 15 per cent, most of the people, if they pay that financing cost, would not be able to eat. Therefore, what will eventually happen in this country is that we will have a society which will become a homeless society. A society with no roots. A society where the young will question the merits and values of keepers' stability in the country because they will look at their mothers and fathers and see that if they are living in such sub-standard homes after so many years of the great affluence of this country, they will say to themselves and they will say to the public that there is no room in such a society for me.

If we want to come to grips with the social problems, that is the area we must come to grips with. But, Mr. President, it is unfortunate that the people in the middle income class in the Cayman Islands had a brief glimpse of the type of future they would like to enjoy, but the clouds of darkness have come over their eyes and they can easily see the demise of the Housing Development Corporation.

In my opinion, Government will take no steps to try to continue this into operation. Three years from now we will still have the same 25 loans on the books and we will have no further sale of debentures because if the Honourable Member in charge could sit in this House and tell my colleague here in reply to a question that if additional debentures were sold it would not give added revenue to the Corporation, then I really have to wonder what we are dealing with.

The next item I will deal with is tourism. I will deal with it as one subject rather than dealing with what you, Mr. President, said in your speech and what the Honourable Third Official Member has said in his.

Tourism is the mainstay of the economy of the Cayman Islands. It is a very fickle and a very fragile commodity. When you have great tourism increases it does not happen by accident. It does not happen by people sitting on their haunches wishing that tourists will come to the Islands. It means the expenditure of a lot of time and effort.

November of 1984 showed one of the largest increases per month in tourism that has ever taken place in this country. November of 1984 showed an increase of 40 per cent in tourist arrivals over the corresponding months for 1983.

Increased air arrivals for the entire year of 1984 is up 13.6 per cent or an increase of about 20,000 people for the year. Again, Mr. President, 13.6 per cent

MR. JAMES M. BODDEN (CONTINUING): may not sound much if it is compared to 100 persons, but when you take 13.6 per cent of approximately 150,000 you will readily see the additional effort that had to be put out in order to maintain the balance of the year before and to increase it by that larger percentage.

Cruise ship arrivals for the year of 1984 was up 14.6 per cent; a total of 203,583 or an increase, again, Mr. President, of about 30,000 people for the year.

Tourism increased in 1984 by 50,000 people. That meant a lot of additional money into the economy of this country. Mr. President, I am sure that under the present administration there will not be one year in which we will see an increase of 50,000 tourists.

I am sure that once the true facts could be evaluated the contribution to the economy of the Cayman Islands last year from tourism was up to over US\$100 million. This is what has enabled our people to enjoy the type of economy that they enjoy, but to maintain this we must have firm and determined leadership.

It is incumbent upon this Government that they continue to look for avenues where tourism can be increased. We must continue to open additional offices in the outside world. Presently we have offices in Miami, Houston, Chicago, New York, Toronto, Los Angeles, Seattle and London. I am proud to say that it was under the Unity Team administration, of which I was a part, that it was possible for me to have opened up most of these offices. However, we must not sit idly back; we must continue to expand the market place and Cayman must be known as a vacation paradise whenever people think of a vacation.

I give much credit to the hard working staff of the Tourism Department. I have found most of them to be very dedicated and it is only with that kind of dedication that we can continue to hold our own in the tourism market. Again, one of the prime things that assists us in being so successful in tourism is that over the years we have had a good advertising and promotion programme. We have gone into the market place upon the advice of people who have known this for years. Now I understand that the advertising programme has been changed and I will deal somewhat in length with that.

I asked a senior member of the Tourism Department what the new programme was based upon, and he told me on stability of the Islands, politically, and upon the people. Mr. President, that is not a new advertising programme. For eight years that was the thrust of our programme for tourism. We have continually advertised our people in our advertisements and there faces have been shown all over the world from our advertisements.

An effective sales programme is what increases tourism. I would hope that sometime within the next two months while this House is in Session that the Honourable Member presently responsible will see fit to advise all Members of this House, not just the Dignity Team Members, as to his advertising and promotion plan, and what he proposes to do through the new advertising agency which I understand he has secured. We need to know the type of advertising medium. We need to know what is being done about the collateral material.

Mr. President, an expensive part of tourism promotion is the collateral material, and in the office in Miami at the present time there is probably several hundred thousand dollars worth of good advertising collateral; and I would warn the Honourable Member that this should not be discarded

MR. JAMES M. BODDEN (CONTINUING): and thrown away because it has brought us to great heights in tourism - heights which he will never scale. This material is paid for by the Cayman Islands' people and we should continue to use it as well as the new material which he will have.

One thing which bothers me, and bothers my colleagues, Mr. President, is the expert form of Government which we have gone back to. Years ago, anything which was being done in this country, we experted it to death and this is what is happening again.

I understand that when the present Honourable Member for tourism went abroad to select his advertising agency, he took along with him a so called Bermuda expert. In my campaign I referred many times to the Bermuda triangle. We have a different type of tourism than Bermuda. I fail to see how a man who had previously held I think the second post in the Bermuda Department of Tourism should be an expert to advise the Honourable Member. In my opinion he should have been able to do this on his own accord.

In the submission of the speech it was pointed out that the hospitality industry is responsible for employing about 1,264 persons which would be roughly 15 per cent of the labour force. The heartening thing about it is that about 86 per cent of the people employed are Caymanian. I am very proud of this and I think one of the things which has brought this about was the training which has been given through the Hotel Training School.

One of the problems that the country faces with regards to tourism is that legislation must shortly come to this House where we set higher standards in the accommodation industry and restaurants. This must be done if we are to compete in the tourism field abroad as we have been doing. We must maintain a high degree of vigilance. The hospitality industry must abstain from their desire to continually increase prices. We must stabilise the prices. We must stabilise the industry. Prices in Cayman are very high compared to tourist resorts in many other areas of the world, and believe me in the world of the shrinking dollar today people are paying attention to their bills and we must be very careful that the hoteliers, in particular, are not allowed to continually increase and increase while Government continues to increase their expenditures for advertising because the hospitality industry in the Cayman Islands as a whole spends but very little money in the advertising and promotion of the Cayman Islands. The bulk of the expenditure has always been carried by the Government.

We must set up an inspectorate system in the tourism industry where we constantly inspect and take action whenever it is needed. If we do not do this we will shortly find out that our problems are catching up with us and when tourism slumps in the Cayman Islands everybody is going to suffer from it. There is no dollar that can be put into the financial community that has the expansion power of the tourism dollar. I am very concerned about it having been so closely associated with it for eight years and although I may be considered an opposition, although I oppose and will continue to oppose, if the Honourable Member responsible should ever think that I could help him, I would like to do so for the benefit of the country.

Another matter, in my opinion, which needs to be attended to in the very near future is a cruise ship landing jetty in George Town. I am not an engineer, but in my opinion it will not be that expensive an undertaking compared to the dollars it would yield to the treasury of this country.

MR. JAMES M. BODDEN (CONTINUING): It is much more important for us to do this, Mr. President, because George Town, whether I like it or not, is the capital. It is the hub of activity in this country and I think it makes much more sense to expand the George Town community in respect to the cruise ship landing than it does for us to go with a hair-brain political election time idea of building a cruise ship landing in West Bay.

I respect the people of West Bay very much. I have many close friends in the West Bay district, but in my opinion a cruise ship jetty landing in West Bay is not going to solve any problem, it is going to make more problems than we presently have. I would hope that when the time comes for us to deal with this in the Committee Stages, the Members will join and voice in their opinions with regards to the token fee that has been put in this unbalanced budget to try to fool the people. I will deal with that later in my summation, Mr. President, but if anyone has the idea that we are going buy land and that we are going to build a cruise ship landing in West Bay with the tiny pittance that I see in the budget, they will be fooled worse than they are going to be fooled in the future.

One area which I heard complimented several times by various Members of the House yesterday was the Fire Department, and I, too, would like to add my compliments to the efficient fire service that we have and the capable management of the fire service by Mr. Nixon. I have said this many, many times in the past that the man is a capable man and has done a capable job for this country.

I am proud that under the Unity Team Government in the year 1984, we were able to build a fire station in Frank Sound. This is something that has been badly needed over the years because it takes a long time to respond to a fire in East End or North Side coming from George Town and contending with traffic.

I feel that the time has come again, because we have to contend with a lot of traffic and we are getting a lot of homes in the West Bay area, for a fire station to be considered for that area. However, I do not believe in hoodwinking the public by saying that we can set it up again with the small amount which I see appropriated in the budget.

One Member spoke about the improvement of the fire service in Cayman Brac. Mr. President, I am prepared to support that under certain conditions. Government presently has to maintain a fire service operation at the Cayman Brac airport. We have spent a lot of money in the last few years in upgrading the airport and runway facilities in Cayman Brac. It is planned to build a new terminal building in Cayman Brac. When all of this is done, Cayman Brac will be up to international standards and it will be mandatory at that point for a fire service to be maintained at the airport. As small as Cayman Brac is I think it would be somewhat ridiculous for us to go to the centre of town, which may be two miles away from the present site (or one mile away - I do not really know what it is) and set up another fire service when we already have one at the airport.

If we need it then I would say that we train more firemen and that it be manned on a 24 hour a day basis. However, I cannot give my support in setting up another fire service in Cayman Brac when Government is going to have to expend a lot of money to bring the one at the airport up to grade. It will only be another parallel service which the people of this country will be paying for.

MR. JAMES M. BODDEN (CONTINUING): We had a motion in this House during this Meeting dealing with labour legislation and we have had I think some questions also with regards to labour legislation. Labour legislation should come forward. We have passed the stage when we can continue to arbitrate without any legislation. It is a difficult task because there are many problems attendant to labour.

I would point out to this House that labour legislation, contrary to what my good friend for West Bay has said, was drafted under the auspices of the Unity Team Government and was presented to this House. Unfortunately, time did not permit us to deal with it; so therefore most of the legislation is already drafted although he may wish to add his drafting ability to it, and it should come forward to this House. I will support it although it does not come under the banner of Unity. I will support Dignity if they bring suitable legislation that should come here.

This legislation was drafted by an ILO representative. The present and past Attorney-Generals both gave some help on it. The Honourable Second Official Member did take issue with me the other morning and he said that he had been officially asked to deal with labour legislation. He and I had many discussions on labour. He and I had many discussions about the attendant legislation. Really, I must admit that sometimes I guess I take things for granted, but at the time I took it that I was a part of Government and I believed that whenever I spoke, although it was informally without putting it on paper or that my Principal Secretary discussed with him the legislation, that it was not necessary for me to go ahead and write a long detailed letter and spend the time doing that. I thought it could be spent in more productive areas. If I acted incorrectly, I apologise, but I will advise the House that that is what makes the wheel turn slowly sometimes, because Government gets bogged down in too many petty frivolities.

You, in your speech, Mr. President, spoke about a car park facility for George Town. Undoubtedly we do have a problem with traffic in George Town, but the unfortunate thing is it is not going to get any better - it is going to get worse. We need to make a major study with regards to the traffic problem, and I would say particularly in George Town. Under our administration one was carried out, but I felt it was not carried out far enough. More needs to be done in this particular area. However, Mr. President, in my opinion, as far as building a car park facility, I opposed it when I was a Member of Executive Council and I will continue to oppose it in this House. I feel that it is an involvement which Government should not become involved with. They should go out and use their financial geniuses to try to persuade the private sector to undertake this. And if we are going to do it, I feel it is absurd, Mr. President, to consider using prime land here which on the real estate market will probably bring \$25 to \$35 per square foot to set up a car park facility. Why do not we go up around the Triple C School or in that area where land could probably be bought for 20 per cent of what it costs for this type of land here.

MR. PRESIDENT:

I think that it will probably be convenient for most Members if we break rather early because the majority were intending to accept the invitation to the Pines. So since the Member speaking seems to have reached a natural break, I will suspend proceedings

MR. JAMES M. BODDEN: Could I have just three minutes more to wind this section up. I can start on a new one when I come back.

MR. PRESIDENT: Yes, certainly.

MR. JAMES M. BODDEN: This proposal is nothing new. It was put forward to the past Executive Council and we turned it down. I hate to see it coming back again because in my opinion it is only Government showing support to a special interest group.

We have discussed for years a Post Office and we do need one, but in my opinion, again, we should give further study to this. We have plenty of land in the airport area; land which is not expensive. It is within the same area where mail is brought in and it would be much easier to deal with. There is plenty of parking space. We should consider putting the main Post Office at the airport and building a small sub-station in George Town.

The Post Office facility carries out many varied types of work and most of it can better be accomplished from that area than it would by using this expensive land down here for it. Mr. President,

Mr. President, I will rest my point and I will be back this afternoon, God be willing.

MR. PRESIDENT: I am not sure whether any Members know how long the lunch at the Pines is expected to last. I think we might be able to be back by 2:00 o'clock since we are breaking rather early. So let us suspend proceedings until 2:00 o'clock.

MR. JAMES M. BODDEN: Mr. President, could I just say something on that, Sir? I have a commitment which will keep me until about 2:15 p.m., because I was hoping that it would be the usual time

MR. PRESIDENT: Very well then. Let us say until 2:15 p.m.

AT 12:22 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:21 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. The First

Elected Member for Bodden Town.

H. JAMES M. BODDEN:

Mr. President, I apologise for being a bit late, but I was held up in traffic on the way from the airport.

Mr. President, the Turtle Farm is an institution in this country which has had a rocky past - one which has encountered many, many difficulties over the years. However, it is an establishment which we, the people of the Cayman Islands, identify with. The turtle industry has played a big part in the history of the Cayman Islands for hundreds of years, so in my opinion it was appropriate that Government step forward and not allow the Turtle Farm to go into liquidation.

There had been many years of research with regards to the turtle and that should be passed on to future generations to come. I am very proud to know that the Cayman Islands Government was able to purchase the Turtle Farm and that it was done during the Unity Team administration.

With the problems that the Turtle Farm is currently experiencing it is difficult for it to get to a breakeven position, but I believe that we can look into other areas with regards to the Turtle Farm, for instance a restaurant which would serve turtle products, and, further afield, to look at the establishment of a tannery. This was been done in the later months of 1984, but I do not believe that we have gotten to the point where it can be established yet. However, I would hope that the present administration would look into these areas because they could be very profitable and it could mean that the Turtle Farm could operate at a profitable business, even if we are not allowed to trade abroad due to the restriction of the CITES treaty.

The Honourable Member who was responsible for agriculture in the last administration exerted a lot of effort on behalf of the Turtle Farm. He made many valuable contacts abroad which can assist us and I am hopeful that this administration will proceed along the lines which have been laid down by the Honourable Member in the past.

I am very pleased to see that the Cayman Turtle Farm is continuing with the programme of releasing small turtles back into the wilds. This can only but help us in our image abroad as well as to help provide turtles in the wild around our country.

Thought can be given to the establishment of other products at the Turtle Farm, for instance such as the raising of shrimp in captivity. This has become a big issue in countries like the United States of America and a lot of shrimp are now being raised in the manner which we raise the turtles here.

Hopefully, in the year ahead, Cayman Turtle Farm will get to the point where it can at least provide enough turtle meat for local demand. Up until the present time this has not been possible. What we need to do is to continue to employ experienced and professional counsel abroad which can assist us with our many problems - people who are acquainted with this problem and who have dealt with it in the past. Our administration did have such people and I hope that the present administration will see fit to continue with these competent people.

MR. JAMES M. BODDEN (CONTINUING): The present administration, following on the work which has been done with regards to marine parks by the previous administration, I see is now proposing to establish, finally, the marine parks around the Islands. Mr. President, this is a very important issue because it effects the Island people and it will also effect tourism as a whole in the years to come. In my opinion we cannot let this problem continue as it is for very much longer. We must do everything possible to preserve the natural beauty which surrounds the Cayman Islands. It is an important thing for tourism and we should not allow our Islands to be used as many other countries have allowed their countries to be abused.

Mr. President, in establishing these underwater marine parks, we must also be very careful that we do not jeopardise the welfare of our local fisherman. Caymanians, for years, have been used to fishing freely and a few months ago I heard that there was a move afoot to where this action would be curtailed and that fishing licences were going to be issued to the local people. This is something I see as very difficult and I hope that it will not really be pursued in the immediate future. Time may come when that may be necessary, but I do not believe it is necessary at this point.

With regards to the regulations, I am a bit loathe personally to agree to regulations affecting this being prepared in Executive Council and acted upon to where the Members of the House would not be aware of what is going on. We are all Elected Members of the House, elected by the popular vote by the majority of the people in our respective districts. We are here to see about the well-being of those people. The regulations, as drafted, permit Executive Council to control the law and to do as they see fit. I am of the opinion that these regulations may be interpreted too far and we may get regulations which our local people will decide are onerous to live under. However, I imagine, although myself and my colleagues may object, we will suffer the fate which is usually suffered when the ruling party has the majority.

Reference was made that the Portfolio for development, which was formerly the agriculture Portfolio, will be engaged in several other major projects in 1985. I would like to know what those major projects are as I am sure the other Members of the House would like to know also.

In perusing the budget I do not find any money available for these major projects and I am wondering why this was injected. If we have no money voted to do these major projects, then how are we going to do the major projects? Is it that we are paying lip service to the Honourable Member who is responsible for that Portfolio? Is it that we think he can accomplish the miracles which were set out in the Bible as being accomplished by Jesus when he blessed the fishes and the loaves of bread? I wonder why reference of this nature was not made in regards to the other Portfolios and why it was only this Portfolio which this reference was drawn to, and I wonder what is intended to be done?

The sewerage scheme, Mr. President, is something which is much needed by this country if we are to further develop along the lines of tourism and in the business community. Much has been said about this scheme from the present party in power and it is adherent. Much was said about the purchase of the property where this will be located, but it only serves to remind the House and the people, as a whole, that the sewerage scheme which is envisaged to commence in 1985 and all of the groundwork surrounding that including the negotiation for the loan with Caribbean Development Bank was undertaken and done during the Unity

MR. JAMES M. BODDEN (CONTINUING): Team administration. Credit cannot be taken completely by the present administration for the scheme. We will give credit if they continue to develop this scheme in the worthwhile manner in which it was projected to be done.

This country is faced with a major problem come 25th April of this year. At that time the moratorium which was granted to the Cayman Islands by the United States of America Government under the Bermuda II Treaty will expire. I would like to elaborate on this very important issue.

When the first Bermuda air treaty was negotiated and signed in Washington, D.C., the Honourable Financial Secretary of this country at the time, the Honourable Vassel Johnson, went with the delegation, or I think headed the delegation to Washington, D.C., for negotiations between the United Kingdom and the United States of America. Upon his return we found out that he had not been allowed to participate or to take part in any of the negotiations; with the result that the Cayman Islands and the United Kingdom territories in the Caribbean as a whole suffered tremendously.

The Caribbean air routes were more or less given over to the United States in return for the United Kingdom being able to continue their air routes out of Hong Kong. A chess game was played and we were the pawns on the chess board. The Cayman Islands suffered tremendously as a result of this.

To give the Members of this House an idea of how we really suffered, we were allowed two points into the United States out of seven named points. We could select two at any one time. If we decided one of those routes was not paying off we could change it by giving due notice for another route. It was set up before the 1976 administration to where this Government would have opted for Miami and Atlanta.

Atlanta, as a terminal point for air traffic in the southern United States, would have diverted traffic off our Miami operation, and besides that there was a problem as to whether the BAC 1-11 with its limitation on fuel would be able to service the Atlanta route. We immediately decided that we would opt for Houston to cover the western part of the United States. So we chose Miami and Houston, and we still continue on those two routes.

American carriers by the same token were allowed to come from any point in the United States to the Cayman Islands. We could have had, if business had necessitated it, an air carrier from New York, Chicago, Los Angeles or any part of the United States, and we would not have been able to parallel that route. Also, under the Bermuda II it was agreed that any country could operate more than one carrier on any specific route.

Sometimes, in the past eight years, we had been faced with as many as six to seven applications from other airlines in the United States to fly the Miami route. It was a continual fight and we had to pay a lot of legal fees in order to try to keep these airlines off the Miami route. We went to Washington and were lucky enough, through personal contacts, to establish an arrangement where the United States assured us that for two and a half years they would not allow another carrier on the Miami route other than Republic and our national flag carrier. They also gave us an agreement that if any American carrier decided to operate out of any other city in the United States, we would have immediate approval to parallel that route if we so desired.

MR. JAMES M. BODDEN (CONTINUING): This was a difficult thing to get and the entire negotiations are very vivid in my mind because the English had a very strong delegation at the meeting. At first they bluntly told us that we could not take part. We would have to brief them and they would negotiate on our behalf. That was not good enough for us and we did not accept it.

They then told us that only three representatives from the Cayman Islands could attend the meeting. We did not accept that either. What I am trying to tell the House with all due respect to Her Majesty's service, we did not obtain any good or any help from them in these negotiations. What we finally did accomplish was accomplished strictly on our own. The CAB authority in the United States, which used to govern the operation of all airlines, has now been abolished and the function of that body has been passed on to the transportation department. So it is with the transportation department that we will now have to negotiate.

In addition to this, the Bermuda II treaty is about to end and new negotiations will have to take place. If we are not forceful enough in the coming months to impress upon the United Kingdom and the United States of America our desire to maintain our own national airline and our desire to keep further competition off the Miami and Houston routes and maybe other cities in the United States, we are faced with a grave and serious problem. I personally am concerned about it and I hope that our present Government will be able to cope with it in a manner to where we maintain, at least, the status quo which we have now.

Instead of taking this as a point of criticism, I hope the present Government will pay due attention to this particular point.

You touched on Cayman Airways in your speech, Mr. President, and I beg the indulgence of the House to be able to speak on it twice. At the present time, shortly, later on in great detail.

Cayman Airways has had a difficult and rocky past. About the only thing in the country that has probably been lied about more than myself is Cayman Airways. However, Cayman Airways signifies to the world the courage and determination of the people of a small country. It is vital for the economy and the future growth of this country.

If we allow Cayman Airways to be abolished, Government is going to suffer a substantial loss. Not just what we suffer at the present time, but what we will suffer in the future; because having Cayman Airways we are able to more or less regulate the traffic into this country and work along with the Tourism Department. Once Cayman Airways is not there we are not going to find the foreign carriers giving us that assistance. Also what we will find is that once we become entirely dependent upon foreign carriers, we will be treated as we have been treated in the past, particularly by British West Indian Airways when they pulled out on very short notice. Foreign airlines are not going to service this route just to please us.

Another point to think about is the disruption in the economy to the present 200 employees of Cayman Airways. Cayman Airways, owned by Government, and with the figures not included in the Civil List which was given to us, is another one of the big employers of labour in our country. Most of these people are well trained, have acquired great skill and receive commensurate salaries. Once these people lose these jobs there is no way in the world that they are going to get similar jobs with other airlines, and we must remember that a greater proportion of

MR. JAMES M. BODDEN (CONTINUING): these employees are young fellows who have become pilots and co-pilots. They are now able to earn a decent living. They are able to live in our community and spend their money.

Once foreign airlines come in here it will be just as we were told by LACSA when they employed only two Caymanian pilots, Captain Thompson and Captain Bothwell. They told in no uncertain terms that after such and such a date none of the Cayman Airways personnel who are Caymanian can fly on the Cayman Airways plane which was then owned by LACSA and the Cayman Islands Government. It will mean that some of our people may be able to obtain ticket agent jobs or jobs of that nature with the other airlines, but our main personnel will be out work.

I have read and heard much in the past couple of months about the study of Cayman Airways' operations being conducted by Swissair. This is a bit difficult for me to understand because Cayman Airways is a small airline operating two jets and one small propeller aircraft. Swissair is a large international carrier. The problems which they encounter are dissimilar to the problems which are encountered by Cayman Airways. In my opinion, Swissair studying the problem of Cayman Airways and coming up with an answer for the future would be like asking Cayman Airways to study the problems of Pan American airlines or Eastern Airlines in the United States. I am sure that none of us are deluded to the point where we believe that anyone from Cayman Airways would be asked to study the problems of one of those major carriers. I just wonder how we obtained them and were they the appendages of the Bermuda triangle again?

Mr. President, I beg leave of the House to deal further in my speech with Cayman Airways. I will not be talking the same thing over again, but I will be dealing with more specific facts.

Passing on to the Owen Roberts International Airport terminal, without a doubt the Cayman Islands today can boast of having one of the best air terminals in the Caribbean and can probably boast even more than that that it would compare with terminals in many, many other countries. It is a monument to the people and it is a monument which will stand for many, many years. It is a monument which cannot be destroyed by the whims and fancies of politics.

Mr. President, the airport terminal should have a very bright future for it is like the back-slider in church who has been baptised twice. So its sins must be forgiven by now.

The airport terminal building was probably the only enterprise which Government has ever undertaken which came in within the budgeted cost and was completed before the time called for in the contract. Again, we have had many distortions of these facts.

The question was posed in this House. Mr. President, by some Member to the present Honourable Member in charge of that Portfolio with regards to the cost. The cost was put at \$16,000 plus, when it was opened on 10th November, 1984. The cost was put at \$4,000 plus, when it was opened on 26th January, 1985.

I point this out to show you how the present elected Executive Council will work with figures when it is for political good. I asked for a breakdown of those expenses and I was furnished with a breakdown which showed that of the \$16,000 which was alleged to have been the cost on 10th November, \$8,000 plus of that was a payment to Arch and Godfrey which I would assume, Mr. President, was a part of the contract price. As far as I am aware, Arch and Godfrey was not approached to do anything outside the contract that this would have to be paid for.

MR. JAMES M. BODDEN (CONTINUING): There was also a cost of \$2,000 plus to the Public Works Department. Now I point these two things out, Mr. President, to show, particularly the Public Works expenditure, that if there was an expenditure of \$2,000 plus on 10th November for whatever participation Public Works took place in there must have been a corresponding cost to Public Works on 26th January, 1985, yet it was conveniently not given to me.

We have heard of the plans for the financial management of the airport. I can advise the House that the management plan for Owen Roberts International Airport terminal was put into effect at least 18 months ago when it was formulated. It was formulated at the time when the figures were worked out with Caribbean Development Bank and based on what we obtained from Caribbean Development Bank to finance the construction and based on the future revenue. The future revenue in seven years time would have paid off the loan, plus all the management and operational costs and still leave a surplus. That is why today I question when I hear of this new financial plan for management which has been conceived, and of the new higher rates which are being put into effect; and I wonder why it was necessary to do this.

Before I leave the airport terminal, Mr. President, there has for many years been a close association between the Cayman Islands, Miami, Florida and Dade County. The Mayor of Dade County happens to be a personal friend of mine as well as a personal friend of many, many Caymanians. He has been visiting this Island for many years. He saw fit to attend that ceremony and on behalf of the people of Dade County he gave to the people of the Cayman Islands a plaque which he asked be displayed in the terminal. As far as I am aware that plaque has never been installed and to me it shows a lot of disrespect for a neighbouring country and neighbouring people. If they are not prepared to instal this plaque, Mr. President, before it gathers much more dust I would ask the Honourable Members responsible if they would make me the custodian of that plaque until we return to power. (Interruption) I will keep it for you.

Several Members, Mr. President, have commented and made many remarks with regards to the Tower Building. They have said that it was not a good investment. That it was ill-advised for Government to purchase it, and as usual we have heard a lot of political rhetoric. I am proud that again the Tower Building was a part of the accomplishment of the Unity Team Government, but we as Members of the Unity Team Government cannot really take the praise for the Tower Building.

The Honourable Third Official Member was really the man who carried out the negotiations and saw about the purchase of the Tower Building. I congratulated him the day it was done and I continue to congratulate him. Regardless of what his critics may say, I think it was a very wise move.

I have never been into the Tower Building, in fact I have never been on the grounds of it, but it has a fair amount of land. Apparently it is well constructed and going by the square footage of it which I have seen from the drawings, believe me one could not buy the land today and build that building and come out within \$2 million of what it has cost the Government to buy it. In other words what I am saying is that we have gotten a bargain. We have paid about \$2 million, at least, less than what it could have been built for.

MR. JAMES M. BODDEN (CONTINUING): For another Member, the financial genius, to sit in the House and say that it was wrong for Government to buy the Tower Building which had just been completed and that it would have been better to start building another - well, if we had built a similar building we would not have had the millions of dollars left in reserves for them to spend, which they say we did not have.

Mr. President, for eight years all I could hear from the present Members who are in the House, other than the Unity Team Members who are here, was the favouritism and nepotism that was done in the Unity Team Government with regards to the constitution of the various Government Boards. I truly wonder how these people could have said that about the constitution of our Boards between 1976 and 1984, when you look at the constitution of the present Boards under this present Government. If ever favouritism played its part, if ever nepotism was evident it is in the constitution of these Boards.

I would like if time was available to really deal in length with the constitution of those Boards. We have cousins, we have aunts, we have uncles, we have brothers, we have sisters, we have daughters, we have daughter-in-laws, son-in-laws, sons and every member of a family who could ever be put on a Board has been put on the present Boards. No thought was given as to the composition of the Boards being Island-wide.

On our Boards we tried to see that every district was represented as near as possible. I know that in the district of Bodden Town they would have had some difficulty in getting members from that district, but I know there are a few of the cronies who would have been glad to take part. Yet, the districts of Bodden Town and East End, I speak subject to correction, but I do not think there is a member from those districts on any of the Boards. It is going to take more than that to abolish the voice of Bodden Town.

Now, Mr. President, we come to the new taxes which this administration, in a feeble attempt to balance the budget, has instituted on our people. The first move, Mr. President, made after the elections by this present Government was to abolish the condominium tax. Yet, the Honourable Third Official Member in his delivery of the Budget Address told us that last year, 1984, 130 condominiums were registered under the Registered Land Law. Now, some of these condominiums, Mr. President, probably sold for as high as \$400,000. Four per cent of the assessed cost was supposed to have been paid to Government. But, let us assume, Mr. President, that each one of those units registered last year only had a value of \$100,000 each upon which we could assess, that would mean \$520,000 under the condominium tax which would have come into the Treasury. Yet, the present Government has seen fit to abolish that Law, did away with it completely and gave up the right to that money.

They then come to the Legislative Assembly looking at every small tax which was on the books for many years; laws which should really have been abolished, but as they could not think any further astream, they come up with increases in these Laws and the costs under them.

We have the package tax which has been increased 400 per cent and the cost of that will be borne by the Caymanian public and the residents from abroad who live here. It will hurt the poorer people because it has to increase their cost of living. Import duty on airfreight has been increased by about 300 per cent. Again, who is going to pay and who is going to bear the burden of that increase? It falls on the backs of the Caymanians and residents. Again, what it will do is increase the cost of living for the poorer people in our country and it will

MR. JAMES M. BODDEN (CONTINUING): cause Cayman Airways to lose airfreight revenue as most people will begin to ship by boat. So the people who will benefit in the end will be those with boating interests.

The warehousing fees have been increased. Cigarettes have been increased by 25 per cent. I am not going to speak very strongly on that because that is an increase I think the public can bear.

Liquor licences have gone up in some cases by 600 per cent. These are increases which normally would never be contemplated by Government. This will effect our local people and it will effect the tourist. Most of all, thank God, it is effecting many of their supporters.

The cost of writing a cheque has gone up 100 per cent, and again this is going to be borne substantially by the Caymanian public.

The ridiculous increase is the 7 1/2 per cent stamp duty on assignable contracts. This is going to effect local residents and foreign investors, but most of all, Mr. President, it could have a very, very damaging effect on the economy of this country. The only asset which Caymanians usually possess is land. A great majority of Caymanians sell that land in their waning years to help provide sustenance to themselves and their families.

Land is bought in many cases by foreign investors on speculation. Many of these people pay a deposit, return to the United States, sell some security or make a loan or whichever way they do it, and pay off on the agreement in probably 6 months. During that time it is held usually by a firm of attorneys as a nominee agreement. This is going to cut down the revenue which this country will earn, rather than increase it because it is going to deter people from investing in the country.

I am sure that a more equitable way could have been found to deal with this problem. I would suggest to the Members that they consider that all agreements be registered within so many days. If the agreement was sold for \$25,000 or \$50,000 more within a stated time than what the agreement was for, then that additional amount would bear the 7 1/2 per cent stamp tax. However, I believe that if this goes through in the manner in which it is now, it is going to effect the economy of the Islands seriously.

We also have the increases on time-sharing. I will not debate the merits or the de-merits of time-sharing. I have an involvement in timesharing as one of my companies handles the sales for a large company here on the Island. However, Mr. President, if we had not been collecting tax on this in the past, I think we made a mistake because we should have been collecting it. However, 7 1/2 per cent on each one may be a bit high. It might a case of which the Committee could study. I will say here and now that I will eventually vote for the timesharing tax, but I am hoping that we can see an amendment to it rather than the way in which it has been proposed.

I recently heard of a new tax and that is the \$1 security tax which is now being levied at the airport. This will effect Caymanians, residents and tourists, and with probably 175,000 tourists going through the airport this year, plus about 35,000 Caymanians, it is going to amount to a tidy sum. Having known the plans for the financing of the airport, I think it is unnecessary at this point to put it in at this price.

MR. JAMES M. BODDEN (CONTINUING): Mr. President, I referred previously to the budget of 1985, which has been presented to this House and I refer to it as being a penny ante budget and a budget which was not thought out - and I stand to that. There are many areas today where money could have been derived which we have not gone after. Areas which would not effect the people of the Cayman Islands adversely. Areas which would spread the burden of taxation. Areas where large amounts of money could have been secured without hurting anyone or running anyone away from our shores. The problem is that our elected Executive Council has not looked into these areas.

I think that the present budget before us, with all due respect to the Honourable Third Official Member, is a bit ridiculous. I am not blaming him for the ridiculous part, because I am familiar with the way these budgets are formulated. I really feel that most of the additional things which have been formulated in the budget were against his advise.

There are areas in the budget which any man on the street can see the rushed attitude which was adopted towards it by the Elected Members and the manner in which it was dealt with overall. There are areas which will bring problems during this year, and I will point them out as I go along.

The country stands at a cross-road; a cross-road where it is going from an economy which had plenty to an economy which has nothing. We are going from light into darkness. The country needs leadership and not a divided cumbersome wagon-train with blinds on the horse. This is the manner with which I compare we are running today. The country needs vision. It needs a look into the future. Today, mostly what we can see is gloom and depression.

It is customary, Mr. President, to give any new administration a 90 day honeymoon. It is done in the United States and it was done here. The 90 days for that honeymoon has past and it is time for us to see some positive action.

The Members of the Unity Team who are here are still willing to work for the good of our people. That is the commitment we made to our people and that is what we have done in the past. In the case of my colleague from Bodden Town - he and I have served now for over 12 years; serving the people of Bodden Town and the people of the Cayman Islands. However, we as Legislative Members of this country must utilise all our people who are able to give us new ideas. Many people can come up with ideas which are sometimes a lot better than those we have worked on for months and months. Let us work together. Let us pull these people in and let us try to build a society on what we have. Let us try to build something for the future.

Mr. President, I have just about dealt with your Throne Speech. At this point I come

MR. PRESIDENT:

I wonder whether, if you have reached a natural break, it would be a convenient moment from your point of view to take our customary break? ... Yes. In that case I will suspend proceedings for approximately 15 minutes until about 3:35 p.m.

AT 3:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:43 P.M.

MR. PRESIDENT:

Please be seated.

Elected Member for Bodden Town.

Proceedings are resumed. The First

MR. JAMES M. BODDEN (CONTINUING): Mr. President, I have now come to the part of my deliberations which deal with the budget, which, although I disagree with many areas of it, it was ably put forward by the Honourable Third Official Member of Government, the Financial Secretary. I wish to congratulate him for his forthright manner, ability and know-how. I cannot congratulate him for the present position he finds himself in because it must be a difficult burden to bear knowing the manner in which the former Financial Secretary still thinks he is the Financial Secretary for ever, and to put up with the present elected Executive Council which I am sure used every pressure to get its way.

We have just come through an election in this country which the Honourable Third Official Member in his address referred to. It was overall, Mr. President, a dirty campaign. It was a campaign where people of small minds grasped at every straw to make mountains out of mole-hills. It was a campaign in which the scandalous scandal-sheet Herald played a very prominent part. If the truth was ever told by that scandal-sheet, God knows what would happen.

One disagreement which I have with the Honourable Third Official Member is that in his address he said there is no major change in the country's economic development policies. I disagree because what I have seen and what the country has seen so far is not an economic development policy, but we are stumbling in the dark as a man would who has lost his eyesight, or as a ship at sea in a storm which has lost its rudder.

We have been waiting nearly four months to find out the direction we are being taken and we are finding it out in bits and pieces. We cannot have an economic development plan if there is no cohesion in it, and I doubt whether the present Members can have cohesion although they usually manage to vote together.

There is today a blanket of gloom hanging over our heads in this country. There is a feeling of depression in every area which one goes. There is lethargy. There is stagnation. Nothing is happening in the country today to give any person faith or hope.

I was in the United States at the time that John F Kennedy became the President of the United States. He succeeded President Eisenhower who was a great man, but not a great leader. The United States at that time had come to the point where everybody hung their heads down. No one with a smile. There was no hope. The day after the election, although President Kennedy had not taken his seat yet, that blanket of gloom was lifted from the United States and people had hope. That is what I compare these Islands to at the present time.

The leaders which we now have in Executive Council were mainly the leaders of this Government between the years of 1972 and 1976, and I do not have to remind the people of this country what happened in this country during these four years. It is sad to say that the policies which were dominant then

MR. JAMES M. BODDEN (CONTINUING): will become the dominant policies in this administration.

The present Honourable Fourth Elected Member of Executive Council was the Financial Secretary of the country at that time and with all his wizardry he was not able to keep the economy of this country going. Because on one hand he may have been in favour of doing so, but on the other hand he held the destruction of this country which was the development plan which the administration at that time had put together. A development plan which would have completely destroyed this country.

These people speak of development today. What type of development would we have to look forward to today and what development would we have had in the last eight years if that master plan which they devised by outside sources (as they are doing now) had gone through?

Mr. President, it was a good thing that the people of this country marched. It was a good thing that they were able to see through what was happening, because if that plan had gone through we would have no development on the Island today. We would have no investors here because everybody had come to the point where faith was lost.

I remember very vividly those years. They were difficult years for everyone in the Cayman Islands. When one stops to think about what happened under that development plan, from Spotts up to East End down into Colliers, down into North Side, we would have had to have five acres for the average man to build a home. What would have happened to the birthright of Caymanians which happens to be land? It would have had no value. It could have been stagnated by policies taken by the Central Planning Authority to where one could not have developed it even if one did use the five acres to build a house upon. The result would have been that some of their friends, who had the money to extend, would have come in, brought the land and four years later the development plan would have been changed and by that time no Caymanian would have any land left - and he would have gotten a pittance for it. Then the value would have soared and the special interest groups would have profited.

That is what this country was saved from then. It was saved from bankruptcy because we had a budget at that time of about \$12 million and we had a debt of about \$8 million. We had the reserves used up, so we had no reserve to fall back on. Even the banking institutions, which were their friends, would not assist. The country was in such a poor state.

The construction which had taken place had been done on the promise of generations yet to come to pay, and we started paying for that in 1977. So I am worried. I think the country as a whole is worried.

A lot of this which has been done to this country has been done because we have had a Civil Service type Government. We may have elections and our people may be elected by the electorate, but, Mr. President, the form of Government and the manner in which it operates is strictly a Civil Service system. Coupled with that, the present administration in the past emulated and adopted every suggestion that was made by the experts from other countries - experts who knew nothing about our country. Their expertise may have done them well in their own countries, but it certainly did not play a part in the Cayman Islands.

MR. JAMES M. BODDEN (CONTINUING): They listened to these people. They studied a problem until there were no more problems because a mountain would have grown by that time and no action was ever taken. No action could be taken unless they were led by the hand of an expert from abroad or a consultant.

This is what I am afraid we are about to encounter again. This time it could be more tragic because this time it could be the Bermuda triangle playing that part. All of us in this room have read and heard stories about the impossible things that happened in the Bermuda triangle. Ships disappear. Planes disappear. People disappear. Our policies disappeared along with that.

I think I should sound a warning to the present Government that the people as a whole are not about to be ruled and dictated to by the Bermuda triangle. People in this country, as I said previously in my speech, are very determined and independent minded people, and we pay great homage and respect to our forefathers. We pay homage to our heritage

Our forefathers have given us a lot to build upon from the sweat from their brows and we the people of the Cayman Islands should be willing to build upon that. Our forefathers came from abroad. They came from countries where they were humiliated and subjected to many harsh laws, and that is why they were willing to face the desolation of living on the Island in the condition it was in back a few hundred years ago. It was much better to live that way and live in freedom than to live in their own fatherland. Therefore, Mr. President, we will never allow this country to go in the manner in which some of these people think it will go.

I will direct the next part of my speech to the narcotic agreement. Because the agreement was not understood and people were not able to really interpret the reasoning behind it much has been said, particularly during the election campaigns, about the narcotic agreement. However, it was a step forward for clean lasting development in our country. I am very pleased to see that Honourable Third Official Member, in his speech, could advise the House and the people that there is very little narcotic money in the financial community here at present.

We are about to enter a phase where there will be more negotiations, and I would hope that the next negotiation will cover only an agreement to deal in certain areas of major fraud. This agreement was entered into with the belief that it would take ten years to eventually come to a treaty stage, and during that time we would deal with a little piece at a time. If we rush off at this time and take too big a bite of that pie, the narcotic agreement could be of detriment to this country.

In making this agreement the Islands received many benefits. One of those benefits was that before that many of the people in the financial community, many of the lawyers, had been subpoenaed and they could not travel into the United States. There had been a commitment that there would be no more federal subpoenas.

This agreement has allowed us to shine our light in the financial world as a beacon shining into the night. It heralds to the whole world that the Cayman Islands are not prepared to play along with the narcotic trade. It has heralded to the whole world that we will do everything within our power to protect the investor in our country, but we will not condone the actions if he is dealing in narcotics.

MR. JAMES M. BODDEN (CONTINUING): Narcotics is a bad word. There are many ill effects suffered by the individuals who use it, by the families who have to put up with the individuals and by the country as a whole. In order to continue the habit, people usually have to resort to violent crime to get the money to feed that habit, and this is where we get a breakdown in society. It is incumbent upon everyone in the Cayman Islands to work against the narcotic trade.

Narcotics in most countries effect many, many people and there are very few families who have not been touched by the effects of it.

We must never, Mr. President, lose sight of the fact that the economy of the Cayman Islands is greatly influenced by external factors over which we have no control. One can have recessions, one can have devaluation of currencies, one can have epidemics, calamities; they all effect us, but the major thing that will effect our economy is the action internally.

During 1972 to 1976 we heard that the economy was stagnated here because of the world-wide recession. It is true, there was a bad recession during those years, but the Cayman Islands should not have suffered in the manner in which they did. The Cayman Islands suffered solely at that time because of local policies and the lack of policies.

We must hold ourselves out to the visitor and to the whole world as people who are capable of shaping the destiny of our own country. In any community there is usually the governing and the governed. We must be very careful and vigilant to ensure that in our community it is just not the governed.

The year 1984 was a very good year for the economy and for the people of the Cayman Islands. The Cayman Islands experienced eight good years similar to that where the economy increased by at least 500 per cent, where every sector of the community benefited, where every person in the Cayman Islands could hold his head up with pride because he had a job and he was earning a decent wage. Those days appear to have passed. The year 1985 may not be a good year.

Banking licences increased in 1984. They increased and more banks were registered here because the financial community had faith in the Government. They had faith in the stability of the country. If you look at the records one can easily see the substantial increases in this area which took place from 1977, through 1984.

The banking community plays a great part in the economy and well-being of this country. They make on their side a reasonable profit and in my opinion they owe a lot of responsibility to the local community. It must not be or ever developed to the point where the banking community is just good for the financial community and not for our people. It is time that the banking community embark on a programme of senior staff training. The banks have been with us for many years and it is surprising the amount of Caymanians who have come and gone and there are very few Caymanians who ever get to any position of authority. They are usually relegated to the lower ranks as hewers of wood and drawers of water. The banking community owes it to the stability which they enjoy here to put in a crash senior staff training course and train the people for middle management at least.

MR. JAMES M BODDEN (CONTINUING): We need to, in the very near future, set up a very strong banking inspectorate. The time has passed when we can expect one or two men to fulfil this task. We must make it strong enough to ensure that we do not have any further cases like the Interbank debacle.

The failure of Interbank and the attendant damage that was done to this country, damage for which many people are still paying and will pay for the rest of their lives, was brought about because we were not vigilant. The banking community which existed at that time could probably have ensured that this would not have happened if it had not been for greed. But the real fault must be laid at the feet of the former Financial Secretary of this country because he is the person who was ultimately responsible in seeing that the banks stayed within certain guidelines, and evidently he did not pay any attention in this particular case. We cannot allow ourselves to attract any more failures of that nature. We should make a determined effort at this time to attract more of the international banks. When I say international banks, I am not really talking about a plaque on the wall and the registration. I am talking about their physical presence.

Many of these institutions will probably be moving from Hong Kong in the next few years and we should make a determined effort to try to bring some of this business to the Cayman Islands. We started on it a few months ago and we sent a team to Hong Kong. I hope that the present administration will continue along those lines.

Banking in the community contributes, directly to Government revenue, about 7.2 per cent of the amount that is earned and the amount of money that will be spent. That is a fairly large slice of the pie and without it we would have a very hard time in balancing our budget. It is not only the direct money that is received by Government, it is the many spin-offs of the effects which we get from it.

Mr. President, I come to two things for the future that I would like to touch on. One of these, Mr. President, is that in my opinion we need a development bank. A development bank that can ensure that local people will have a chance to enter the business field. If we do not get such an institution in the near future, the time will shortly come when there will be but very few Caymanians who will be managers and owners of their own businesses. The attitude towards the local people in establishing businesses of their own at the present time is not a good attitude.

The next thing that we should move on, and move immediately, is the setting up of a monetary fund or monetary authority which could eventually lead to a central bank. Countries which are less developed than the Cayman Islands have these at the present. It would go a long way in helping us with revenue and Government would have some effective control with regards to banking. I know that this is a subject which has been brought up before many times again to the former Financial Secretary who has always been strongly against it.

The Agricultural and Industry Development Board plays a vital role in the community at the present time. I am pleased to know that it was set up again during the administration of the Unity Team and it was capably administered under the Portfolio of Agriculture, Lands and Natural Resources. I pay respect to my colleague for the manner in which he dealt with this Authority. However, we have only begun to scratch the surface. There is a lot more that needs to be done and we need to look into other avenues so that we can secure the long-term financing that can develop the country. This probably represents the last chance for Caymanians to become entrepreneurs.

MR. JAMES M. BODDEN (CONTINUING): I am very proud that we have our own currency and our own Currency Board. It is has been a tremendous success from the beginning. I am pleased to know that during our administration we were able to have the Currency Board issue the \$40 and \$100 notes.

As reported by the Honourable Financial Secretary, the assets presently stand at about \$16 million, and in circulation we have about \$13 million. So you can easily see that we have a very strong currency.

At this point I would like to give another thought as to what can be done to strengthen this position. At the present time gold prices are very low. According to all the authorities it will not go much lower, and then we are in for a tremendous rise in price. Gold is what has backed most major currencies from the establishment of time. It is looked upon as the true wealth so I do not believe that we can lose with gold. Having \$16 million in assets, I would think it would be a suitable time for us to at least invest \$4 million in gold to back our currency. The effect of our currency being backed by gold would be tremendous. It would serve notice to the world of our strong intentions.

I do not believe that our present Financial Secretary has been negligent to the point that we have large investments still in the pounds sterling area. If we do, for God's sake get them out and buy gold.

During 1984 the Currency Board contributed to the general revenue of this country, \$690,541. This is a fairly large amount of money, and this year I have not really gotten to that part of the budget yet where they tell me how they propose to transfer. It should be, I am sure, at least \$600,000 or \$700,000. My colleague has just told me that they expect to get \$900,000.

Before I get off the currency issue, I would throw out one suggestion and that is that we put out some commemorative coins this year which will have the new terminal building featured on the back of them. I think it is a suggestion that is worthwhile and a suggestion that could bring money to the Government and could pay respect to the people of this country by showing what a determined spirit can do.

During 1984, we were lucky enough to continue to have a lot of companies register here. According to the Honourable Financial Secretary, during the year 1984 there were 1,964 new companies which decided to make the Cayman Islands their home. The money which the company registration has brought to these Islands and to the general revenue in the year 1984 represents 10.6 per cent of Government revenue. But, to continue the prosperity that this engenders to our country we should make a determined effort to promote overseas the benefits of company registration in the Cayman Islands. We should not just sit down and hope that people are going to continue to come.

Years ago we could never have believed that our company register would get to the point where there are nearly 18,000 companies registered in the Cayman Islands.

Another area which has great potential for the future is in the area of the insurance companies, and I again am very proud that this legislation was brought into being during the administration of the Unity Team. We have helped to put in a form of revenue which should last and last for many years to come. At the present time there are 271 B licences and 28 A licences. The Honourable Financial Secretary advised this House that, according to information available to him, it accounts for about 500 visitors a year.

MR. JAMES M. BODDEN (CONTINUING): I credit the present Financial Secretary for his ability to discern when action should be taken and I refer to the point where he is planning through his Portfolio to organise a seminar of insurance companies. He should be commended for taking this action as it is a step in the right direction.

As the insurance industry grows in the Cayman Islands and more and more companies register here, we will eventually provide a pool of long-term funding. At the present, according to the figures presented, it provides 1.6 per cent of Government revenue per year.

Mr. President, my next subject is a very long one and it will take me quite some time. I wonder if it would not be appropriate for me to stop at this point?

MR. PRESIDENT: I do not think Members will object to adjourning a little bit early, and I am certainly quite willing to have the question put if that will be more convenient from the point of view of your speech?

Would the Honourable First Official Member

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10:00 a.m., Monday, 11th March, 1985, Sir.

MR. PRESIDENT: The question is that this House do now adjourn until 10:00 a.m., Monday, 11th March, 1985.

Does any Honourable Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED. AT 4:25 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., MONDAY, 11TH MARCH, 1985.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
(MONDAY, 11TH MARCH, 1985)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRKCONNELL	MEMBER FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER FOR DEVELOPMENT AND NATURAL RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY

MONDAY

11TH MARCH, 1985

1. PRESENTATION OF PAPERS AND REPORTS

COMMONWEALTH DAY MESSAGE

TO BE READ BY THE CHAIRMAN OF THE CAYMAN ISLANDS BRANCH OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION, THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. QUESTIONS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 31: WOULD THE MEMBER STATE WHETHER THE CONTRACTS TO TRANSPORT SCHOOL CHILDREN SPECIFY BUS-STOPS, AND IF SO, WHAT ARE THE LOCATIONS IN THE WEST BAY DISTRICT?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 32: WOULD THE MEMBER STATE WHAT AMOUNTS ARE DUE TO CAYMAN AIRWAYS LIMITED IN RESPECT OF THE PREVIOUS CHAIRMAN'S PERSONAL ACCOUNT AND WHAT STEPS HAVE BEEN TAKEN TO RECOVER THEM?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 33: WILL THE MEMBER EXPLAIN TO THIS HONOURABLE HOUSE THE OBJECTIVE OF THE RECENT REGISTRATION OF UNEMPLOYED IN THE VARIOUS DISTRICTS AND HOW SOON THE RESULTS WILL BE ATTENDED TO?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 34: WILL THE MEMBER STATE WHETHER OR NOT IT IS CORRECT THAT CERTAIN NEW AGRICULTURAL POLICIES WILL BE IMPLEMENTED THIS YEAR AND COULD HE SAY WHAT THEY ARE AND HOW SOON THIS MAY BE DONE?

NO. 35: WILL THE MEMBER STATE WHETHER OR NOT IT IS THE INTENTION OF GOVERNMENT TO WORK WITH THE AGRICULTURAL SOCIETY AS HAS BEEN DONE IN THE PAST AND WHETHER CERTAIN REQUESTS AND/OR SUGGESTIONS BY THE SOCIETY WILL BE IMPLEMENTED

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 36: WILL THE MEMBER STATE THE AMOUNT OF FUNDS COLLECTED FROM THE FINANCIAL COMMUNITY FOR USE BY THE HOUSING DEVELOPMENT CORPORATION SINCE 11/21/84; THE NUMBER OF MORTGAGES AND DOLLAR AMOUNTS PLACED SINCE 11/21/84; AND THE NUMBER OF MORTGAGES AND THE FINANCIAL AMOUNTS OF SUCH MORTGAGES PLACED BEFORE 11/21/84?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 37: WILL THE MEMBER ADVISE THE TERMS OF APPOINTMENT OF THE NEW ADVERTISING AGENCY IN NORTH AMERICA FOR CAYMAN AIRWAYS AND THE CAYMAN ISLANDS DEPARTMENT OF TOURISM, AND WHETHER SUCH AGENCY PROVIDES SERVICES FOR ANY OTHER ENTITY IN THE CARIBBEAN?

NO. 38: WILL THE MEMBER STATE WHEN LABOUR LEGISLATION, DRAFTED DURING THE TERM OF THE PREVIOUS ADMINISTRATION, WILL BE PRESENTED TO THE LEGISLATURE FOR ACTION?

3. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND SECOND READING OF THE APPROPRIATION (1985) BILL, 1985

4. GOVERNMENT BUSINESS

BILLS:-

(i) THE STAMP DUTY (AMENDMENT) BILL, 1985
(CONTINUATION OF SECOND READING DEBATE)
REPLY BY THE HONOURABLE THIRD OFFICIAL MEMBER

COMMITTEE THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

HOUSE RESUMES

REPORT THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

THIRD READING

THE STAMP DUTY (AMENDMENT) BILL, 1985

(ii) FIRST AND SECOND READINGS

(1) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1985

(2) THE DEPAMATION (AMENDMENT) BILL, 1985

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MONDAY

11TH MARCH, 1985

10.00 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. Item 1
Presentation of Papers and Reports. The Chairman of the Cayman
Islands Branch of the Commonwealth Parliamentary Association.

PRESENTATION OF PAPERS AND REPORTS

COMMONWEALTH DAY MESSAGE

HON. W. NORMAN BODDEN:

Mr. President, it gives me much
pleasure at this time to read the Commonwealth Day message as
received from Dr. the Honourable Bal Ram Jakhar, Chairman of the
Executive Committee of the Commonwealth Parliamentary Association,
which reads as follows:-

"On Commonwealth Day, which falls on 11 March, I extend
greetings to all my fellow Parliamentarians. On this day
we rededicate ourselves to the principles of international
peace and order, liberty of the individual, faith in the
inherent dignity and worth of human beings, eradication of
all forms of racialism and racial prejudice, elimination
of colonialism, achievement of a more equitable internation-
al society and international cooperation contained in the
Declaration of the Commonwealth principles adopted in
1971.

As members of the Commonwealth Parliamentary Association
(CPA) we hold these principles dear, and in our various
meetings and conferences it has been our endeavour to re-
emphasise them.

The hallmark of the various Commonwealth organizations
has been cooperation and consultation. In the same spirit
our Association brings Parliamentarians together on one
platform, where they exchange information and experience
in a free and cordial atmosphere. In our parliamentary
institutions and the ideals underlying them, we have much
in common because of the Commonwealth connection. Valuing
the democratic processes, the CPA through seminars and
other means has been engaged in broadening the understanding
of, and promoting the respect for, parliamentary institutions.
The Commonwealth link has lent a great stability to our
Association, and a sense of belonging to its Members.

The Commonwealth has evolved with the times. In the process
of transformation the Commonwealth has shown great dynamism
and resilience. It has grown in membership as well as in
the range of its activities. It has been a common meeting
ground of the developed and the developing countries and a
forum of excellent opportunities, where Parliamentarians
meet freely and gain a better understanding of each other
and forge personal ties.

In times of crisis the Commonwealth has provided a healing touch. The common parliamentary culture, the same medium of speech and frequent meetings have fostered among members a sense of kinship and emotional attachment.

During the tenure of my office as Chairman of the Executive Committee of the Commonwealth Parliamentary Association, I look forward to meeting a number of leaders, representatives of the Commonwealth countries and Members of the Association and to exchange ideas as to how best we may further and strengthen the activities, understanding and cooperation among the various Members of the Association."

MR. PRESIDENT: Questions. The Second Elected Member for West Bay.

QUESTIONS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 31: Would the Member state whether the contracts to transport school children specify bus stops, and if so, what are the locations in the West Bay district?

ANSWER: The contracts to transport school children do not specify bus stops.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. I do not suppose it is any use asking the Member why not because he did not make up the contracts but I am wondering whether he would give an undertaking to see that when the new contracts are made up that all districts will have specified locations for bus stops?

HON. BENSON O. EBANKS: Mr. President, since the question specifically dealt with West Bay I have determined that there are about 28 pick-up and drop-off points in the district which have evolved through practice. It appears from a glance at the contracts that these could be made formal by an exchange of letters, and I would seek to do this in the future.

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Since this question deals with bus stops and it is of interest to the Cayman Islands I wonder if the Member could satisfy us here that he will do his best to ensure that the same procedure is extended to other districts in the Cayman Islands?

HON. BENSON O. EBANKS: Yes, Mr. President.

MR. PRESIDENT: If there is no further supplementary I will invite the Second Elected Member for West Bay to ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 32: Would the Member state what amounts are due to Cayman Airways Limited in respect of the previous Chairman's personal account and what steps have been taken to recover them?

ANSWER: With due respect, I must point out that this matter relates to the day-to-day management of the company for which I am not directly responsible.

MR. PRESIDENT: If there is no supplementary the Elected Member for East End may ask the next question.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 33: Will the Member explain to this Honourable House the objective of the recent registration of unemployed in the various districts and how soon the results will be attended to?

ANSWER: Government decided that it was time to obtain a realistic figure of the unemployed and at the same time to make the public more aware of the services being offered by the Labour Office, and to ascertain the various categories of those unemployed. The results of the survey will also be made available to the Caymanian Protection Board to assist it when considering requests for gainful occupation licences.

The Labour Office has already successfully placed a number of those unemployed and efforts in this area will continue.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member what category of unemployed workers were placed in job positions?

HON. W. NORMAN BODDEN: Mr. President, some were hotel workers and a few were common labourers.

MR. JOHN B. McLEAN: Mr. President, as a result of a question asked in this Honourable House a few days ago will the Member state whether the two Caymanians who were laid off by Government were reinstated by the Labour Board?

MR. PRESIDENT: I am not sure whether the Member was here when that question was asked and answered. It was another Member of whom it was asked, I think. Was it not asked of the Third Elected Member of Executive Council who I think undertook to obtain some information and circulate it? Perhaps I could ask the two Members concerned to liaise so that when the information already promised is circulated it covers your point too. Would that be satisfactory to you?

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the survey completed by Government was completed so it would know how many people to lay off from Public Works Department?

HON. W. NORMAN BODDEN: Not to my knowledge, Mr. President.

MR. PRESIDENT: If there is no further supplementary the next question may be asked by the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 34: Will the Member state whether or not it is correct that certain new agricultural policies will be implemented this year and could he say what they are and how soon this may be done?

ANSWER: We are still at policy formulation stage; the only new policy which has already taken effect is to develop the demonstration farm on purely experimental lines so as not to compete in the market with farmers.

No established policies have been discontinued, and with the assistance of the newly established Agricultural Development Committee by Executive Council, it is hoped to identify the areas which call for policy revision or new policies. It is also hoped to secure the services of a specialist agricultural advisor from overseas, who would be able to maximise agricultural potential of Cayman soils and environment and thus improve local output.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, a supplementary. To the best of my knowledge the farm at Lower Valley has always been a demonstration farm. Would the Member enlighten me as to what further changes will be made at the farm?

HON. VASSEL G. JOHNSON: The Lower Valley farm will continue to be a demonstration farm, Mr. President. I cannot envisage any changes taking place.

MR. JOHN B. McLEAN: Mr. President, perhaps I should have said the farm at Lower Valley has always been an experimental farm. I wonder if the Member could enlighten me about the changes there?

HON. VASSEL G. JOHNSON: Mr. President, the words used in the answer "experimental lines" mean just purely demonstration. There is no difference really. It is probably just the wrong word which is used here.

MR. G. HAIG BODDEN: Mr. President, can the Member say how many of the members of the newly established Agricultural Development Committee have any expertise in agriculture?

HON. VASSEL G. JOHNSON: I did not hear the question, Mr. President.

MR. PRESIDENT: Would you like to repeat it?

MR. G. HAIG BODDEN: Mr. President, the question is will the Member state how many members of the newly established Agricultural Development Committee which was set up by Executive Council recently, have any expertise in agriculture?

HON. VASSEL G. JOHNSON: Mr. President, we have very experienced farmers on the Board together with the Chief Agricultural and Veterinary Officer. It is hoped that when we recruit the overseas advisor he will be the expert on the Board. At the present time the Board consists of only farmers.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Can the Member state whether or not the demonstration farm or experimental farm, whatever it is called, did not in the past sell produce on the open market in competition with the local farmer?

HON. VASSEL G. JOHNSON: Yes, Mr. President, and the farmers took exception to it. This is why we mentioned here that it is a new policy now that the Department of Agriculture does not compete against farmers in the market. Produce from the demonstration farm will first be offered to the farmers on a wholesale basis and they will in turn retail it in the market.

MR. JOHN B. McLEAN: Mr. President, those plans are no different to what happened before. The produce was offered to the farmer before but I would like it known that it was only a few who made noises. Could the Member say what will be done with the crops which are produced by the experimental farm as a result of experiments in the future?

HON. VASSEL G. JOHNSON: Mr. President, this produce will be offered to Government institutions which have need of them. Then if there is any surplus it will be offered to the farmers on a wholesale basis.

MR. PRESIDENT: If there is no further supplementary the next question will again be asked by the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 35: Will the Member state whether or not it is the intention of Government to work with the Agricultural Society as has been done in the past and whether certain requests and/or suggestions by the society will be implemented?

ANSWER: It is very definitely the intention to maintain a good working relationship with the Agricultural Society. For the record, the President of the society is a member of the newly formed Agricultural Development Committee, through which body policy direction is expected to be generated. It follows, therefore, that any input from the society as conveyed by the President in his capacity as a member of the Committee will receive due consideration, and will indeed be most welcome. Actual implementation of the society's suggestions will of course be contingent upon merit as determined by the Committee.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, a supplementary. The Member stated that it is the intention to maintain a good working relationship with the society. Will the Member also state whether he feels it would be a good idea for him to attend and become a member of the society?

HON. VASSEL G. JOHNSON: I most certainly will accept the invitation, Mr. President.

MR. JOHN B. McLEAN: Mr. President, I really was not offering him an invitation. I was asking a question. I feel that as the Member responsible for this Portfolio an invitation should not be given. I feel that it is his place to attend the meetings.

MR. PRESIDENT: If there is no further supplementary I will ask the First Elected Member for Bodden Town to ask the next question.

MR. JAMES M. BODDEN: On the Order Paper, Mr. President, I think there is probably a mistake made either by myself or the staff. I think this question should really be directed to the Honourable Fourth Elected Member of Executive Council rather than the Second Elected Member of Executive Council. I think I made a mistake.

MR. PRESIDENT: I think that is quite right, yes.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 36: Will the Member state the amount of funds collected from the financial community for use by the Housing Development Corporation since 11/21/84; the number of mortgages and dollar amounts placed since 11/21/84; and the number of mortgages and the financial amounts of such mortgages placed before 11/21/84?

ANSWER: The amount of funds collected from the financial community for use by the Housing Development Corporation since 21st November, 1984, is US\$60,000.

No new mortgages have been approved since 21st November, 1984, as there were no funds available until very recently.

The number of mortgages placed before 21st November, 1984, is twenty, with a total dollar value of approximately CI\$777,000. Further breakdown is as follows:

(1) Closed loans (12)	\$447,300
(2) Committed loans (5)	\$195,000
(3) Approved loans not yet closed or committed (3)	\$135,000

Eight of the closed loans were closed prior to 21/11/84 (value: \$303,500) and 4 after said date (value \$143,800).

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Member give the reason for the apparent lack of confidence by the financial community in purchasing bonds since November, 1984?

HON. VASSEL G. JOHNSON: Mr. President, there are factors which relate to the past administration, which in my opinion caused the lack of confidence in the institutions making further contributions to the Housing Development Corporation.

MR. G. HAIG BODDEN: Mr. President, in asking this question I have to make a statement from the answer. Before November, 1984, according to the answer \$777,000 had been given to the Authority for bonds. Since that time only \$60,000 has been given. Which of the two figures indicate a lack of confidence in the Housing Authority? Is it the figure since November or the figure before?

HON. VASSEL G. JOHNSON: Mr. President, there has been a lapse in time as far as contributions are concerned. The figure of \$60,000 mentioned here has just been collected in very recent times. It seems as though confidence is being regenerated in the cause again.

MR. G. HAIG BODDEN: Mr. President, no new mortgages have been granted since November, 1984. 21 had been granted prior to November, 1984. Which of these two figures would indicate a lack of confidence in the economy?

MR. VASSEL G. JOHNSON: Mr. President, when the new Government took over we found no funds in the Corporation's housing scheme and there was nothing that the Board could do other than to just sit down and start providing programmes again for collection of new funds. It is just now that a bit more money has been coming in. It had been some time since the last contributions were made.

MR. G. HAIG BODDEN: Mr. President, I still have not heard an answer to my question. Which of the two events show a lack of confidence, the issuing of 21 mortgages before November or the issuing of no mortgages since November?

HON. VASSEL G. JOHNSON: Mr. President, the 21st November is the date used but contributions to the Housing Corporation were made some time before that. It is not as though contributions were made right up to the 21st November and after that nothing was received. It was quite some time before the 21st November that any contribution was made to the Board.

MR. G. HAIG BODDEN: Can the Member say when the contributions of \$777,000 were made to the Board?

HON. VASSEL G. JOHNSON: Mr. President, I am not quite certain on this but I believe that it was some time in September.

MR. JAMES M. BODDEN: In the answer to the question, Mr. President, I have to seek some guidance from the Member. I am quoting from his reply:-

"No new mortgages have been approved since 21st November, 1984, as there were no funds available until very recently."

I have that question in several thicknesses but one part of it is "as there were no funds available until very recently". Is the Member referring to the \$60,000 which the Authority has collected since 21st November?

HON. VASSEL G. JOHNSON: Yes, Mr. President, those are the only funds available in the Corporation now.

MR. JAMES M. BODDEN: To operate the Housing Corporation and give out mortgages, how many mortgages do you think you will be able to put out from the \$60,000 which you received?

HON. VASSEL G. JOHNSON: I am not too sure, Mr. President, because it appears to me that new policies will have to be adopted by the Housing Corporation. For instance we have seen mortgages granted to a person with a net worth of over \$100,000. The extent of those mortgages is \$45,000 and it is the opinion that mortgages need not be at that level if we are actually going to consider the people who need assistance. These are policies which have to be reviewed. I am not too sure what the \$60,000 can do but I doubt very much that distribution will start until more funds are collected.

MR. JAMES M. BODDEN: Mr. President, a further supplementary. This is a bit of an explanation too. The Housing Corporation has a loan committee which is composed of many worthy people in the community and if someone with assets of over \$100,000 has been granted a loan I am not really familiar with it. Really this is not a question. I just wanted to point that out. It is handled by a Board and if some particular person had assets of \$100,000 I was not aware of it.

Could I ask the following supplementary? Would the Member further elaborate on his response of a lack of confidence in acts done by the previous administration which is keeping money from being collected? I think that was the gist of his reply and I would like him to further elaborate on the lack of confidence in acts done by the previous administration. I think I have his words in his reply correct.

HON. VASSEL G. JOHNSON: Mr. President, I have been informed that the lack of confidence which was mentioned here is perhaps due to a statement made by a Member of the past Government directed to banks that had they failed to make their contribution perhaps other action would be taken against them.

MR. JAMES M. BODDEN: Mr. President, it appears that he needs to use some of those strong words too. In his reply he mentioned that no funds were available, I think, in the Corporation. I would like the Member to advise us whether on the 21st November there were funds available in the Housing Corporation to take care of its on-going commitments, and what were the amounts there on 21st November, 1984?

HON. VASSEL G. JOHNSON: Mr. President, I have given the answer here that on the 21st November, 1984, there were 12 closed loans valued at \$447,300. There were five committed loans valued at \$195,000, and three approved loans not yet closed or committed valued at \$135,000. So the Corporation did have funds for pending commitments.

MR. JAMES M. BODDEN: I thank the Member very much for advising us of that because in one of his replies he gave the impression that there was no money left in the Housing Corporation at all as at 21st November, 1984. The Member spoke of the regeneration of confidence which has been built up since the election. He said that before the election in the few months that the Board was operating, there had been a total commitment of C\$777,000. I do not remember the exact figure which was collected up to that date. However,

MR. JAMES M. BODDEN (CONTINUING): evidently there was at least three quarters of a million United States Dollars collected up to that point. He has replied to us that so far they have, I think, got \$60,000 since. Now which in his opinion would show confidence in the administration? The previous purchase of bonds or the purchase of bonds since the 21st November, 1984?

MR. PRESIDENT: I think that is a question which was asked already by the Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I believe I never got an answer to it.

MR. JAMES M. BODDEN: Well, I will see if I can get an answer from him. Would the Member state whether approximately \$50,000 of the \$60,000 which he has collected since the election was committed by the financial institutions before the election or whether this is completely new money which he has received?

HON. VASSEL G. JOHNSON: Mr. President, the problem is that the opposition expect the new Government to do miracles overnight. Give us an opportunity and we will raise sufficient funds.

MR. JAMES M. BODDEN: Mr. President, it is not giving them time and hoping that they will do things overnight. The point is that they have been in office nearly five months and nothing has been done except new taxes on the people.

MR. PRESIDENT: Order, order. The Member must ask a question not make statements.

MR. JAMES M. BODDEN: Well I think we should clarify what his answer was, Sir. Or could I ask the Member whether there is any hope of further funding?

HON. VASSEL G. JOHNSON: Mr. President, I have great hopes.

MR. JAMES M. BODDEN: The people do too. Mr. President, I really did not receive a reply to my previous question because he did intimate in his answers that the reason for the Housing Corporation being in such a bad position was because of lack of faith in the previous administration. I asked whether of the \$60,000 which he has committed since the election, \$50,000 of that was committed by that financial institution before the election. If his answer is in the affirmative it would mean that they have only collected \$10,000 on their own since the election.

MR. PRESIDENT: If there is no further supplementary....

MR. JAMES M. BODDEN: Mr. President, I am waiting for an answer. I have some further questions.

MR. PRESIDENT: I realise that you were not satisfied with the answer you got, but he did answer.

MR. JAMES M. BODDEN: I did not get an answer as to whether the \$50,000 was committed before the election or not, Sir.

MR. PRESIDENT: He answered the question, or should I say after you had asked that question he spoke again. He may not have given you a specific answer to your enquiry.

MR. JAMES M. BODDEN: Well I will answer it, Sir, so the country will know. It was committed before. Would the Member state whether there is any proposal afoot by the present administration to shut down the operation or curtail the Housing Corporation's activities?

HON. VASSEL G. JOHNSON: Not to my knowledge, Mr. President.

MR. JAMES M. BODDEN: Would the Member state whether there would be the possibility during 1985 of at least matching the amount of mortgages which were placed in 1984?

HON. VASSEL G. JOHNSON: It is the intention of the Board to do so, Mr. President. Perhaps the question will be better answered at the end of the year.

MR. JAMES M. BODDEN: From what source of funds does the Member propose to do this?

HON. VASSEL G. JOHNSON: Mr. President, we are negotiating. We are not intimidating.

MR. JAMES M. BODDEN: With whom are we negotiating, the Caribbean Development Bank?

HON. VASSEL G. JOHNSON: Possibly one source.

MR. JAMES M. BODDEN: Would not their interest be higher so that the Corporation would not be able to put out the loans at 9 per cent as it has done?

HON. VASSEL G. JOHNSON: I did not say that we would accept their terms.

MR. JAMES M. BODDEN: Will the Member then state whose terms the Housing Corporation will accept?

MR. JAMES M. BODDEN: We will accept the terms provided by Board policy

MR. JAMES M. BODDEN: Mr. President, I have no further questions at this time. I think the public is aware of what is happening.

MR. PRESIDENT: Unless any other Member has further supplementaries let us pass to the next question. Again the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 37: Will the Member advise the terms of appointment of the new advertising agency in North America for Cayman Airways and the Cayman Islands Department of Tourism, and whether such agency provides services for any other entity in the Caribbean?

ANSWER: The agreements between Fearon O'Leary Kaprielan Inc., Government and Cayman Airways are regarded as confidential and the release of full details of the appointment is therefore not possible. However, it is safe to say that the appointment conforms to the standard agreement used by the American Association of Advertising Agencies, and was vetted by the Legal Department.

The Agency represents two hotels in the Eastern Caribbean.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Mr. President, it may be argued that the agreement with Cayman Airways would be confidential but with all agreements which are made by Government and are subject to Finance Committee, certainly the Members of the House have always been made aware of what those agreements included. I wonder why the Government has taken this step at this time in not being willing to make the terms available to the Members of the House as we have to vote the funds for it?

MR. PRESIDENT: Could the Member turn that into a question because so far it is really a statement.

MR. JAMES M. BODDEN: Well I think that it was a question all along, Sir. This is the question. The Member has stated in his reply that the agreements between the company, Government and Cayman Airways are regarded as confidential and the release of full details of the appointment is therefore not possible. I said that I would concede the point that maybe Cayman Airways could be considered under those terms, but the Finance Department has to vote the money to service this agreement. Over the past many years such agreements as that have had the contents made available to the House. Is he prepared then to make it available to the Members of the House so that we may be governed in regard to our consideration of the budget?

HON. W. NORMAN BODDEN: Mr. President, copies of the agreement can be made available to Members of the Finance Committee but I do not feel that it is in the interests of Government to reveal this information in an open House. However, copies can and will be made available to Members of The Finance Committee, which are to be treated in a confidential manner.

MR. G. HAIG BODDEN: Mr. President, as most advertisements for jobs carry publicly the terms under which the contracting party will work, cannot the Member tell us the terms of appointment generally, since had the job been advertised it would have carried the terms under which the contracting party would work?

HON. W. NORMAN BODDEN: Mr. President, I think this would be a departure from what has happened in the past with other similar agreements. Nevertheless, the Member asking the question is a Member of the Finance Committee and he will certainly have the full details when he gets his copy of the agreement.

MR. G. HAIG BODDEN: Mr. President, is the Member saying that he will not let the public know the general terms of the appointment for this contract?

HON. W. NORMAN BODDEN: I will let Members of Finance Committee know and they know how to treat that sort of information. I have never seen any form of contracts made available to the public.

MR. G. HAIG BODDEN: Is the Member saying that he will not let the public know, Mr. President?

HON. W. NORMAN BODDEN: The Member can decide how to treat that, Sir.

MR. G. HAIG BODDEN: Can I ask him if he will allow the public to decide it as well?

MR. JAMES M. BODDEN: Mr. President, can I ask the Member a further supplementary as to whether he was assisted in securing the services of this particular agency on the advice of an expert from Bermuda?

HON. W. NORMAN BODDEN: Mr. President, the expert from Bermuda referred to by the Member was a member of the advisory committee which dealt with applications. That committee was comprised of members of our Department of Tourism and Members of Government.

MR. JAMES M. BODDEN: Well if it was our Department of Tourism and Government, under what terms of reference then did we have the services of a so called expert from Bermuda in advising on this agreement?

HON. W. NORMAN BODDEN: The terms of reference for his services were to be just an observer on the part of the committee.

MR. JAMES M. BODDEN: Well have we reached the point where observers help us to make our decisions or is it just a part of the Bermuda Triangle syndicate?

HON. W. NORMAN BODDEN: I am not familiar with the Bermuda Triangle syndicate, Mr. President.

MR. JAMES M. BODDEN: Could the Member state which two hotels in the Eastern Caribbean are mentioned in his answer as being represented by the agency and how large they are?

HON. W. NORMAN BODDEN: The hotels referred to in the answer are one in St. Kitts and one in Antigua.

MR. JAMES M. BODDEN: Will our advertising policy figure along the lines of what is being used for those particular islands in the Eastern Caribbean?

HON. W. NORMAN BODDEN: I am not familiar with what their advertising policy is, Sir, but our advertising policy will continue to be maintained at a high level and will be directed towards the continued growth and development of tourism in the Cayman Islands.

MR. PRESIDENT: If there is no further supplementary I will invite the First Elected Member for Bodden Town to ask the last question.

MR. JAMES M. BODDEN: Mr. President, I must apologise but because of all the shift of Portfolios or Departments of Portfolios since the election I am not quite sure whether I have this question posed to the right Member or not.

THE FIRST ELECTED MEMBER FOR BODDEN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 38: Will the Member state when labour legislation, drafted during the term of the previous administration, will be presented to the Legislature for action?

ANSWER: The Honourable Member is aware that on Tuesday, 5th March, 1985, a Select Committee of the whole House was appointed to formulate draft labour legislation, which, when completed will be presented to this Honourable House. Any previous drafts of labour legislation will be made available to the Committee for consideration.

HON. W. NORMAN BODDEN: Mr. President, the question has been directed to the right Member.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: May I ask the Member if the past Government's drafted legislation will be made available then? Although it was not enacted it will come forward to the Committee for consideration?

HON. W. NORMAN BODDEN: Mr. President, in the debate last week I thought it was brought out that there was no labour legislation drafted by the past Government and I did not say that labour legislation drafted by the past Government would be brought forward. What I did say was that "any previous drafts of labour legislation will be made available to the Committee for consideration". I did not say legislation drafted by the past Government because it is my understanding that there was none.

MR. JAMES M. BODDEN: I do not know where he was or his understanding of it, but I think it was made completely plain that labour legislation had been drafted by the previous administration and the cost of such a draft, if I may say it to the House, was I think US\$10,000. So it is unfair to say that legislation has not been drafted. I am asking whether he will make that a part of what is submitted to the Committee for study?

HON. W. NORMAN BODDEN: Mr. President, my understanding which I referred to a while ago and which was just referred to by the Member was based on a statement made by the Honourable Second Official Member of Government last week. I understand that draft legislation was prepared by the International Labour Organisation and this is what I am referring to which will be made available to the Committee for consideration.

MR. JAMES M. BODDEN: Thank you.

MR. PRESIDENT: It is 11 o'clock so that concludes question time.

I have been given notice by the Honourable First Official Member of his intention to make a statement under Standing Order 30, paragraph (1). So I will invite him to make it at this time.

STATEMENT BY FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

STANDING ORDER 30(1)

HON. DENNIS H. FOSTER: Mr. President, under Standing Order 14(1)(g) statements by Members of the Government come right after Question time. I gave you notice this morning as you have correctly said, Sir, so I would like to make a statement now.

The Constitution provides for the Governor to exercise the prerogative of mercy. In particular section 53(d) empowers him to remit the whole or a part of any sentence. He is required to consult Executive Council before remitting sentences. This power of remission is rarely used. Circumstances in which its use may be considered are, for example, when a prisoner is terminally ill or on the recommendation of a court. It was used last December in respect of a prisoner named Levine Bush. A question about his case was asked in the Legislative Assembly last Friday.

Lest any misunderstanding result the full position is now being outlined. Levine Bush pleaded guilty to a charge of possession of marijuana in February, 1984. A mandatory minimum sentence of two years was imposed because he had been convicted of a similar offence during 1972. Between 1967 and 1970 he had also had convictions for some unrelated non-drug offences, details of which were given to the Assembly.

The magistrate considered a two year sentence unduly severe, having regard to the tiny amount of marijuana involved which was one gram, and to the fact that the previous convictions were more than ten years old. He accordingly recommended that the Governor remit part of the sentence.

At the Governor's request the Chief Justice made enquiries to establish whether if the magistrate's recommendations were accepted, any other prisoners in respect of whom mandatory minimum sentences had been imposed should in equity have parts of their sentences remitted too. The Chief Justice reported that none should. All their cases were in his opinion materially different from that of Levine Bush.

The Governor also ascertained that the magistrate considered a sentence of six months imprisonment for Bush fair and reasonable. That is probably what he would have imposed had there not been a mandatory minimum.

Separate representations about the same case were subsequently made to the Governor by the then Third Elected Member for West Bay from which constituency Bush came. He pointed out that Bush had been apprehended while apparently smoking a marijuana cigarette and should therefore have been charged with consumption rather than with possession. On reviewing the case file both the Attorney General and the Commissioner of Police agreed that consumption would have been a more appropriate charge. Conviction on such a charge would not have carried a mandatory minimum penalty. The Legislative Assembly evidently regarded consumption as a less serious offence than possession and provided for lesser penalties.

The Governor consulted Executive Council in mid-1984 seeking Members' views about the possible exercise of the prerogative of mercy. He was advised against exercising it at that time but a recommendation was made that the case should be reviewed after Bush had served a year or more in prison. The Governor again consulted Executive Council in December, 1984, because he considered a rather earlier review desirable, having regard to the opinions which had been expressed by the Chief Justice and the magistrate.

The Executive Council then advised that the balance of Bush's sentence should be remitted. It was with the result that Bush served ten months in prison, the equivalent,

HON. DENNIS H. FOSTER (CONTINUING): making due allowance for the statutory entitlement to one third remission for good behaviour of a fifteen month sentence.

MR. PRESIDENT: Item 3 on the Order Paper, continuation of the debate on the Second Reading of the Appropriation Bill, 1985. The First Elected Member for Bodden Town was speaking.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH
AND SECOND READING OF THE APPROPRIATION (1985)
BILL, 1985

MR. JAMES M. BODDEN: Mr. President, to analyse and speak on the 1984 Budget which has been delivered by the Honourable Financial Secretary to this House, it is necessary to consider the entire stewardship of the unity team administration from 1977 to 1984. The reason for this is that 1984 was just the continuation of the policies for growth, development and prosperity which this country had experienced from 1977 to 1984. The Honourable Financial Secretary in his deliberation has given us various figures which I will quote from. He has advised this House that the construction industry contributes about CI\$25 million a year to the economy and that the employment in the construction industry is about 460 people. Now this would be people in different trades.

I will try to point out to this House and to the country at large that we have to be very careful as to what is done by Government so that this can continue at a good rate of growth. The construction industry is very vital to the economy of our Islands. It takes confidence on the part of an investor to develop a hotel, condominium project or whatever it may be because when built it is a lasting type of investment. When I say lasting I would not like to be brought to task later on by someone who may think that I inferred that these will last for ever. I am talking about lasting with regard to the length of the life of an average type of development. Mr. President, in order for this type of industry to continue it can only continue with people having trust in Government, faith in Government and stability.

This is what brought about the rapid development of this country between 1977 and 1984. During that time people in the Cayman Islands enjoyed a manner of life with regard to economics which they had never been able to enjoy before. This figure represents a large amount of people, local people mostly who gain employment in this sector, and it is very vital that we continue the building trade school.

The building trade school was started during the previous administration of 1977 to 1984 as several other trade schools were. It has done a lot for the people who have taken the time to go through these schools. I would like to point out to the Members of this House that quoting from the figures of the Honourable Financial Secretary there was a drop in approvals in 1984. Approvals dropped from \$81 million in 1983 to \$64.2 million in 1984, or a 20 per cent decrease. This is a significant drop and in my opinion a lot of it would have to be laid at the feet of the election in the United States as well as the election in our own Cayman Islands. Coupled with that is the difficulty of obtaining long term financing.

I have stressed this because I feel that it is vital that the investors have faith in our economy and faith in our Government, and that we do not suffer a further decline in 1985. The investors on the outside are anxiously awaiting

MR. JAMES M. BODDEN (CONTINUING): for a signal from our Government that they will be determined to continue the policies of growth and prosperity. If this signal is not forthcoming in the very near future, Mr. President, the entire economy may suffer drastically in 1985.

The Development Plan which was brought during the previous administration of 1977 to 1984 had a realistic approach to the development of this country. Changes will be necessary as happens with everything after a period of seven or eight years, but I am hopeful that the present Government will not tamper with that and that it will not try to present legislation to this House just because it has the majority of votes. This would seriously affect the growth of this country.

It is well known by all Caymanians and many visitors to Cayman that one of the downfalls of the 1972 to 1976 administration was the Development Plan which they tried to hang as an anchor around the necks of the Caymanians. Our economy was flat out in 1976 and it was brought about significantly by the manner in which Government played with the Development Plan for the country. I give warning and my colleagues will give warning that this Development Plan is not to be tampered with and that we will not put up with the remnants of the old Development Plan being thrown into this one and passed by the House.

I would have to give credit to the previous chairman of the Development Board under the administration 1977 to 1984. I think the Board did a good job and it carried out the policies of Government, and it also carried out the policies as laid down in the Law. I am sure that the present chairman has the capability within himself to do the same thing and I hope that he will stand out against all opposition to be sure that the construction business is not halted in this country. The new plan must be brought shortly and I am asking the Members of the Government Bench to be very certain that this is a realistic Development Plan and one which will cope with the problems of the country.

According to the report from the Honourable Financial Secretary revenue earned from property transfers was at a very high figure for the year and the total value of property transferred was \$62.4 million. That amount collected this year is planned to be increased significantly in 1985. With reference to the new proposed Stamp Duty Law I would like all Members to bear in mind that there is in the area of 10 per cent of Government revenue which comes from the transfer of land. If that revenue is not forthcoming in the year 1985 Government will suffer. The people of this country will suffer and transfers are not going to be made as they have been in the past if there is any tampering with the development of the Islands, and if, in my opinion, the new Stamp Duty Law passes through this House. There are many pitfalls in the proposed Bill. I will try to deal with them later on in my submission, but I was hoping that the Law Society at least would have prepared something to bring to the attention of the Members of the House to the pitfalls which exist in the present proposed legislation.

The Honourable Financial Secretary has stated in his submission that during the year 1984, 130 condominiums were registered under the Registration Law. That is still a significant amount of transfers. That brings me to my other point, Mr. President, as to why the new administration in one of its first acts after the election saw fit to repeal the condominium tax. In the year 1981, I think that there were 360 condominium transfers. In the year 1982, I think that there was somewhere around 370. In 1983, due to the recession there was a drop and I think that during that year there were only 75 registrations. However, the present Government

MR. JAMES M. BODDEN (CONTINUING): came to this House when they proposed to take the condominium tax off, and said that they were taking it off because of the stagnation in the economy and the fact that condominiums were not being built. Mr. President, when there were 130 registrations in 1984, which was nearly double the amount which was registered in 1983, then there was a significant increase and there was no reason to alarm the country and alarm the investors by saying that the construction industry was lagging so badly, mainly in the condominium phase of it because of the condominium tax. The condominium tax is something which could have worked. It could have been collected because the Law plainly set out how it was to be collected, and a condominium developer would have to have a certificate of fitness from the Planning Board before that condominium could be registered. So there is no reason why we could not have collected it. We have lost a significant part of the revenue of this country and we are going back to snatching it back from the local people in penny ante methods. This would alarm anyone and it is alarming the local people. It is alarming the investors who have built this country as to whether Government has any type of policy at all.

I know that much has been said about that legislation but one of the legal wizards of this country in my presence with an Elected Member of Executive Council, told him that he did not see anything materially wrong with the Law and that was the reason why it was passed several years ago. It could have contributed a lot to the country and I think that it is a shame that it has been taken off.

The next part of my deliberation, Mr. President, will centre on the Portfolio of Agriculture Land and Natural Resources for the year 1984.

MR. PRESIDENT:

I wonder whether before the Member starts on another part it would be convenient to take the morning break. I will suspend proceedings for approximately fifteen minutes until 11.35 a.m.

AT 11.20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.40 A.M.

MR. PRESIDENT:

Please be seated.
Proceedings are resumed. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, I would like at this point to deal a bit with the submissions in regard to agriculture. During the Unity Team administration this department was headed up in 1980 and 1984 under the leadership of the Elected Member for East End, a colleague of ours whom I am very pleased to associate with. During the time that he was in charge of this Portfolio he expended much effort to assist agriculture in this country. I think he like many other people is a bit concerned that even with the

MR. JAMES M. BODDEN (CONTINUING): appointment of Portfolios and the designation of them the word agriculture was left out. I think that is one indication to the people of this country that we can expect but very little in the years to come to be done to promote agriculture in the country.

It would be very good if the Member would make himself available in the country parts and experience the ticks on his body as the former Member experienced them. The former Member saw that there were interior roads built to enable farmers in the Eastern district to get to their interior lands. Government during that time expended a lot of money to assist the farmers. The Member assisted in importing cattle and goats in an attempt to improve the strain in this country. Again this was done with the assistance of funding by the Government. He headed many delegations abroad and he secured the services of consultants when needed, and not on the basis of we shall have them. He put into play the insemination programme which has helped the cattle industry in this country. It is only now that our local farmers in a few areas are being able to supply the demand in the country. Now this is only a beginning stage and this is why it is so important that the Government and the Member in charge of this Portfolio work very diligently in the future.

I must praise the members of the Agriculture Society and the dedication of its members. They have done more than their share as far as carrying the burden in this country. We should try to assist in every area that we can. It is vital that the experimental farms at Lower Valley and at Smith Road should continue, and that activity should increase in both areas. We should make a serious attempt to grow local crops and probably flowers and so forth, because by doing so we could save a lot on the importation of these products into the country. We need to have a continuation of the agricultural clinics in the various districts as was done before.

The Honourable Member during the years 1980 to 1984 did initiate these meetings and he involved the people and the department and they worked together towards a common goal.

This Portfolio should also pay much attention to the fishing industry in these Islands. It can be expanded tremendously, maybe even to the point where we would become exporters. However, to do so is going to need the guiding hand of Government. It is going to be necessary to provide some funding. It is going to be necessary for us to also include the services of people who can assist our local people. This could probably be done through Government assistance and funding in the form of a cooperative and we should make a determined effort to have our fishing limits finally designated. Again the Honourable Member expended a lot of effort in this particular area, but I will remind the House that it is not going to be of any use if we just designate. We also will need to enforce.

I am pleased that the Honourable Elected Member for East End was able to put in a programme of inspection of local meats. This has helped the buying public. It has given confidence and it has helped the cattle producers. I am very pleased that the new administration has seen fit to provide funds for a new cattle dip in Savannah as in that area probably the majority of the cattle is raised and this will ease the burdens tremendously. However, I will remind the House and the people of the Cayman Islands that is only a continuation of the policies of the previous Honourable First Elected Member of Executive

MR. JAMES M. BODDEN (CONTINUING): Council, because plans were fully afoot for that and at least I can thank the present administration for continuing if only one worthwhile project of the unity team Government.

I will speak further on this in my speech to really show what the district of Bodden Town will be getting this year.

The million dollar fishing tournament which was organised last year was a tremendous success. Again I speak subject to correction, Mr. President, because I do not know whether that has also been taken away from the Portfolio of Tourism Aviation and Trade or whether it will continue under the Member responsible for Tourism Aviation and Trade. I apologise if my assumption is wrong that this has also been given to the Honourable Fourth Elected Member of Executive Council. If I am wrong I apologise. However, again this was a tremendous success in the year 1984. It was a bold step forward and considering the benefits which were derived by this country Government had but little expenditure. I would like to praise all of the people in the private sector who contributed time, money and effort in order to make that the success that it was.

This year that particular programme will be sponsored by Mr. Flueger, a taxidermist from Miami who is world famous. I wish to thank him publicly this time for his efforts on our behalf but it will, I hope, be done with the continuation of Government involvement. This was the way it was set up before the elections and I hope that it will continue.

I also hope that the present administration will continue the Pirate's Week festival. This has contributed much to the economy for many years now and it has been started under the Unity Team's administration. Just because it was started by our administration I hope that the new administration will not see fit to abolish it. It has meant much to our people and it has meant much to the economy. During the time that this festival has been going on we have had several chairmen. They all have done a wonderful job. I must at this point pay tribute to the chairman who piloted it through 1984, Mr. Lockwood. I would also like to give my thanks to Dr. Frank McField.

The previous Member of Executive Council responsible for the Agriculture Portfolio started a piggery programme and an abattoir. I maybe have not searched completely in the revenue budget for this year but I do hope that these two worthwhile programmes will continue. I also hope that the Member responsible will see fit to put forward a programme to give more feeder roads in the interior. During our administration we assisted people in agriculture in every respect that we could.

Nearly all of the equipment which would be needed and the supplies which are needed to successfully carry on agriculture in this country had the duty removed from them by us. I hope that the Member in charge now will not be using his financial wizardry in order to request the House in the near future to return these duties on to the backs of our people.

The year 1984, in continuing the programme of the Unity Team Government a police station was built at Bodden Town and a civic centre which cost \$428,000. I am very proud for my people of the district of Bodden Town and for the Islands as a whole that Government was able to expend these funds on their behalf. To those who have not seen the civic centre in Bodden Town it is a beautiful building and it is an asset to that district. I am hoping that we will all be able to attend a dedication of the civic centre at East End which I understand will eventually cost \$555,000 and which was started under our administration. I believe

MR. JAMES M. BODDEN (CONTINUING); the expenditure to the time of the election was somewhere in the neighbourhood of \$200,000. So when that is opened I hope we will not have an occasion to baptise it twice.

I know that the Elected Member for East End has worked very hard to benefit his people. From the year 1977, since when he has been an Elected Member he has worked diligently on their behalf, and East End has made many strides in the last eight years.

There will also be a necessity in the near future to consider a civic centre for the district of West Bay. Our administration last year expended in the neighbourhood of half a million dollars to purchase eighteen or nineteen acres in West Bay, on which it is hoped we will be able to build a civic centre, a community hall and provide an area for sporting facilities. Again I hope that the Elected Members in Government who are leading Government at this time will see fit to continue that policy.

Cayman Brac under our administration got a civic centre and I will deal with that again later. So it is necessary that George Town some time in the near future receives the allocated funds to provide the same facilities for this district. I will support it fully and eventually I will also support a measure for a centre for North Side.

The Honourable Financial Secretary in his delivery pointed out to us that the expenditure for salaries and benefits of the Civil Service in 1984, was \$25,728,978 which accounted for about 43 per cent of the general revenue. Now this included the large salary increase and the salary re-grading for the Civil Service which was done under the Unity Team administration in the year 1984. However, Mr. President, I must give a word of warning at this point that any time the Civil Service salary and benefits take 43 per cent of the general revenue it is reaching an alarming figure. We have spoken a little on this in the previous debates, and I will speak a little more on it now.

I think it is incumbent on you as the Governor of this territory and the person alternately responsible for the Civil Service to see that we do not have a further large increase in its expansion. We must get to the point where people are paid for what they do. We must get to a programme where people are promoted on merit and ability and not on longevity by keeping the seat warm. Those days are past and this cannot continue if our country is to succeed in the manner which it should do.

In my opinion, consideration should be given to a change in the Public Service Commission. I feel that the present Public Service Commission is an anachronism of the past in our colonialist days and that we should make an attempt to streamline it.

The next point which I would cover, Mr. President, is the ship registration. My colleague from Bodden Town and myself over the years have forcefully tried to get proper ship registration legislation in this country. We have supported many attempts to deal with this by bringing experienced experts here and so forth, but we have come to a point where there is a little impasse in it. It was mooted last year that the ship registration should be abolished for various reasons, one of them being that it is not a large revenue earner. I spoke against it at that time, Mr. President. I speak against the closure of the registry at this point and I think I will continue to do so for many years in the future. Ship registration to me, if not a revenue earner, is a vital thing. It shows our flag abroad. It gives employment and gives some control in the local market. When you consider the

MR. JAMES M. BODDEN (CONTINUING): background of the Cayman Islands and the background of its people, I could never support a motion for its closure.

The Honourable Financial Secretary in his debate stressed the fact that 1984 was a reasonably successful fiscal year. He outlined the various areas in which he thought this was so. When the Budget of the Cayman Islands is compared to similar countries in the Caribbean with the same size and population then we can really realise how fortunate we have been. I only hope, Mr. President, that when we get back to debate the 1985 Budget in the year 1986, that the Honourable Financial Secretary and the Members of this House will be able to give the same glowing reports. Although with my love of my country and its people I hope that it will be so; my instinct tells me that we must expect a difficult year in 1985.

1985 to most people in the Cayman Islands is full of gloom and all of us are anxiously awaiting to see what positive moves the new elected Government will make. Whether those moves will be beneficial to the country as a whole or whether the Government will continue to support special interest groups remains to be seen.

The 1984 Budget as presented to the House began with a balanced budget of \$59.2 million. However, with various other things having to be done during the year including the re-surfacing of the runway in Cayman Brae and several other items, the 1984 budget was \$62.1 million. That is a large amount of money and a very large amount of money when you consider the size of our population. However, that money was earned. We borrowed a little of it as the Honourable Financial Secretary has outlined and as I will be outlining later in my deliberation. I am alarmed though, Mr. President, to find out that the new Government has not been able to increase that budget for the year 1985, but rather they have decreased it from what was spent in 1984. For a country to survive and grow as we have been growing, this is impossible.

I have a special part in my speech to deal with what I really think of the Budget and I will leave the rest of my deliberations until then. However, I am very proud that for the eight years of our administration the local people were not called upon to bear the greater burden, but rather we were able to balance our budget; we were able to put large surpluses in reserve and still not tax the local people, particularly penny ante wise.

The year 1984 ended with a deficit of \$252,537 which is the first deficit which has been recorded since the year 1977. So the country as a whole, the Legislative Assembly as a whole and the outside world as a whole knows that this speaks highly for the stewardship of the unity team administration.

The Honourable Financial Secretary has revealed to us that with the Port Authority loan and the various other loans; the Tower Building loan, the airport loan and so forth, the debt for the country now is \$16.2 million. This is not an alarming amount when you consider the size of our budget and when you consider what the debt has stood at in relation to budgets in the past. We are also indebted, as he revealed, to Caribbean Development Bank for \$100,000 for student loans. Again, I and my colleagues are very proud that this is something else which was initiated under our administration.

The General Reserves as at 1st January, 1984 stood at \$10.1 million and during the year they earned \$1 million in interest. During the year \$3.4 million was taken to fund some specific requirements including the Cayman Brae airport runway. The Government Members at this time are asking to further decrease the

MR. JAMES M. BODDEN (CONTINUING): reserve funds of these Islands by \$2.3 million in order to try to balance their 1985 unrealistic budget. Once this move is made, Mr. President, I will warn the Members of the House and the country as a whole that the large reserves which have been built up will be nearly depleted. This is where the concern comes in. It is not the concern which the present Elected Members of Government should have as they said both before and after the election that the country was broke. The country was not broke at that time, Mr. President, but we are facing the point where it is getting broke under their administration. Because in the short period of little over four months, once this motion passes the House, they will have taken over \$4 million from reserves and that is taking over \$4 million from reserves which they told the public we did not have. So I wonder if we did not have those reserves where could they have got this money to recklessly spend as they have been doing.

The balance of reserves at the end of December, as revealed by the Honourable Financial Secretary, stood at \$7.7 million. With the \$2.3 million which the Executive Council is now proposing that we take for 1985 it will leave us with the small amount of \$5.4 million. The former Financial Secretary of this country who is now the Honourable Fourth Elected Member of Executive Council, in some deliberation in this House during this present sitting, has said that when he left Government a year and a half or so ago there was \$21 million in reserves. This was a bit inaccurate, Mr. President, and it was only said to cast an aspersion on the Unity Team administration and on the present Honourable Financial Secretary. I think that the statement should have been withdrawn because he was quite aware that at the time he left Government he had chaired a financial meeting just before that where substantial amounts of money were taken out of the reserve fund to be used for the benefit of the people of the Cayman Islands. So the reserves did not stand at \$21 million when he vacated the office.

Another point of success which has been accomplished during the Unity Team administration was the initiation of the local law school. In the years to come this will have a significant impact on the people of the Cayman Islands. For years our people dreamed of having such a facility. They dreamed of having the chance to compete in the legal world with people from other countries who had been imported here, and to earn the type of income which they could be proud of. We have given them that opportunity. At the present time according to the Financial Secretary's speech there are 16 students who will shortly enter the profession. Some of these have now completed the third year of a five year course. I wish them all the greatest of success and I hope that they can become as rich as some of our other lawyers have become.

Mr. President, my fellow colleague from Bodden Town, who during the Unity Team administration was responsible for the Portfolio of Communications and Works expended a lot of effort last year towards getting a water supply established. The first water supply was established in the district of Bodden Town in Lower Valley. The second one is now being completed in East End. Much of the work on the East End well field was completed during our administration and it shows the manner in which we looked at the problems of the country, that we placed a supply of water as being of vital necessity. In order to provide for the number of tourists which we get and for our local people, water is of paramount importance. I would like to pay tribute to Cayman Water Company, I think they call themselves, who have the desalination plant on the West Bay Road. They have assisted tremendously in the rapid growth of tourism which has provided money for Government; money for the shopkeepers; money

MR. JAMES M. BODDEN (CONTINUING): for the hoteliers and money for the airline. If they had not had the foresight to go into that investment, today the country would have been held back at least five years in its development.

I would like to point out to the Members of this House that it was the intention of our administration to see that water was piped to the district of East End before it would have been piped to or handled in some of the other areas. Unfortunately I believe the present Elected Government has not seen fit to provide funds to enable this to happen.

My colleague from Bodden Town was also responsible for seeing that the sewerage system would come into effect in the year 1985. He along with other Members of Government negotiated successfully for the loan from Caribbean Development Bank. Our administration purchased the land and we put the full plan into motion for the sewerage system for the West Bay beach area. Again this is important if we are to continue to attract the number of tourists to the country that we do. It is also important for the welfare of the local people and to see that we maybe thwart epidemics before any could set in. My colleague spent a lot of his time and effort in bringing this to what I would call a successful conclusion, and again we will be ready to baptise it twice.

His administration was also responsible in 1984, for seeing that the Finance L Committee would provide the necessary funds for the purchase of land in West Bay. This is a large tract of land and it will be many years before it is fully utilised. However, it will provide a decent place to have a civic centre and parks and playing fields to assist the people of West Bay. I would want at this point to warn the present Members for West Bay not to take credit for this, because this was done in a previous administration. We saw the ills which affected that district as well as the other districts of this country, and spending only from available money we tried to work in every area to better the life of our people. I hope that they will provide the funds sometime in the near future to see that development takes place. In the present budget, although they preached so much about it during the last election, I apologise if there is any money in it for the development there, but I have not yet come across it. I do apologise because I have not had a chance to complete my work on the Budget as presented by the Honourable Financial Secretary. That is why it will be necessary, Mr. President, for me to continue debating until tomorrow afternoon.

Our administration in the year 1984, as in previous years before that, saw fit to provide money for East End, North Side and the other districts of the Islands to provide community parks and playing fields. This is something which we attended to every year. As I mentioned previously, last year we bought the land for the sewerage project on West Bay Road and we purchased the land for the new airport terminal at Cayman Brac. I should stress at this point that as I go further in my debate I will be dealing at another time with the airport terminal and the other facilities for Cayman Brac.

We also provided a jetty last year in South Sound for the people who have boats and who are in the boating business. Much was said about this move and I think some people even went so far as to say the noise would disturb the dead in the cemetery there. However, Mr. President, it was one of the few areas in South Sound where this could have been put and I am very pleased that the Member whose Portfolio this came under stood fast and stood firm, and that it was completed. I am sure that the people particularly who cater to the tourist business in their small boats will pay tribute for many years to come for that being done.

MR. JAMES M. BODDEN (CONTINUING): Last year we also established a seismograph station at Mosquito Research and Control Unit. This again was a great step forward and it shows that we paid attention to every facet of development in this country.

Property transfers as I mentioned a while ago have decreased in value. In 1983 there was a total amount of \$64.7 million in property transfers. In 1984 it decreased to \$62.4 million. Mr. President, I am sure that some day in the near future the present Elected Members of Executive Council will be putting forward a plan to curtail the transfer of lands locally. If this should ever come about, Mr. President, I am sure it would be the beginning of a revolution in this country. It would be a revolution in ideas if nothing else because Caymanians over the years have taken pride in the ownership of property. To most Caymanians it is their only wealth and it is their social security for waning years. That is why the public reacted so strongly in the years 1972 to 1976 when the Development Plan of that era would have completely destroyed the value of property in the Cayman Islands. People who thought they had wealth because they owned land, and they owned land in the areas which could have been developed and developed properly, suddenly found themselves out in the dark. If that Law had then gone through no Caymanian would possess any wealth in any lands today.

I would like at this point, Mr. President, to praise the work which has been done by Mosquito Research and Control Unit over the many years which it has been active in this country. It has laid the groundwork for the success of our country. Many of us can remember the good old days as they are referred to when the mosquito problem was really something to contend with. I praise but very few people, Mr. President, and maybe this is one of my weak points, but Dr. Giglioli who was in charge of that department for many years did an outstanding job and should be remembered by the people of the Cayman Islands forever and ever. I was not a friend of Dr. Giglioli. I could not remember him as such, but I believe in giving credit where credit is due.

Mr. President, the Development Plan for this country which was put forward by our administration in 1977 eased tension in our population and brought great development to this country. I would warn the present Elected Members of this House that to tamper with that is going to bring destruction to our country. It brought marches of our people in those years and believe me, if it is tampered with it will bring them again.

There was a committee to deal with the building code which was set up by my colleague from East End during our administration, and I would hope that a realistic approach would be taken to this and that some time in the near future the House will be told that we plan to put in a suitable building code. Meanwhile I would hope that not too many dictatorial methods are used by the Civil Service side of the Planning Department.

Mr. President, my next contribution will be dealing with the Portfolio of Health Education and Social Services, and that will be a very long deliberation. As we have reached just about the usual time for finishing I would be willing to stop at this point and to recommence this afternoon.

MR. PRESIDENT: It is a little earlier than we usually stop and it is going to be going on for a long time.

MR. JAMES M. BODDEN: I am prepared to go on, Sir.

MR. PRESIDENT: Could you do a bit of the Portfolio for another ten or fifteen minutes?

MR. JAMES M. BODDEN: I can deal with my first two lines on it, Sir.

MR. PRESIDENT: Alright.

MR. JAMES M. BODDEN: The Portfolio of Health Education and Social Services is the most important Portfolio in our Government. It is a Portfolio where we deal with the day to day problems of sick people, and when you are sick, Mr. President, nothing in the world anyone can do for you at that time other than to make you feel better will make you stop complaining. As far as education goes, it is on education that the future of this country depends. If education is not properly attended to we will easily revert back to the days in the history of the Cayman Islands of the early 1900's. We have moved away from that. In the past eight years Government has made strides in education which have been unmatched in the previous history of education in this country. This must continue.

It is unfortunate, Mr. President, that the Member who headed this Portfolio in the Unity Team administration was not elected in the November, 1984, Election. Other than myself and Mr. Panton, Truman Bodden would probably be the next person who has been castigated the most from some sources. A reference has been made here, and I will be dealing with that later, Mr. President, which in my opinion should never have been made by a Member of this House. The man may be little in stature, but as far as his brains go, and he has proved this to the country, there are more brains in his back pocket than most of those in the present Elected Government would have in their brains. He has done more to expand health and education services in this country than any other Member who ever occupied the Portfolio, and probably any who will in the future.

At this point, Mr. President....

MR. D. EZZARD MILLER: Mr. President, I wish to reserve under Standing Order 34(1)(b) my right to elucidate the matter which the Member has just referred to, if he was referring to what I said in my speech.

MR. JAMES M. BODDEN: Mr. President, I am ready at this time to give him the floor so he may make his point.

MR. PRESIDENT: You may go ahead and make the point now then.

MR. D. EZZARD MILLER: Yes. Mr. President, I did not question whether the Member had increased or expanded the Portfolio under his administration. I merely pointed out, Sir, that in my belief and in my interpretation of those expansions, it was a waste of public funds and it was done in the wrong direction, Sir.

MR. JAMES M. BODDEN: Mr. President, I do not even believe that I was referring to that particular Member at all.

MR. D. EZZARD MILLER: Thank you, Sir.

MR. JAMES M. BODDEN: Mr. President, I do question why the present Member responsible for this Portfolio saw fit to put the school questionnaire to our young people, which was done a few weeks ago. Many people....

HON. BENSON O. EBANKS:

Mr. President, I wonder if the Member would give way, Sir?

Mr. President, I thought that the Question Time made it very clear that I did not approve the questionnaire which was put to the children. I think the Member is out of order when he attributes that action to me, Sir.

MR. JAMES M. BODDEN:

Mr. President, if I had been in that Member's place I would be ashamed to admit to my fellow Legislative Members and to the country as a whole that such an action could be carried out by one of the departments for which I was responsible and not know anything about it. I was only touching on this subject in passing, but now I will spend some time in dealing with it.

Mr. President, the sanctity of the home is of great importance in a community, and the love which is built up between the parent and the child. I would strongly say that these type of actions may be done in a communist society but I would hope would not continue to be done in our society. I stand as firm against drugs as any human being could ever do, and anything which will help to alleviate the drug problem, even at the sacrifice of my life if it had to be, I would do it for the people of the Cayman Islands. However, Mr. President, I do not think it is correct for us to prepare a questionnaire and give it to children of ten and eleven years old, and expect them to answer intelligently to the questions. I personally have never seen the questionnaire and if I had maybe I could elaborate more on it, but I fail to see where we can get any statistics or we can get anything from this questionnaire. Children of ten and eleven years old should not be asked questions of this nature against their parents. It is invading the privacy of the home and if we were to continue with this we could wind up like the reports which have been in the United States in the past few weeks concerning the sex abuse of young children.

There have been two sides to that argument, one for and one against whether the children should be questioned in the manner in which they have been questioned. I am not here to say which is correct but I am here to say, Mr. President, that I am against such questionnaires being given to children ten and eleven years old. I will state further, Mr. President, that any Member of this House who is assigned a Portfolio of Government is responsible for anything and everything which happens in that Portfolio. He cannot shy away from it. The blame should never be put on the Principal Secretary, the Assistant Secretary, the clerk, the secretary or anyone else. The Member must do as I have done in the past and say, "I was responsible". He should not shy away from it. The Member owes it to the people of this country that they know everything which takes place in his Portfolio and he should ultimately be the one who sanctions it. If not, Mr. President, we are going right back into what I have been talking about for years and that is a Government of Civil Servants, and we should abolish at that point the Election Law.

Why do we have the elected form of Government under our Constitution if the Members who are elected to fill those positions are going to take the complete advice of the Civil Service and leave it completely to the Civil Service to run our country. If that is to happen, Mr. President, you should abolish this House today and the next Bill before this House should be the repeal of the Election Law.

HON. BENSON O. EBANKS: Mr. President, I wonder whether the Member is prepared to give way under section 34 of Standing Orders?

MR. JAMES M. BODDEN: Mr. President, I am very pleased to give way.

HON. BENSON O. EBANKS: Mr. President, in his customary fashion the Member is misleading the House. It is very clear and on the records that I said when answering the question in regard to the questionnaire that if the time could be established that the questionnaire was approved during my administration I would have willingly accepted the blame or responsibility for it. However, I made it clear that no one was able to satisfy me when the questionnaire was approved. That is on record so the Member need not go on with his half truths or whatever we could call them, Sir, if we can elevate his remarks to anything of that sort.

MR. JAMES M. BODDEN: Mr. President, I am not trying to give this House a half truth and I do not know what he means when he refers, I think, to my usual style. I admit, and I am proud of it, that I can stand here and debate a very long time, and debate knowledgeably. However, Mr. President, I still stress the fact that he cannot blame the previous Member or blame the Civil Service. Election to Executive Council took place on the 21st November, and this questionnaire went out two and a half months later. So he has had two and a half months to find out what was in that questionnaire. He has had two and a half months to fully equate himself with the problems attendant to his Portfolio. So he cannot shy away from it. He was responsible.

MR. PRESIDENT: I know that I invited the Member to continue but I wonder if we have come to the end of that particular point would it be a convenient moment to take lunch now? In that case I will suspend proceedings until 2.15 p.m.

AT 12.38 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.19 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, in the Budget Address we were told that in 1984 the Government spent \$5.8 million on health care for the Cayman Islands. Of this, capital expenditure amounted to about \$500,000. This is a significant amount of revenue and it is a significant amount of care which has been expended on our people. We hope that in 1985 the people will continue to receive the same type of health service which they did in the previous administration.

Attention was paid to many areas and during the year of 1984 the dental clinic at the hospital was renovated and Government purchased a van to provide transportation

MR. JAMES M. BODDEN (CONTINUING): for children for dental treatment. A dental clinic was established and equipped at East End. A garbage disposal crane truck was purchased and \$148,000 was spent on medical equipment. Also the ultrasound equipment was installed in 1984, and Government acquired seven cardiac monitors during the same year. I understand that some of these were obtained with the help of one of the staff members at the hospital, and I compliment that staff member.

Collection of medical fees has always been a problem. It continued into 1984, and I am sure that we will also see it in 1985. I would comment on this by saying that in my opinion much more money could be collected at the hospital if we had staff who prepared the bills for patients and the patient could receive the bill at the time of discharge. In many cases, the bill is not sent out until probably weeks after the person has left the hospital and by that time it is not easily collectable.

With regard to the amount which is lost due to people who cannot afford to pay; Again we may be able to cut down on that sum by having someone in authority at the hospital look into the affairs of the patient, and to be able to determine while the patient is still in the hospital, that the person would not be able to pay the bill when they left. To people in that category I extend my sympathy and I hope that the Government will be lenient with them and that the policies of the past will continue. It may also help with those people who it is determined can afford to pay, if a deposit system could be initiated to where a deposit would have to be paid at the time that the person enters the hospital. Now by saying this I do not intend in any way to mean that any patient will be turned away from the George Town hospital or any of the clinics, because they were not able to pay a deposit. I do not refer to it in that sense.

I am pleased to see that in 1984, there was the appointment of a second full time doctor to Cayman Brac.

The purchase of supplies under health care in 1984, amounted to \$700,000. Of that the purchase of drugs for use in the treatment of patients amounted to \$280,000. The Member responsible for that Portfolio last year provided a programme to upgrade the sanitary facilities for the needy people of the Cayman Islands. Much was done in this area and again I hope that the present administration will continue along those lines.

I thank the physicians from abroad who this past year performed some valuable services at the hospital in assisting in problems in ophthalmology, orthopaedics, uro-genital surgery, colon rectal surgery, neurology, plastic surgery, psychiatry and ear, nose and throat disorders. These people are to be complimented and we should extend every reasonable assistance to them to ensure that this continues in the future, and maybe even on a broader scale.

The immunisation programme for children has been successful. Over 90 per cent of the children have received these shots and it is probably one of the highest percentages in the world. In my opinion, Government should begin through the health services to provide family planning clinics throughout the Islands. This is something which we can no longer sweep under the carpet. It must be dealt with. The same thing applies to sexually transmitted diseases. I personally was shocked when I saw the report in the paper. If you take the amount of people we have in this country, it would probably amount to the highest incidence of any place in the world. It is an alarming situation and Government must give priority to it and again not sweep it under the carpet. Probably the time has come when the medical services should consider having district clinics and maybe even more information on this subject furnished in the school curriculum. However, it must be dealt with and dealt with at once.

MR. JAMES M. BODDEN (CONTINUING): I pay tribute to the Lions and Kiwanis Clubs for their assistance with eye and ears, nose and throat problems. These two organisations have made these items a priority and they have spent much time and effort and money in seeing that our people were assisted.

Another priority which must be dealt with or continue to be dealt with is the drug and alcohol problem. Clinics dealing in these subjects should be organised and we should employ properly trained staff. Many other countries of the world where they are faced with the problems the same as we are have these clinics and they have proved to be very helpful, particularly in the drug situation. We could help our young people a lot if this is done and done at once.

There was a council dealing with the problems of the mentally ill which was established by the previous administration and the Member who was then responsible. I hope again that this will continue and will receive primary attention from Government.

Primary health care clinics were established at West Bay and the doctors' visits were expanded to twice a week.

I would also like to pay tribute to the Rotary Club for helping to promote the blood pressure and diabetes screening programme. We are fortunate in this country that some of our organisations spend so much time and effort in helping the less fortunate in our community. Rotary has done this for many years and I am sure that they will continue with it in the future.

In 1984 the Member responsible for this Portfolio also helped to organise the breast cancer detection week and the colon cancer screening week. These are two important areas in our country where further work should be done, and I hope that the Member responsible will continue to give it his support.

A ten-bed elderly care unit was established at the Pines. This was something I gave my support to and will continue to support as I feel it is time that we come to grips with the problems of the elderly people and the indigent people who are not able to take care of themselves. It would bring a great strain on the hospital and it has brought a strain in the past on the facilities there.

Mr. President, during the last eight years the previous administration refurbished the out-patients and casualty ward at the hospital. A new wing was added for paediatric patients. A new physiotherapy unit was installed. An in-patients wing was added. Kitchen facilities were renovated. There was a new operating room and recovery room built. The out-patients department was renovated. Four doctors' consulting rooms were added and a department was built for the doctor on call. Eight surgical ward beds were added. A new operating and delivery room at the Faith Hospital in Cayman Brac was built and also dining room facilities. The public health offices were renovated. More public health officers were added to the force. The genetics programme was continued. There was a policy enacted for stricter control of drugs. New dental clinics were added. There was renovation to the Cayman Brac dental clinic and an X-ray block and incubators were installed at Cayman Brac. Three ambulances were purchased with two-way radio communication. This represented a lot of capital expenditure but there is no better area where the money could have been spent than in the care and protection of our people.

MR. JAMES M. BODDEN (CONTINUING): With regard to education, another department which fell under the responsibilities of the Honourable Elected Member of Executive Council responsible for Health Education and Social Services, staff costs in 1984 amounted to about \$5 million which was about 78 per cent of the total amount of money spent in the field of education.

In 1984 the previous administration continued its policy of allocating certain funds in the budget to assist the private schools in our country. The private schools which operate in our country have an enrolment of approximately 1,200 pupils of the 4,324 who are attending schools in this country, or 28 per cent of the total number of students are enrolled in private schools. This assists the Government tremendously because if we had to provide the facilities and the staff to handle all of these students, we would find that our budget would be severely strained.

The Middle School was built during the administration of the unity team between 1977, and 1984. This is a fairly new idea in regard to the educational approach in the Cayman Islands. The present enrolment is 814 which is a large enrolment for a school which has only been in operation a few years. I am very proud that this was one of the accomplishments of our administration. It was a policy decision taken which proved to be taken in the right direction. It was our opinion, Mr. President, that the High School was getting too large and that it was much better to move the youngsters of eleven years old and up away from the eighteen and nineteen olds who were in the High School. I think that the decision was a wise one and again history will prove that it was wise.

Present enrolment at the High School is 952 which means that for the next three years we can look forward to over 300 plus students every year leaving the High School and coming out into the world seeking employment. An area which great attention should be paid to is in the area of vocational guidance and counselling for the young students. So many times we find that the average child coming out of the High School really has no direction as to which particular field it would wish to embark on. As a result we find that some of them wind up as square pegs in round holes.

In reviewing the budget for 1984 we find that the annual cost per pupil in our primary schools in Grand Cayman was \$1,237.60 compared to Cayman Brac which was \$1,810.60. This is a very large disparity and I really wonder what has caused it. I can agree that costs in Cayman Brac should be much higher than in Grand Cayman but to have an excess of 50 per cent over Grand Cayman seems a bit high.

The annual cost per pupil in the Cayman Islands High School which is located here in George Town was \$1,995.90 per child. The annual cost in Cayman Brac was \$2,774.80. My previous remark with regard to the difference in cost should be noted on the Cayman Brac High School as it was noted on the primary school.

The annual cost per pupil in the Cayman Islands Middle School was revealed to be \$1,358.40. The transportation cost for students was listed in 1984 as costing about a third of a million dollars. This is a large expenditure, Mr. President, but I cannot see where we can expect it to be lowered, anyway in the near future because as the population continues to increase there will be more and more demand for transportation. Government has seen fit to establish the High School and the Middle School in George Town and the young students from the other districts have to be bussed in. In many cases the parents of these children could not afford, with all of the other problems which they encounter financially, to find the money to transport these children to the

MR. JAMES M. BODDEN (CONTINUING): *High School and the Middle School. Therefore, I will continue to support the programme whereby Government pays for this transportation. I hope that it will continue to be run by private enterprise carefully monitored, and that Government has no intentions because of the rashness of politics to try to make any change in this respect.*

Mr. President, I would like to place a suggestion on record that rather than Government considering the enlargement of the present High School system in George Town, a high school be erected in the very near future in the Bodden Town District. This could save money as far as transportation is concerned and could serve many areas. I would not be against it being built in the Breakers area either. It is important that this be considered because the population of the Eastern districts is growing and it is quite a problem for many of these youngsters to come from the eastern districts and to arrive in George Town around 8.00 in the morning to be ready to go to school. It would save many problems. It would ease congestion if our suggestion should be considered and adopted. After all, Bodden Town remains the political capital as it was the capital in years gone by, and we are glad along with that to associate ourselves with the districts of East End and North Side.

In the year 1984, two music rooms and two laboratories and a multiple purpose hall were started at the Middle School. I would like to see this completed in 1985. Canteens were provided at the Middle School and the High School.

Now, Mr. President, we have one alarming problem associated with education and that was revealed in the Honourable Third Official Member's Budget Address when he revealed to us that the teaching force consisted of 75 per cent expatriates and only 25 per cent Caymanians. This is a problem which should be addressed by Government at once. We should extend training locally and we should promote and assist people to go abroad to train as teachers. It is much easier for a teacher to deal with the problems of our people when he has been born and bred with us. This is not saying that the expatriate teachers do not give their all. I do not mean to infer that. What I am saying is that it would be much better in the years to come if we could change this percentage to where we had 75 per cent of the teachers who were Caymanians and 25 per cent who were expatriates.

I think this can be accomplished by placing more emphasis on education, expanding our scholarship programme and treating the graduates decently when they come home. I had occasion last year to deal with a problem of a local teacher who had secured a Bachelor's degree and then went off after some time at the High School to continue studies so that eventually that person received a Master's degree. Upon coming back to Grand Cayman that graduate with a Master's degree was put in a position of being a telephone operator at the High School, plus suffering many other indignities. The pay scale when she came back was exceptionally low. I bring these points out to show the Members of the House that we cannot accept our youngsters to pursue a lifetime career in teaching when they are treated in this manner. This young lady received but very little assistance from Government during her training. I think she is still employed by Government and I believe that she will make a good addition to the school system in the end.

During the last eight years the previous administration expanded the educational services of this country and addressed the problems in all areas from pre-school to adulthood with the introduction of the special education programme for the physically and mentally disturbed. This was done by the former Member responsible

MR. JAMES M. BODDEN (CONTINUING): for this Portfolio and the enrolment today at the Community College will speak for his efforts in this area.

School libraries and reading workshops were established. A pre-school educational programme was started. Resource rooms were built at all primary schools to attend to the learning disabilities of the youngsters. A curriculum co-ordinator for social studies was appointed and also an education officer for primary schools. These were steps in the right direction.

One telling point which was made by the former Member of Government, the Member responsible for Health Education and Social Services, was when he took steps early in 1977 to terminate the Caribbean Examination Council for the Cayman Islands. This will go down in history as a very memorable step and one which would probably earn him at least a CBE if he was not so small and had so few brains as some people say. Mr. President, we can all visualise the state of affairs which would have existed in the Cayman Islands today if for eight years we had allowed this country in the years of prosperity to accept the Caribbean Examination Council exams. Those exams would have taught our children an alien way of life; communistic, socialistic, black power, and so forth. I cannot understand, Mr. President, why the Member who was responsible for this up until 1976 would have ever considered putting this chain around the necks of the future generation of this country.

Mr. President, renovation took place in all of the schools throughout the Cayman Islands and this period also saw the beginning of the Lighthouse School. This is a school which is much needed. This is a school which I trust will always receive Government support. These are children who although handicapped can play a part in the society if the right type of education is made available to them.

Mr. President, I come to social services and I quote the words of the Honourable Financial Secretary when in his speech he said:

"Change was the trade mark for the Department of Social Services in 1984."

Mr. President, many tales have been told; many stories have circulated about the lack of attention which was directed to social services by the previous administration. However, I will attempt to prove that all of these stories were strictly lies which were politically motivated. I will attempt as I proceed with my deliberations on the budget to point out that instead of the present administration building on the foundation which was laid by the previous administration, they have attempted to tear it down and this year they are not even paying the attention to it that we paid to it last year, much less expanding on it.

The budget for social services in 1984 was up 42 per cent over 1983. We increased the staff of this department and employed additional counsellors. I will give an indication, Mr. President, as to really what was done in regard to the field of social services.

The Bible has said that we will have the poor with us for ever and many people in this country are poor. It is no shame to be poor. There are very few Members of this House who at one time in their life could not have been considered poor. However, in 1976 so little attention was paid to the poor relief fund which helps to take care of the poor people in our country, that only \$12,368 was spent on poor relief.

MR. JAMES M. BODDEN (CONTINUING): Mr. President, that is not the end of the tale. I can remember vividly when I entered politics along with my colleague here from Bodden Town in 1972. At that time if I can remember correctly the budget for the previous year for poor relief was \$700 and very little of it had been spent. When the Finance Committee started its deliberations Members wondered why it had not been increased and also why it had not been spent the year before. The present Honourable Elected Member of Executive Council responsible for Health Education and Social Services was also the Member for Health at that time and eventually when we called in the administrator of the poor relief fund, we were told that it was so little that there was no way that she could begin to spend it, because if she had spent \$10 out of it somebody would have turned up who needed \$100 and then she would not have had anything to give them. After about a day and a half of debate my colleague from Bodden Town and myself with the assistance of some of the other Members were able to get that increased, I think, to \$1,500. I am just giving the Members the history of what has happened with this particular thing under the administration of the present Executive Council Member who is responsible for it.

In the year 1983, the Government spent \$129,937 on poor relief, which means that the poor relief expenditure has increased by roughly 1,000 per cent in the last eight years. That does not mean that we have that many more poor people. It means that we are paying better attention to those who we have.

In 1976, social services accounted for an expenditure of \$41,721 by the then Government. This Government had as its Member responsible for Health Education and Social Services the same Member who is the Member responsible for Health Education and Social Services in the year 1985. In 1983, Mr. President, this department saw an expenditure of \$565,218, a tremendous increase in eight years; an increase of probably about 1,200 per cent. Yet the Member who was responsible as well as all the Members of the Unity Team were castigated by the newspapers and by certain would be politicians for their lack of attention to social services. These figures speak for themselves as to what we attempted to do, Mr. President.

During the previous administration substantial funds were loaned to the Pines. The Pines is a project which the National Council of Social Services has embarked upon. It is a project which much public support has gone into, but in the end they fell short of the necessary funds to complete and Government was asked to come to their assistance. I speak subject to correction but I think that the amount which was loaned by the Government to the National Council of Social Services approximated half a million dollars.

Another point which I would like to bring up, Mr. President, is that during our administration the pension to dependents of pensioners after death was instituted and this alleviated the sad state of affairs which existed in many poor families in the country. In addition to that the pension scale was updated to bring it in line with the monetary values of today. These are things which the people as a whole will not forget and it is something which the present Government should not forget. They should pay attention to this as monetary values change in the future although I doubt they will be in there long enough for values to change that much.

We also instituted free medical care for the pensioners. This again was a substantial drain on Government revenue, but we felt that there was no better area where the money could be spent than to ensure good medical treatment for those pensioners who had in years past suffered tremendously, and that

MR. JAMES M. BODDEN (CONTINUING): these people who had given many years in Government service, in their waning years should be able to die with respect.

A new pension scheme was instituted for the Civil Service and not just for the Legislative Assembly Members as the present Elected Members of Government would like to make the population believe. This was a substantial change from what had been in existence before.

Another great step taken was the passing of the Caymanian Protection Law where equal rights were given for husbands and wives under that Law. This was something that my colleague and myself had sponsored in this Assembly from 1972, which was when we brought our first motion, I think.

A remand home was established for the juveniles and staffed, and Government continues to provide maintenance and staffing cost of the Francis Bodden Girls' Home. Again I give tribute to the organisation which helped to provide the money to erect that. It shows that the people of this country are willing to put their shoulders to the wheel with Government whenever it is needed.

A garbage collection system was started in Cayman Brac and we saw the construction of the Aston Rutty centre.

Food and meat inspection programmes, as I have touched on before, were instituted.

Land was purchased in many areas of the country for cemeteries and the facilities were upgraded in all areas. In addition money was put into the budget and used to fence these cemeteries. We purchased additional land in all districts for playgrounds and we built most of them.

We acquired sea coast land in several areas for use by the public. Rest-room facilities were provided for the public at the George Town dock. We provided money for Civil Service home loans through loans to the Civil Service Credit Union. We instituted the programme of student loans. We loaned money to nearly every private school in this country at very low rates of interest and in some cases with no interest at all, in addition to the grants which were given to them in the regular budget.

The sports complex at the Middle School was started and I am hopeful that the Member again will not give it the second baptism when it is completed, as it was started under the Unity Team administration.

At the end of the year, due to our commitment to the young people of this country, there were 46 students abroad on scholarships. Mr. President, I stress once more that this is an area where much attention needs to be given. This is an area which we cannot cut in order to try to balance the budget. The young minds of this community must have the help so that they can come back as capable citizens and help us to establish a community which we will all be proud of.

I pay tribute again to another person in the form of a Canadian lady, Mrs. Harquill who has seen fit to make such a large donation to the cultural centre in George Town. I give it my blessings and I hope that with Government and the private sector working together, the establishment of the cultural centre will become a fact in the very near future.

Mr. President, I come to civil aviation. I am very proud that that is one of the departments of Government where we have a capable Caymanian at the head of it. The present Director of Civil Aviation has proved his ability in many areas. He has proved that once the typical Caymanian is given the opportunity, he can

MR. JAMES M. BODDEN (CONTINUING): overcome all obstacles. I pay tribute to him and his entire staff.

During our administration we provided a new administrative office for civil aviation. We established the meteorological section and the crew briefing room for air crews. Mr. President, the design of that complex is similar to the design of the Cayman Airways administrative office and to the new airport terminal. It gives me great pleasure to see that our country was able to build this, and it gives the people of this country great pride. Moreover, to the visitors who come to these Islands, it proves to them that we are capable of administering our own affairs. 17 per cent more people passed through Owen Roberts Airport in 1983 and 5.3 per cent more through Cayman Brac. This shows that in spite of all adversities the travelling public is using our airports. I will deal with this further in my speech in regard to showing the amount of revenue which is earned from these areas.

In 1984 we had through Owen Roberts airport 206,325 people as arrivals and 206,375 people as departures. Once this statistic is revealed there will be nothing to wonder about as to why a new airport terminal had to be built, one that could be expanded but one which should meet the needs of the country hopefully for the next fifteen years.

I personally am very proud of the new airport terminal and I am proud that it was a further sign of our appreciation to Wing Commander Owen Roberts who helped to pioneer the success which our country enjoys today. That airport terminal up to date is probably Government's largest investment, but it is an investment which was put together under strong guidelines, with help from the Caribbean Development Bank. With the management-in-place that facility should pay for itself in seven years and still leave a surplus each year. I have had many good comments made about it and I am proud that I had the opportunity to play the part with it that I did.

Cayman Brac saw arrivals of 17,070 people and departures of 16,892. This again was a great increase and it shows that there is a chance for Cayman Brac and Little Cayman to develop in the future along the lines of Grand Cayman. In fact these two Islands may be the future of the Cayman Islands.

Revenue in the year 1984 from civil aviation was \$1,253,110. During 1984 charter flights were established from Grand Cayman to New York and Chicago. This opens up two important tourism areas to the Cayman Islands by direct service. For many years our Government, through the auspices of the Department of Tourism, has maintained offices in New York and Chicago. Yet these are areas of great potential and up until this time we had really not tapped the surface of it. I hope that these will continue, hopefully on a yearly basis rather than only six months at a time.

We have been able in the last year to increase our revenues at the airport through the additional flights of Fawcett Airlines from Peru, with their problems with the United States of America. We have also helped to establish a route into Turks and Caicos Islands which has added tremendously to the revenue of Cayman Airways and which I will deal with when I come to the Cayman Airways section of my debate.

During the year 1984 we had to suspend the operation of the jet service into Cayman Brac. This hurt the economy of Cayman Brac and Little Cayman tremendously, but we tried to cope with it in the best manner that we could. Overall, I think, we were able to give them good reliable service. I am sorry that this step had to be taken but it had to be taken in regard to safety and to economise on the operation. I am glad that

MR. JAMES M. BODDEN (CONTINUING): we were able to re-introduce the service in December of last year. I know that the people of Cayman Brac have been very thankful that we have extended to them the same service from their Islands as we have been experiencing here in Grand Cayman for many years.

We expanded the old terminal building at Cayman Brac in order to cope with the increased traffic. However, a new terminal is planned for Cayman Brac this year. I doubt that it will be completed in the year 1985, but at least it is something for the people of Cayman Brac to look forward to. They have received tremendous benefits in the last eight years under the previous administration, but the old terminal for the time being has been expanded to double its former size.

We established two meteorological recording systems, one in Grand Cayman and one in Cayman Brac.

Now, Mr. President, we come to the financing of the new Owen Roberts terminal. Under the plan which we had worked out, and I do not know how many changes have taken place in it since the election, it will provide revenue this year of approximately \$629,000; this is rental revenue, which will go towards retiring the loan from Caribbean Development Bank of \$5 million which is to be repaid over a period of seven years. From inspection fees we will earn \$130,000. Again most of this was the result of legislation which was put in under our administration. Landing fees should bring an income of \$650,000. I do not have the exact figure on travel tax, as in the budget it is coupled together with the cruise ship tax. The cruise ship tax is a new tax which was put in under our administration and will probably bring to this country approximately \$650,000 in the year of 1985. However, it is safe to assume that the travel tax to be collected at the airports should approximate \$700,000. Along with that we will have the new security tax of about \$180,000 which the present administration has seen fit to introduce. In speaking on this, Mr. President, I will only say that this was one more effort expended by the present administration to pull a few more nickels out of the pockets of Caymanians.

I would suggest to the present Member in charge of this Portfolio that we spend a few additional dollars and install some new seats on the outside waiting area of the airport. Sometimes one has to stand outside an hour to an hour and a half to wait for people to be processed through customs and immigration; something which I think could be streamlined if further attention were paid to it, because we have wonderful facilities but we are still taking longer to process the arrivals now than we did before.

Mr. President, before leaving this area I would like to speak on the question which I posed to the Member responsible for the Portfolio during this Session when I was told that the cost of the first opening of the airport was \$16,000 plus compared to \$4,000 plus for the second opening. I requested a break-down of this, Mr. President, and I am not that pleased with the answer. Because in that there was an expenditure shown of \$8,000 plus as paid to Arch and Godfrey. This made up a part of the \$16,000 plus. Mr. President, as far as I am aware all of the cost of Arch and Godfrey was covered under the contract under which the airport was built. I am not aware of any additional funds on a rush basis being voted to pay Arch and Godfrey. The same thing would apply with the \$2,000 plus which it is alleged was paid for the first opening to the Public Works Department. The Public Works Department had been associated with the airport project for a long time and had given valuable assistance over the roughly two years that we dealt with the new airport. I fail to see where the work

MR. JAMES M. BODDEN (CONTINUING): which they had to do for the first opening would be any different to the work which they had to do for the second opening. If we had to pay them \$2,000 for what was done on the first opening, why did we not pay something on the second opening?

I mention this because I think the questions of this nature should be answered correctly and should not be misleading to the Members of the House as well as to the public.

HON. W. NORMAN BODDEN: Mr. President, on a point of order, Sir. I would like to clarify what the Member is saying regarding my reply.

MR. PRESIDENT: Are you rising on a point of order or a point of explanation?

HON. W. NORMAN BODDEN: Yes, Sir, under 34(2)....

MR. JAMES M. BODDEN: Mr. President, I do not think it is a point of order, but as a point of explanation I would be glad to yield the floor.

MR. PRESIDENT: I think that the Honourable Second Elected Member of Executive Council was probably absent when I explained to the House the other day the difference between a point of order and a point of explanation. I think that this is a point of explanation, but since the Member has given way you may continue.

HON. W. NORMAN BODDEN: Thank you very much, Sir. I think that the Member is hurling accusations regarding the reply which I gave. I would like to clarify that this was supplied in detail to every Member of this House and it related to \$8,000 paid to Arch and Godfrey which was additional expenditure outside the contract terms for the clean up of the terminal in preparation for the ceremonies which were performed on 12th November. \$2,000 was paid to Public Works Department but no additional payments were made to them for the ceremony which was held on 26th January. The information which I have given to this House is correct as provided to me by the Portfolio.

MR. JAMES M. BODDEN: Mr. President, I do not think the Member has enlightened us very much because that was roughly what I was talking about. What I am saying, Mr. President, is that if we paid \$8,000 to Arch and Godfrey for clean up we would have had to pay the same thing to Arch and Godfrey at some time if we got charged for the clean up. We would have had to pay it whether we paid it on the 10th November or we paid it on the 31st December. So I do not think that it was fair to include into the opening expenses a figure of this nature. I think it was only done for the reason that the Member was trying to mislead this House. The same thing....

HON. W. NORMAN BODDEN: Mr. President.

MR. PRESIDENT: Yes.

HON. W. NORMAN BODDEN: Again on clarification, his reasoning here is most incorrect, Sir. The amount paid to Arch and Godfrey, was not, was not repeated the second time. It was paid first because of the premature opening.

MR. JAMES M. BODDEN: Mr. President, I did not say it was paid twice. I intimated very clearly I think that the money to Arch and Godfrey if it was paid, and I am not aware of it, it would have to have been paid for them to clean up the project when they finished it whether it was the 10th November or the 31st December. As to the \$2,000 plus paid to the Public Works Department I am not aware of what that can have been for. However, what I said was that Public Works Department I am sure played a part in the opening ceremonies on the 26th January as well as on 10th November. If they were paid \$2,000 plus on 10th November then there should be some amount paid to them on 26th January when their services were used again. It is an expenditure which in my opinion did not relate to the question which was put to the Member.

MR. PRESIDENT: I think we have reached the time when normally we break in the afternoon, if the Member has finished speaking on that particular point?

MR. JAMES M. BODDEN: Yes, Sir, I am finished on that particular point.

MR. PRESIDENT: Yes, I was not meaning that you had finished your speech. I think I will suspend proceedings for approximately fifteen minutes.

AT 3.21 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.43 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: I do not intend to be repetitious, but before the break we were dealing with the expenditures on the first opening of the airport and the second opening of the airport. There was a figure given of \$2,000 plus, I think it was, which was paid to Public Works Department and I understand that this money was paid for handling the chairs which were made available to the public, and was also paid for the preparation of the stand which the Member spoke from. I was not really aware of this expenditure, but if that expenditure was paid to Public Works Department for performing that work, then it had to be paid to Public Works Department or some other institution for the second opening also because I am sure that similar preparations took place. In regard to the expenditure to Arch and Godfrey, if that was not covered in the original contract and was an additional expenditure, it would have had to have been paid to Arch and Godfrey or some firm even if it had been opened on the 31st December, because the stuff around the airport which had been used in its construction would have had to have been removed at some date regardless of when the opening was. So that is an expenditure which

MR. JAMES M. BODDEN (CONTINUING): I think cannot truthfully be put and categorised as a part of the official opening.

The next point on this, Mr. President, which I will speak on is that I think on the first opening there was a substantial amount of about \$450 for public relations which was put into the reply. Now I am sure with all the pictures I have seen of the smiling faces in the paper that there also had to be quite a bit of expenditure for public relations on the second opening. It may be that in the case of the first opening it was covered under a contract with an agency. With the second opening it is probably just considered a part of the cost of Government operating the public relations office, in which case it may take some time to give the break-down of it. However, it would have been quite an expenditure either way you look at it.

Mr. President, in reviewing the 1984 budget, as I stated previously, to get a true analysis of the 1984 budget consideration must be given to the eight years of the previous administration. During that time expenditure was incurred in installing a VOR DME unit at the airport. In addition negotiations took place, mainly on the level of the Director of Civil Aviation and his staff to ensure that we had control of our own air space out so many miles and up to 20,000 feet. That is something which I am also very proud of because I am very proud of this country. Every country controls a limited amount of air space and it is right that we in the Cayman Islands should have the control over the air space which surrounds these Islands.

The Cayman Airways Limited office building or administration block at the airport was built under our administration and is a lasting monument to the people of the Cayman Islands.

We also saw the installation of new runway lighting systems at the airport here as well as at Cayman Brac.

We built the fire station at Owen Roberts Airport which is used by the staff there in regard to fire prevention at the airport, as well as for the domestic fire service. We purchased new fire trucks and rescue trucks. We installed radio equipment, a generator and a lighting system for Cayman Brac. I must at this point pay tribute to another Caymanian who in my opinion has done and is continuing to do an excellent job. I refer to the present Fire Chief. I think he runs one of the best departments in Government and a department which presents very few problems to the Portfolio.

According to the report given to us by the Financial Secretary the Fire Department answered 78.42 per cent more calls for assistance in 1984 than they did in 1985. We are fortunate, Mr. President, that with the expansion and development which has taken place in Grand Cayman in the last eight years and also in our sister Islands that we have had no major fire or any fatalities. I hope that this can continue into the future.

A new airport crash tender was purchased for Cayman Brac and Little Cayman also received a small fire fighting unit. In addition a 150 feet tower was installed for communication with the Islands as a whole at the fire station.

Mr. President, I come to the point of labour and labour legislation. Harmonious labour relations are very important for the development of any country. We in the Cayman Islands have been very fortunate over the years in that management and labour has usually been able to work together very closely, and for each to see the other one's problems. As time goes on this will not continue. Things change in the minds of people and we will find

MR. JAMES M. BODDEN (CONTINUING): that in the very near future we may have major labour problems. It was for this reason as well as to benefit the working force in this country that our administration tried for at least four years to bring labour legislation to this House. I personally sent off and obtained copies of labour legislation from many of the different territories in the Caribbean area, as well as areas further afield. I perused this labour legislation very closely. I made, in the layman's terminology, certain draft legislation which I thought we could consider once it had been put in appropriate language. I submitted this to the present Attorney-General. On several occasions I had discussions with him and members of my staff constantly dealt with him on this particular subject.

He gave me a copy of the Antigua labour code which he, I think, had prepared for that territory. I perused that very closely and gave a draft of my opinions as to the things which we could incorporate into the Law. Unfortunately I was never able to get a completed draft through the Legal Department which I could bring to this House. I was approached by the International Labour Organisation representative in Kingston, Jamaica who offered the services of one of their experts to come to Cayman and to prepare a new labour code. I agreed to the expenditure of approximately \$10,000 and the man was sent to Grand Cayman and he prepared the legislation. I submitted it to the Attorney-General for his approval and I then brought it to Executive Council, and then brought it to this House in the form of a motion to be put before the Members of the House that it be dealt with in a Select Committee so that each and every Member could peruse it closely and give us their input. I felt that this was very important because for this type of legislation which would affect one and all in our country, it was necessary that each and every one, whether in the party which was in power or in the opposition should have a chance to air their views fully.

Unfortunately this never got out of the Committee Stage and as such died with the old House. As such the results of the election changed many things and this Bill was never dealt with. So the foundations are laid already for a labour code and a complete comprehensive Labour Law. I am only hoping that to ease this problem the Elected Members of Government will see fit to bring that back to the House or into a Committee, so that it can be dealt with and then all Members will have a chance. However, it should not be thrown away just because it was put together under the auspices of the Unity Team Government. The Government has already expended money and energy on it and it should come forward. I feel that each and every one of us should look at it and give our input into it.

Mr. President, labour unions are nothing new. They have played their part in the development of every country on the globe today. I will remind Members of this House that a lot of Caymanians have spent many years being members of big labour organisations. So it is nothing new to the typical Caymanian as to what labour legislation and what a labour union is. I spoke on this subject before in the House and I am still prepared to associate myself with such a movement if it should be desired by the working force of this country.

The new administration put together a recent labour survey which has revealed to us that there were 232 people unemployed in this territory. Now, Mr. President, if we take that as a percentage of the population or as a percentage of the present labour force, in itself it is not alarming. We should be thankful that there are no more people than that unemployed in the country. However, the fact still remains that that is 232 families

MR. JAMES M. BODDEN (CONTINUING): who are economically affected in this country. I hope we can keep it at this point, but I doubt that this can be done in view of the present policies of the present Government, because I see many more people than this being affected and being unemployed in the near future.

Mr. President, this was not really that new a thing because the Labour Officer under the previous administration had gone to the districts and assisted and tried to get statistics of each district. I will warn the Members of the present Elected House that in the type of Government and type of economy which we have, this in my opinion was not that wise a step to make because it does show the adverse effects of the election campaign and it shows the adverse opinions which exist throughout the Islands today with regard to the actions of the present administration. It also shows to the people from abroad that there is a lack of stability and things are not as good as some people would like them to believe. In my opinion this is a step which we should never have made in playing it up as such a great thing which was done.

I am asking the Members of the present Elected House to, in their debate, please tell their fellow Members in the House and the people of the Cayman Islands what they plan to do about the unemployment which exists. Whether they will keep their blinds on and continue to go down the path blindly, or whether they are prepared to come out boldly and state Government's policies, and state the methods which they will use to help alleviate this problem remains to be seen.

Mr. President, I will now deal with the Post Office. I am very pleased again to see from the speech which was delivered that the Postmistress of the General Post Office is a Caymanian. That post like many other posts in the Civil Service could be filled by Caymanians although they do not have the college degrees. Yet they do have the ability to cope with these jobs. I am pleased that shortly we will have, I hope, the opening of the new Post Office at Hell with the few stores which have been built around that area for lease to the people of West Bay.

Mr. President, I cannot go lightly over this subject because I have to thank many people who assisted in getting us to that point. But the main thanks must go to Captain Theo Bodden who kept up a constant fight over many years to see that this should be done. He collected most of the money and he put in a lot of the money himself, and Government I would say covered the shortfall. I hope that the people of West Bay will continue to keep that in the beautiful manner that it was and that they will use it wisely. Also I hope that it will not become a dumping ground.

Mr. President, under the last administration my colleague from Bodden Town had the honour of being the Elected Member of Executive Council responsible for Communications and Works. I would like to pay tribute to him for the manner in which he dealt with the day to day problems of the Portfolio, and the time that he spent accomplishing the many things which were done by the departments in that Portfolio.

I would like to thank the Public Works Department for the part they played in the construction of the new Owen Roberts Airport terminal. The head of that department happens to be a Caymanian and one who appears to be very capable, and he was ably assisted by his assistant whose name I think is Mr. Jones. I had the pleasure of sitting in many committee meetings with these two gentlemen and I can tell the people of the Cayman Islands that they had their interests at heart and that they did everything they could to cooperate and to see that the airport project was completed on time and within the budgeted figure.

MR. JAMES M. BODDEN (CONTINUING): Public Works Department continues to carry a heavy work-load, and I am not saying that everything done is done as expeditiously as it should be done, or that the cost could not be curtailed. However, by and large they have accomplished most of the tasks which have been set before them.

Our administration in 1984 put in the new Public Works compound at Cayman Brac. That will ease the problems in respect of Public Works in the Lesser Islands. I do not know whether it has had its second baptism, but I wish it the best of luck.

We also provided for beach public rights of way and we defined the areas.

A new cistern was built at the hospital in Cayman Brac and renovation took place on all the town halls in the various districts of the Islands.

A new taxiway for airplanes was built at Owen Roberts Airport and maintenance took place on the runway on several occasions during a year. We re-surfaced two miles of the South coast road in Cayman Brac. We provided sidewalks at the Creek in Cayman Brac and on West Bay Road and Walkers Road. This is a big start and yet there is a big job ahead to be done to see that these are eventually completed. It is a costly exercise and it hopefully will be of tremendous benefit to the people of this country.

We also started the construction of the Bluff road in Cayman Brac.

We built additions to three primary schools and the High School.

Altogether there was about \$6 million of work carried out in 1984. Additionally to this, Mr. President, the previous administration attended to much needed up-grading of roads in the country. Many of the roads were black-topped and many new roads were built.

In my own district of Bodden Town we saw the completion of Newlands Bandedeer Road and we saw the surfacing of Pedro Castle Road, Manse Road, Cumber Avenue and many others including the road to the prison at Northwards.

Many new roads were built in the district of West Bay and in George Town we saw the building of the new airport approach road. In East End John McLean Drive was built. The road around Little Cayman was built and we saw the completion of the dock in Cayman Brac. This facility has helped our sister Islands tremendously. It has, I think, reduced their cost of living. At least it has reduced the cost of importation into the country.

We made loans to Cayman Brac Power and Light Company in order that they could be assured of providing good service for Cayman Brac.

Our administration also saw to it that the purchase of large new generators for Caribbean Utilities Company was guaranteed by Government.

Public Works carried out work on many walkways around the schools. They provided new toilet blocks, bus shelters, staff rooms, parking areas, playing fields, hard courts at five primary schools, all of which cost \$310,400. Classrooms were provided at the Lighthouse School to the extent of \$100,000. We renovated the High School assembly hall and the library and they were both air-conditioned at a cost of \$128,600. We commenced construction on a science building, assembly hall, theatre and recreational facilities. Altogether this should have cost \$564,000, of which at the time of the election \$132,000 had been spent. So when these facilities are completed I will ask the Members of the House and the people of the Cayman Islands to remember that these are not works of the present administration.

MR. JAMES M. BODDEN (CONTINUING): At the airport Public Works Department saw to the completion of the parking apron which is approximately 285,000 square feet, and provides for the parking of five jet aircraft at the same time. In addition to this they provided the parking area for 324 cars, the area at the fuel farm site, the security fencing and landscaping. These things represented an expenditure of \$1,681,500.

The final cost of the new Owen Roberts Airport terminal should be in the vicinity of \$10.7 million according to the figure made available by the Financial Secretary. This was against an estimate made by Public Works Department of \$12 million and by Caribbean Development Bank of \$14.4 million. Again we confounded the experts in both cases and you can readily see that the project will be completed for much less than both these institutions reckoned it would.

Another point, Mr. President, is that the terminal building was completed approximately four months ahead of schedule and it was brought in at budgeted cost. This is something which can rarely be said for any job completed in the Cayman Islands, particularly by Government.

The Tower Building was purchased in 1984 and I see according to the speech that renovations in 1984, cost \$153,000, and that more expenditure will take place in 1985. Whether some of the experts agree with us or not I think it has been proved by this time that the purchase of the Tower Building was a worthwhile thing done by Government. It was a very wise move and it has provided much needed accommodation at a much less cost than if it had been built at the present time.

Re-roofing and renovations to the Government Administration Building and the Law Court Building in 1984 cost \$235,750. Also in 1984 a dock was built at Little Cayman.

Mr. President with regard to another life-blood area of the country, the Port Authority and the docks in George Town, again I am very pleased to see that although a capable Caymanian was moved from that position a few months ago, we now have another Caymanian filling that position. I hope that he can continue in the footsteps of his predecessor, and if so we have no cause to worry.

I am pleased that the permanent anchors for the cruise ships will be installed. I compliment everyone associated with this and I also wish to thank the various boat operators who have assisted in this venture.

The Budget Address has revealed to us that the highest cargo throughput per hour of any port of similar size in the Caribbean exists with our port in George Town. This is a very good record and one to be envied, and a record which I hope we will uphold.

Mr. President, I would like to touch on capital expenditure. In 1985 the proposed budget calls for a capital expenditure of \$9.9 million. Local financing will provide for \$7.3 million of this expenditure, with \$2.6 million coming from loan funds. Now, Mr. President, I would have thought that this new administration, this administration which was going to be the cure all for all problems in our society and which is filled with financial geniuses, would have paid more attention to the capital budget for 1985, particularly in view of the unemployment situation which exists.

In 1984 the previous administration spent \$18,129,575 on capital expenditure of which about \$10.5 million came from local revenue, and about \$7.5 million of it from loan funds. 1984 was a reasonably good year for the construction industry in the country and for the workers of this country because much work was provided by Government. Under the present budget with the present

MR. JAMES M. BODDEN (CONTINUING): administration, Mr. President, there is going to be a reduction of nearly 50 per cent in the expenditure as compared with last year. I seriously question how they can figure that they will get this country back on the move when they have shown such negativism since they have been in office.

The water and sewerage project was started under our administration with a part of it being brought to fulfilment last year and a part of it still continuing. All the financing and negotiations which were necessary to ensure that this project was continued were put in place previously.

The same applies to the sports and cultural centre at the Middle School and the East End civic centre; the school buildings for the Middle School, Cayman Islands High School and Cayman Brac High School

A significant point which I have not spoken on before, Mr. President, is the removal of the Exchange Control Law a couple of years ago. This was a Law which should have been repealed many years ago. It was a Law which we the Elected Members tried to get removed for several years before it was finally removed, as it had no more place in our present economy. By removing the exchange control regulations much faith was regenerated into the financial community. The Exchange Control Law was an anachronism of the past and was dead. It had no more use. We tried for several years but the then Financial Secretary of the Islands was against the removal of exchange control. It was not until about late 1983 that the Law was finally repealed.

The financial figures of Government show that the loans made by Government at 31st December, 1983 amounted to \$14,067,065.94. This is a lot of money and it is good to know that the Government was in a position to enable these loans to be made.

With regard to capital, Mr. President, between 1972 and 1976 \$8,369,823 of borrowed capital was spent by the administration in power then, while from 1977 to 1983 the only borrowings which were made by our administration were \$5,143,192. Some have been made since that date in regard to the Tower Building and the new airport terminal. However, when we compare the financial position of Government now compared to 1972 and 1976 it can readily be seen that we were borrowing much more than we were capable of repaying at that point.

In 1976 the debt of the Government, that is the long term debt, was 58.8 per cent of the local revenue budgeted for that year. The servicing cost from local revenue was 12 per cent of general revenue. Now, Mr. President, everyone with any financial wizardry at all knows that any country when it exceeds 10 per cent of its local revenue to be used to finance long term debts, is beginning to face problems. We were facing those problems in 1976. The people in the country knew it and the world at large knew it, and it was a good thing that we did not continue with that policy.

In 1983 in the budget which was presented by the previous administration the debt stood at 18.9 per cent of local revenue compared with the 58.8 per cent it was in 1976. The servicing cost of Government's various loans in 1983 was 2.5 per cent of local revenue compared to the 12 per cent that it took in 1976.

In 1976, Mr. President, the cash reserves of this country stood at \$820,000 approximately. In late 1983 they stood at \$10.13 million, again about a 1,200 per cent increase.

MR. JAMES M. BODDEN (CONTINUING): I will deal with the capital expenditure which has been made in our sister Islands. In 1972 to 1976 \$510,082 was spent during those four years on capital expenditure. In the years 1977 to 1983 \$10,000,060.21 was spent in the Lesser Islands. This represents in an eight year period, compared to the four year period before, approximately twenty times the amount which was then spent.

In 1983 our Government spent in the sister Islands \$3,505,135. I am sorry and do apologise that I do not have the amount available to me which was spent in 1984. During that time in the year 1983 the revenue generated was \$702,048 from the sister Islands which represented an overage spent of \$2,772,989, or roughly four times the amount which was received in the form of revenue. I state these figures, Mr. President, so that the Members of the Assembly and the people of the Islands as a whole may know that the sister Islands were never neglected under the previous administration, and I hope that with the two capable representatives they have, during this year they will treat them in like manner as we did.

This is even more significant when we realise that the population of the sister Islands compared to the population census of Grand Cayman is only 8.8 per cent.

Mr. President, our present budget before us is a budget which is unrealistic. It is a budget which can never be carried out. It is a budget where we are going to see a tremendous increase by the end of this year and I will attempt to prove to this House how this will come about.

There is an item for furniture and equipment costs in the budget. In 1984 this particular item cost in expenditure \$85,617. In the year 1985 we have budgeted \$10,000, quite a reduction and we must wonder how we are going to be able to provide for the on-going necessities which will be needed. This is entirely unrealistic. These figures have been put in in a feeble attempt to balance the budget and although they will be taking about \$2.3 million from the reserves of this country in order to try to carry out the work which they plan to carry out in 1985, they still have a problem. They still cannot come within any possibility of balancing the budget for this year.

Communications equipment in 1984 cost \$84,474. This year we propose to spend \$50,030. With heavy equipment, Mr. President, we can check back on the records of expenditure for many years and we find that that is an item which continues to increase from year to year due to the nature of the business. In 1984 we spent \$416,730 to purchase new heavy equipment. This year we expect to be able to do it with \$173,500. Mr. President, this is unforgiveable.

As far as medical equipment is concerned this to take care of and assist our people and costs for this in 1984 were \$232,533. Yet the people who were going to take care of every ill which beset the country in the year 1985 have budgeted \$66,000 for this.

This we can readily see through, Mr. President, and we will have to fight very hard when we come to the Committee Stages to try to get something done about it.

Another heavy expenditure over the years for Government is the purchase of new vehicles. This year it is for the police, the prison, a garbage truck, the Water Authority and so forth. However, in the year 1984 \$229,186 were spent. This year it is expected that we will spend \$133,000.

MR. JAMES M. BODDEN (CONTINUING): Mr. President, I will be ready or willing to sit down at this point and carry on tomorrow, because my watch shows it is about 4.30.

MR. PRESIDENT: I was waiting for a convenient break because the time has come for the moment of interruption.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. tomorrow.

QUESTION PUT: AGREED. AT 4.31 P.M. THE HOUSE ADJOURNED UNTIL
10.00 A.M., TUESDAY, 12TH MARCH, 1985

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
(TUESDAY, 12TH MARCH, 1985)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRKCONNELL	MEMBER FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER FOR DEVELOPMENT AND NATURAL RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION

OF THE LEGISLATIVE ASSEMBLY

TUESDAY

12TH MARCH, 1985

1. QUESTIONS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
FOURTH ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND
DISTRICT ADMINISTRATION

NO. 39: WOULD THE MEMBER STATE WHAT PROPOSALS HAVE BEEN
SUBMITTED FROM THE PRIVATE SECTOR FOR THE PROPOSED
MULTI-STOREY CAR PARK AND BY WHOM SUCH PROPOSALS
WERE SUBMITTED?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 40: WILL THE MEMBER ADVISE WHERE, WHEN AND WITH WHOM HAVE
PERSONAL CONTACTS BEEN MADE IN WASHINGTON, D.C., IN
AN ATTEMPT TO EXTEND THE PRESENT MORATORIUM ON AIR
SERVICES THAT EXIST ON THE MIAMI - GRAND CAYMAN -
MIAMI ROUTE?

NO. 41: WOULD THE MEMBER ADVISE WHAT FUTURE ACTION GOVERNMENT
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TUESDAY

12TH MARCH, 1985

10.06 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Before I ask the First Elected Member for Bodden Town to ask the first of the questions standing in his name I should like, and I think the House would perhaps like it recorded that we all learned yesterday with shock and sorrow of the sudden death of the Prime Minister of Barbados. Some Members perhaps have not heard but he died of a heart attack. It was on the world news yesterday. I think it would be the wish of the House that I send a message of condolences from this House since we chance to be meeting and from the Government and people of these Islands to the Government of Barbados. If Members agree as I see they do I will arrange to do that. I think we might just write it into the records of the House that the Members of the Legislative Assembly wish to express their sorrow at this news.

Questions. The First Elected Member for Bodden Town.

QUESTIONS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 39: *Would the Member state what proposals have been submitted from the private sector for the proposed multi-storey car park and by whom such proposals were submitted?*

MR. JAMES M. BODDEN: *Mr. President, this question is directed to the Third Elected Member of Executive Council responsible for Communications Works and District Administration. On the Order Paper I apologise that it is mentioned as the Honourable Fourth Elected Member of Executive Council.*

HON. VASSEL G. JOHNSON: *Mr. President, I would just like to make an explanation before reading the answer to the question. The subject Post Office is under the Portfolio of Communications and Works. This is a proposal which included a multi-storey car park and was considered a development matter and was therefore passed to me for preliminary investigation. However, this is being done in conjunction with the Honourable Third Elected Member of Executive Council responsible for Communications Works and District Administration.*

ANSWER: *The proposal currently being examined for a multi-storey car park in central George Town was submitted in early 1985 by Rutkowski, Bradford and Partners at the request of the Honourable Financial Secretary. The proposal is in fact more accurately termed a "Report" since it sets out to examine the problems of traffic circulation and congestion in the downtown core, to analyse the various options available to alleviate these problems and to make recommendations for preferred solutions.*

In addition to the Report, over 100 commercial establishments in the downtown George Town area have been canvassed in an effort to ascertain the degree of support the proposed facility would receive. No one spoke against the need for such a facility and many emphasized the great urgency for it. In fact, the over 100 firms which responded indicated they are willing to reserve a total of over 300 spaces depending of course upon the price.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Mr. President, could I be advised whether the Member who gave the reply to my question is really in charge of making decisions and replying to answers for all of the Portfolios, or whether it is just for his particular Portfolio?

HON. VASSEL G. JOHNSON: I gave the answer already.

MR. JAMES M. BODDEN: Mr. President, yesterday I had the privilege of being ignored on most of the questions posed by my colleague and myself to this particular Member. Now could we have some answers or should we abolish Question Time in the House?

HON. VASSEL G. JOHNSON: Mr. President, I thought that I took care before answering the question to give the reason why I was delivering the answer myself.

MR. JAMES M. BODDEN: Mr. President, on a point of explanation, I took pains to point out that there was a mistake on the Order Paper and that the question should have been posed to the Honourable Third Elected Member of Executive Council, because as far as I am aware it is that particular Portfolio which deals with Government construction. I am confused at this point and I think the House is also.

MR. PRESIDENT: On a point of explanation myself if I may, I think without being able immediately to place my hand on the relevant Standing Order that it is for Members of Government to settle amongst themselves which of them will answer a particular question. Even though the questioner puts down a question for answer by one Member he may get an answer from another.

MR. JAMES M. BODDEN: I accept your explanation, Sir, as one more area in which things have changed.

MR. PRESIDENT: I do not think they have changed. That, I think, has been standard practice in the past.

MR. JAMES M. BODDEN: I bow to your ruling, Sir. Could I pose another question? Is the Member aware that the firm which submitted this offer in early January had also submitted a previous proposal on the same subject?

HON. VASSEL G. JOHNSON: Mr. President, I am not aware of that.

MR. JAMES M. BODDEN: Is the Member not aware that the proposal was rejected previously?

MR. VASSEL G. JOHNSON: No, Mr. President.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the proposal for a car park includes the construction of the new Post Office?

MR. PRESIDENT: Did Members hear that? I could only hear part of it. I am not sure whether your microphone was working.

HON. VASSEL G. JOHNSON: Yes, Sir, I heard the question.

MR. PRESIDENT: Alright.

HON. VASSEL G. JOHNSON: Yes, the fact is that the ground floor is proposed to be the new site of a Post Office.

MR. JAMES M. BODDEN: Could the Member state if it is proposed that this will be done between Government and the private sector as a joint venture?

HON. VASSEL G. JOHNSON: Mr. President, we have not reached that part of the study yet to determine who would do the construction; whether it will be Government or the private sector. Certain proposals were made and these are being studied. Nothing has been put before Government as yet.

MR. JAMES M. BODDEN: Mr. President, the Member answered that this was a proposal from, I think, Rutkowski, Bradford and Partners. My question to him was not who would do the construction, but what would be more or less the financial arrangement. Would Government put up the land and these people would put up a certain amount of money to match that value and the rest would be borrowed, or what would be the proposal?

HON. VASSEL G. JOHNSON: Mr. President, as I said before we have not reached that stage of consideration as yet. If the car park is going to be built on Government property it is very likely that it will be Government owned right through.

MR. JAMES M. BODDEN: Would the Member state if the proposal did not indicate that this particular company would wish to participate financially in this venture?

HON. VASSEL G. JOHNSON: Not to my knowledge, Mr. President.

MR. JAMES M. BODDEN: Mr. President, the Member's knowledge must be lacking because he tells the House that no proposals have been considered, yet we have gone to the public and asked them how much of the space they would take. This seems a bit unusual. I wonder what is in this proposal. Could the Member advise the House what type of proposal he received acting on behalf of the Cayman Islands Government from Rutkowski, Bradford and Partners?

HON. VASSEL G. JOHNSON: Mr. President, what has been done already is just purely for preliminary investigation to see whether in fact the public of downtown George Town feels that a car park facility is something urgently needed today. However, we the Government are not committed to any suggestion made from the private sector or from any private individual. It is for Government to look at the problem if it is a problem, in due course, and do whatever is necessary to alleviate that problem.

MR. JAMES M. BODDEN: Mr. President, I think any ten year old child in the Cayman Islands today knows that we have a traffic problem in George Town. Could we surmise then that the proposal as aired in the press was strictly for propoganda purposes?

HON. VASSEL G. JOHNSON: Mr. President, the Member said that a car park facility is needed today and....

MR. JAMES M. BODDEN: No, Mr. President, I do not want my question misconstrued. I did not say that. I said any ten year old child would know that in George Town we have a traffic problem. I did not say that a multi-storey car park was the answer to that problem.

HON. VASSEL G. JOHNSON: Well, that is just another way of putting it, Mr. President, but if there is a traffic problem, then it goes without saying that parking facilities are required as well. Mr. President, the proposal was made to Government. It was picked up in order not to ignore it. We studied it and we canvassed the private sector to see how they felt about it. Something went into the press which certainly was not put there by Government. Letters were circulated to many prominent members of the financial community in central George Town and so the proposal therefore had easy access to the press. The press commented on it and I think everybody knows the views of the newspaper about it. The editorial supported such a facility in George Town. It was not put there deliberately by Government.

MR. JAMES M. BODDEN: As this is a proposal then which apparently has not really received much attention from Government will the Member give this House an assurance that he will explore the possibilities if he is responsible for this Portfolio also with the private sector to ensure that the private sector will not undertake this rather than Government at this time?

HON. VASSEL G. JOHNSON: Mr. President, Government is always very grateful for what the private sector can do. It is a matter of getting the private sector interested in providing services like these.

MR. JAMES M. BODDEN: Mr. President, he has just assured this House that the private sector is very much interested in this project. What I am trying to get across is that rather than the Government with its limited resources at the present time trying to put in this facility, would it not be better if he had proposals made to the local financial community that they undertake the financial burden rather than Government?

HON. VASSEL G. JOHNSON: Mr. President, I do not know what the Member means by financial burden. If the facility is going to be built certainly Government would have to seek financial assistance from the private sector. However, I doubt very much that anyone in the private sector will want to build a multi-storey car park although I believe that it would be an economic venture.

MR. JAMES M. BODDEN: Mr. President, the financial community is the one which has helped to make this problem. Would it not be to the advantage of Government to attempt to get the financial community to put in some kind of car parking facility? When the Member spoke about the financial side of it I was only bringing that out because

MR. JAMES M. BODDEN (CONTINUING): from stories told by him the country was broke and I know that it is nearly broke now after they have used up about \$4.5 million of reserves in four months. So I know we are broke.

MR. D. EZZARD MILLER

Was the Member asking a question?

MR. PRESIDENT:

Was a question asked? There was a bit of a statement made afterwards but it started with a question. I am afraid that I have now forgotten what the question was but as long as the Member knows. You did make such a long statement after your question I was thinking that the statement was going to be turned into a question too.

MR. JAMES M. BODDEN:

No, Sir, I merely said that the particular Member had been telling the people of this country that it was broke and after using up \$4.5 million I know it is broke.

MR. PRESIDENT:

Yes, but what you started by asking was since the financial community had caused a lot of the traffic congestion problems should they not help solve them? That was the question and that is a perfectly proper supplementary.

HON. VASSEL G. JOHNSON:

I am getting confused, Mr. President, with these questions. The Member said that the Government is broke. Well that is quite true, but nevertheless we all know that in order to finance any sizeable project, Government is never able to find the money up front to do so. This financing must come from the private sector, from institutions who can very well provide mortgage money.

MR. JAMES M. BODDEN:

The Member has said....

MR. PRESIDENT:

No, I think the Member for North Side was on his feet, and he has not had a chance yet.

MR. D. EZZARD MILLER:

Could the Member state, Sir, if it is not now the policy of the new Government to carefully identify needs, solutions and methods of payment before taking such a giant step?

HON. VASSEL G. JOHNSON:

Mr. President, that is exactly so. We tread cautiously in any project we undertake. We first examine the need and secondly the method of financing it.

MR. JAMES M. BODDEN:

Mr. President, the Member has said that the country is broke and that has been said on many occasions. Would the Member advise this House whether to his knowledge there was not over \$10 million in reserves on the 21st November, 1984, and what would cause us to be broke since then?

MR. PRESIDENT:

I do not really think that that is a supplementary which arises out of the answer to the original question. It arises out of statements which have been made subsequently and we have wandered rather astray. If the Member wants to put down a substantive question on the point, he may, although it is a point which has been put as a question separately already.

MR. JAMES M. BODDEN:

I will withdraw the question and deal with it in debate this morning, Sir. I have one more question. I have to make a bit of statement to make this question, Mr. President.

MR. JAMES M. BODDEN (CONTINUING): The particular....

MR. PRESIDENT: Make sure the question comes.

MR. JAMES M. BODDEN: Oh the question is coming. You need not worry about that, Sir. The land which we are talking about is Government land right across from this building to the East. Land in that area would cost US\$25 to US\$30 per square foot to build. Will the Member assure this House that if such an undertaking is done by this Government, he will try to find land less costly and not utilise Government's most expensive land to put a car park on?

HON. VASSEL G. JOHNSON: Mr. President, I cannot give that assurance. That is a decision which Government must make.

MR. JAMES M. BODDEN: With all his financial prudence, Mr. President, would it not be better to try to amortise property value at say, \$5 per square foot, instead of amortising property worth \$30 per square foot?

HON. VASSEL G. JOHNSON: Mr. President, the property is worth practically nothing to Government at the present time and indeed over a long number of years, because it is used as a public car park most of the time.

MR. JAMES M. BODDEN: Mr. President, we must look at the underlying value. Certainly the Member would not want the Government to sell that land at \$4 or \$5 a square foot. He is quite aware of the current cost of a commercial property in downtown George Town. To amortise a piece of land by parking cars on it....

MR. PRESIDENT: The Member must make it a question.

MR. JAMES M. BODDEN: I think I did make it a question, Sir.

MR. PRESIDENT: Not yet. It has all been a statement so far.

MR. JAMES M. BODDEN: Well, Mr. President, I am asking the Member that as I am sure he is quite aware of the value of that land and it would not be sold for \$5 or so a square foot, would he not consider using other land which could be more easily amortised than to use that particular land? That is a reassurance which we would like to have.

HON. VASSEL G. JOHNSON: Mr. President, I doubt very much that Government would at any time consider selling that parcel of land. For a car park to be accessible to central George Town so that it may be used for the purpose for which it is intended, I doubt very much whether we would find a large enough parcel of land around central George Town to replace that particular site.

MR. JAMES M. BODDEN: Did the Member not just advise this House that that particular piece of land was considered more or less worthless?

HON. VASSEL G. JOHNSON: Mr. President, I said so from years gone by until the present time because it has brought no monetary return to Government up until now.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Could the Member state that in fact the urgency of using that piece of land has been reduced by the bad investment made in the purchasing of the Tower Building?

MR. JAMES M. BODDEN: Mr. President, I object. It is a matter of opinion with regard to the Tower Building. It can be substantiated from valuations that the Tower Building was probably one of the best investments this Government has undertaken in a long time.

HON. VASSEL G. JOHNSON: Mr. President, it seems as if we are getting at cross purposes. One Member is asking a question and the other Member is answering it.

MR. JAMES M. BODDEN: Mr. President, I did not answer. I objected to the Member making that type of statement which was a matter of opinion. It should have been ruled on from the Chair as far as I am concerned.

MR. PRESIDENT: I did not hear...

MR. D. EZZARD MILLER: Opinions have been made all morning, Sir.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Thank you, Mr. President. I have been trying for the last fifteen minutes to catch your eye. Mr. President, I am going to follow what I am going to say by a question, but it appears to me, Sir, that these questions are intended to be a big joke in this House when I believe that Members are genuinely trying to get proper answers.

My question is, Sir, that in view of the importance of this project could the Member state if any other similar local engineering firms other than Rutkowski, Bradford and Partners were requested to submit a proposal on this project?

HON. VASSEL G. JOHNSON: I am not aware of that, Mr. President. I came into Government and the report was handed to me and I examined it to the extent that I mentioned a while ago.

MR. JAMES M. BODDEN: Did it come into the Member's hands or was it solicited?

HON. VASSEL G. JOHNSON: May I have the question again, Sir. I did not hear it.

MR. JAMES M. BODDEN: Mr. President, I will try to answer so that he hears me this time. Can the Member state whether the proposal just came into his hands as he has told the House or did he solicit, or anyone on his behalf solicit the proposal from Rutkowski, Bradford and Partners?

HON. VASSEL G. JOHNSON: I did not solicit the report, Sir. I found the report on my desk.

MR. JAMES M. BODDEN: Mr. President, following on the reply made by the Member a few minutes ago in considering the worthlessness

MR. JAMES M. BODDEN (CONTINUING): of the land next door because it has not up to this time yielded much of a return to Government, I will pose the question to him. Would he consider the land on the Seven Mile Beach where we have the Governor's residence which would probably cost about \$300,000 to duplicate at this time and the land is probably worth \$2.5 million; in view of us having a \$300,000 investment sitting on a \$2.5 million further investment, would he consider that as worthless as he considers the land next door?

HON. VASSEL G. JOHNSON: Mr. President, the word worthless was stated by the Member himself. I did not call the land worthless.

MR. JAMES M. BODDEN: I will make it easier for him then. I will say no financial value.

HON. VASSEL G. JOHNSON: Neither did I say no financial value. I said it brought no financial return which is different from financial value.

MR. JAMES M. BODDEN: Well would he answer my question as to whether he would consider the land on Seven Mile Beach to have little or no value because there is only a \$300,000 building on it and it is yielding no return to Government?

HON. VASSEL G. JOHNSON: All land, Mr. President, whether it is along the Seven Mile Beach or in central George Town is valuable property.

MR. JAMES M. BODDEN: That is what I was hoping he would say.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, to follow on my supplementary, would the Member state whether it is the intention of Government to request other local engineering firms to submit proposals before Government's action on this project?

HON. VASSEL G. JOHNSON: Mr. President, I cannot give any assurance that this will be done. I stated that the report which was then submitted by Rutkowski, Bradford and Partners was requested by the Honourable Financial Secretary. The report came in and we have dealt with it to the extent that I mentioned already. As to what further steps or actions which Government will be taking on this particular subject it is not known at this time.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. Would it be reasonable for us to assume that it would be good Government procedure for the Government to endeavour to obtain as many reports as possible so that a very sensible decision could be made in such a major project?

HON. VASSEL G. JOHNSON: The Government would have no objection to this, Mr. President.

MR. LINFORD A. PIERSON: Mr. President, with respect, Sir, I did not get an answer to my question. If I am not going to have my questions answered I am wasting time, Sir.

MR. PRESIDENT: I think you have had your question answered.

MR. LINFORD A. PIERSON: No, Sir, I did not. My question was that with such an important project would it not be reasonable to assume that Government will attempt to get as many reports from similar engineering firms as possible? We have had one report so far and we have acted on this.

HON. VASSEL G. JOHNSON: Mr. President, I have already said that Government has made no decision on this particular matter and if it is the Government's wish to have other engineers or consultants provide a report on the project I am sure that this will be done.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, may I ask if the proposal currently being examined by Government makes any recommendation with regard to the lease or ownership of the car park?

HON. VASSEL G. JOHNSON: The recommendation, Mr. President, is that Government must own the facility.

MR. G. HAIG BODDEN: Mr. President, what part would the private contractors play in this game?

HON. VASSEL G. JOHNSON: Any private contractor would have a contract to construct the facility and that is about all.

MR. JAMES M. BODDEN: Well, in this particular case the proposal came from Rutkowski, Bradford and Partners. Could the Member advise this House then what part did they propose to play in the overall completion of this project?

HON. VASSEL G. JOHNSON: Actually no part, Mr. President. They submitted a report and it is well known by everyone that if Government is going to undertake a project, that that project is put out to tender and it moves from there. However, there is no commitment on the part of the firm who submitted the report that they should do the job.

MR. JAMES M. BODDEN: All they did then was bring to the Member's attention that Government had a traffic problem. Could the Member state whether that is correct?

HON. VASSEL G. JOHNSON: I do not know, Mr. President. The request for this report, as I said before, was made by the Honourable Financial Secretary.

MR. PRESIDENT: I think we might move to the next question. We seem to have exhausted that one's possibilities.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 40: Will the Member advise where, when and with whom have personal contacts been made in Washington, D.C., in an attempt to extend the present moratorium on air services that exist on the Miami - Grand Cayman - Miami route?

ANSWER: Official contacts have been made in person through the British Embassy in Washington, D.C., with the U.S. State Department and the U.S. Department of Transportation. Negotiations are continuing and it is not considered appropriate at this time to reveal the nature of those negotiations because the outcome could be prejudiced.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, I notice the answer made no attempt to say when. I wonder if the Member could elucidate on that a little?

HON. W. NORMAN BODDEN: Mr. President, I apologise for that, Sir. I should point out that the first contact was made on 21st December, 1984.

MR. JAMES M. BODDEN: Could the Member state whether that was a personal contact, or just a telephone contact arranging to make contact?

HON. W. NORMAN BODDEN: Mr. President, that was a personal contact. It was an official visit to Washington on that date.

MR. JAMES M. BODDEN: Could the Member advise then whether in the contacts he said were made through the British Embassy in Washington, the British Air Attache assisted in making the meetings and accompanied the Cayman delegation to the meetings?

HON. W. NORMAN BODDEN: Mr. President, the arrangements were made through the British Embassy in Washington and officials from the Embassy accompanied the delegation from Cayman to the meetings which were held at the State Department and the Department of Transportation.

MR. JAMES M. BODDEN: Was it people from the British Embassy let us say on the grade of the Air Attache or something of that nature who assisted?

HON. W. NORMAN BODDEN: I would say that the grade as was referred to of the person from the British Embassy who attended was, I would say, the second in command with regard to aviation matters.

MR. JAMES M. BODDEN: In other words the Member got the clerk?

HON. W. NORMAN BODDEN: I would not call him a clerk, Sir. I think he was certainly higher than that.

MR. JAMES M. BODDEN: Could the Member advise the House on what level then were his calls made to the United States Department of Transportation and the State Department? Was it on the ambassadorial level or below?

HON. W. NORMAN BODDEN: Mr. President, I do not have that file here with me but my recollection is that at the State Department it was one of the Under Secretaries of State responsible for transportation, and at the Department of Transportation it was at an equivalent level. However, if the Member wants the exact gradings of the individuals whom we held meetings with I can supply that in writing.

MR. JAMES M. BODDEN: No, my only concern, Mr. President, is that it is known that there is no use in having any top level negotiations unless they start at a certain level, and I am quite aware of how the British Embassy in Washington will attempt to lead people into discussions with the clerks. So I am trying to elicit from the Member whether his contacts have been on such a level that we may be assured of some hope for a continuation of the moratorium? I am quite aware of how this is done because I have done a lot of it on behalf of the Government. All I am trying to find out is whether we have any hope?

HON. W. NORMAN BODDEN: Mr. President, I am satisfied that the level of persons whom we have had discussions with in Washington are at a level that we can expect that our case will be given due consideration. I am satisfied and I do not feel that we dealt with any people at the level of clerk.

MR. G. HAIG BODDEN: Mr. President, will the Member tell us if any of the people he dealt with are in a position to make decisions regarding the extension of the moratorium?

HON. W. NORMAN BODDEN: Mr. President, they would not be the people who would make the decisions, but they were at the level that they could make recommendations. However, those decisions would be made by persons at a higher level naturally.

MR. JAMES M. BODDEN: Has any contact been made then with the Secretary of Transportation or his immediate deputy?

HON. W. NORMAN BODDEN: Yes, Mr. President, contact has been made through our legal counsel with the Secretary for Transportation at the State Department.

MR. JAMES M. BODDEN: Why has the delegation not pursued that contact in order to ensure that we get our message across at the highest possible level?

HON. W. NORMAN BODDEN: Mr. President, it is being actively pursued at the highest possible level, both from this end and from the United Kingdom working through the officials in Washington. As the Member knows very well, I am sure, the case on behalf of Cayman Airways has to be put forward to the United States by the United Kingdom aviation authorities.

MR. JAMES M. BODDEN: Not necessarily, Sir, if we had depended on that we would not have the existing moratorium which we have had for two and a half years.

MR. PRESIDENT: Order, order. The Member may not make statements. He must ask questions.

MR. JAMES M. BODDEN: Mr. President, a statement was made to me. I should at least have the liberty of answering my side....

MR. PRESIDENT: You were given an answer to a question.

MR. JAMES M. BODDEN: Mr. President, I can deal with it later.

MR. PRESIDENT: If there is no further supplementary the First Elected Member for Bodden Town may ask the next question.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 41: Would the Member advise what future action Government proposes to take in regard to negotiations with United States and United Kingdom delegations on air routes under the Bermuda II agreement?

ANSWER: The UK/USA Air Services Agreement, commonly referred to as Bermuda II, is a treaty between the Governments of the United Kingdom and the United States of America. Therefore, the Cayman Islands Government is not in a position to open direct negotiations. However, representations will be made to Her Majesty's Government for consideration whenever the Agreement is being renegotiated.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Will a Cayman delegation be able to sit in and have the right to participate in any of those talks between the United Kingdom and the United States of America's Governments?

HON. W. NORMAN BODDEN: A request will be made whenever renegotiations are held for a Cayman delegation to be included as a part of the United Kingdom team which might be negotiating this Bermuda II Agreement.

MR. JAMES M. BODDEN: Has any insistence been made by the Cayman Government that they do take part in these negotiations?

HON. W. NORMAN BODDEN: Mr. President, no insistence has been made because, to the best of my knowledge, no date has been set or any discussions have been held between the United Kingdom and the United States to decide when or where the Bermuda II Agreement will be renegotiated.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member whether when making the representations to Her Majesty's Government will they require that the Attorney General or some other legal brain be included in the negotiating team?

MR. PRESIDENT: Did you say be included in the negotiating team? I did not hear.

MR. G. HAIG BODDEN: Yes, the team which will go to Washington for the negotiations.

HON. W. NORMAN BODDEN: Mr. President, whenever Bermuda II comes up for renegotiation and the Cayman Islands Government is putting together a team to attend those negotiations, I would say that it is quite likely that the Honourable Second Official Member of Government would be included in that team.

MR. PRESIDENT: If there is no further supplementary, that concludes questions.

Item 2. The continuation of the Debate on the Appropriation Bill, 1985. The First Elected Member for Bodden Town was speaking.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH
AND SECOND READING OF THE APPROPRIATION (1985)
BILL, 1985

MR. JAMES M. BODDEN:

Mr. President, the questions which have just been posed to the Honourable Second Elected Member of Executive Council were questions made out of concern; concern for the people of the Cayman Islands and for the prosperity of the Cayman Islands.

If ever the sword of Democles hung over the heads of people, the Bermuda II Agreement hangs as such a sword. It is something which could pretty well destroy the livelihood of many people in the Cayman Islands, and could completely devastate the economy.

If the Members of the present Elected House would wish to cooperate, maybe ideas could come from this side of the House which would be of assistance. I acted on behalf of the Cayman Islands Government for eight years and established some very good personal contacts in Washington in respect of people at the United Kingdom Embassy as well as in the various branches of the United States Government.

Mr. President, I do not think that any Member in the House is more aware of the problems which are attendant to this subject than I am, having dealt with it for so long. Bermuda II came about many years ago, and the Cayman Islands Government at that time sent a delegation. It was a delegation which did not insist on presenting the sovereign rights of the Cayman Islands, but rather was a delegation which sat in the back row and probably discussed the problem with the fifth and sixth grade clerks in the United Kingdom Embassy in Washington, D.C. This delegation was headed at that time by the man who is now the Honourable Fourth Elected Member of Executive Council. On his return, on being asked whether he had been able to participate, if I remember correctly, his answer was, "No".

The result was, Mr. President, that the Cayman Islands and the other Caribbean territories which are still under colonialist rule suffered tremendously by Bermuda II. Our rights were bargained away to the United States carriers in order for the United Kingdom carriers to have full sway out of Hong Kong, as it was considered to be a much more lucrative market. That is one of the reasons that Cayman Airways has been so hamstrung from the beginning. The United States can fly planes from any point in that territory to the Cayman Islands. Although we have two airports which will be up to international standards we have not been allowed the same latitude which the United Kingdom enjoys, in that they can designate American airlines into either Heathrow or Gatwick. We are looked at as one territory and one point of entry.

These things have come about, Mr. President, because we had no recognition and because we could not take part in the negotiation. I am quite aware, that as a territory of the United Kingdom we cannot start negotiations with the United States Government and fulfil them on our own. I am quite aware of all of that. However, we can insist that we have our rights to attend and to take part.

Mr. President, just two and a half years ago now, we went through the same problems when the United Kingdom team was negotiating with the American team in respect of certain things under Bermuda II. The telexes are all in the Government Administration Building. All the correspondence is there.

MR. JAMES M. BODDEN (CONTINUING): We were told that we could not take part in the official talks. I insisted otherwise and we overcame this. I was later told after my arrival in Washington, in discussions with the United Kingdom Ambassador and the representative who was handling this particular subject, that only three from the Cayman delegation could attend the talks. Again, I and the delegation stood our ground. By the way, in addition to that it was stated that all of us would have to be people of Caymanian origin. I explained to him the nature of the Cayman Islands and that we had to depend on expertise from abroad. I pointed to our Honourable Second Official Member who is sitting over there and said that he was not a Caymanian, but was a British subject. As such it should have made no difference whether he was a part of the Caymanian team or not as far as the United Kingdom delegation was concerned. After a long, hard fight they finally gave in and we were escorted along with them to the meeting room in the Department of State.

The Americans had a very strong team. The United Kingdom had a strong team, but I was able on behalf of our Government, by permission from the United Kingdom delegate, to speak and argue very strongly on our behalf. I will say from the Floor of the House this morning, and I think the people who were there with me can back up what I am saying, that at that point we received no assistance from the United Kingdom delegation. The fight was carried completely by the Caymanian delegation. The talks broke up and they were later reconvened in the United Kingdom. They broke up because at the end of it all the United Kingdom delegation was not prepared to give a small point in the favour of the Cayman Islands Government to allow us to get some of the things which we needed. It was only through the personal help of the leader of the American delegation that we received the moratorium which we have today and which has kept us alive for two and a half years.

I stated when I returned and I state now, that if we had had to depend on the United Kingdom delegation, God have mercy on us for what we would have got. We did get the moratorium. It was contained in a side letter written by the American leader of the delegation. We not only received the moratorium but we were given the rights under that that should any American carrier begin to fly from another point in the United States to the Cayman Islands, we would be considered favourably and immediately to parallel such routes. We did not have those rights under the original Bermuda II agreement.

So, Mr. President, I am very familiar with the long, hard, rocky road which one must follow in such negotiations. I am only trying out of concern for my people and for the country to ensure that the right steps are taken and that we get as much as we can out of the new agreement, and that we do not let someone else bargain away our birthright. This is why the questions I have asked have been tabled in this House. It is concern for my people.

Mr. President, I would like to voice my sympathy to the people of Barbados and to the family of the Prime Minister of that territory. I happen to have had the privilege of sitting in several prominent meetings with this gentleman, and I have been on panels where we both spoke to large audiences, and I became quite friendly with him. So I am very saddened to hear of his loss and I do sympathise with the territory.

I am sure, Mr. President, that by the time I sit down tomorrow afternoon you will have no trouble in getting the other Members to their feet, because by that time I think I will have pricked their consciences sufficiently and I will have let the

MR. JAMES M. BODDEN (CONTINUING): true state of affairs which exists. Also individually and in the party caucus which I understand was held in this building yesterday evening, I am sure that every Member has been put in the right mood to begin talking when I sit down. I will only remind the House that the reason that I have been so long is to be sure that my colleague here waits out the last Government speaker or at least the next to the last one. So if the Members deal with me in rebuttal I have a colleague who can stand as I stand and deal with them. So they are not going to have it all their own way. Regardless of what plans were made in the party caucus held in this building yesterday evening, we are prepared to deal with it in the coming weeks of debate.

Mr. President, in several debates, and I believe even in the questions, it has been said that the Sun newspaper is the mouthpiece of the unity team Government. Well, if it is, Mr. President, it is no wonder that we lost because one can peruse page after page and I do not see any place where one will find any support for the Unity Team Government other than a letter written by Mr. Truman Bodden which was then used as an editorial. The Compass also carried that. I only mention this, Mr. President, to show the partiality of the newspaper reporting in regard to the activities of the House. Many things have been said in this House in the past few days, and I consider them vital things.

Much was said about the Housing Development Corporation in Question Time yesterday, but unfortunately the only headline we could get was "Great hopes for housing funds", a small mention of the leading questions but a large mention of nothing as expressed by the Honourable Fourth Elected Member of Executive Council, because I think by this time the Islands have got the message and that the Honourable Fourth Elected Member of Executive Council and his team of stability have only been able on their own to generate \$10,000 in funds for the Housing Corporation since the election in November. So if there are great hopes for housing plans I think the people of the Cayman Islands who need such housing will be knocking very hard at his door in the months to come.

With regard to that other scandal sheet it is not even worth mentioning the manner in which they deal with the happenings of this House and the happenings in the country as a whole. If that particular gentleman and his cohorts ever stumble on the truth it will be a miracle and will probably devour them at that point.

Mr. President, in my discussion yesterday I made a minor mistake and I apologise for it at this point and would like to clear it up. I mentioned that the National Debt after the Tower Building and everything else was considered, was \$16.2 million. I apologise because reading further, and it was brought to my attention at the end of the debate yesterday afternoon by the Honourable Financial Secretary, after the borrowings in Sterling had been revalued by the upward trend of the Cayman Dollar against Sterling the debt was found to be only about \$15.2 million including the loans which Government has guaranteed such as the Port Authority loan. With the National Debt standing at \$11.6 million and the commitments to the other funds at \$3.6 million, this totals \$15.2 million.

Mr. President, yesterday I had touched on five items under the budget for 1985 which helped to substantiate my argument that the budget of 1985 as tabled in this House is an unrealistic budget. I would like to make it very clear to the people of the Cayman Islands that in calling this budget unrealistic, I am not referring to the actions of the Honourable Financial Secretary.

MR. JAMES M. BODDEN (CONTINUING): Having spent eight years in Government administration I am quite aware of all the rules and regulations and how things are done. The Honourable Financial Secretary is responsible for the majority of these items, but actually this is an elected decision in regard to the capital expenditure and budget and certain other areas of expenditure, as well as putting in new taxes. That is a political decision taken by the Elected Members of Executive Council so therefore my point is directed to the four of them that they have prepared and presented to this country an unrealistic budget, and I will deal with it step by step.

Yesterday I had reached the point of the purchase of vehicles, where in 1984 it cost Government \$229,188 and they proposed to do it this year with \$133,000.

I go on now to airport development. Now this is mainly on the field such as the parking apron and so forth at Owen Roberts Airport and the work which has to be done in Cayman Brac. This past year it cost the Government \$3,613,614 to do this and this year it is only proposed to spend \$908,000 or about 25 per cent of what was spent last year. Now we must remember that recurring expenses such as this are labour intensive and they give employment to many people. Therefore, with the high unemployment rate which exists in this country today, which the present Elected Government has precipitated, it would look to me that they would do something to try to spur activity along. It is also understandable, Mr. President, that these costs would be a bit reduced this year, but what I am saying to the people of this country is that it would have been more realistic if they had figured to have spent at least 50 per cent of the cost of what was spent last year. Then maybe some of the poor people who need employment, would have secured employment through the efforts of their Government.

Another point, Mr. President, is that looking at the budget for 1985 the people of this country cannot even afford to die because in 1984 it cost the Government \$53,895 for the cemeteries. We have got more people in the country now and this year they have told us it is going to cost \$20,000. So again we are spending this year one third of what we spent on the cemeteries last year and we have more people.

Another item is disaster preparedness. Last year it cost \$27,938. This year they are going to do it for \$5,000.

\$140,738 was budgeted for fire service buildings in 1984. This year \$60,000 is budgeted, yet as a campaign pledge and as political rhetoric we have heard that the West Bay area is going to have a fire station. Of course I am going to deal with this a bit further along too. However, here on the fire service buildings we have reduced it from \$140,000 to \$60,000.

Government staff housing in 1984 was budgeted at \$105,197. This year they propose to spend \$70,000.

In the year 1984 \$525,027 was spent on medical facilities. This year it is going to be reduced to \$432,000.

In 1984 \$1,104,731 was spent on the purchase of land. This year we are going to spend the grand sum of \$50,010. Now I will deal with this subject again too, Mr. President, but in perusing the estimates I find that the \$50,000 is to purchase a piece of beach land I imagine somewhere in the West Bay beach area to provide the cruiseship landing jetty for West Bay. Now unless things have changed dramatically, Mr. President, the piece of land which we are proposing to buy on Seven Mile Beach

MR. JAMES M. BODDEN (CONTINUING): for this amount of money must be the size of a postage stamp. So they have been untruthful to the people of West Bay and the people of this country, and they have brought a budget in here in attempt to fool the Members of this House, not realising that we also have a financial genius on this side of the House, referring to the Second Elected Member for George Town, who can cope with the brains of the Honourable Fourth Elected Member of Executive Council.

Airport development costs in 1984 were \$3,167,708. This year they are \$189,703.

Further items of expenditure as recorded in the 1985 budget which make it a ridiculous and unrealistic budget are under Internal and External affairs, in 1984 administration cost \$496,977. It has decreased in the 1985 estimates to \$344,833.

Legislative Department in the year 1984 cost \$536,662. It has been reduced this year to \$408,018. Now, here is a Portfolio which has really suffered and it goes to show what has happened and what I meant when I posed a question to the Honourable Fourth Elected Member of Executive Council in this House a while ago.

Tourism Aviation and Trade was a very large Portfolio, and I am glad that it was recognised and four people were appointed to do the job which I was doing. However, Tourism Aviation and Trade administration in the year 1984 cost \$732,567. That cost this year has been reduced to \$226,820, a significant decrease and a significant reminder to the people of this country that the important Portfolio which keeps the money rolling into this country is thought so little of by the present administration that they would make such a drastic cut as they have done with this.

The next Portfolio which suffered tremendously is the administration of Communications and Works. When I point this one out, Mr. President, the people of this country will see the truthfulness of the remark I made a while ago, and the reason why it was answered by the Honourable Fourth Elected Member of Executive Council, because the administration cost of Communications and Works has been cut from \$390,274 to \$110,102. As I go along in my submission we will find where all of this money has gone to and which particular Portfolio now has it. This is where the significance comes in in regard to the answering of the questions by that particular Member.

Non-statutory interest payments have decreased from \$260,406 to \$25,000 for this year.

Equipment purchases on page 26 have been reduced from \$295,964 to \$232,530.

Loans which Government makes, which this year are partly committed to the Civil Service Association and the Pines; in other years there have been many more loans made than this, last year were \$665,000 and this year are proposed to be \$400,010.

Head 2, Internal and External Affairs. In 1984 the cost for that administration was \$372,785. It has been decreased this year to \$154,703.

The Legislative Department in the areas of supplies and materials have been seriously affected here. The cost last year was \$184,579 and has been reduced to \$18,010 this year. Legislative Department grants and subscriptions were \$20,000 last year reduced to \$18,000 this year.

Police Department supplies and materials saw an expenditure last year of \$123,356. It has now been decreased to \$92,265. Maintenance services for the Police Department cost last year \$208,387 reduced this year to \$170,340.

MR. JAMES M. BODDEN (CONTINUING): Equipment rental for the Police Department was \$155,123 last year. I think this was really equipment purchases rather than rentals. It has decreased to \$33,500 this year.

Finance and Development Portfolio dealing with grants and contributions last year spent \$448,922 and that was reduced this year to \$276,421.

Non-statutory interest payments last year were \$260,406 and this year will be \$25,000.

I have already covered loans to the Civil Service Association, but last year under our administration \$665,000 was spent.

Grants and contributions for the Portfolio of Health Education and Social Services were last year \$361,807. This year they will be \$322,000.

Tourism Aviation and Trade personal emoluments were \$465,570 last year, reduced this year to \$137,320. Supplies and materials for Tourism Aviation and Trade were \$17,449 last year. This year we are going to spend \$1,600. So we should not even expect this year to get a letter from the Portfolio of Tourism Aviation and Trade which is on Government stationery. It will probably be on goatskin which came from the Department of Agriculture. Utility expenditure for this department was \$10,228 last year reduced this year in the 1985 estimates to \$200. So they will not even be able to turn on the lights up there. This is a very ridiculous situation for a country to be in. Maintenance services for Tourism Aviation and Trade were \$108,614 last year, cut this year to \$21,000. Grants and contributions for this Portfolio were \$77,398 last year cut to \$45,000 this year.

Communications and Works personal emoluments were \$236,806 last year, cut this year to \$89,362. Travel for this Portfolio was \$8,772 last year, cut this year to \$5,040. In addition to this the Member in charge of this Portfolio happens to have added local administration to his Portfolio. So how in the world is he going to make his trips to the republic of Cayman Brac with a cut budget like this. Communications and Works supplies and materials last year were \$13,765. This year \$500 will be spent. What a ridiculous situation.

Inter-departmental services under Communications and Works were cut from \$11,745 to \$700 this year. Now, Mr. President, if there was any doubt in the people's minds as to how ridiculous this budget is, we should have been able by this time to prove our point. All of that money which has been cut from the Communications and Works budget and from the Tourism Aviation and Trade budget has now gone in to what is known as Development and Natural Resources Portfolio which used to be under the name of the Department of Agriculture.

This year we have a total under this department, Head 18, of \$639,795 compared to \$340,605 the year before. So this is why I expected to get the answer which I got to my question when it was posed to the Honourable Third Elected Member of Executive Council.

Mr. President, the Honourable Financial Secretary said in his Budget Address that this year the local residents were being requested to assist with the additional revenue.

MR. PRESIDENT:
so perhaps....

I am told the tape is finished

MR. JAMES M. BODDEN:
Sir.

Yes, at this time I could take a smoke,

MR. PRESIDENT:

I will suspend proceedings for fifteen minutes and we can resume at 11.45 a.m.

AT 11.30 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.52 A.M.

MR. PRESIDENT:

Please be seated.
Proceedings are resumed. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, I think this is the time to call for a vote of no confidence.

MR. PRESIDENT:

Do you wish me to put the question?

MR. JAMES M. BODDEN:

On no confidence, yes.
Mr. President, in analysing the 1985 budget and addressing the speech which was delivered to this House, the Honourable Financial Secretary said that this year the local residents would be requested to assist with the additional revenue. Mr. President, when you compel someone to do something you cannot say that you request him to assist, because once these Revenue Bills are passed into Law they then have the full force of Government behind them. So therefore it is not a matter of whether we are agreeing to assist, we are then completely compelled to assist.

I have dealt with the ridiculous manner in which they have tried to balance the budget this year by making entries which they know will cost much more money in 1985 to do than they have budgeted. Therefore, there will be an over-expenditure of at least \$5 million by the end of 1985.

The people may have been lulled into complacency by believing that we have a balanced budget. However, Mr. President, I think that the public at large can easily see by now that this is not a balanced budget, although over \$2 million will be taken from the funds in the General Reserve, which according to the Honourable Fourth Elected Member of Executive Council we did not have.

I will deal at this point, Mr. President, with the additional revenue which it is proposed Government will receive this year, and I will show the people that the main areas of increases have to deal with the man on the street; the man and his family who will be spending their few hard earned dollars every day.

Package tax has been increased in income from \$25,000 for 1984 to a projected \$100,000 in 1985.

Liquor licences in 1984 provided \$34,000 in income for the Government. The year 1985 it is expected they will receive \$280,000.

MR. JAMES M. BODDEN (CONTINUING): Trade licences have increased from \$240,000 in the year 1984 to \$450,000 in the year 1985.

Court fines. Now this I am sure is in view of certain legislation which is before the House and which I will deal with later. It is projected that from 1984 when only \$71,777 was collected in court fines, this year they will collect \$186,000.

Land registry fees have been increased from \$84,550 in income in 1984 to \$200,000 in income in 1985.

Planning applications have been increased from \$177,366 in 1984 to \$330,000 in 1985, or just about double. Planning applications have to be paid for by people who are either Caymanians or people who are resident or have a financial interest in the development of this country.

It is projected that revenue from the revenue stamps which is the Land Transfer Tax Law will increase to \$6,800,000, or an increase of \$1.2 million for the year. This is a significant increase, Mr. President, and I am sure that it was projected on the new revenue measure in regard to assignable contracts and agreements which have been tabled in this House and which have suffered some debate already. I only warn the Members that with their tightening attitude and the manner in which they have approached the governing of this country, that instead of having \$6.8 million from revenue stamps, we will probably be lucky if we receive half of that amount. People are not going to invest in a country in which they have no faith and in which the stability has apparently been lost.

Another item, Mr. President, which is unrealistic is their wish and desire to obtain \$800,000 in the year 1985 from the interest due on the Reserve funds. Because of the manner in which the present Elected Government has dealt with the Reserves of this country, we find that a \$10 million plus in Reserves has been shrunk at this time to about \$5.5 million. Or to put it another way the present Elected Executive Council, in four months of administration has already taken \$4.5 million out of revenue which has been put into Reserves by the unity team Government.

Mr. President, I am sure that there is no way at this time that the present Elected Government can get away from the fact that these Reserves did exist. Much has been said about the money not being available to Government, and that the country was broke. Mr. President, the country is fast becoming broke. So we cannot expect to have \$800,000 earned in interest from the Reserves of this country this year.

So after all of these points have been taken into consideration, Mr. President, we can easily assume that our country faces a year in which there will have to be an over-expenditure of about \$5 million, which will not be covered by revenue.

I will deal with the revenue measures which have been tabled in the House and list once more the increases.

The hotel room tax will be increased from \$4 to \$10 per room.

Sales agreements which are assignable will carry an immediate tax of seven and a half per cent. Mr. President, this can seriously affect our income. This seven and a half per cent tax, and I am not speaking because I am a real estate broker, can hurt a lot of local people as well as it can hurt the investor. The investor who purchases property usually does it by an assignable deed while he puts his finances in place.

We have also seen the introduction this Session of a duty increase to the people of this country by changing the duty payable on freight which would come on an aircraft.

MR. JAMES M. BODDEN (CONTINUING): The Law before said that it would be the freight rate charged for ocean freight, or 25 per cent of whatever the amount was. This means that if the freight by air freight was \$20 before on an item, the person would normally pay duty only on \$5. With this new Law going into effect a person will pay on \$20, or 300 per cent more in taxes than he would before. This will hurt everybody in the Cayman Islands, and it certainly may hurt the airline, the very thing which we need to assist. What this will do is to entice people to ship their freight by the shipping companies rather than by plane. The airline which is the national flag carrier will suffer tremendously as a result of this.

Revenue stamps on cheques have increased from five cents to ten cents, or a 100 per cent increase.

The Government has attempted to deal with the timesharing units which are being sold on the Islands by placing a one time tax of \$100 on each revenue week. Now I do not imagine that that is proposed to be just for one week of the year, but I think that it would be intended to be for the length of the agreement. In my opinion that is a bit low, but where I think is another area which we should consider it would be inequitable if we tried to charge the full seven and a half per cent on them. I think a compromise on this particular section should be entertained by both sides of the House because we are looking at an area where the economy again could be seriously affected.

Liquor distributors will now pay \$2,400 for their licence instead of the previous \$400, or an increase of 600 per cent. The package dealers will pay \$2,000 for a licence instead of the previous \$360. The retailers will now pay \$500 for their licences compared to \$240 previously. The hotel licence in regard to liquor will increase for those who have 20 rooms or less from \$400 to \$1,000. The hotel with 20 rooms or more will increase from \$400 to \$2,400, or an increase again in one particular area of 600 per cent. I will give my colleagues in Executive Council credit for being well versed in high percentages. A restaurant liquor licence which previously cost \$240 will increase to \$750 or just about 300 per cent, not the usual 600 per cent which they deal with. A wine and beer licence will cost \$500 and an occasional licence will cost \$50 instead of the previous \$10. This again is a very high increase, a 500 per cent increase, and although it may be well justified, I think consideration should also be given to that when it comes into debate later on.

In the form of package tax we have had our usual 500 to 600 per cent increase with it increasing from ten cents to fifty cents.

Cigarette tax has increased from \$8 per 1,000 to \$10 per 1,000.

Duty has been imposed on boats over 25 feet.

The warehouse fee at the airport, I understand, has now been increased to an amount equal to the dock. We have put in a \$1 security screening cost at the airport.

Now, all of these new taxes are being imposed and then, Mr. President, we have some Laws which I will deal with shortly where the Government proposes to change the regulations allowing Executive Council to charge in some cases, I think, about 1,000 per cent increase in fines from what was done before. All of this is being done and is being laid at the feet of the working man in the Cayman Islands. Yet, on the other side of the coin this Elected Executive Council in one of their first major steps removed the condominium tax. Here was a tax which was not being paid for

MR. JAMES M. BODDEN (CONTINUING): pennies by pennies at a time, but in a very large amount. We threw all of that out of the window in favour of taxing our local people to the extent that they are now being asked to be taxed under these legislations.

The district of Bodden Town which is represented by my colleague on my right and myself has received but very little attention in the 1985 budget, compared for instance to Cayman Brac. I have always championed expenditure by Government in Cayman Brac but, for instance, Cayman Brac is being voted \$325,000 to extend the Bluff road to the benefit of whom? Bodden Town is getting a cattle dip. I do not say this disparagingly because during some of the visits of the Member for Agriculture to the district he may have shared with us some of our tick infestations, and we may have to assist him. It is also much needed by the people who rear cattle in that district. So I am glad that we have been able to pull from the Elected Executive Council the monumental amount of \$12,000 to improve the cattle dip in Savannah.

The Bodden Town Primary School will also receive part of the milk from the milk cow and we will get \$81,000 for expenditure on that. Savannah Primary School will share with East End the expenditure of \$38,200 for a hard court at the Savannah Primary School.

Before I should forget this very vital and important point, Mr. President, gratitude is being paid back to the scandal sheet in that the private road of the editor of that newspaper is finally being paved. I do not know what the expenditure of that particular project is, Mr. President, but I am glad to see that they are showing gratitude to at least one of their able supporters.

I would like to point out a few further discrepancies in regard to the budget in areas which apparently gave the present Elected Members of Executive Council and their supporters much concern. That is referring once again to certain areas under Social Services. On page 91 of the present budget school counselling is estimated to cost \$1,000 this year. That is very little, Mr. President, and I do not know what kind of a programme in school counselling can be put into effect with \$1,000. Also there is another expenditure for sports equipment under that department. Sports equipment and sports facilities were cried down in the last administration and this administration was supposed to have cured all of the ills in attendance with that department. However, we now find that the magnificent sum of \$9,569 is being appropriated this year towards sports equipment. That will probably buy a few swings for the playgrounds.

Another area which was a lot of concern to the present Members was public parks, gardens and beaches. In this particular appropriation we find \$800 and \$1,200 of expenditure for this year.

Mr. President, on medical cases abroad we are proposing to spend \$300,000 this year. I do not have available to me the actual sum which was expended last year under this section of the expenditure, but I am certain that it was much more than this. Medical costs being what they are, we are not going to be able to attend to many people who need medical assistance with the \$300,000 which has been appropriated. It must be true what I have heard as a rumour that we are expecting to utilise all of the facilities at the University Hospital in Kingston and to send the people there who need medical attention.

Mr. President, the people of the West Bay area were promised and were told that they would be getting a fire station. In perusing the budget which has been presented I would

MR. JAMES M. BODDEN (CONTINUING): not want the people of West Bay to be fooled because we have an appropriation of only \$20,000 towards preparation of a site for a fire station to serve that area. I made it abundantly clear that I thought that this was a necessity, and that I would be prepared to support the expenditure on a fire station for West Bay. However, what are we going to do with \$20,000? Are we going out to one of the stores who have put their toys from Christmas away to buy a few toy fire trucks to equip the station with?

Another misleading thing in regard to the West Bay area was that they were told that they would be getting a cruise ship landing jetty in West Bay. I find in the budget where for the year 1985 we are only going to spend \$50,000 to purchase the land compared to an expenditure last year of way over \$1 million to purchase Government land. This \$50,000 is going to be used to purchase as postage stamp sized piece of land on Seven Mile Beach, because if we are going to put a cruise ship landing it has to be some place where we have a sandy beach if it is going to serve West Bay at all. This I may point out at this stage, in my opinion, I think is a campaign promise and one which should not be further considered because it is not going to really work in relation to the amount of money which would have to be spent to provide this facility. However, what can we buy for \$50,000?

Then we have a further item under expenditure and that is for \$25,000 to construct a jetty and for maintenance of the North Sound jetty. Again, Mr. President, I call on the Elected Members of this House to be truthful with us and to give us a budget which is realistic. The budget which has been presented to us is not a realistic budget and these amounts of money are only token amounts and cannot do the job, or if the job is done the over-expenditure in revenue this year will be a horrendous amount.

Mr. President, I come to some of the submissions of the new Laws and Regulations which are proposed to be passed by this House. We have a Law on the books which is the Airport Regulation Law and it came into effect, I think, on 19th January, 1968. The Elected Executive Council is now proposing to change the manner in which Regulations can be made by the Executive Council and they are preparing to put in some outrageous increases. I say outrageous because once this Bill is passed Executive Council can in its own wisdom and its own good time put these Regulations into effect without them coming back to the Elected House. Therefore, this is the only time that we as Elected Members representing our people have an opportunity to discuss and to stand out against such abuse of power.

I will read, with your permission, section 3 of the Airport Regulations which it is proposed to change under the proposed new Regulation here. Here are some of the acts which are prohibited under this section:

- "(i) obstructing or interfering with the proper use of the airport;
- (ii) obstructing any person acting in the execution of his duty in relation to the airport;
- (iii) remaining on the airport after having been required by a constable or an authorised officer to leave it;
- (iv) allowing any vehicle or animal to be on the airport after being required by an authorised officer to remove it or after its presence on the airport has been forbidden by an authorised officer or on his directions;

MR. JAMES M. BODDEN (CONTINUING):

- (ix) throwing, leaving or dropping anything capable of causing injury to any person or property;
- (x) climbing any wall, fence, barrier, railing or post;
- (xiv) failure to comply with the "rules of the road" contained in the Schedule;
- (xv) driving or placing a vehicle carelessly or dangerously or without consideration for persons using the airport;
- (xvi) failure by the driver of a vehicle to stop when required by a constable to do so;
- (xvii) failure by the driver of a vehicle which is involved in an accident to give his name and address and the name and address of the owner of the vehicle to any person having reasonable ground for requiring them;
- (xviii) failure by the driver of a vehicle forthwith to report to a constable or to the person in charge of the airport any accident in which the vehicle is involved.
- (xix) failure by the driver of a vehicle to comply with any direction for the regulation of traffic given by a constable or a traffic sign;
- (xx) parking a vehicle elsewhere than in a place provided for that purpose and in the manner required by an authorised officer;
- (xxi) failure by the person in charge of a vehicle to remove it from any parking place when required by an authorised officer to do so;
- (xxii) loading or unloading from a vehicle, passengers or goods elsewhere than in a place provided for that purpose;
- (xxiii) driving a motor vehicle on any roadway in an airport at a speed greater than thirty miles per hour or such other speed as may be prescribed by a traffic sign;
- (xxiv) removing, picking or otherwise damaging any tree, shrub or plant or walking on any flower bed;
- (xxviii) dropping or leaving litter except in a receptacle provided for the purpose;"

Now the reason I have taken the time, Mr. President, to read these out is to show to the Members of this House and the public at large that these by and large are minor infractions. We are only dealing with one or two items under these Regulations which would be of a serious nature. Under the present Law whoever is guilty of an offence and liable on summary conviction, is subject to a fine of \$50 or to imprisonment for a term not exceeding three months. Now, Mr. President, we have our Elected Executive Council coming back to the Legislative Assembly and asking that they may have the power to increase this to a fine of \$5,000 or

MR. JAMES M. BODDEN (CONTINUING): imprisonment for two years, or both such fine and imprisonment. We are increasing a \$50 fine to \$5,000 and we are increasing the imprisonment time from three months to two years. Yet these same people will tell us of the great mercy which exists in their hearts. They will tell us that it was through mercy that a person who had been convicted of several serious crimes in the past was released from Northward prison. If there is any mercy in their hearts why do they not show it to the people of the Cayman Islands as a whole.

The next serious Regulations which the Elected Executive Council would propose that we deal with is the Interpretation Law, Chapter 70, which came into force on the 31st December, 1963. With your permission again I will read the specific section of this Law. It is section 27 and it says:

"Where a Law confers power on any authority to make or issue regulations, the following provisions shall, unless the contrary intention appears, have effect with reference to the making, issue and operation of such regulations -

- (a) a regulation may be at any time amended, varied, suspended, rescinded or revoked by the same authority and in the same manner by and in which it was made;
- (b) the regulations may provide in respect of a breach of any of the provisions thereof that the offender shall, unless the Law otherwise provides, be liable to such fine not exceeding twenty-five pounds, or to such term of imprisonment with hard labour not exceeding three months, or to both such fine and imprisonment, as may be therein prescribed;
- (c) where any Law confers power on any authority to make regulations for any general purpose, and also for any special purposes incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose;
- (d) no regulation shall be inconsistent with the provisions of any Law;
- (e) any breach of any regulation may, unless the Law otherwise provides, be prosecuted in a summary manner;
- (f) any reference in any regulation to "the Law" shall be read and construed as meaning the Law conferring the power to make or issue such regulations."

Now, Mr. President, if I agree that this should probably be changed because we are no longer using the pound, and we take the pound as being valued in proportion to the Cayman Islands dollar the way it was when we got our own currency, the specific fine here would now be \$50 in our currency. If we take the reduction the pound has suffered in the world market we would probably be looking at a little over \$30 as being the fine.

Here is what this Regulation is attempting to do:

MR. JAMES M. BODDEN (CONTINUING):

"by the deletion of the words twenty-five pounds and the substitution thereof of the words one thousand dollars, and by the deletion of the words three months and the substitution therefor of the words twelve months".

We are increasing the penalty of servitude from three months to twelve months, or a 400 per cent increase. We are changing the twenty-five pounds to a substitution of \$1,000, or about thirty times what the fine which could be imposed was before. Now I agree that our dollar is a very strong currency and it enjoys much success with regard to its stability, but not even our dollar has increased in value with the changing in money values, to this extent. Again I ask the Elected Members of Executive Council to show mercy on the people of the Cayman Islands.

Mr. President, with your permission this may be a good time for me to stop as the next Law I will be dealing with will be quite lengthy.

MR. PRESIDENT: *When you said it would be a good time to stop I think you raised our hopes. I think perhaps you meant....*

MR. JAMES M. BODDEN: *No, Sir, tomorrow.*

MR. PRESIDENT: *Very well, I will suspend proceedings until 2.15 p.m.*

AT 12.32 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.20 P.M.

MR. PRESIDENT: *Please be seated. Proceedings are resumed, but before I invite the First Elected Member for Bodden Town to continue speaking, perhaps I might beg the House's indulgence to read out the contents of a postcard which has just reached me from one of our Members. It is from the Third Elected Member for West Bay and it is addressed to the President, Members and Clerks.*

"Hello there. Accommodations are first class, hospitality warm and wonderful. The British are taking good care of me and I am falling in love with London and its people. I am very busy but equally as happy. Have a good Session.

Daphne"

I will give it to the Clerk so that if any Member wishes to see it, they may have the opportunity of doing so.

MR. D. EZZARD MILLER: *Is she going to be back before the Session is over, Sir? (LAUGHTER)*

MR. PRESIDENT:

I would say that there is every chance that she will be back before this Meeting is over.

Perhaps there is one other thing which has been brought to my notice and which I should have mentioned this morning had I thought to do so, when I was mentioning the sorrow and distress which I felt sure Members would feel at learning of the news of the death of the Prime Minister of Barbados. That was that I learned yesterday too of the death of the former Chief Justice of this territory, Mr. Justice Moody. I am sure that Members would wish to share with me in expressing regret at learning of that news.

The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, I would like to speak on another proposed Bill which is before the House. This is a Bill for a Law to amend the Marine Conservation Law, 1978. Mr. President, I would associate myself with certain aspects of this, namely the declaration of marine parks in certain areas of the country's waters. However, in my opinion they have gone too far with this. I think the original proposal was for areas more offshore than what has been published in the newspaper. For instance, if I am reading this correctly, in an area from Barkers to midway down South Sound, it appears that fishing will be prohibited. There also appear to be areas in Frank Sound and in Colliers, and in the North Sound area.

I heard it said on the marl road that it was proposed that a certain area in the North Sound would be prohibited for boats regardless of whether they were fishing or not. If that is so, this again is one of the prime recreational areas of the North Sound and I see no reason why there could not be a certain amount of activity in that general area. To make restrictions that our local people cannot fish with a handline on the ironshore, I think again carries the proposal a little too far. Caymanians by nature have been used to fishing with handlines from the sea coast and it will be very difficult, I think, to enforce this on the Caymanians.

The marine parks are necessary for the future growth of tourism in the country and to benefit the inhabitants of the Islands in the future. I also associate myself with some of the enforcement measures in regard to conch, lobster and so forth. However, Mr. President, it is difficult to associate oneself with certain sections of this Bill, because we know that the powers of the present Elected Executive Council are far reaching and they are usually assisted by experts in their decisions. So what we may find in the very near future is that Caymanians will be told that they cannot even use the beach waters to take a swim. I am very afraid of these far reaching powers and the manner in which it is intended to use them.

I am also against giving them the right to make blanket Regulations under this Bill for the fear of what it may do to our people. Some weeks ago there was a rumour around the Islands and I really feel that it was more than a rumour. It was a trial balloon similar to the trial balloon which the Honourable Fourth Elected Member of Executive Council has used in regard to the car parking facility. This trial balloon was to restrict fishing in certain areas of the Islands for groupers. Because the people rose up against the trial balloon, there was immediate back tracking, and they were finally told that this would not apply to the local people. They would automatically be granted licences. It would apply only to the foreigner who came here. Well, Mr. President, unless we consider the real offshore waters of the Cayman Islands, there are very few people who are coming to the Cayman Islands, particularly if they come as tourists who are going out grouper fishing.

MR. JAMES M. BODDEN (CONTINUING): So what I am saying to this House is that I feel sure the intention was there all along to restrict the local people, but because the trial balloon did not have enough air in it it finally burst and they decided to back pedal.

If we look at section 3 of the proposed Bill dealing with offences and penalties which are covered under section 25 of the principal Law, we find that the fine proposed here is not exceeding \$5,000, or a term of imprisonment not exceeding twelve months, or both such fine or imprisonment, "and in addition thereto the court so convicting may order the confiscation of any vessel or equipment that it is satisfied has been used for the purpose of committing or facilitating the commission of such offence". The ridiculous further part of it is, "or was intended to be used for such purpose". This is an excessive fine. It would have been better to have proposed different types of fine for certain sections of the Law.

For a Caymanian who has been used to getting let us say six conchs to fix a family meal and who may not be fully aware of the Law when it is passed, and he may go out and he catches four. I do not know what the limit may be. It may be only one or two. They then put him in jail for twelve months. They confiscate his boat and then they confiscate his brother's boat which he may happen to have sitting on his land because they believe that it was intended to be used, and they put him in jail for a year. Maybe they even confiscate the family members away from society. It is a ridiculous piece of legislation.

MR. W. McKEEVA BUSH:

Is that in the Law?

MR. JAMES M. BODDEN:

The Law can be interpreted in any way that we wish to do it. What I am saying is that this Law plainly states, "or was intended to be used for such purpose". It is very broad. Somebody could have two boats sitting in his yard. He could be using one of them and commit an offence by catching one more conch than he was supposed to catch, or fish in an area in which he was not supposed to be fishing in. They could find fishing equipment in the other boat in his yard, and it could be ruled that he intended to use that boat at night after he had beached the other one. So I am dealing with intentions, and the road to the proverbial Hell is paved with very good intentions.

MR. W. McKEEVA BUSH:

But that is not in the Law.

MR. JAMES M. BODDEN:

The Member should try to interpret the Law when he gets up and then we will answer him.

Mr. President, I do consider that for the people whom this may affect the penalties are very severe. After reading this I wonder why there was not about \$800,000 put into the budget this year which it was hoped would be collected from fines in the courts, instead of the more than doubling which was done. I could not associate myself to support this although I know that we need some form of legislation. However, I would ask that the Honourable Elected Members of Executive Council consider this and consider making some changes in it.

We come to the next proposed Bill which is the Traffic Law, or a Bill for a Law to amend the Traffic Law, Law 16 of 1973. This deals with amendments to sections 61, 65 and 66 of the present Traffic Law. Section 61 deals with alcoholic convictions under this Law and it calls for \$1,000 or twelve months imprisonment in place of the \$200 fine at the present time and six months in section (b), subsection (i) of section 61.

MR. JAMES M. BODDEN (CONTINUING): Mr. President, I can associate myself with that section and would be prepared to vote in favour of it.

Subsection (ii) of section (b) of section 61 carries an increase in fines from \$500 to \$2,000 and imprisonment for two years, where the present Law is only twelve months. Again, for a conviction of that type, I could associate myself and will probably vote in favour of that section.

However, Mr. President, we come to section 65 where we get into more far reaching effects. This section says:

"Whoever drives any kind of vehicle or animal dangerously or recklessly, or at a speed or in a manner or in a condition which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road or place and the amount of traffic which is actually at the time, or which might reasonably be expected to be on the road or place shall be guilty of an offence and liable

(a) on summary conviction to a fine not exceeding \$300 or to a term of imprisonment not exceeding six months or both;"

Again, Mr. President, with some minor amendments maybe I could also support this section. I would like to have a little clarification on what is meant by "animal" in driving an animal dangerously or recklessly, from the legal mind of the House the Honourable Second Official Member when we come to consideration of this. The fine here is being increased from \$300 to \$1,500 or twelve months. Then we have subsection (b) where the fine is going to be increased from \$500 to \$2,500.

Now we have section 66 which says:

"Whoever drives any kind of vehicle or animal without due care or attention or without reasonable consideration for other persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$200 or to a term of imprisonment not exceeding six months or both."

This is a broader section and the increase to \$1,000 for this, I feel makes it very difficult for me to support that particular section.

I can see the dilemma that the Elected Members of Executive Council are in in trying to secure every avenue which is open which may give another penny, in order for them to wind up this year and not be at least \$5 million in debt. However, I feel that we cannot give them the opportunity to use this measure recklessly.

Mr. President, the question was put to this House dealing with the release from Northward Prison of a certain person in our community, and I feel strongly that a person with a prison record such as the one which this particular man has, the leniency and the mercy shown to him was excessive, because there are many more people who have been affected by criminal records of a minor nature in this country and such leniency has not been shown to them in the past. I think we are setting a precedent which could come back to haunt us, and I think that it should never have been done.

MR. JAMES M. BODDEN (CONTINUING): I know the manner in which this type of thing is usually dealt with, and I am quite aware that on two previous occasions it was turned down by the Elected Executive Council on recommendations that it would come back for consideration after at least a year of the sentence had been served. That year, I think, would have been up either at the end of February or beginning of March, which meant that consideration could have been given to it in Executive Council on about the 15th April. However, I was shocked to know that a political pledge offering this to people convicted and serving time would be honoured by the Elected Executive Council in so short a time.

The past Meeting of this Legislative Assembly saw a serious attempt being made to curtail the freedom of expression in this House. During that Meeting the closure motion was used to stop debate eleven times. I would point out that in the previous administration which lasted for eight years, the closure motion was never used on one occasion. It is imperative, Mr. President, that every one who is an Elected Representative will have the full time which is necessary to speak within certain guidelines on his feelings towards anything which comes before this House, and that right should never be curtailed, particularly when there is a minority such as now exists in this House.

Mr. President, May's Parliamentary Practice provides that the rights of the minority are protected by the discretionary power which is given to the Chair and is frequently exercised in refusing to accept a motion for closure. The Commons Standing Order, public business of the House of Commons in England has a further protection of minority rights by providing in Standing Order 32:

"If a division be held upon a question for the closure of debate under Standing Order No. 38 (Closure of debate), that question shall not be decided in the affirmative unless it appears by the numbers declared from the chair that not fewer than one hundred Members voted in the majority in support of the motion."

This number in practice is probably a high amount because not all Members attend the House of Commons sittings except on very special occasions.

I am pointing these two important rules of order out to the House to ensure that the freedom of debate will continue unbridled in this House as it has been in the past.

Mr. President, much has been said in the past about the services of the Government Information Services which were contracted out. The one factor against this was what was termed to be the excessive cost of operating such a facility. I wish to point to the budget under New Services where we are shown that for the provision of the salary and emoluments for the staff and a few minor items, for seven months the cost will be \$75,000. That is only dealing with the salary of one experienced person. Mr. President, once we add to that the rent which would have to be paid if this bureau occupied quarters in the private sector, and we add the other attendant expenses with it, we will soon be up to the figure of \$200,000 a year which was paid before. We will also probably have a service which is not all-inclusive as was had before.

There is a figure in the budget of \$20,000 to help with prisoner rehabilitation. I support this very much and hope that it will be carried through. However, again I will remind the Members of the House and the people of the country as a whole that this idea was formulated by the past administration also.

MR. JAMES M. BODDEN (CONTINUING): We had sent the Director of the Building Trade School on several occasions for discussions with the management personnel of Northward prison regarding making an agreement to start assisting the people who were incarcerated there by teaching them some type of trade. I am very glad that they have accepted one more of our ideas. In fact, to be frank with you, there are no new ideas in the budget. It is all a continuation of things which were started by us.

Mr. President, I come to the point in my address where I deal with the old political whipping dog, Cayman Airways. Cayman Airways was formed at a time in our country's history when it was paramount that the country take a decisive step towards deciding the future of civil aviation in this country. That step was taken in the face of much controversy, because in order to do this we had to break the umbilical cord which LACSA had extended to the Cayman Islands.

At that point in our history it was a good thing that the Cayman Islands are founded, we hope on solid rock, because the pull of this umbilical cord would have taken us off the precipice into the deep ocean. It was such a binding tie. There never has been in our history something which has done more to benefit this country as far as some Members are concerned, than LACSA. Yet I am here to tell the House and tell them in no uncertain terms that everything which was done for the Cayman Islands under the LACSA agreement cost, and cost tremendously. The old records were brought back from Costa Rica and they are stored, I hope, in the vault in the underground section of the Government Administration Building. Should anyone take the time to peruse, everything is recorded there and it will prove the untruths which have been told by many people on the outside as well as by some Members of this House about the graciousness of LACSA.

It is true that Cayman Airways has had many difficulties to overcome but, Mr. President, the prosperity which has been engendered into this country in the past eight years would never have been experienced if we had not been masters of our own skies. If we had not been in a position that we could counter moves which were made by other countries and other carriers, we would have been at the complete mercy of any airline, and most foreign airlines would leave this country immediately if they were not in a position where they were at least coming close to breaking even. Only history will be able to tell the great benefits which Cayman Airways has placed in the development of this country.

Last year with its increased route structure and its operation into the Turks and Caicos Islands, the airline should be making money on that particular route as the load factors are very high. It was a gamble taken which paid off and will pay off tremendously. In addition to that Cayman Airways was able to make an agreement with Cayman Express for charters from New York and Chicago. New York and Chicago have been two of the areas of the United States where traditionally a lot of tourist arrivals have been generated from. We have offices in both cities but, Mr. President, we have not yet mounted any real effort to get the business from those two areas which we should be getting. However, with the onset of Cayman Express we were able to tap those markets, and again as far as I am aware the load factors are very good. I hope that in the case of New York this can continue on a yearly basis rather than a seasonal basis.

In addition to that the company took steps to try to derive revenue from other charters, and we have the on-going business from the republic of Peru. All of these things have added tremendously to the income of Cayman Airways.

MR. JAMES M. BODDEN (CONTINUING): The balance sheet for Cayman Airways was prepared late last year by the auditors Price Waterhouse and Company. We did not have a chance to deal with it and table it before the last election. However, for the financial year ended 30th June, 1984, there is a significant factor to consider in Cayman Airways, and that is that the operational loss for 1984 was \$313,025 compared to a loss in 1983 of \$1,898,377. With the continuation of good management policies and with the curtailment of expenditure in some areas, it is a possibility that if Cayman Airways continues to generate the income which it is doing at present, the airline may be in a position at the end of the financial year in June, 1985, to find out that it may only lose \$1 million overall on the operation. The overall loss last year was \$2,750,316. The depreciation which is included in that would amount to over \$1 million last year which is a non-expendable cash item.

The deficit from the beginning of the operation has been \$16,237,553. One of the problems which Cayman Airways has always faced is that it had to operate from time to time, or nearly all of the time on borrowed capital with a very high interest rate being paid. However, in addition to this I would point out to the House that although we have this loss there is about \$4 million in Cayman Air Holdings which is money on deposit in United States Treasury Bonds, which is an asset of the two companies.

To fully understand what has been going on the two balance sheets should really be combined, but at least one should read the two as one.

In looking at this deficit we must consider what the present value of the planes would be if they should be sold, and also the increased value of the office building at the airport. The two figures which I mentioned are carried at a lower value in the books of the company than they would be if they were both marketed.

If we want to look at what Cayman Airways has done for the country, we look at the young people who have hitched their ambitions to a star. We have young people today who are pilots of those aircraft, flight engineers and a couple of them are now captains who are way under 30 years of age. We see what these young people have obtained and done, and we know that they would never have been able to do it if the country had not taken a bold step into the future.

The income paid to the Caymanian staff of Cayman Airways would probably be about \$8.5 million a year. Most of the people there earn a very good salary. That money, if we consider the multiplier effect from it, generates a huge amount of money into the economy of this country.

I would like to pose a question at this time to the Members of the House and the public at large, and that is what does Republic Airlines or Air Jamaica contribute to the labour force in the Cayman Islands? In the case of Republic Airlines, although I do respect them, I feel certain that their expenditure in the local labour force would not be half a million dollars a year. Look at the amount of Caymanians who would lose well paying jobs and would lose their futures if we were to dismantle Cayman Airways.

I heard a rumour on the marl road this past week, and I know that we must never believe those marl road rumours unless they are published in the Herald, the gospel of the kingdom, but I heard that the two Members associated presently with the airline had gone to the United Kingdom in the hope of selling the aircraft to one of the United Kingdom airlines. I hope that this is untrue, and I hope that those Members do not have such a thing in mind as that.

MR. JAMES M. BODDEN (CONTINUING): When we consider the losses we must again consider the losses which have occurred particularly on the Cayman Brac run, when we have had to run the airline over there in a position where it never could break even as far as load factors are concerned. However, the people from Cayman Brac and Little Cayman are a part of the economy of Grand Cayman. They are part of the population of the Islands and we have to protect them. We have to give them the service which we are entitled to in Grand Cayman.

We should look at the overall value to the community which Cayman Airways is. It is our ambassador abroad. It signifies to the world at large that 18,000 people can accomplish something.

Another factor which should be taken into consideration, Mr. President, is that according to statistics available at the Government Administration Building each arriving tourist in the Cayman Islands provides direct benefit to the Cayman Islands Treasury in the sum of about \$56. This is from the various taxation methods which are used here. The average tourist is spending about \$450 to \$500 in our economy and that is the oil which is greasing the machinery which pushes Government along. So if we consider that Government is getting \$56 from every tourist who comes here, and if Cayman Airways had brought in and taken out 100,000 of those, Mr. President, we are then looking at direct benefits to the Cayman Islands Government of \$5.6 million. So if we have lost \$2.5 million out of that in the airline operation, we are still ahead on the overall position.

In addition to this we must look at the other additional benefits which have accrued to Government. Let us look at the large amount of fees which are paid in landing fees, which help to maintain our airport and help us to service the loan for Owen Roberts Airport Terminal. Look at the rental fees which are paid. In addition the airline has to pay interest to Government on the loans although it is a very small per cent.

MR. W. McKEEVA BUSH: (Interruption)

MR. JAMES M. BODDEN: Pardon? Does the Member want a point of explanation? I will give it to him.

MR. W. McKEEVA BUSH: No.

MR. JAMES M. BODDEN: I thought he would like that. I am sorry I did not understand what the Member said.

Mr. President, the value of Cayman Airways to our country is unlimited. I am hopeful that if the right steps are continued it will be in nearly a profit position this year. Even so, Mr. President, we must be vigilant in order to continue on the moves which we make. The worst thing which could ever happen to Grand Cayman and the Cayman Islands would be for us to dismantle our national carrier, lose our place in the market place to a foreign carrier, and then be subservient as we were in the days of LACSA.

The relationship, Mr. President, with LACSA was not a case of where we had 60 per cent as the majority shareholder and they had 40 per cent. It was the case of the master and the slave, and we the people of the Cayman Islands were the slaves. LACSA was the master. We had people who were willing to live under that yoke of subjection and love it.

Another problem attendant to this, Mr. President, has been that Cayman Airways has always had, as I pointed out a minute ago, to use borrowed money instead of direct contribution.

MR. JAMES M. BODDEN (CONTINUING): Mr. President, I cannot sit down without making one more attempt to bring before the people of this country the financial position of Government.

Our surplus balance at the end of October, 1984 stood at \$891,510. At that point the Reserves were in excess of \$10 million, and yet since this administration has been in power, in the months of November and December they have used up the surplus balance; they voted about \$2.5 million from the surplus revenue and General Reserves, and they have wound up with a deficit of \$252,537. Really, Mr. President, what they have done is that it has cost the tax-payers of this country for those two particular months to keep the geniuses in office, over \$1 million a month. Then we have come to the point where another attempt has been made to further deplete the General Reserves by asking for another \$2.3 million this year to balance the budget. In just four and a half months since the election the present Executive Council will have used up from General Reserves nearly \$4.5 million. So they were right when the Honourable Fourth Elected Member of Executive Council prepared his submission to the papers and said that the country was broke. It was not broke at that time, but it is beginning to get badly bent now. I know that he can work miracles with his numbers but we really need a ouija board to work on them now.

Mr. President, the future of our country looks bleak. It looks dark and depressing. These people have played a good political game in trying to ostracise the three Unity Team Members from the House. However, we are prepared to show them and show the people of this country that in spite of all our political differences the country must come first. The people got fooled and fooled badly, but we are prepared to close ranks and work together with them for the benefit of our people. However, we are not prepared to be in a position of master and slave. We ask for the equality which exists in our country and exists under our system.

There is one particular person in Executive Council whom I have to pray for, and that is the Financial Secretary, because I think that the man has done a terrific job for Government and I know that he has the country at heart. I also know that he has a very difficult task having to deal with these Elected Members every day. I pray that God will give him the strength to carry him on bearing such a heavy load. (Interruption - Laughter)
I want to leave that to him.

MR. PRESIDENT:

Do you want to awaken him? (Laughter)

MR. JAMES M. BODDEN:

No, I am leaving that for the Second Elected Member of West Bay to do, Sir.

MR. W. McKEEVA BUSH:

Do you want me to speak now, or when?

MR. JAMES M. BODDEN:

No, no, not yet.

Mr. President, I have debated the Budget for a very long time and I am pleased that I was able to do so because in my opinion it was incumbent that someone show the other side of this picture. We should not be looking through the looking-glass just seeing our image on one side. Every argument has two sides. This one has two important sides because the true picture was not being presented to the people of this country.

MR. JAMES M. BODDEN (CONTINUING): I think I have covered all major items which were in the Budget Address, the Throne Speech and in the proposed budget for this year.

I hope that God will bless us all and that we can come out with a budget which will be balanced or closely balanced. I am only pointing out to the Members of the House and the people at large that there is a terrible problem and that we have a ridiculous budget before us, a budget which has not been properly thought out. We must look for bleak and black times ahead of us unless a radical change is made in the direction of the present Elected Executive Council.

Mr. President, what I have said is not idle talk. It is the actual picture. Instead of looking at it critically I hope the Members of the Elected Executive Council and their extensions will deal with it in a proper manner and will look at the suggestions which I have made and which are being made by the Unity Team representatives, and consider how they may best be used.

I thank you, Mr. President, for your tolerance and I thank the Members of this House.

MR. PRESIDENT:

I wonder whether before I invite any other Member to speak, it may be convenient to take our afternoon break now, rather than start a speech and have it go for five minutes.

So I will suspend proceedings for approximately fifteen minutes.

AT 3.11 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.28 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. Continuation of the debate on the Second Reading of the Appropriation Bill, 1985. Does another Member wish to speak? The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to congratulate you and express my appreciation for your concise and informative Throne Speech. I also wish to thank our Honourable Financial Secretary, the Honourable Third Official Member of this House for presenting such a detailed account of all financial activities within Government. These presentations were capably delivered and they provide important directions for the deliberations of this Honourable House.

Mr. President, I will try to follow your example and be as brief as possible. I remember well a saying of the Second Elected Member of Bodden Town, who said in this Honourable House some years ago that the mind can only absorb what the bottom can endure. Mr. President, I realise that every Member here has reached that endurance point and I will not prolong it too much. It is a pity that the previous speaker has failed to follow the words of wisdom spoken by his colleague.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): The election, Mr. President, is behind us and the people have made their choice. Although a few Members do not like the results they must try to learn and live with it for the next four years.

Mr. President, the First Elected Member for Bodden Town said in his debate that the people are crying buckets of tears because of the position in which they find themselves today. This might well be so, Mr. President, but he has not understood the reason why. If they are indeed crying buckets of tears it is because they are finding out more and more the enormous problems the last administration has passed on to the present administration, and which are now coming to light.

I remember very well the joy and relief on the faces of our people after the election, and people remarked on it everywhere I went. Before the election they were afraid to voice their feelings for fear of victimisation. Today, Mr. President, they are talking openly and freely. I have been deluged with offers of help and still receive congratulations and good wishes for the task ahead. People are happy and there is no doubt about it, Mr. President, a lot of fuss has been made by the opposition in this House about the small increase in certain fees which this Government has introduced. Increasing fees is nothing new and I would like to remind the opposition that their administration also raised revenue by introducing new tax measures to balance their budget on several occasions.

Mr. President, I have been listening very carefully to the debate, and I am alarmed at some of the misleading statements which have been made. I have had to ask myself if I was hearing correctly. I had hoped that the surviving Members of the past Government would have told the people the true financial position in which they left our Islands on the 14th November, 1984. I also expected them to repent for their past deeds and to ask the people to forgive them for their poor mis-management over the past two years in particular. Instead, Mr. President, I have heard nothing but wild and misleading statements in an attempt to justify their reckless and disastrous financial policies which have brought our country to the threshold of disaster. It is quite clear that they cannot explain or defend their position. In order to direct attention away from the facts and problems left by them in November, they have resorted to attacking the present administration which has only had three months, not five months as the Member said, in office.

The message which this debate has made clear to me so far is that we have power hungry people here whose main concern is not the welfare of the people who elected them, but rather their own personal welfare.

Mr. President, the budget before this Honourable House has been made up from the crumbs left over from the last administration. We were presented with a budget which showed a deficit of \$17 million. There was no way we could bring such a budget to this Honourable House. When all expenditures could be reduced no further we had no choice but to bring in new tax measures which would balance the budget.

Mr. President, this budget is proof of the concern of the people of our Islands about the poor financial position in which the Unity Team Government has put us today. I promise that our Government will do its utmost to remedy this mess, and that when the financial problems improve, which I am confident that they will, measures will be taken to relieve our people in any possible way and to reduce the cost of living wherever and whenever we can.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Mr. President, when a person is unable to manage his own financial affairs successfully, how can that person be expected to run the affairs of our country successfully. I pose that question, Mr. President.

The estimates show that the Unity team Government brought forward a surplus from 1983 of \$1,000,995 and ended up with a deficit of \$252,537, a total of \$1,253,532. The Unity Team took the sum of \$3,361,655 from General Reserves. The total funds used by them were \$4,615,187 to balance their budget.

To balance the 1985 budget we will have to take the sum of \$2,233,000 from General Reserves. Mr. President, we are taking \$1,128,655 less from General Reserves than the Unity Team did in 1984. This, Mr. President, shows prudent financial handling and will prove to the people that we are spending their money wisely.

Mr. President, much has been said about the Reserves of this country. I am taking the Financial Secretary's Budget Address and I find that on the 4th January, 1984, the Reserves stood at \$10.1 million. Interest earned for 1984 was \$1 million and when these amounts are added together we have \$11.1 million. A sum of \$3.4 million to fund specific requirements for 1984, and this was the Unity Team Government, was taken from General Reserves leaving a balance of \$7.7 million. The balance brought forward in 1985 is therefore \$7.7 million, of which Government has agreed with Barclays Bank to leave the present fixed deposit plus revenue earned in 1985 with them. The reason for this arrangement is to ensure Barclays that their loan of \$4.6 million to purchase the Tower Building is secured. That means, Mr. President, that we have an unencumbered balance of \$3.1 million in Reserves.

If we have to take the \$2.2 million to balance the 1985 budget we will only have a balance of approximately \$900,000. Now, Mr. President, I am not dealing with the balance of accounts as shown on Government's books. I am dealing with the actual cash available for expenditure. I am afraid, Mr. President, that the so called financial geniuses on this side of the House will have to ask the financial wizards on the other side of the House for some real help, because we cannot take \$4 million when there is only \$3 million left.

Furthermore, Mr. President, where is the money coming from to pay off the millions of dollars which Cayman Airways owes. I am sure that it will not be long before Government will be called on again to make good some of its indebtedness.

Mr. President, the people have heard for themselves the direction in which the Unity Team Government would have taken this country had they been returned to power. The people, Mr. President, would not experience gloom and depression. They would now be facing doom and destruction.

I do not believe that any sound thinking Caymanian would expect us to follow their advice because the country would be strewn hard and fast on the reef of bankruptcy. The more one examines and studies the financial position of this country today, the more evidence one finds of the Unity Team's incompetence and mis-management over the past two years in particular. From 1976 to 1982 the Government of the so called unity team did much for the country. I am one of the first people to admit it. However, Mr. President, like a cow which gave a good pail of milk, they kicked it over and from 1982 they have squandered and wasted Government funds, and it has put us in a financial bind.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): If called on to pay off its commitments and those of Cayman Airways, we would be in some difficulty today. The main reason for this calamity is the unbusiness-like manner in which the affairs of Cayman Airways in particular have been conducted.

In May, 1982 the Government paid off the indebtedness of the airline and also for the two BAC 1-11 aircraft. On the 3rd November, 1982, the same year, the First Elected Member of Bodden Town who was then responsible for the subject, announced that Cayman Airways had acquired two 727-200 aircraft to replace the two BAC 1-11s. This was at a cost of \$20.5 million. We were told that the replacement of aircraft would enable the airline to become a viable operation. We now have the facts in our possession and find that the two 727-200 aircraft have substantially increased the losses by an alarming amount. It is spending \$2 million of its own earnings per month, plus Government's injection of millions of dollars a year to keep it flying. This cannot be allowed to continue draining the Treasury.

Steps have already been taken to reduce expenditure, but it is doubtful that the present aircraft will ever break even because they are too expensive to operate. Perhaps the Member who was responsible for the airline now realises that the two BAC 1-11 aircraft were not the reason for the losses sustained by it, and that the 727-200 aircraft, although desirable, are too costly to operate on the routes we fly and the usage we have for them.

Some of the statements made during this Session show the lack of responsibility among the Unity Team Members, which cost them dearly in the last election. The financial problems which we have today were created by them. They are fond of saying that when they took over the Government there was no money in the Treasury, but they never mention that they found no burdensome liabilities either. Today the situation is much different. We have inherited many financial problems, the greatest of which is Cayman Airways' disastrous financial position which worsens daily.

This is the present Government's task to straighten out the affairs of Cayman Airways before it ruins the country. For years they have misled the public on the financial position of Cayman Airways, withholding accounts and other information. When we asked questions in this House we were told that we would get them in due course. When asked what due course was the reply was "due course is due course". Now, Mr. President, they will be getting the same replies, believe you me.

The First Elected Member for Bodden Town while he was the Member responsible for Tourism Aviation and Trade, stood on the floor of this Honourable House a year ago, and declared that he would keep the airline flying if it took the last penny in the country. Well, Mr. President, that statement if nothing else is a reflection of what has caused the present situation of this country. The former Government had its priorities wrong. No-one, least of all myself, would deny that an airline is desirable but at what price, Mr. President. If we spend every penny and the last penny on the airline or any other items we may think that we need, I ask you how will we provide medical care for our people, educate our youth or develop our social services? With what will we pay the Civil Service and conduct the business of Government? With what will we provide the many needs and amenities our people want and need in this country?

I have said before and I repeat, Government of itself has nothing. Before it can provide something for the people it must first raise the money from them to pay for it.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): There is no such thing in this country as a tax upon a special section of the populace, or upon the less fortunate or little man, as has been said during this Meeting by opposition Members. This kind of talk, Mr. President, is nothing but political gimicry. It can serve no purpose but to sow the seeds of discontent among our people. All taxes are ultimately borne by the consumer whether that consumer be rich or poor, and this Government is conscious of that fact.

The money derived from these taxes is used to pay for the services which the people want and demand, that is providing there is a responsible and a responsive Government. However, a Government cannot be said to be responsible when its leader declares that it will use the last penny in the Treasury to keep Cayman Airways flying while other needs and necessities go unheeded. Mr. President, saying it was not enough. They almost did it, and that is the end of the whole exercise. We still do not own a seat belt and the bills continue to increase daily.

In recent years the Government has with much fanfare removed the duty from some food items. Let me tell you how this was done. When they took off the duty from chicken and potatoes, bringing about a savings of a few pennies on these items, they then turned around and drastically increased the freight rates on airline cargo, thus pushing up the cost of food on every item brought into the country by air. So instead of a saving to the consumers, their grocery bills were higher. This is what I call political gimicry, Mr. President; political gimicry which serves only to deceive the people and to mislead them. This Government needs revenue and so we must tell the people so, and tell them why. It is nothing but sheer deception for Government to make such an ado about taking off a few pennies of duty on one or two items and then to take back two dollars somewhere else.

Mr. President, this Government intends to tell the people the truth at all times. We feel that they are entitled to know the facts. If there is no money they must know it. If there are bills to be paid, they must know it. If there are new projects which will cost more, they must know it.

Mr. President, the people have elected us to run the business of Government, their business for them and we shall let them know at all times the truth of the situation.

Much has been said in this Meeting about the rich and the poor. Who are these rich and who are the poor? By what standards and what means are we identifying them? Lest we fall into the same trap which so many other developing countries have fallen into we should sincerely examine that question now, as well as the question of what we as a Government in these Islands can do to alleviate the plight of the less fortunate.

Over 2,000 years ago our Lord Jesus, the greatest Teacher of all times addressed himself to this problem which has stayed with us from the beginning of time, and will continue as he predicted until the end of time. I cannot recall one instance in which he reached into his pockets and handed someone a few pennies. We found him healing the sick and the blind, and cleansing the lepers, giving them all an equal chance to go out and help themselves. We as a democratic Government are not supposed to support our people as the Communists believe. Our role is to provide a good educational system and a good and proper health care system for our people, then seek to maintain a society in which there are jobs and opportunities for everyone to make a decent living.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): It costs money to provide these things, Mr. President, but getting the money or collecting the revenue is not the end of it. There is an old and true saying. It is not what one has, but how one uses it that counts. A lot of revenue has been collected and spent during the last term. Yet the people were dissatisfied with the services provided, and made that dissatisfaction known on 14th November, 1984. Now, just three months later, we find the leaders of that Government putting themselves forward as the champions of the poor as they call it. Mr. President, they spent eight years in office, millions of dollars and a lot of time talking about the poor. Yet they did nothing or very little to alleviate their plight. All they did was talk, talk, talk as they are doing now.

Mr. President, the old people said talk is cheap. Some time ago it was reported that the two Elected Members for Bodden Town, the leaders of the opposition, said at a public meeting that they had made the money in the Treasury and they would spend it as they saw fit. That was not a responsible attitude, Mr. President. As I said before, it was that very attitude which is the direct cause of our present financial difficulties. I cannot go to my business and spend its earnings carelessly. The money is not mine. It belongs to the business and it can only be spent as the Directors see fit, in furtherance of the business venture, to pay the staff, to replace the stock, to meet overheads such as electricity and phone bills, and so on. Where would my business be, Mr. President, if every time a dollar appeared, I grabbed it and said that I had made it and I would spend it as I saw fit? I tell you where it would be. It would be where this Government was on 14th November, 1984 and where the opposition would like to see it remain.

I too, Mr. President, would like to see our society free from poverty, free from disease, free from drugs, free from suffering, and most of all free from ignorance. However, we cannot accomplish this by talking nonsense or spending every penny in the Treasury to keep the aircraft flying. It requires work, hard work and sensible planning.

I do not fear opposition. Opposition is good. However, it must be responsible opposition. Can it be called responsible, Mr. President, for Elected Members of this Assembly to seek to stir up social unrest by trying to mislead the people into believing that Government is trying to squeeze them?

This Government was elected on the 14th November, 1984, because the people wanted a change from the irresponsible and wasteful policies of the former Government. Mr. President, we intend to provide that change no matter how much noise the opposition makes. If at the end of our four years of stewardship the people feel differently, they will do to this administration just what they did to the unity team last November. vote it out.

Mr. President, we believe the people are reasonable people. We believe that they are capable of viewing the situation and understanding it once they are given the facts. I believe that it is time to meditate and re-examine the management of these Islands from both the short range and long range point of view. We should not merely attempt to emulate the way other countries are governed. We should develop policies designed to meet our own specific concerns in the light of past experience.

We have a lot going for us, but a good economy and a good life for our citizens will only result from plans which maintain our political stability and enhance our financial position.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Our future will be secure only if we control Government spending and aim for a balanced budget. Mr. President, the second greatest concern of this administration is the size of our Civil Service. It must be held in check bearing in mind the need to curtail unnecessary expenditure. As staff increase the recurrent expenditure increases. Other recurrent expenditure for the year 1985 is \$45,853,096 which is 72.2 per cent of our total revenue. If the statutory expenditure of \$3,584,132 is added it will take 81.1 per cent of the total revenue of this country to run it.

Mr. President, all of us should be concerned knowing that it has taken such a large percentage of our revenue to keep the wheels of Government turning. I consider that we have reached a danger point and we must thoroughly examine and take corrective action now while we still have time. Employment in the private sector must be stimulated. I refer in particular to the areas of tourism and banking where we need to develop local expertise.

It should be noted that last year 874 persons were directly employed in banking, and 75 per cent of these were Caymanians. Bearing in mind the important revenues from tourism we must cultivate the gracious attitude of our people towards visitors. We must promote our tourism and tax haven advantages effectively, using advertising funds judiciously.

I believe our selection of a new advertising agency will assist us in this respect.

We must continue to cooperate fully with countries and Governments fighting the drug problem which has serious international implications threatening our free society. We are astride one of the Caribbean routes for this vicious traffic and we must do all we can to prevent the involvement of Caymanians. If left unchecked the drug traffic could cause us to lose all that we and our forefathers fought so hard to achieve. We must make every effort to rid our Islands of this evil monster which will destroy our children and bring this country to its knees. Mr. President, I pledge my full support to assist in eradicating drugs in our Islands.

Cayman Brac and Little Cayman, Mr. President, as has been stated in your Throne Speech has most of the infrastructure necessary to economic development now complete in Cayman Brac. When the new terminal building at Gernard Smith Airport has been completed and the road through the Bluff, I am sure that we will attract developers to help us to expand our economy and to provide employment for our people.

Since the beginning of the new year we have had several transfers of crude oil at Cayman Brac, and I have been informed that the prospects of getting additional transfers are good. The re-introduction of the jet service to Cayman Brac on the 21st December, 1984, has had a stimulating effect on our tourist industry, and we are getting more visitors as a result.

On the 8th February, this year Cable and Wireless brought their coaxial submarine cable system into operation at Cayman Brac. This new system will provide high quality telephone, telex, data transmission and the circuits to Cayman Brac. It means that a new era in the history of telecommunications has become a reality for the people of Cayman Brac and they will now enjoy a first class service.

We hope to start work on the continuation of the Bluff road as soon as the funds have been approved by the Finance Committee.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): A revised plan for the new terminal building will soon be started, and when complete will be submitted to the European Development Fund representative for final approval. It is hoped that work on this project will start in the second half of 1985. As the First Elected Member for Cayman Brac said in his debate the old terminal building will have to be removed in order to comply with international regulations relating to airfields before it can be classed as an international airport.

Mr. President, I turn to a grievous subject with the people of Cayman Brac. The Government is aware of the custom that the people in the sister Islands have had to pay 20 per cent duty on extra freight charges levied by the airline and shipping companies on cargo going there. This is not a fair practice and I am confident that my colleagues in Executive Council will agree to the removal of this anomaly.

As stated in the Budget Address the Water Authority is aware of the supply of potable water in Cayman Brac, and plans are being formulated to provide an emergency supply this year.

The capital projects have been reduced and it is hoped that more funds will be available to carry out other needed projects as our financial position improves.

I support what the First Elected Member for Cayman Brac and Little Cayman proposed with regard to carrying out a market study of Cayman Brac and Little Cayman. In the debate the First Elected Member for Bodden Town said that one day Cayman Brac and Little Cayman might be the future hope of the Cayman Islands. This is one of the few constructive remarks which he has made in his long, repetitious debate. Mr. President, I recognised that the smaller Islands had great potential years ago, and it was for this reason that I persuaded the 1976 to 1980 administration to start putting in the infrastructure of Cayman Brac. I was then the Member responsible for Communications Works and District Administration, and both of the smaller Islands made great strides, particularly Cayman Brac.

During this period a new civic centre was built and opened. The Faith Hospital was expanded with funds which were received from Cayman Energy, and Government also put in a substantial amount of money to bring up the grade of the hospital. New X-ray equipment and a new ambulance were also added.

A garbage truck was purchased and garbage collection was started for the first time on the 1st July, 1978.

A new warehouse was built at the Creek which was the first phase in the development of a port facility for Cayman Brac.

In 1979 the Government decided to send a delegation to the Caribbean Development Bank in Barbados for the purpose of raising loan funds for capital projects. The Financial Secretary and the Chief Engineer of the day and myself were the delegates. Our visit was successful and foreign funds were approved for the new dock, the Bluff road and also for the Owen Roberts Airport.

The new administration building was started in 1980 but was not completed until 1983. Plans were approved to move the Public Works compound to its present site although it was not completed until 1982.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Mr. President, the reason I have mentioned the different developments is to show the Members of this Honourable House and the public how far the First Elected Member for Bodden Town will go to distort the true facts and mislead the people. He knows full well who the driving force was behind the development of Cayman Brac and Little Cayman, but he tried to give full credit to his Unity Team Government alone. Mr. President, a drowning man will grasp at a straw. I fail to see what political mileage he hopes to get now. The elections were over last year on the 14th November when he and his Unity Team Government were soundly trounced and put out of office. Instead of accepting his defeat in a gracious and statesmanlike manner, he has acted like a child who has, and I quote, "had his cookie broken".

Mr. President, I will turn to the Port Authority. The Port Authority purchased four anchors and chains to provide permanent moorings for cruise ships. There are plans to install three of these moorings at George Town and the other at West Bay. The decision to install the mooring at West Bay was made to ease the congestion now being experienced on certain days in George Town. In addition, the anchorage at West Bay in a Northerly wind offers more protection and safety. It will also help the economy at West Bay and should bring more tourist business to that district. A small dock similar to the one at Spotts will have to be built when we have found a suitable site. It is hoped that all permanent moorings will be installed during the third quarter of 1985.

Mr. President, the four Elected Members of Executive Council visited all the districts with their Principal Secretaries and the Chief Engineer of Public Works Department.

The capital road programme will be carried out in accordance with the wishes of the Members of the Legislative Assembly in each district.

I have noted the comments of the Elected Member for North Side with regard to the need for a janitorial and maintenance person to care for the public buildings in his district. I assure the Member that this matter will be given my consideration.

Mr. President, the First Elected Member for Bodden Town said that developers were waiting for a signal from the Government to come in. Mr. President, we have given that signal. In December, 1984 we repealed the Development and Planning Amendment Law, 1981, which compelled them to pay a fee of \$2,500 per unit on condominiums before they even started. We have also spoken to the developers of the Britannia Golf Course and we have been assisting them in every way. They are hoping to start construction of their hotel project in May. They told us that they will require between 300 and 400 construction workers, which means that they will need every construction man they can get.

There are other projects which have been approved and new proposals are being considered as well. Mr. President, the future outlook for our Islands is bright and I feel confident that we are on the threshold of a new era in our development. I am sure that time will prove my optimism and that 1985 will be a prosperous year for all Caymanians.

To sum up my response to the Budget Address of the Financial Secretary, I would like to underscore the need for financial restraint. With increasing budget expenditure it has been necessary to avoid a substantial shortfall by carefully examining and cutting where possible capital expenditure and new services.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): We also had to introduce new revenue measures, but we must bear in mind that revenue measures must not make us lose our competitive edge in competition with other offshore financial centres.

I believe that the measures which we have taken are equitable, while preserving our economic base. I believe that the Cayman Islands will continue to prosper if we promote our tourism and tax haven advantages effectively.

We have an enviable heritage to preserve and if we act responsibly and wisely we will continue to enjoy our prosperity in the future.

Mr. President, I support a Bill for a Law to appropriate certain expenditures for the services of the financial year, 1985.

I thank you, Sir.

MR. PRESIDENT: There are just five minutes until we would normally adjourn. That may be rather too little a time to invite any Member to embark on a speech. So unless any Member does wish to start speaking now I should be quite ready to invite the Honourable First Official Member to move the adjournment. Let us just give them a moment to decide. I think we can assume nobody does wish to speak.

Would the Honourable First Official Member like to move the adjournment then.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. tomorrow.

QUESTION PUT: AGREED. AT 4.24 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., WEDNESDAY, 13TH MARCH, 1985

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION

OF THE LEGISLATIVE ASSEMBLY

(WEDNESDAY, 13TH MARCH, 1985)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LL.B SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS AND
DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W MCKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARE MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION

OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY

13TH MARCH, 1985

1. QUESTIONS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 42: WILL THE MEMBER STATE WHETHER GOVERNMENT WILL
CONSIDER PRESENTING LEGISLATION TO THIS HONOURABLE
HOUSE IN THE IMMEDIATE FUTURE TO INSTITUTE A
MONETARY AUTHORITY AIMED AT BECOMING THE CENTRAL
BANK FOR THE COUNTRY?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 43: WILL THE MEMBER STATE WHY IT WAS DECIDED TO REINSTATE
TWO PERSONS DISMISSED FROM MANAGEMENT SUPERVISORY
POSITIONS WITH CAYMAN AIRWAYS LIMITED WHO HAD BEEN
STATIONED AT OWEN ROBERTS AIRPORT TO SAFEGUARD
AGAINST ALLEGED ACTS LIABLE TO ENDANGER LIFE AND
PROPERTY AS WELL AS TO CAUSE A LOSS OF REVENUE TO
THE AIRLINE; WHETHER THEIR REINSTATEMENT TO THEIR
FORMER POSITIONS WAS WITH FULL BACK-PAY, AND WHO
TOOK THE DECISION?

2. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND
SECOND READING OF THE APPROPRIATION (1985) BILL, 1985

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WEDNESDAY, 13TH MARCH, 1985

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Questions. The First Elected Member for

Bodden Town. Has the Member made arrangements for any colleague to ask the question standing in his name?

MR. G. HAIG BODDEN:

Mr. President, I am prepared to ask the question.

HON. MICHAEL J. BRADLEY:

Under Standing Order 23(3).

MR. PRESIDENT:

Yes, I thought so - I was looking hard for it. Thank you very much. I thought that there was such a provision. Very well, that will be in order.

Q U E S T I O N S

THE FIRST ELECTED MEMBER FOR BODDEN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

(In the absence of the First Elected Member for Bodden Town, the Second Elected Member for Bodden Town asked the question).

NO. 42: Will the Member state whether Government will consider presenting legislation to this Honourable House in the immediate future to institute a monetary authority aimed at becoming the Central Bank for the country?

ANSWER: There are currently no plans to introduce legislation to provide for the establishment of a Cayman Islands monetary authority or Central Bank.

As the House will be aware, legislation amending the Currency Law has been presented from time to time when circumstances have demanded new currency and banking arrangements. Thus, the Currency Law (Revised) already provides for the Currency Board to carry out certain operations, more generally associated with a monetary authority, in addition to the central function of the issue and redemption of currency. I refer specifically to the ability of the Board to accept deposits from, and to make short-term advances to the local banks and to administer a Clearing House system. In addition, a major function of a monetary authority/Central Bank, namely the supervision of the banking sector, is carried out by a separate Government Department.

Government, advised by the Currency Board is constantly keeping under review the need either to implement fully the existing powers of the Currency Board or to seek additional powers for a central monetary institution in order to meet the growing needs of the Islands. At present, no changes in the existing arrangements are considered necessary.

S U P P L E M E N T A R I E S:

MR. LINFORD A. PIERSON:

Supplementary, Mr. President. The question asked - would the Member consider presenting legislation - I wonder if he would advise the House, since there are no immediate plans for introducing a monetary authority, of his understanding of the functions of a monetary authority?

MR. PRESIDENT:

I think that I would like to see the first

MR. PRESIDENT (CONTINUING): answer before considering the supplementary.

Yes, I think that is a perfectly proper supplementary - it arises out of part of the answer to the first question, so I will allow it.

HON. T. C. JEFFERSON: Mr. President, a monetary authority falls between a Currency Board and a Central Bank in concept and execution. It performs all the Currency Board functions and indeed the Currency Law would provide an adequate basis for a small monetary authority.

MR. LINFORD A. PIERSON: Supplementary, Mr. President. The answer received was that a monetary authority would fall between the functions of a Currency Board and a Central Bank - would the Member state whether in his opinion he feels that we have developed to the stage where we should be looking into the development of a monetary authority for this country?

MR. PRESIDENT: I think, with respect, he said that in answer to the original question, the last paragraph of the answer to the original question.

MR. LINFORD A. PIERSON: With respect, Mr. President, I think the first section of the answer states that there are no plans to introduce legislation to provide for the establishment of a monetary authority, so he could not have answered my question, Sir.

MR. PRESIDENT: Tell me your question again: whether he considers one necessary?

MR. LINFORD A. PIERSON: My supplementary question, Mr. President was - In view of the development of our country, the progress we have been taking, that if he feels that it is high time that we should, in fact, be looking into the development of a monetary authority for the Cayman Islands, since he mentioned in answer to my supplementary that it does, in fact, fall between the functions of a Currency Board and a Central Bank.

MR. PRESIDENT: Very well. In my present view it has already been answered, but if the Member is not clear about the answer, I will allow the supplementary in order to enable the Third Official Member to put the matter beyond any doubt.

MR. LINFORD A. PIERSON: Mr. President.....

MR. PRESIDENT: No, the supplementary can be answered.

HON. T. C. JEFFERSON: Mr. President, I am not sure now what the supplementary is.

In my view the powers of the Currency Board at the moment have not been fully utilised, therefore it would seem to me that to move from a position of a Currency Board where you are only using a few of the powers which it presently has, to a monetary authority, I think, Mr. President, would be a bit premature.

MR. PRESIDENT: The Member for North Side.

MR. D. EZZARD MILLER: Could the Member state, Sir, whether in

MR. D. EZZARD MILLER (CONTINUING): his opinion that if this monetary authority was to become a source of great revenue for Government, it would not be essential to re-introduce exchange control laws to give it powers to charge.

HON. T. C. JEFFERSON: Normally, Mr. President, exchange control, banking supervision and matters relating to currency is what would be considered by either a monetary authority or by a Central Bank. I do not think that at this present stage of our development that the moving on to establish a monetary authority is going to provide a great deal of revenue for the Cayman Islands Government.

I think, as I said in the answer, we are constantly monitoring the situation but should we find at any stage that the needs in the financial community warrant amending the law and giving more powers, then we will do so. But at the moment we see no need.

MR. LINFORD A. PIERSON: Supplementary, Mr. President. I note the question raised by the Member from North Side which appears to me somewhat redundant.

MR. D. EZZARD MILLER: Mr. President....

MR. PRESIDENT: Order, order. The Member prefaces all his questions with statements. You must just ask questions, SUPPLEMENTARIES.

MR. LINFORD A. PIERSON: Mr. President, I am attempting to ask a supplementary. Perhaps if you would be a little tolerant I would, Sir. I had to make that point for me to make my supplementary.

My supplementary has to do with the answer the Third Official Member made regarding the functions of the monetary authority. Without a monetary authority we have operated an exchange control system in this country, that is why I said it was redundant. My question is - is it because the functions of a monetary authority are not fully understood why a feasibility study has not really been undertaken by Government May I explain why I made that statement, Sir?

MR. PRESIDENT: No, really, you cannot go into long explanations. You have asked a question, it can be answered.

MR. LINFORD A. PIERSON: My question, Sir, is it because....

MR. PRESIDENT: You have asked already, you have asked your question, is it because.... now you have confused me. All right, ask the question again, because the Member may have forgotten it too.

MR. LINFORD A. PIERSON: Supplementary. Is it because the whole matter of a monetary authority is not fully understood by Government why a feasibility study has not yet been undertaken by Government?

HON. T. C. JEFFERSON: Mr. President, the Government understands what a monetary authority is, that is why I am giving the answer, that I do not think it is necessary. We have looked at the exercise from time to time using the facilities and expertise at the Bank of England, and as we all know, the Bank of England has been responsible, for many, many years in establishing Central Banks

HON. T. C. JEFFERSON (CONTINUING): in various countries in the world as well as monetary authorities. So we understand what a monetary authority is, Mr. President.

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Is the Member aware that a monetary authority's functions are other than exchange control functions?

HON. T. C. JEFFERSON: Mr. President, as I indicated earlier, it is only one of the functions that a Central Bank or a monetary authority may find itself dealing with, and that is exchange control. In the Cayman Islands there is no exchange control, but in other parts of the world there are exchange control regulations in place. It also deals with the supervision of the banking sector and the issue and redemption of currency.

MR. G. HAIG BODDEN: May I ask the Member that as the money supply now seems to be inappropriate to our times, would he look into the establishment of either a Central Bank or a monetary authority which would, more or less, adjust the money supply.

MR. PRESIDENT: That supplementary seems to me....

MR. G. HAIG BODDEN: I am asking if for that reason he would look into the establishment - it is very relevant, Sir.

MR. PRESIDENT: What is very relevant?

MR. G. HAIG BODDEN: A supplementary question is very relevant to the answer.....

MR. PRESIDENT: I am not saying the supplementary is irrelevant - all I was saying was the supplementary seems to me to contain a statement, or an expression of opinion, which may be out of order. You said "As the money supply....."

MR. G. HAIG BODDEN: No, I am simply asking if the Member will look into the establishment of a monetary authority or a Central Bank so as to guarantee the smooth flow of the money supply, which, at this time, from his budget, has been shown is inappropriate to the.....

MR. PRESIDENT: It is that part of the question that seems to me to be out of order. If you limit it to a question, not to an expression of opinion that the money supply seems to be out of order, or something, then the question will be in order.

MR. G. HAIG BODDEN: Then, Mr. President, I will put it this way - will the Member look into the establishment of a monetary authority or a Central Bank so as to guarantee the smooth flow of the money supply.

MR. PRESIDENT: That would be acceptable.

HON. T. C. JEFFERSON: Mr. President, the money supply - by that I take it, he is talking about the domestic money supply - is still quite small, and, as I indicated in the answer, we are monitoring the situation. Whenever it becomes necessary we will do something about it.

We are not against looking at it, we are basically saying that we are constantly monitoring the situation, so we are aware what the position is and when we feel it is necessary we will then bring legislation to the House.

MR. LINFORD A. PIERSON: A supplementary, Mr. President. In view of the expanded functions of a monetary authority, would the Member state whether he would be averse to conducting a feasibility study into the establishment of a monetary authority to determine whether such a body would be viable for this country?

HON. T. C. JEFFERSON: Mr. President, the Currency Board will take on at any time an examination.

MR. LINFORD A. PIERSON: Mr. President, I do not think that answers my question. What I really asked was would the Member be averse to conducting a feasibility study to determine the viability of a monetary authority?

MR. PRESIDENT: I think he got an answer - it may not have been an answer that satisfied him, but it was an answer.
The Member for North Side.

MR. D. EZZARD MILLER: Could the Member state, Sir, whether Government is not at this time satisfied with the present arrangement that the Currency Board and the Banking Inspection and if it is not, in his view, performing the functions adequately?

HON. T. C. JEFFERSON: Mr. President, in my view, and I believe in the view of Government, we are satisfied with the Bank Inspection section of Finance and Development; we are also satisfied with the Currency Board operations at the present time.

MR. D. EZZARD MILLER: A further supplementary, Sir. Could the Member indicate whether he feels the private sector is being adequately served by the arrangements and whether they are satisfied with those arrangements?

HON. T. C. JEFFERSON: Mr. President, as the Member responsible for the financial community of these Islands, I have never heard any statement by any member of the financial community that they are dissatisfied with the Bank Inspection sector or the Currency Board's functions. Therefore, in the absence of this information and taking into account the positive side, where people have made statements that the bank inspection sector is running smoothly and they are quite happy with it, secondly, the Currency Board functions.

MR. LINFORD A. PIERSON: Mr. President, a supplementary. Could the Member state whether he is aware that apart from monitoring the private sector, that part of his responsibility is to advise this Government possible revenue areas introducing new revenue?

HON. T. C. JEFFERSON: Yes, Mr. President, I am aware that the Financial Secretary's responsibility is to be the financial and economic adviser to this Government.

MR. LINFORD A. PIERSON: Mr. President, another supplementary. Would the Member state whether he is aware that the functions of a monetary authority would perhaps be to monitor the exchange spread on currency C.I. to U.S. dollars?

HON. T. C. JEFFERSON: Mr. President, it can. It all depends on whether that is considered the appropriate thing to do at this particular time.

MR. LINFORD A. PIERSON: Mr. President, I am not going to make a statement but would the Member state whether he is aware of the amount of money that is generated through that function alone that is now carried

MR. LINFORD A. PIERSON (CONTINUING): on by the A banks in this country?

HON. T. C. JEFFERSON: Yes, Mr. President, I am aware.

MR. LINFORD A. PIERSON: Mr. President, a further supplementary. In view of the Member's answer, would he state whether he feels that such a function would be beneficial to this country and would bring in a lot of added and needed revenue?

HON. T. C. JEFFERSON: Mr. President, there is more to it than revenue. We have to also think about the commercial banks that are operating in these Islands and the services that they are giving to the international world as well as to the domestic population, and while it may seem that a great deal is involved and the possibility of making huge sums of money through a monetary authority, it is a matter of Government's policy decision on the item. On that score, Mr. President, it takes more than me to make that policy.

MR. LINFORD A. PIERSON: That is the reason for a feasibility study, Mr. President. Would the Member state whether he has at all done any feasibility to determine the benefits that would accrue to Government since this function is not basically a function of a commercial bank?

HON. T. C. JEFFERSON: Mr. President, as I gave in the answer, the Currency Board is monitoring the situation in the private sector. We have not done a financial analysis of how much the monetary authority would earn should it go in that direction, but it is not something that would take us years to do, Mr. President.

MR. PRESIDENT: The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, could the Member state whether or not the immediate past Government disbanded the Savings Bank?

MR. PRESIDENT: I do not really think that is a relevant supplementary.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member that apart from the benefits which would accrue to Government revenue-wise, does he also consider that the establishment of a Central monetary authority would also help in times of inflation to reduce the money supply and in times of stagnation, like the present time, to increase the money supply?

MR. PRESIDENT: I have asked the Member to avoid expressions of opinion, and like the present time, might be considered an expression of opinion, but the rest of the question is in order.

MR. G. HAIG BODDEN: Yes, Mr. President, but I was making that as a statement of fact, not an opinion.

MR. PRESIDENT: It is sometimes a matter of opinion whether something is a fact or not, but let us have the supplementary answer.

HON. T. C. JEFFERSON: Mr. President, the money supply in this country is very small, that is the domestic money supply, and it is a technical point as to whether the monetary authority should be utilising a more positive monetary policy which gets at increasing money supply within the country and hopefully stimulating the economy upward.

MR. LINFORD A. PIERSON: Mr. President, a supplementary. Is the Member aware, Sir, that the functions on exchange rates is not that of an A bank and really should be conducted through the Government's monetary authority or similar organization?

MR. PRESIDENT: I think that is an expression of opinion, too, and if you would like to rephrase the supplementary slightly differently without expressing opinions.....

MR. LINFORD A. PIERSON: Mr. President, would the Member state whether or not he is aware that the functions of a monetary authority may entail the control of exchange rates that is not being conducted by the A banks?

HON. T. C. JEFFERSON: Mr. President, sometimes I think we are drifting into a Central Bank topic, and not just a monetary authority, because a Central Bank is a different institution altogether from what we are talking about, currency board and monetary authority. It is not like a currency board, a currency board is dealing with currency on a parity basis and it has a fixed parity. If we get on to Central Banks we are talking about something totally different, no fixed parity at all.

MR. PRESIDENT: The original question did mention a Central Bank, so I think it is perfectly in order in a supplementary to enquire about Central Bank.

MR. LINFORD A. PIERSON: Mr. President, if I may enlighten the Member, the Currency Board is the embryonic stage for a monetary authority which then progresses into a Central Bank, so I think it is important for us to know the natural progression.

MR. PRESIDENT: Yes. That does not appear to have been a question, actually, that was.....

MR. LINFORD A. PIERSON: I said that I was going to enlighten the Member on this matter.

MR. PRESIDENT: Yes....

HON. T. C. JEFFERSON: Mr. President, this Member needs more enlightenment about Currency Board movement to Central Banks and the half way position on monetary authorities.

MR. PRESIDENT: Perhaps the Member was enlightening the remainder of the House.

I think that..... Well, the Member for North Side, then I think we have almost exhausted the possibilities of this topic.

MR. D. EZZARD MILLER: No, Sir, there is still a long way to go. Could the Member state, Sir, if, in his view, the step towards a monetary authority at this time may not be a necessary encumbrance in bureaucracy and in doing business in the Islands at this point and stage in our development?

HON. T. C. JEFFERSON: Any move forward would naturally bring in additional functions, whether we call it a currency board or whether we call it a monetary authority. There will be need to employ staff to carry out those functions.

Now, we cannot deal in hypotheticals, Mr. President. If we do not know exactly what functions we are going to carry out as a monetary authority, we cannot talk about how much staff we are going to need. But certainly it can add to the total number of staff that we have in the

HON. T. C. JEFFERSON (CONTINUING): moment, which is very small indeed.

MR. LINFORD A. PIERSON: Mr. President, this will be my last supplementary, Sir. On the question of bureaucracy, Sir, I wonder if the Member can advise the House how he would be able to determine whether the functions of a monetary authority would benefit this country or not if a feasibility study has not yet been undertaken to determine its viability?

HON. T. C. JEFFERSON: Mr. President, we are getting hung up with this idea of a feasibility study. We are constantly monitoring the situation, we are aware of what the situation is. If we are to do a further study it is just in addition to the monitoring that we have already done and are constantly doing.

MR. PRESIDENT: I think we could move to the next question. It is again down for the First Elected Member of Bodden Town.

MR. G. HAIG BODDEN: Yes, Mr. President. With your permission I will ask the question. This question is directed to the Second Elected Member responsible for Tourism, Aviation and Trade. It reads -

QUESTION NO. 43: Will the Member state why it was decided to reinstate two persons dismissed from management supervisory positions with Cayman Airways Limited who had been stationed at Owen Roberts Airport to safeguard against alleged acts liable to endanger life and property as well as to cause a loss of revenue to the airline; whether their reinstatement to their former positions was with full back-pay, and who took the decision?

ANSWER: This is a matter for the day-to-day management of Cayman Airways Limited for which I am not responsible.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if Cayman Airways is owned by the Government?

HON. W. NORMAN BODDEN: Mr. President, with respect, I think the Member asking that question is fully aware, but yes, it is owned by the Government of the Cayman Islands.

MR. LINFORD A. PIERSON: Mr. President, a supplementary. Would the Member advise this House whether it is the Member's indirect responsibility as Member of the Portfolio to be able to get the answer requested in this question?

HON. W. NORMAN BODDEN: The answer to that is no. As the Member responsible for Tourism, Aviation and Trade, Cayman Airways falls under my portfolio because I am responsible for the subject of aviation. The day-to-day management of Cayman Airways does not concern me as it has a Managing Director and it has a Board which the shareholders have appointed to run the airline.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if it is correct that under the constitution there is an obligation to answer parliamentary questions on subjects which come under his domain?

MR. PRESIDENT: No, I think that really you could ask me and the answer is in Standing Orders.

MR. G. HAIG BODDEN: Mr. President, I am referring to section 9 of the Constitution, with delegated responsibility to Elected Members of Executive Council.

MR. PRESIDENT: Can the Member tell me what part of section 9 of the Constitution requires Members to whom responsibility has been delegated to answer parliamentary questions?

MR. G. HAIG BODDEN: I think it is 9(2), Sir, but let me be sure.

MR. PRESIDENT: Not on my reading, 9 (2) requires them to support in the Legislative Assembly any matter decided upon in Council, it does not mention parliamentary questions.

As far as Standing Orders are concerned, our Standing Orders provide (and I cannot immediately quote the particular one, but I think it is Standing Order 84) that if no Standing Order explicitly covers a particular matter, we shall be guided by the usage and practice of the House of Commons, and the practice and usage in the United Kingdom is that United Kingdom Ministers do not answer questions about day-to-day management of nationalised industries in the United Kingdom, of for instance, British Airways or the Cobalt or the Steel Industry, and it would be in accordance with that practice for the Minister concerned - the relevant part of Erskine May's reads that -

"Successive Governments have refused, on grounds of public policy, to answer questions seeking information on the day-to-day administration of the industries", that is in relation to U.K. Ministers and nationalised industries in the United Kingdom, and in my view Cayman Airways is in precisely similar position to a United Kingdom national industry.

MR. LINFORD A. PIERSON: Mr. President, on a matter of clarity should we then assume, Sir, that in view of the fact that Cayman Airways is one hundred percent owned by the Government that this would also fall in the category of a nationalised institution or Department similar to what you just referred to?

MR. PRESIDENT: That was the view I was expressing that Cayman Airways, being one hundred percent owned by the Government, is in a similar position to a nationalised industry in the United Kingdom, such as British Airways, such as British Steel, such as Coal, Electricity and so on. Our Standing Orders provide that unless the Standing Orders themselves lay down something different, we shall be guided by the practice and usage of the House of Commons.

Erskine May, from which I quoted, explains what the practice of the House of Commons, in relation to questions about the day-to-day administration of nationalised industries has been, and I was simply saying that it seemed to me that the Member was following the United Kingdom practice in the matter that Standing Orders provide for United Kingdom practice to be followed and that therefore the Member was, in my present view, quite in order in refusing to answer the question.

MR. LINFORD A. PIERSON: Mr. President, on a further point of clarity, should the House then consider that in future matters to do with Cayman Airways' operation will not be brought to this Honourable House?

MR. PRESIDENT: I think it is question of determining what is a matter of day-to-day administration and what is a matter of significant policy and I would expect that the Member concerned might regard major policy issues in relation to Cayman Airways as a different category to matters of day-to-day administration. I would certainly so regard them myself and again the House of Commons practice is such that policy regarding nationalised industries can be and is debated and questioned in the House of Commons. It is the distinction between matters of day-to-day administration and matters of policy. Sometimes the distinction may not be easy to draw - there may be a particular case where there is a slightly gray area.

MR. JOHN B. McLEAN: Mr. President, it seems that.....

MR. PRESIDENT: The Member for North Side was first, I will call you afterwards, if I may.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Is the Member stating that it is the view and therefore going to be the practice of the new Government to allow the public-owned corporations to operate without interference in the day-to-day management.

HON. W. NORMAN BODDEN: I would say yes, to that, Mr. President without any political interference in the day-to-day management of the company is my position.

MR. PRESIDENT: The Member for East End.

MR. JOHN B. McLEAN: Mr. President, this seems to be a new thing. It is not a supplementary, Sir, but since other Members were directing question to you - I am certain, Sir, that if we searched the Hansards of this Honourable House we could pick a different subject to take this stand on, rather than Cayman Airways, because I do not think that there is another area in Government that has been questioned more on the floor of this Honourable House, in all aspects, day-to-day management and whatever. It seems strange to me that today we are going to hear, or from a few days ago with another question, that we will not any more know what is going on with the day-to-day management. I disagree with it.

MR. PRESIDENT: The Member of course is entitled to his view, but firstly, it does seem to me that I have heard on many occasions in the past, and I am speaking of the time when the previous Government was in power, the Member responsible for Tourism, Aviation and Trade and at that stage responsible also for Cayman Airways declined to answer questions about Cayman Airways or answer them in such a fashion that it was clear that he was not going to provide information about detailed matters concerned with it. I am not sure that he ever specifically quoted the provisions in Erskine May's that I have quoted now, and I quoted them because a Member was asking whether the Member for Tourism, Aviation and Trade had a constitutional duty to answer, and it seemed to me that it was my place, as Presiding Officer, to explain to the House what the requirements of our Standing Orders are, and that was what I was trying to do.

But that said, all I can do is explain to you and to the House what Standing Orders require, it is then for an individual Member who is being asked a question to decide whether he will answer it or not. If you will remember, what I read out from

MR. PRESIDENT (CONTINUING): Erskine May was that successive Governments have refused, on grounds of public policy to answer questions and so on, but not the Speaker who is saying a question may not be asked or a question may not be answered, it is the Government of the day that is saying that its policy is to decline to answer questions of a certain kind. All I am saying, or trying to explain is that that is not an unconstitutional attitude because it does reflect an attitude that has been adopted in the United Kingdom, according to Erskine May and because our Standing Orders provide that Westminster practice be followed.

MR. LINFORD A. PIERSON: Mr. President, I fully understand your explanation on Erskine May's. My question is here, Sir, for my future guidance and I am sure for the guidance of any other Member in the House - are we to assume that in future we will not get answers to similar questions because it is my understanding, Sir, that a subject of Cayman Airways falls under the responsibility of the Second Elected Member to Executive Council and it is his ultimate responsibility of the Department.

Now it could be that he does not plan to deal with the day-to-day running, but I would just like to know for future guidance whether we can expect to get answers on similar questions.

HON. W. NORMAN BODDEN: Mr. President, this is not the answer to a question, but since everybody is allowed a statement, I would like to make a statement as well.

I see my position as the Member responsible for Tourism, Aviation and Trade as you have quite rightly put it previously, responsible for policy matters, and I will be prepared to answer questions in relation to policy matters of the company, however, I would point out that in the past four years this line of questioning and answering in connection with the day-to-day management of Cayman Airways has been accepted by this House before. Secondly, it appears to me that when the opposition receives this type of answer and it suits them it is accepted, but when it is not what they want to hear, then they prod a little further. I am standing on principle, Sir.

MR. G. HAIG BODDEN: Mr. President, will the Member give us the assurance that he will seek your permission to allow him to answer these questions about Cayman Airways, in the future, since under the Royal Instructions, paragraph 4, you have the right to give to him any instructions that you may find convenient, and you can instruct him to answer in the Legislative Assembly all questions concerning Cayman Airways?

MR. PRESIDENT: I think that supplementary is out of order on the grounds that it is hypothetical, because it presumes that the Governor will be giving instructions, under the Royal Instructions, to the Member.....

MR. G. HAIG BODDEN: I am sorry, Mr. President, you misunderstood me. I am asking him to seek your permission to give the answers.

MR. PRESIDENT: Ah! So your question is will the Member seek permission to give answers about the day-to-day administration of Cayman Airways? I do not think he would need my permission. However, I will allow him to answer.

HON. W. NORMAN BODDEN: Mr. President, with due respect, I think I answered that previously. I have no intention to seek your permission

HON. W. NORMAN BODDEN (CONTINUING): if that is the procedure, to answer any questions in connection with the day-to-day management of Cayman Airways. I am prepared to answer questions in relation to policy matters and I draw the line there.

MR. G. HAIG BODDEN: Mr. President, may I ask if this question does not relate to policy, the policy of hiring and firing and re-hiring people. Is not this a policy decision?

HON. W. NORMAN BODDEN: It is a policy that comes under management, Sir, it is a management policy.

MR. LINFORD A. PIERSON: Mr. President, would it be in order in the future if this Honourable House, in Finance Committee, is requested for any supplementary funds, for us to request information as to what part of those supplementary funds may be as a result of mismanagement of the operation of Cayman Airways?

MR. PRESIDENT: I lost you, I am afraid. The supplementary is will it be in order in future for Members of the House to ask questions as to whether requests for supplementary appropriation are necessary.....

MR. LINFORD A. PIERSON: Let me elucidate, Mr. President. Whenever we are asked in this House to grant supplementary expenditure on Cayman Airways and it is felt by many Members here that this is a direct result of mismanagement of the operations of Cayman Airways, my question is - will we be able to get a break-down in future as to what part of that may directly relate to the operations of Cayman Airways? Because if we are not able to ask questions in this House regarding the operations of Cayman Airways, then I feel it is not fair to us to be asked to approve supplementary expenditure in this matter.

HON. W. NORMAN BODDEN: Mr. President, I think that when supplementary expenditure is asked for from the Finance Committee, a case is put up by the Chairman of that Committee, who is the Honourable Financial Secretary, and it is left to Members to support that or not. However, as regards mismanagement, it depends on who is in a position to judge whether it is a matter of mismanagement or not. I really do not know who is in that position.

MR. G. HAIG BODDEN: Mr. President, as the Member mentioned the matter of policy, may I ask a supplementary question. How sets the policy for the Manager? Is it the Board of Directors?

HON. W. NORMAN BODDEN: Yes, Sir, I would think it is the Board of Directors.

MR. G. HAIG BODDEN: Mr. President, may I ask if that is so, does it not naturally flow that the Managing Director would be able to have his input into the policies carried out by management and would therefore be in a position to answer for any policies which may be carried out by the Manager or supervisors down the line?

HON. W. NORMAN BODDEN: The Manager answers to the Board.

MR. G. HAIG BODDEN: In which case he is responsible then for policy? Mr. President, I am asking a supplementary.

HON. W. NORMAN BODDEN: The Manager, I think, would be responsible to carry out the policies as directions given from the Board.

MR. PRESIDENT: That ends question time.
Item 2 - Continuation of the debate on the

MR. PRESIDENT (CONTINUING): *Second Reading of the Appropriation Bill.*
Does any further Member wish to speak?

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH
AND SECOND READING OF THE APPROPRIATION BILL, 1985

MR. PRESIDENT: *The Second Elected Member for West Bay.*

MR. W. McKEEVA BUSH: *Mr. President, it is with a profound sense of humility that I rise in this august Chamber and participate in my inaugural Budget and Throne Speech debate.*

I would like to commence, Sir, by thanking very sincerely, the Members of the staff of the House for the extent to which they have gone out of their way to make me feel welcome among you all, for helping me in different ways, as a young Member and for extending their hand of courtesy and fellowship.

The Legislature, in my opinion, Sir, has a fine staff, none the least that one of them is a nice girl from my constituency and the staff, as I have found them, are very hard working and so it behooves me to pay tribute to our young Clerk for the wonderful job they are doing.

Also at this time, I would like to say for the record, a vote of thanks to the former Clerk for the guidance and help she has given me.

Also, Sir, I would like to say a word of thanks to the four Principal Secretaries who have helped me tremendously in my first months here.

To speak generally before going into any details of the Budget or the Gracious Speech, I would venture to speak a little on the situation of parliamentary life in this country, as I see it.

Mr. President, one of the most outstanding development we have inherited from Britain, is our parliamentary convention, our democratic institutions. Sir, there are scores of parliaments in the Commonwealth that have copied the British system with very little change indeed; this is so because we find that the system works admirably and we see democracy at its best when we find a system common to us, yet sufficiently fluid and elastic to allow us to apply any particular adaption to fit in with our own peculiar needs. This type of variation within our constitutional system I regard as our greatest heritage in our democratic system.

The institution of Parliament, Sir, I believe, is one of the greatest contributions made by the British people in the history of man. They have struggled hard to march from the divine right of kings to the Magna Carta, which is the foundation stone of parliamentary democracy, and I believe the freedom loving humanity of the world owes a debt of gratitude to the British nation for this.

Mr. President, in the same breath, I wish to say I think you are doing a fair job as President of this Assembly. I can see, Sir, that it is a tough job, even I, as a young Member, have taxed your patience, even, Sir, as Senior Members have tried you to the limit. But, whatever the criticism of Great Britain as a colonial power and the system which it has bequeathed to the Commonwealth, few can deny that parliamentary government is the greatest bequest of all. Here in the Cayman Islands, I believe it is in good hands and I trust that whoever sits in this Honourable Chamber it may mean a model for study and emulation.

Mr. President, as a new Member of this Parliament, of this Assembly, I have my frustrations, I have my hopes and I do hope that one day, while I am yet here, to see a new parliamentary time-table evolved. No more, Sir, are we living in 1959 or 1972.

MR. W. McKEEVA BUSH (CONTINUING) : Since those times our society is a different place, with different needs, different problems, and if not today or next year, I still hope to see it done during my term. Of course, I hope at least 30 years. It can only do the country good in the long run.

to it.

This is my opinion, and Sir, I hold

Mr. President, since I have been here, I have heard much lecturing on how Members ought to conduct themselves. Sir, I am all for, and we must have in this House, decorum, but I would remind Honourable Members that it is not only on the inside of this House that our constituents, indeed, Sir, the whole country is watching us. But I believe more so, on the outside, where our young people are watching our private lives and where our actions, our deeds, have a profound effect on them.

As for me, Sir, everyone knows where I am coming from, I have nothing to put on an act for. The people who put me here did so with the confidence that I would never let them down. I told them so; I also told them that I would not, as a Member, stand to be bamboozled as when I used to sit in the gallery, where I could not protect myself personally, or my position, politically. So I have no apologies to make to anyone. I, Sir, can be as solemn as a funeral dirge, and I also can shout as a backwoods preacher, preaching fire and brimstone. That is so, because I am a converted Presbyterian and am so because I grew up in the Holiness Church.

My Grandfather, Sir, was an accordion-playing Negro and my Grandmother claimed Scottish descent. I am proud of that fact. So I will always be the same; I am no hypocrite by any means and have no intention of changing. I only want to do right by my people.

Mr. President, having cleared the air on those things I now propose to discuss the state of the Cayman Islands as it was in the past eight years and as I see it today as the background against which I propose to make an examination of the 1985 Budget and Speech from the Throne.

Mr. President, Robert Frost, the great poet, wrote many years ago -

"The woods are lovely, dark and deep
But I have promises to keep
And miles to go before I sleep."

Like Martin Luther King, I have a dream; I have a dream today and like Robert Frost I have promises to keep and miles to go before I sleep - miles to go before I sleep.

Sir, the Budget and the Gracious Speech before us today, which I must now commend you both on, are, I feel, very fair. To say, Sir, that I, as a new Member, would not have preferred to see a much better forecast, would not be true, but, Sir, realizing our serious situation as existing when we took office on November 20th, I have to defend the two as the only sane S A N E policy for Cayman at this time.

The naked fact is this, that with the boom that took place in the last eight years no Government, like the previous administration, ever came to office, with a better opportunity to build Cayman, to make a good, lasting impression on these Cayman Islands. Yet, Sir, whatever was the hope in recent years since 1976, the reality today is, after eight long years of Unity administration, and expenditure, of over or around Three Hundred Million Dollars, we are a deeply troubled country, with mounting social problems and a stagnated economy, a stagnation, Sir, that we found when we came to office on November twentieth.

MR. W. McKEEVA BUSH (CONTINUING): They have mortgaged the future.

Mr. President, as an example, if I go to the bank tomorrow and borrow Ten Thousand Dollars on my home, I have mortgaged my assets and my future earnings, because that money must be repaid in the future. If I accept that borrowed money today and do not use it wisely, I am, Sir, defeating my own purpose and I am, Sir, defeating my own future.

Much, Sir, has been said about the boom in this country. The previous administration boasts of it as being some great miracle, but, Sir, I view that boom and especially the massive construction of condos along the seven-mile beach as being typical of the Unity team's mentality of mortgaging the future of this country.

Sir, we have only so much land to develop. I do not know that the seven-mile beach is really seven miles, but it is limited and when we have covered every square foot with condos we can build no more there.

During this great boom of 1979 and 1980, enough condos were built in this Island for six years. In fact, many of them are uncompleted today. Of those completed, many remain unsold today. During this two year building boom that swamped our Treasury with revenue, we were building at such a pace that at one point we had to resort to importing gravel and sand.

I will guess today, Sir, that at the peak of that boom the outsiders working in the construction industry in this Island outnumbered the Caymanians by 2 to 1. The money that those workers earned was mostly carried or sent off the Island to support some other country's economy.

Most painful of all is that many of our promising young men were encouraged to drop out of High School to push a wheel-barrow on a construction site where they learned little more than how to use drugs from the imported labour force. Today, many of those young men are walking around without the High School certificate that they could have acquired in that period of time; they are not qualified today to do anything other than what they learned on the construction site and with the boom having passed, they are not qualified to earn the wages to support that habit. Need I say more?

Mr. President, the revenue that was earned by Government, like the wages earned by our people, was mostly wasted. As the revenue came in, the Unity Government boasted of the growing surpluses and mounting reserves as evidenced by their good management, but as I said earlier, they built as many condos in those two years as could have been sold in six years, therefore, for the next four years it seems to me, Sir, unnecessary to build any great amount of condos, the market is already flooded, they mortgaged our future. That, Mr. President, is the meaning of the prediction by the Second Elected Member from Bodden Town that we are in for four years of famine.

The revenue that they took in during those two years have been spent simply because it was there to spend. Today some of our own construction workers are idle because Government allowed the industry to over-build in that two-year period. The door, Sir, was open to unscrupulous developers who were only interested in a quick profit without any due regard for the country.

There were so many shady dealings by the unscrupulous developers during that time that the entire industry was brought into ill-repute and suspicion has been cast even on the honest developer who has the country at heart. Sir, if they cannot sell, they cannot build. That, Mr. President, was how the future of this

MR. W. McKEEVA BUSH (CONTINUING): country was mortgaged.

Mr. President, the Government.....

MR. G. HAIG BODDEN: On a point of order, Mr. President, the Member is reading his speech.

MR. PRESIDENT: I think he is probably just referring to quite copious notes.

MR. W. McKEEVA BUSH: The Government, Sir, that was elected on 14th November was elected with a clear mandate to change course. We have all intentions of bringing our economic and social development under a sensible control. Had the people of this country wanted to continue this mortgaging of the future, they would have returned the Unity administration to power in November. This Government, the new Government have a difficult task before us, we cannot even read our notes!

First of all, we must regain the confidence of the genuine investor that was lost years ago, and not on 14th November, as the opposition and their economic adviser, Mr. Robert Conolly, is now saying. Years ago! Not today - years ago when shady developers were allowed to bring the entire construction and condo industry into ill-repute by dishonest dealings, such as collecting investors' money then failing to deliver title for the property purchased or further than that, when they bought what was supposed to be a piece of beach land, only to find out when they got to Canada, that had bought a worthless piece of swamp.

In certain instances, Sir, these unscrupulous investors were in partnership with Members of the Unity team, and, Mr. President, the task of restoring confidence in the Cayman Islands Government has fallen upon the shoulders of the present administration, and instead of the opposition assisting us, they are now continuing their policy of stirring up the people. I refer to the meeting that took place in Bodden Town last Tuesday night, and such as has been daily taking place on the floor of this Honourable House. (I am still looking at my notes!)

The purpose of this, Sir, must now be obvious to every one in the country, and that purpose is to destroy public confidence in the new Government and shift the blame for the economic stagnation that we are experiencing from the policies of the now-defunct Unity administration. These Members of the opposition and their economic adviser, are saying that after four months in office the new Government, of which, Sir, I am proud to be a part, have instituted no new policies.

Sir, considering the mess, including un-paid bills, that was inherited from the previous administration on 14th November I fail to see what more could have been done in so short a time.

MR. PRESIDENT: I wonder if this would be a convenient moment to take a break? If that suits the Member, then let us suspend proceedings for approximately fifteen minutes and return about twenty-five to twelve.

at 11:20 A.M. THE HOUSE SUSPENDED

THE HOUSE RESUMED AT 11.42 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Second
Elected Member for West Bay.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, haste and thoughtless policies such as the over-development of the condo boom that I referred to, was the down-fall of the previous administration. Their policies were ad hoc and they moved from one crisis to another without any clear policies or plan.

Mr. President, the country today...

MR. JAMES M. BODDEN: We are aware that the Member might not be capable of delivering a speech unless it is prepared, but after all, under Standing Order 31, I think it is, 32, the Member should not really be reading a completely prepared speech, but rather speak from notes.

MR. PRESIDENT: I think the Member is reading from rather copious notes, just as I think certain other Members have referred to fairly copious notes.

MR. JAMES M. BODDEN: My notes might have been copious, Sir, but they covered only about 20 pages which was delivered over four days.

MR. PRESIDENT: May be the Member now speaking is hoping to last for five days.

MR. W. McKEEVA BUSH: Mr. President, I am not going to be four days, Sir. The licks they are going to take will be just about two and a half hours, but I must point out to this House that I am a new Member and I deserve latitude for two and a half hours as much as the previous speaker who spoke for four days who has twelve years of parliamentary practice and procedure in his brain.

MR. JAMES M. BODDEN: Mr. President, I did speak for a long time, but I did not read a prepared speech.

MR. PRESIDENT: The Member may continue.

MR. W. McKEEVA BUSH: Mr. President, the country today is paying the cost of this mismanagement and it will continue to pay until the new Government can devise a new workable plan that will return sanity to our development. For any Government, Sir, to maintain its integrity and creditability it must pay its bills.

The needs of our people are great - we need to pay urgent attention to our social deterioration. We need to improve our educational system to train and to prepare all of our people for their rightful place in our developing country.

Mr. President, if these things are not urgently attended to, the majority of our people will soon become second-class citizens in their country, if indeed we have not yet

MR. W. McKEEVA BUSH (CONTINUING): reached that stage.

This is an intolerable situation that can only lead to the social dissatisfaction and unrest that we all know will spell doom for our so fragile economy. These problems, along with our other basic needs, such as care for the aged, and low cost housing, require money.

Sir, it has been said and it is true that Government of itself has nothing. Before it can give us something, it must first take away from us something.

Sir, the role of a responsible Government should be to collect taxes or monies from those they govern, if they cannot get it otherwise. But the money must be used wisely to provide the things that our people need. No one, Sir, likes to pay taxes but if this country is to maintain our social and economic balance, Government must have money. That is what budgets are all about and that is what the 1985 Budget presently before this Honourable House is all about.

In this budget, Sir, Government has outlined the projects that it intends to tackle for the year, including the desperately needed technical college that will begin to prepare our people, especially our young people, for a more productive role in our society. That budget also makes provision for the collection of certain taxes or monies to pay for this technical college.

Mr. President, the leaders of the opposition have attacked those taxes, both in this Chamber and on the public platform, as being oppressive to the poor. The great mathematician of the opposition has said that the new taxes imposed in the present budget for 1985 will cost every household in this country \$250 per year - that was what he said on a public platform in Bodden Town.

Mr. President, I do not know if this is correct or how he reached that figure, but if it is correct it is roughly seventy cents per day per household. Sir, what is this meagre amount when you consider that some households send two and three children to school five days per week with Government providing free schooling and free transportation.

Mr. President, using that Member's figures, if each household drinks one beer or smokes one pack of cigarettes less per day the cost would be defrayed. Of course, Sir, we are only talking about seventy cents per day per household. So why talk nonsense about squeezing the poor? In my opinion this rhetoric about squeezing the little man is being put forward for the sole purpose of creating discontent among the masses, that can only lead to the social dissatisfaction that has torn other developing countries apart. They complain and they say they are protecting us poor people. What I want to remind the opposition, and also remind the country, that our position financially would have been much worse today, much worse, if we had not, in our good wisdom, set aside the Parliamentary Pension Law, which the same Members made so much noise about. The total amount which would have been paid out this year would be in the region, with the lump sum figures of \$800,000. Did they say who would benefit from the Parliamentary Pensions Law?

Labour. Mr. President, if the opposition were genuinely concerned about us little people, they would have supported the motion brought to the Honourable House last week calling for the urgent introduction of a comprehensive Labour Law.

Everyone now, Sir, should know my position on the labour situation in this country: I recently introduced the motion which was passed without the support of the two

MR. W. McKEEVA BUSH (CONTINUING): Members from the Bodden Town constituency. They wanted to blame the Second Official Member for not having labour legislation in the country, after they had been in power for eight years. Since that debate, Sir, what has grieved me more than anything else, is to find out that they had paid somebody from ILO or somewhere like that, some \$10,000 to come here to do some sort of study - some expert that they are always complaining about. Yet they paid this man \$10,000 and still labour legislation was not brought to this House. Yet when my motion was brought to this Honourable House, the two Members from the Bodden Town constituency still would not support my motion - yet they say, Mr. President, "I am the champion of the poor man".

Mr. President, this motion calls for a law under which I expect to see a Labour Office properly staffed to serve the workers of this country.

Recently, Mr. President, I met a young man on the street, from my constituency, who had been recently released from prison (and he was not my cousin), after serving two years, who did not know that there was a Labour Office that could have helped him find a job. I, of course, directed him to the Labour Office and he was placed in a job the next week. The present Labour Officers should be complimented for the job they are doing, but we must give them a labour law; we must put our efforts where our mouth is; we must work, not pay people \$10,000 and get nothing done.

The Labour Officers should be complimented, but, as I said, we need to give them a law in order for them to do a better job.

Civil Service and Training. Mr. President, another area of great concern to me is the Civil Service where so few of our trained and qualified Caymanians are engaged. It just seems to me, Sir, that as soon as a Caymanian goes away and receives qualifications for any post and returns, there is some determined effort to squeeze him out. Then, in short order, the post is filled by an outsider. These are the complaints I get, Sir, and I am only giving to the House what I get.

I know, Sir, that in years gone by many of our promising people left the Civil Service because of the poor pay and poor working conditions. Many of those who left the service have excelled in the private sector and we can be justly proud of them. But today, Sir, the conditions in the Public Service is comparable to the conditions in the private sector, yet our qualified people continue to avoid it.

Mr. President, I believe the whole matter is in need of urgent review and some sensible adjustments. Sir, I could stand here and identify instance after instance where qualified and ambitious Caymanians have been pushed out of the Public Service to make room for some outsiders in the past. My colleague from the North Side constituency is but one of those examples; not only was he pushed out of the service but certain leaders of the Unity team administration, using the privilege that we enjoy in this House, tried to destroy him professionally.

As I said earlier, we so need to address ourselves to the tasks of attracting young promising Caymanians to the service and after training them, ensure that they are put in positions in which they can feel that they are wanted and appreciated.

As we develop, Sir, we will be needing more and more qualified personnel in our public service and if we do not seek to attract our own and to train them, we will only continue to become more and more dependent on overseas help, a condition, Sir, that I cannot agree with.

MR. W. McKEEVA BUSH (CONTINUING): One other observation, Sir; I realise that there are those in the Civil Service who are still peeved at the elections, but I would ask them to set aside the idea of which Government is in power and claim their allegiance to the country. Forget who I am, and take serious thought that I am a representative of the people. Do not give me smiles, and when I turn my back, make remarks like 'He wouldn't get anything done by me'. They are not doing anything for me - what I ask is that they do the things that my people request of me.

They in the service must remember they are in the public service and there for that reason alone, serving the public.

In the area of training, I believe, Sir, some companies in the private sector are trying to do a fair job. Cable and Wireless seem to be doing a wonderful job. At the present they employ 217 pensionable and 30 casual workers. Out of 217, 19 are on permits and out of the 19 they have 11 specialists. All the key engineering posts are filled by Caymanians.

Their training budget for this year alone is well over half a million dollars, so, in my opinion, Cable and Wireless is doing pretty good and must be congratulated for putting something back into the country.

Other companies in this country could take an example from Cable and Wireless.

I believe, Sir, that in issuing work permits a condition should be stated that the employer, and this would relate to large business firms, banks and contractors, should notify the Board of the number of Caymanians employed and indicate whether any Caymanians after suitable training, could fill the posts for which the application is being made. The permit would be issued for two or three years, during which time the Caymanian would spend a few months initially being trained by the new employer. If overseas training is necessary, this would be undergone and, at the successful completion, possibly another three or six months' service under the holder of the permit for practical assistance and experience. At the end, if the Caymanian has equipped himself or herself satisfactorily, it would no longer be necessary to bring in another officer for that particular post. There should be no attempt on the part of any employer to victimise any Caymanian in favour of someone else.

Our Caymanians should persevere and I urge them to, and have the top as their goal in any business.

I would like to state emphatically that I welcome people from overseas who come to these Islands to take up jobs, which, at the moment, cannot be filled by Caymanians. I should hope that all of these people would like to know that when a Caymanian is fully qualified, capable and able, he will get the job. A similar situation obtains in other countries, where, when the local national is qualified, he or she gets the job. Until that time, and this is the situation in small territories like the Cayman Islands, we, for some time, must employ persons from overseas with certain expertise.

Mr. President, I, Sir, have no axes to grind, but to cut a clear, democratic path for my people. I represent all people who desire to make Cayman their home; those who were born here and those who come to these shores lawfully.

In dealing with the training of Caymanians, Sir, I welcome the announcement that the Education Department will be establishing a full-fledged technical college in these Islands some time during the year. This event, Sir, in my opinion, is 10 years late.

MR. G. HAIG BODDEN (CONTINUING): state where it has no reserve. They had but very little in any year. Their best year, they had \$1,116,110 in reserve, that was at the 31st of December, 1975 and on the 31st of December, 1976 that figure had been reduced by 25% and they only had \$826,848 left. So they were used to working without reserves; they did not understand the meaning; they did not understand the value; they did not understand the necessity.

We took over at the end of 1976 and by the end of one year the reserves had started to mushroom and we had, 31st December, \$1,022,302 in reserve. By the 31st December 1980 the reserves had gone to \$6,971,652, a 900% increase over what we found, and in another 12 months the reserves had again doubled and at the 31st of December, 1981 it was \$12,433,733, a 78% increase over the previous year. That, needless to say, as far as reserves were concerned, was the best year the Government enjoyed. At that stage the reserves were exceeding the 3 months' requirement, or the 3 months' revenue, and we were in a safe position. That safe position continued as indicated by the Budget Address and that condition would still exist, I daresay, had there not been a change in the Government, change, taking over by the Elected Members whose master-minds had practised running the country without reserves during the dark period from 1972 to 1976.

And so, Mr. President, I think the little magic box can no longer work, because the public will now understand how the magic is done. But you know that little magic box had other games in it, it had a game, which is related to what they are doing in other areas, as I will tell you. It had a card in it that was a special card - the card had no back - on one side it had the ace of spade, when you turned it over in the little magic box and showed to your unsuspecting audience, it was then the ace of diamonds and this is what they have been doing with Government's finances, and this is not coming from Government, this is not coming from the Financial Secretary, this is coming from statements by Elected Members of Executive Council. Sometimes they tell you "well, you know the reserves are there"; next time it is a collateral for a loan, or a hypothecation; one minute it is reserve the next minute it is something else; first they had the disappearing act, where it was there, and then it was not there. They also have the act where they change it and one minute it is one thing in the Budget, the next minute those same reserves could even be a liability to the country, they way they have crowded down the reserves.

You see, having campaigned, having perhaps won their election on brain-washing the public, that the country was broke, and that there were no reserves, they find it difficult to accept that there are reserves. And even now, while they are spending the reserves, they are still saying the reserves never existed, or the reserves are encumbered in such a way that Government cannot spend them, yet they are spending them at the tune of over \$1M per month.

So, they grudgingly, they have reluctantly admitted that there are reserves, and had it not been for their own incapacity in balancing the budget, they would not have, on the 31st of March, allowed the Estimates to show that the country had reserves, because you cannot take away \$2.2M from reserves, if there are no reserves. So by their own action they have admitted that the reserves are there.

So, if they had not come a-begging to the Finance Committee, and if they did not again today come a-begging to the Legislative Assembly, the public would have believed that there were no reserves. But the public watched them take out, take out from Finance Committee, the authority to spend \$2.4M US on Cayman Airways, and they watched them as the Financial Secretary said in his speech, spend over \$800,000 out of that authority to spend, and now the public watches silently.

MR. G. HAIG BODDEN (CONTINUING): as they take another \$2.2M from what they have left.

So I am not asking anyone to take the word of the Unity Team Government as to whether there were reserves; I am asking them to take the words of the Elected Members of Executive Council, because this budget which we see was not the work of the Financial Secretary alone; this budget which has come to the House had the approval of Executive Council, as all other laws which come to the House have. When they ask this House to give \$2.2M to help them balance the 1985 budget, they are admitting that a reserve is there, and when they ask us to accept the fact that they can earn \$800,000 in interest from Barclays Bank during 1985 or whatever bank they may have it in, they are saying to us "Reserves are there", in fact, they are admitting that what had been said in this article in January and in other publications before that, do not add up, but would require the little magic box to make it right.

So, having now established that there is a reserve, which the Elected Members at last admit; it took them six months to admit it, but they now have admitted it, I will move on to the other areas of the Budget which show that the country was not broke on the 31st of October, but is heading that way, and the second point I wish to make is with regard to surplus revenue.

We left a good surplus revenue, and in fact, in December, when I asked the Financial Secretary about the reserves, I also asked him about the surplus revenue, and his answer again was a positive one, that there was a surplus revenue.

Sad to say, it disappeared - it disappeared between then, between November and now - it disappeared, because the budget which they have put forward shows that they have eaten up that surplus revenue, and now have a deficit on the 31st of December of \$252,000 (I believe it is). So we had surplus revenue, all through out 1984, and the Financial Secretary has made it clear that on the 12th of December, when asked about the surplus revenue, that there was some surplus revenue. He has pointed out on some occasion that the airport loan had not yet come in, and he did run into an overdraft position, but this had nothing to do with the surplus revenue. So what has happened in 1984, is they used up that surplus, which they admitted they had. They admitted on Monday the 28th of January that the surplus revenue balance at the 31st of October, 1984 had been \$891,510 - they admit that by their own statement that they had nearly \$1M in surplus revenue on the 31st of October; yet on the 31st of December their balance was a minus balance, so they had spent that \$891,510, plus going in arrears to the tune of minus \$252,537. Not only did they spend our reserves, at the rate of \$1M a month, but they have been doing away with the surplus revenue at the same speed, and the only reason why they have not spent \$1M a month in surplus revenue is because it was not there. They have the capability of spending it.

So they took that \$891,510 cash, which they admit was there, the 31st of October, 1984, spent it, spent all the rest of the money which they collected during November and December, which are very big months for customs collection and wind up the year with a deficit of \$252,537. I will just be one minute, Mr. President, but I would like to say that this is spending on a high spree. They have the capability to spend. Let us hope for the sake of the country they can find cash to spend, because they have an abnormal appetite for spending, particularly as they have done here, spending surpluses and reserves, built up over the last eight years.

ADJOURNMENT

HON. D. H. FOSTER:
House until 10 a.m. tomorrow.

Mr. President, I move the adjournment of this

MR. PRESIDENT:

The question is that this House do now adjourn

MR PRESIDENT (CONTINUING): until 10:00 a.m. tomorrow. If no Member wishes to speak, I will put the question. Will those in favour please say aye?

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL
10:00 A.M. THURSDAY, 14TH MARCH, 1985.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud.

2. The second part of the document outlines the specific procedures for recording transactions. It details the steps involved in the accounting cycle, from identifying the transaction to posting it to the appropriate ledger account.

3. The third part of the document discusses the importance of reconciling accounts. It explains how regular reconciliations help to ensure that the books are balanced and that any discrepancies are identified and corrected promptly.

4. The fourth part of the document discusses the importance of internal controls. It describes various control measures that can be implemented to reduce the risk of errors and fraud, such as segregation of duties and the use of checks and balances.

MR. G. HAIG BODDEN (CONTINUING): to transfer the \$2.4 Million dollars into revenue, and, if I live to be one hundred, I will never forget the answer which the Member from North Side was given by the Financial Secretary. The Financial Secretary said "Yes, I have in reserve what I have been saying I have in reserve and today there is about \$10 Million or something like that mentioned, in November, in reserves.

Yet the four Elected Members were sitting in that Finance Committee and not one of them could get up and explain to us their statement which they had published. Anyway, they took that \$2.4M or the authority to use it and went their merry ways.

Then lo and behold, in January of this year, on the 28th of January, they put out a statement in the front page of the Compass clarifying Government's position, and if you read this statement, you will see that they show that our net and encumbered position, as at 31st of October, 1984, with regards to reserves, was only \$1,893,939, and they had to know that the Financial Secretary had said in November in the Finance Committee that we had \$10M, and they had to know that they had been given the authority to spend \$2.4 US million out of it. And they had to know that they had actually spent a sum of over \$800,000 since they talked to him in November. Yet they come out in January, repeating the propoganda that on the 31st of October there was only \$1.8M in reserves. And if this were so how could they take \$2.4 US million from it in November, if we did not have it on the 31st of October?

If the story ended there, they could hope to save their faces, but it does not end there, because in the Budget which is before the House, they are asking the Members if they approve this budget, to transfer from our reserves, into the revenue a contribution of \$2,233,000 to help them balance the 1985 budget. So how can the House now be asked, on the 1st of March, to transfer \$2,233,000 out of reserves if you only have \$1 that is not encumbered - \$1.something million. So there has to be a falsification of the figures in some area. I know the Compass tried to white-wash them; the Compass wrote an editorial saying that both sides were correct, the figures we had put out were correct and the figures the new Government were putting out were also correct, but no matter how nervous he may be, he cannot change this and one set of figures is wrong, and I do not think the Financial Secretary is wrong.

They were playing a little game which reminds me of a game that was sold on television about 12 to 15 years ago, where they offered for sale a little magic box with cards in it. You opened the box and there is a card; you turn the box over and close it and a shutter followed the other card, and you opened it and there was no card.

There were no reserves before the election according to these people, yet they came to us in November and you opened the box and they showed us the reserves, and they said "we want \$2.4M out of it" And they got it, but then they went home and they closed and opened it in January the 28th and they said "There are no reserves"; then they closed the box and they opened it again and they come to us on the 1st of March and say "We do have reserves, please, please let us take \$2.2 M out of those reserves in that magic box and put into our budget so that we may balance it".

But the story does not end there; they closed the box again and we heard in this Chamber since the 1st of March, on another bill, about how the reserves are encumbered and you cannot touch them, and yet they have opened the box again today and they say here that during the fiscal year 1985 they expect to earn \$800,000 in interest on their cash balances. Now if there are no cash balances, and if there are no reserves, how can they earn \$800,000 in interest this year?

MR. G. HAIG BODDEN (CONTINUING); Today's interest rate is not very high and you need a substantial sum of money, several million dollars left there; I would figure something like the Financial Secretary said is there, something in the vicinity of \$8M after all of these transfers. So there is no question about the reserves, the reserves are there, they were put there by the Unity Team, they were left there by them and they are still there with the exception of what has been used by the present administration. And this, Mr. President, is only the beginning of the story. Because in December when the House met in that special meeting, I asked the question, which was answered by the Financial Secretary - what were the reserves on the 31st of October, and on the 10th of December, just two days before the meeting, and the Financial Secretary, in his consistent manner, answered - "The reserves of the country are," (I do not remember the exact figure, but in the vicinity of \$10M, but it is all in the Hansards); so somebody had to be playing a game.

The point I wish to make is not only were the reserves in the Government's coffers, but those reserves are unencumbered; those reserves are unencumbered, and they have been drawn from by the present administration in November, and if we agree with this budget they will be drawn from when the Appropriation Bill is finally passed. Some of those reserves will still be there and will yield substantial interest during 1985, so there is no question as to whether there were reserves; there is no question as to whether the reserves were substantial; there is no question as to whether the reserves are still there; but at the rate those reserves are being spent by the present administration, their story that the country is broke will soon come true, because they have already taken out, they have permission to take out \$2 point something million US, they are now taking out \$2.2 M here today and that is a lot of money in the few months that they have been in office - just a little over three months. They have been drawing down our reserves at a rate of in excess of \$1m a month.

Now it is true that from time to time during the Unity administration we took money from the reserves, when we saw that the reserves were getting too high, because it is foolish to have money in reserve on which you are only earning 10% and go out to borrow money at 18% to do what you need to do, but we never, in our entire eight years, after we built up the reserves to three months, we never drew them down below a safe margin and this is what this new Executive Council has done. They have drawn down the reserves which were comfortable and adequate, at the 31st of December, 1983 and throughout the entire year of 1984; they have now drawn them down to where they come below what is regarded as a safe criterion for a country with a fragile economy like ours.

It is true that when we passed the budget for 1984 we took \$1 point something million into revenue, because at that time the reserve, according to the audited accounts of the Government, still remained in a safe condition. And it is true that during this year we took \$1M out to repair the airport in Cayman brac; this was an emergency measure which had not been budgetted for and when the need arose, we had the cash on hand, and in fact that \$1M more or less only represented the interest which the Government would earn during 1984, on the deposits which it had, so we took \$1M and spent it. But since the election, the new Government has reduced the reserves to where they are much below what is considered adequate.

According to the Budget Address the Financial Secretary states that at year end, that is at the year end 1984, they will have \$7.7M left, and spending at the rate of \$1M a month they will be out of reserves by June of 1985.

But the leaders of this present Government were the leaders between 1972 and 1976 and they are used to working on a shoe-string; they are used to having the country in a

MR. W. McKEEVA BUSH (CONTINUING): dynamic mould and any tendency which smacks of fatalism, which says 'whatever is to be, let it be,' whatever serious problems is greeted merely by a shrug of the shoulder on the question of 'what am I supposed to do about it,' Sir, is a clear abrogation of responsibility that this new Member will always publicly criticise.

Mr. President, let us all, as leaders of the people, not hesitate to turn our backs on the past. 1959 to 1972 to 1976 to 1984 - our country, constitutional advance, parliamentary life, have all come a long way. Let us now look fearlessly to the future for we are among those who have the power, if we choose, to guide history into the right channels and direction. That means, Sir, surely not waiting on events, but being prepared now to take bold initiative to explore and to experiment. And this is the way to make us as leaders equal to the magnitude and nobility of our task. There is no other way.

The challenge then, for all of us in politics is greater than winning votes for ourselves, or even our programmes. We are, most of all, custodians of the civility which alone permits us to live together in a society that is both pluralistic and free, where there is suspicion we must stand for tolerance; where there is division we must seek to heal; where group is set against group, we must search the common ground. We must resist any kind of separation politics which is being preached, wherever it is practised, whether it is in the present administration or whether in the opposition.

Mr. President, I close by asking us to all remember the words of Leila Ross, the writer of our national song - "When tired of all excitement and glamorous worldly care, how sweet thy shore to reach and find a welcome there. Then when comes on the season of peace, goodwill towards man 'Tis then I love thee best of all - Beloved Isle Cayman".

Mr. President, 'the woods are lovely, dark and deep, but I have promises to keep, and miles to go before I sleep'. As a new Member, like Martin Luther King, 'I have a dream; I have promises to keep and miles to go before I sleep', miles to go before I sleep.

Mr. President, I support the Appropriation Bill, 1985. I thank you very much.

MR. PRESIDENT: I think the time has come for our customary afternoon break and I will suspend proceedings for approximately fifteen minutes.

AT 3:32 P.M. THE HOUSE SUSPENDED

THE HOUSE RESUMED AT 3:52 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Continuation of the debate on the Second Reading of the Appropriation Bill. Does any other Member wish to speak? The Second Elected Member from Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I would like to congratulate you, in your capacity as Governor when you delivered the Throne Speech on Friday the 1st of March.

I would also like to congratulate the Financial Secretary for the able presentation of the budget, which I realise he must have put together under very trying circumstances. I would like to congratulate him because for the last five months or the last six months he has been very consistent in the figures which he has put forward.

MR. G. HAIG BODDEN (CONTINUING): The Budget Address and the Throne Speech and particularly the Estimates show that 1984 had been a good year for the Government and that the new administration inherited a sound financial position.

I would like to put to rest the many fairy tales that were told before, during and after the elections concerning the finances of this country. Never before in the history of these Islands, has the Government enjoyed such a stable and sound financial position. But when it was coming up near to election time a certain group of people spread the propaganda that the country was broke, that there were no reserves. This, Mr. President, could only be told in language that would be unparliamentary and I do not want to get into that, but suffice it to say that some of the elected Members of Executive Council did present to the public a picture that the country was broke. This presentation started before November, however, our Financial Secretary, put an article in the newspaper on the 1st of November which should have warned them that their stories could not be backed up, even if they were fortunate enough, to get into Executive Council.

On the 1st of November, 1984, the Financial Secretary put out a statement which was headed "Sound financial position" and he closed the statement, which was mostly figures, with this line "It is my opinion that the Cayman Islands Government is in a sound, financial position". He dealt with many areas and I will have time this evening to deal with the reserves, but I think that is the proper starting place, because it is my opinion that for a country to be in a sound financial position, it must have a substantial reserve, and this Government had a reserve prior to the election, a reserve that was adequate for our needs, a reserve that was equal to about three months recurrent revenue, the criterion that is set for reserves in small territories like ours.

In his statement on the 1st of November, the Financial Secretary showed that we had brought forward a balance on the 31st of December, 1983 of \$10,136,258. These figures are now up to the end of August, 1984 and he showed the interest received from January to August, 1984 \$793,927. He showed that during the year we had transferred \$1M from the reserve to do the Cayman Brac Airport, leaving a general reserve on the 31st of August, 1984 of \$9,930,185. This is a statement of the Financial Secretary one week or so after some of the now present Members of Executive Council had said that there was no reserve. In fact, they had monkeyed around with the figures, they had juggled the figures and they had come up with a story that we had \$1. something million dollars of unencumbered reserves.

This is only the beginning of the story. They went on with their propaganda, aided by the Compass and the Herald, that the country was broke. In November they were elected to Executive Council and they were still telling people that there were no reserves. Yet those four Members of Executive Council came to the Finance Committee in November and asked the Finance Committee to transfer \$2.4M of reserves (US million dollars of reserves) into their hands because they wanted to pay off debts which Cayman Airways owed.

During the election they were saying "You cannot touch the reserves; what these fellows are calling reserves are not reserves because they are encumbered by different things", yet they came to us in November and asked that we transfer \$2M (\$2.4 Million U.S. dollars) out of the reserves.

In the Finance Committee we had one Member, the Member from North Side, who asked a question as to whether the Financial Secretary and the country had reserves and was in a position

MR. W. McKEEVA BUSH (CONTINUING): mention that West Bay has no representatives, because he knows quite well that we can take him on anytime.

Mr. President, the landing wharf and the ramp will come to West Bay and I have had the assurance of the Third Elected Member of Executive Council, who, let me say now, Sir, I feel did a good job from 1976 to 1980 for West Bay, but ever since the 1980 elections West Bay was forgotten, because all we did really get were a few roads. But anytime the Members came in there was to tell the people how and where to vote.

Mr. President, this landing wharf I feel will bring much and needed development into our constituency, and West Bay is a proper and fit place for it. I cannot see, Sir, how he could suggest, since he said he is such a genius, to put the landing wharf here in George Town, which is already over-crowded. But then again, Sir, that is the mentality of the Unity Team.

The channels and the reefs will be marked this year and the playing field will be put in operation this year. I feel, Sir, West Bay will get its share from this budget, whether it is a stamp-size piece of land or whether it is the ramp and the wharf, but we are going to get it, and this man who keeps talking about the tail wagging the dog, should remember that he is now the mess-man in this ship; he is not the captain any longer, he is just but the mesaman.

Mr. President, a few years ago, thirty-five thousand dollars were spent for lights and our field has not been in operation since those lights were placed. They were told not to purchase those kind of lights, but in their usual manner, and in their usual pompous style, they did not listen and the field, as I said, has never been used for games in many, many years. But again this was typical of the Unity Team, in which it appeared that spending money was an end onto itself.

The upgrading of this field, yes, was a campaign promise and it is a promise that I intend to keep. We have many social problems in West Bay and West Bay is a large district, so I cannot see where we as politicians should not strive to keep our campaign promises.

The past Member for Social Services seemed, Sir, never to have regarded West Bay as a part of the country, other than when the two Unity representatives were needed to move unnecessary motions in this Honourable House. The present Member is now a West Bayer and, as I said, the Honourable Financial Secretary is from West Bay, clearly we have the votes to get the things which our district needs, even if it means another 4¢ tax on a pack of cigarettes.

Mr. President, if I am not mistaken, there was one decent piece of road done and that is what is known as Rush Pond Road, and that was done just in time to garner a few votes. I have since asked that the Rush Pond Road be changed to Powell/Smith Drive and, Mr. President, I want to say why I feel that this road should be named Powell/Smith drive is in honour of Mr. Prentice Powell, a well-known merchant and stalwart of our community and a former Legislator; the late Miss Izzie Powell, educator and business-woman and the late well-known educator, social worker and matriarch of our community, Miss Beulah Smith. These three good citizens of West Bay have done great work in the field of politics, business, education and social work. They, Sir, have left a good heritage and I think that if sitting Members can name their roads after them, I feel that we, in all honesty and goodness of heart, should re-name the Rush Pond Road Powell/Smith Drive, and I hope that this will be done not too long from now.

Mr. President, still continuing with the needs of West Bay - when developers in the Barkers area approached Government about roads, he was told that the road in that area could not be opened up, because it would increase the value of property in that area. I wonder, Sir, if

MR. W. McKEEVA BUSH (CONTINUING): that was because certain people had no time to buy up property in that area as had been with the Queen's Highway. But, Mr. President, our road in the Barkers/Mount Pleasant area will be done this year.

There are a lot of roads which must be done before the rainy season sets in and I will be on their backs to get them done.

Mr. President, as far as West Bay is concerned and its representatives, I started some years ago, a clean-up campaign in the district and again I intend to start it with the help from the people whom I now represent, so clearly West Bay now has three able representatives. Yes, Mr. President, it is time for a new generation of leadership to cope with new problems and new opportunities for their is a new world to be won.

Mr. President, the new Executive Council, much aspersions have been cast on the four Elected Members of Council, but I feel, Sir, that we must give them the chance to do the job, and I am wondering whether those people who get up and claim they are champions of the people, if they were on the other side, what would be the position today. I do not think it would be any better than what we found it when we became Members of this Honourable House on November 20th. I feel, Sir, that they are capable, honest men and they might not be endowed with as many degrees as a thermometer or boast to sell ice to Eskimos, but they are honest and they are hard working and that is why I voted for them and this is all I ask of them. I believe, Sir, any genuine investor who is not a crook, running from the arm of justice in the United States, will be welcome to do business here in this country and will find the four Elected Members with the three capable Official Members, willing to do business with them. But we, in all honesty, must give them a chance; we will get the investors, but we will not encourage crooks into this country, or Mafia or dope-dealers, or what have you. We intend to run a clean ship.

In conclusion, Sir, I believe that at all cost, we should resist polarisation politics in this country. This is a dangerous manoeuvre that has led to the destruction of political stability in every country in which it has been practised. Although I am a poor man, from a poor family, I consider that I am here to represent all of the people of this country and in particular all of the people of West Bay. It is my belief that if our country prospers that all of our people will be given the chance to prosper, if we as Legislators here, perform our social duty. I believe that it is reckless and retrograde for any of us, as Legislators, to continuously magnify the problems of any special sector of our society beyond its true position. What we must do, in my opinion, is to come here and to work here together as one body, to alleviate, as far as humanly possible, all of the problems of our developing society. Unless I am mistaken, which I very much doubt, certain Members of this House seem to be intent on dividing our society and pitting one side against the other, and that is my opinion. But I ask them this question - where can this lead? Who amongst us can benefit from this kind of irresponsible conduct? And I am now referring particularly to a report of a public meeting in Bodden Town last week that was published in one of the best news papers in the country, the Caymanian Herald, on Friday, where the opposition held a meeting with their financial genius with Mr. Robert Conolly, saying, and I quote "they were going to surround this building and the Governor would have to go outside and deal with them."

Mr. President, if our economy is going to get going again, then these rash statements will have to stop. We, in this House, should not sit passively to observe this country fall into steady decay. We, in this House, are the plotters, we are responsible for shaping the energies of the country into a new and

MR. W. McKEEVA BUSH (CONTINUING): few. So we have to look carefully at the high rates that are charged in these Islands.

To help protect our tourists, I feel, Sir, we need to look seriously at, and I would recommend strongly, some sort of beach patrol to patrol our beaches, especially in the night. I have had complaints of people being molested and this is another thing that could have an adverse effect on our tourist industry. I think it would be wise if Government were to set up this beach patrol.

The Police, Mr. President, I see in the Throne Speech that there is a change in command of the Police Force. I welcome this change; I am also pleased that a local man has been promoted to second place. Now, Sir, it is only left to see how effective they will be.

The training programme seems to be well underway and I am hoping that at the end of the programme, the Police Force and our people would have received their money's worth.

Over the past years there have been many people brought in here who were supposed to train and organise our force, but in the end their stay turned out to be nothing but a long vacation in the sun, from which our Force received, in my opinion, little benefit. We have some good police and again, we have some that should not be here in this country. Some of our boys have weathered out the storms and now need and should be promoted. With the growing crime rate in our country that is but another cost that we must pay for development, but a well trained Caymanian Police Force is of paramount importance, and when I say Caymanian Police Force, I mean a Police Force made up of Caymanians, because it is my firm belief that a Caymanian, well trained, can better deal with law enforcement in this country than can any outside person.

Mr. President, there is but one area I will speak on before I deal with the needs of my constituency and the things said in relation to it.

Mr. President, insurance is an area that I feel is growing and adding much to our economy. I am happy to see that the insurance sector of Government is organising a seminar to help promote the country as a base for association-type captives. The use of captives, Sir, has increased dramatically over the past years, primarily because they offer very large or multinational companies the potential to reach several inter-related corporate goals in insurance, finance and management through a single corporate vehicle. The association captive, in particular, has become a widely-discussed phenomenon because it allows individual members to take advantage of the benefits of a captive programme without the same financial commitment, that would be required if each were to form its own captive. The seminar, I feel, is a good start in promoting this area and I feel would be a means by which Government's revenues can increase. I wish it all the best.

Generally, Mr. President, the insurance market seems to be doing good. It has its slow periods, I guess due to the emergence to the many new companies and everybody fighting for a slice of the small pie. However, I just want to remind the country that when the going gets rough and the claims pile up, the buying public in this country expects prompt and trouble-free claim settlement.

Mr. President, one area in the insurance industry that troubles me is that there are large companies here in this country who will not place certain parts of their business within the country, thereby a great amount of premiums are paid overseas, with the money going into some other economy. These companies that are doing this are placing the biggest part of their business overseas and only the small amount of premiums is left here in our country. I believe

MR. W. McKEEVA BUSH (CONTINUING): this should not be allowed to continue. There are large internationally known companies doing business here with enough capacity and expertise to write any of these risks locally. To offset this situation, the law should be amended to say that the client should prove to the Superintendent of Insurance that the local market is unable or unwilling to write this business. The Superintendent will be able to monitor and control the amount of local business that is now placed overseas to the detriment of our local industry. I believe, Sir, it is a large amount of money leaving our country and this amendment is the only way good premiums, which these companies pay out overseas, will be able to stay in this country.

Insurance companies in Cayman, Sir, pay their fees; they hire Caymanians and they put a lot of money in our economy. Government should now protect them from this deficiency in the law. When the law was passed in 1979, I feel that it suited the country then and I must congratulate the Unity Government, with all the bad that they did, they did do this one good thing, and it suited the country then, but time and situations change, and the country must grow and the law must be amended to reflect these changes.

Now, Mr. President, my constituency, the First Electoral District - West Bay. Mr. President, One of my political idols, John F. Kennedy once said - "It is time for a new generation of leadership to cope with new problems and the new opportunities, for there is a new world to be won". West Bay today has a new generation of leadership.

For the past few days we have heard the First Elected Member from Bodden Town telling us what West Bay needs and what it does not need. For eight years, Sir, West Bay was left out. It had no representation; it suffered tremendously. People left the district and built their homes elsewhere. It became the black sheep of the country. Sir, small districts like Bodden Town received a large civic centre; Breakers got one too, although I believe that was to shelter somebody from the hurricane, because they had built their house close to the sea. But nevertheless, Breakers got one civic centre too. However, West Bay was left out; East End got two public boat ramps; George Town got one and West Bay got none. North Side, I think, had nothing either.

Sir, we had to leave West Bay to come to George Town to watch our football teams play football; West Bay's field lay unused for years. Our representatives, it seemed, became like Rip Van Winkle - he was so complacent that he lay down by the root of the tree and went to sleep and when he awakened twenty years later, his gun was rusted, his dog was dead and there was nothing left for poor old Rip Van Winkle.

Time, Mr. President, passed them. Now, as I say, West Bay has a new generation of leadership. Instead of having one Member and a half, it now has four. West Bay has the three elected Members and our good Financial Secretary is also a good citizen from West Bay and I believe this is a good time, as any, to pay him his compliments, and to say that he is doing a good job. I believe he will share in the joke with me that I am glad to see him still acting as Financial Secretary, because Margaret Thatcher had said in the elections, Sir, that we would fire him. Anyway, I think he knows the joke and I would prefer to leave it at that.

But, Mr. President, West Bay has representatives. The Second Elected Member from Bodden Town, in his party campaign, in his meeting at Bodden Town the other night, told the people there that West Bay had no representatives. West Bay has three able representatives and we are still living in our district, and we still see the need; we still sup with the poor; we still sorrow with the sorrowing; we are not like the Second Elected Member from Bodden Town, who left his constituency, left his problems and went in another constituency to live. So he should not

MR. W. McKEEVA BUSH (CONTINUING): develop our own culture and our own identity. I have always believed that we do not need to import some of the high cost bands that we import into this country to entertain our tourists; they could have listened to these at home without the expense of travelling to the Cayman Islands. I am sure, Sir, that our local entertainers are trying to do a fair job, but they should not be encouraged to believe that they must imitate the larger bands imported here.

Mr. President, a good example of what can be done locally is the recent advent of what is known as Caribbean Carabet, started by a talented local man, Mr. Edward Solomon. Sir, this is the kind of entertainment that tourists expect to find when they come to our country, and we should do everything in our power to encourage and develop this indigenous talent of which we have so much.

Caymanians, Sir, I do not know whether you have ever been to a dance, but Caymanians are naturally good dancers, we possess a good sense of rhythm that is probably unmatched in any of the developed countries from which our tourists come. With a little effort, we could help develop enough entertainment locally to satisfy our present tourist industry.

Each Pirates' Week, Sir, we see more and more talent coming forward and that is only one week out of the year. Again I say, we must do more to encourage this talent and to develop for our own benefit.

Mr. President, I said earlier that the Cayman Islands have few natural physical attractions that are unsurpassed anywhere in the world and that is the beautiful waters surrounding our shores. It is a fact that many of the tourists who come here each year come here to dive or to swim in these waters and I am happy to see that the new Government has recently taken steps to protect and maintain this natural asset. We could not save Fort George, but I am sure the opposition will have a long time to destroy the ocean, but we have to do something now to help maintain our good natural environment.

Mr. President, I am aware that there is resentment against the Marine Parks - our people from early years have been used to fishing these waters without restraint and it is most difficult for them now to easily accept that if we are to maintain this great tourist attraction they will have to accept some restraint. Sir, the situation is not being helped when the opposition talks rubbish on the platform about having to pay \$5,000 for catching a grunt from the ironshore in West Bay, as the Second Elected Member from Bodden Town did in his political meeting. It is rubbish to talk that nonsense.

When I said earlier in my speech that there is something for everyone to do to encourage and develop our tourist industry, this was what I had in mind. I myself, Sir, am not, and I cannot be happy about being told where I can fish and where I cannot fish. Of course, I still do not have my little boat which was destroyed after our land-slide victory in West Bay, but I understand, as I said earlier, that there is a price to pay for something as valuable as the tourist industry is to this country, which amounts to \$75M per year. This money is benefitting and it is feeding and it is clothing many of the little people, as they call us, and when leaders of the opposition get up and make irresponsible statements aimed at stirring up our people against every effort to preserve the few natural assets that we have for the future, they are not helping the country, but wilful or not, they are sowing the seeds for the social unrest that will lead to our destruction. When I see and hear how these would-be champions of the people carry on I ask myself this question. Are these people really concerned about this country or are they concerned

MR. W. McKEEVA BUSH (CONTINUING): about self? Is there someone owning some swamp land up around North Side or is someone owning swamp land in some other area? Is this the case, Sir?

The dive boat operators in this country benefit greatly from tourism and it is incumbent upon them to be especially vigilant in protecting that industry and in preserving it for the future, for all Caymanians alike.

I had many complaints by citizens about the reckless attitude of some of these dive operators who seem to have no respect for the water and others using it, while they cry for protection for themselves. As an example, Sir, a fishing boat or other boats is required to stay 100 yards clear of the dive-boats, yet the dive-boats are allowed to come and anchor alongside a fishing boat. This is definitely not right and somehow we have to devise some regulation or rule that will end the friction in this area, there is much dissatisfaction here.

Also I feel, Sir, that if there are areas where the fishermen cannot go, then there should be a place where they can go and fish with it being prohibited to the divers. As it stands, it seems to me very unfair and must be changed so that the tourist will not be caught in between the discontentment in this country.

Mr. President, in the Budget I see for last year we received 352,057 tourists by air and sea arrivals. I am wondering, given our close proximity to the United States, why we are not receiving more. Now, Sir, I realise there is the question of hotel beds and I hope with the coming of the Hyatt this year this will begin to show substantial increases.

The other factor, as the Principal Secretary was explaining to me, is the matter of the weak European Dollar and the strong US Dollar, which makes the European market more attractive. But, on the other hand, as I said, bearing in mind our close proximity, a strong US Dollar should permit more Americans to travel to Cayman to buy our European imports, jewellery, cameras, perfumes, etc. which should be relatively cheaper here than in the United States. But, may be, Mr. President, cheaper is the key word here today.

I feel we really have to play close attention at the high cost of vacationing here. I believe we are outpricing ourselves. As far as the United States market is concerned, which gives us a greater per cent of our visitors, I believe much more growth is possible.

Mr. President, looking at a nation wide gallop survey of U.S. households last year, showed that only 36% of U.S. households took a vacation of seven days or more. That means that 64%, almost two-thirds of the population did not take a vacation, and of those 36% who did take a vacation of seven days plus, less than 4% visited the Caribbean. The same survey, Sir, tells us that only 11% of those interviewed had ever visited the Caribbean on vacation while a good 20% said they would like to visit our Caribbean Island. A good percentage of those liking us was in the age group of less than 35 years old, so I feel that we have only begun to scratch the surface. I believe that with careful marketing efforts there could be numerous special interest markets with good potential for growth, so I trust that the Department of Tourism, when they say, and I quote "The Department has selected a new advertising agency and you will shortly be seeing a whole new design and creative approach to the presentation of our products throughout the world", I trust that the Department will take the things I have spoken of into consideration. The market place is now much more competitive than it was ten fifteen years ago; all our competition is going down on rates the Bahamas, Antigua, Jamaica, are but

MR. W. McKEEVA BUSH (CONTINUING): would have been fired - he would have been fired, but the people did right when they fired him from that position on November 14th.

MR. JAMES M. BODDEN: I did for the country what you will never be able to do.

MR. W. McKEEVA BUSH: We have to see that yet, Sir. Mr. President, I am still a young man and by the looks of it, some people in this House are going down fast.

MEMBERS: (Laughter)

MR. PRESIDENT: Order, order. The Member should continue with his speech.

MR. W. McKEEVA BUSH: Mr. President, we, Caymanians were also accused of not supporting our national airline and this has been done many times in the past, Sir, and this is not true. Caymanians, I feel today, support our national airline, but how much support could we give to bring it back to a viable position, when we had the case where the Peruvians were being charged \$60 for a round trip between here and Miami and Caymanians has to pay in the region of \$200. I am wondering, Sir, whether they had Caymanians at heart, and I say, no.

We also, Sir, have been accused of taking the airline as a political football, but it looks to me that it was used as a financial sanctuary for certain people, and if this high form of nepotism had continued, no one could even imagine what would have happened to our national airline. It is now, as of last year, \$16,237,553 in the red and no one knows what the condition is today, and he cannot say, nor any Member of the previous administration, can say that this is a good position for this country to be in.

As I said, Sir, we support Cayman Airways and I trust that soon it will be made into a proposition where, at least, we will break even.

Our Fire Service. All Caymanians, Sir, are appreciative of the performance of the fire service Department. 1984 saw the addition of a sub-station that was badly needed in the eastern district and I am happy for this.

My own district of West Bay and the West Bay beach area is in need of a station and I trust that this need will soon be attended to, even if we have to use the stamp-size piece of land in West Bay.

Mr. President, the seven mile beach is our resort area, and the Barkers area in West Bay is another resort area and besides, that, Mr. President, West Bay is a very large populated District and I feel that the Government would do well in bringing a fire station in that area.

The main station at the airport is in need of upgrading and we must also ensure that the service has the equipment to deal with any needs that may arise there. The Fire Service has many good Caymanians who are doing a good job, some of them from my constituency, and I, too, would like to join those who have complimented our able Fire Chief and his able staff. However, Sir, compliments are not enough for this man and his staff to do the job; I believe that he has received many compliments over the years, but nothing has been done to keep the man happy in a decent working atmosphere. A proper fire station is needed for more reasons than one and I trust that this Government will do something more than what has been done in the past, a mere compliment from the floor of this House.

If the Fire Chief and his staff are doing

MR. W. McKEEVA BUSH (CONTINUING): such a good job as everyone talks about, then why is not more attention paid to his facilities? I say let us give our Fire Chief and his staff as comfortable quarters to work in as we have given any other Head of Departments in the Civil Service.

Tourism. Mr. President, the tourist industry is very important to me, not only because it is a large national product but also because a good many of my constituents depend on it for a livelihood. I was raised on tourism; my mother had worked in the hotel and oondos for the past nineteen years and my step-father had run a charter boat business for the past two decades. Because of that, Sir, I appreciate the value of tourism to our economy, and this industry must be protected and upgraded to make it more competitive.

Mr. President, I see in the Budget Address where the industry employs 1254 persons - 86 per cent of whom are Caymanians. I would like to see the industry employing 100 per cent Caymanians and this is not an impossible goal if we provide the training for our people.

I also see the direct expenditure from this sector of the economy is in the region of \$32.2M, with a total impact on the economy of \$75.1M. Sir, it is this large impact that makes this sector so important to our development.

This is a highly competitive business and our greatest drawing-card is our people, since we have no rivers, or mountains or natural beauty. We had one ancient fort, Sir, but that was knocked down somewhere around 1972 by the Opposition.

But the lack of real natural resources is why I have spent so much time in my debate, emphasizing the need for us to maintain a stable, social climate. It was also the reason for me bringing the motion to this House for a Labour Law, in which I said we should not muzzle the ox that treadeth the corn.

For a worker to perform properly he must be trained for that job and he must be paid properly for performing it. The tourist, on the other hand, if he is to be kept happy, must feel that he is getting value for his money, even when the cost is high, as it is high in these Islands, including the cost of getting to these Islands. As I understand it, one can fly from Chicago to Jamaica cheaper than one can fly from Miami to Grand Cayman - a much shorter distance. Mr. President, that is not a good situation, but there is not much we can do about it. There are a lot of other things we can do. We can ensure that the tourists who come here are welcome and treated fairly. Through education we can encourage our people to recognise tourism as one of the main industries of our economy. This is an area in which every Caymanian can help, whether he is working in the industry or not.

Mr. President, it would not be reasonable that anything with as much value as tourism would be without some cost and we must educate our people and prepare them to accept to pay the cost. With the tourists who come here, many bad things are being introduced into our once innocent society. Drug usage is one such example, but there are others, such as fraud, prostitution and other allied evils. The task for Government is to minimize the effects of these adverse evils and to maintain the social and political stability upon which the industry is so dependent.

Sir, entertainment is one area that I have always and am still concerned about. Let us be realistic, and accept that tourists will not spend the amount of money now required to travel from their homes to the Cayman Islands or any other destination only to find nothing different from what they had left behind.

We, in this country, must maintain and

MR. W. McKEEVA BUSH (CONTINUING): as well, have proven without a doubt that they have good qualities when it comes to sports. We have some, in my constituency, who are recognized internationally and have been offered scholarships to attend various colleges. We all should take our hats off to these fine athletes who have trained under such adverse conditions. I believe, too, Sir, that we must pay tribute to those over the years in our community who have laboured to help train our boys and girls. They have done a good job and I say thanks.

Mr. President, sports, I believe can foster a cultural and national identity and can be a means of bringing solidarity among our people. It opens up facilities for education and employment and helps to prepare our young people for the important job of leadership in our community.

In comparison for what should have really been done for sports, Government, I feel, in the past did little to help develop sports in a proper perspective.

We, Sir, I feel, have to commit more funds. Mr. President, I am not advocating political control of sports but little has been done and the young people have the ability, Government must now move forward with initiative to harness that ability.

I see in the Budget Speech that Government through Social Services intends to establish a multi-purpose self-help project which will, among other things, increase the skill level of many of its clients, thereby placing them in the job market and minimizing their dependency on Government. Mr. President, I agree with this and I hope that it is not just lip-service; our people have always been a proud, independent people, they ask for nothing but a chance to work.

Further to this, Sir, I would like to see this programme of preparing indigents to help themselves, extended to those serving time in prison, so that upon their release, they can be placed in a job to support themselves.

As I said before, Sir, the amount of \$1,051,691 in the Estimates for Social Services is not what I would like it to be, it is not enough, but I am understanding of the serious financial straits in which the past administration has left the country, and I do hope that our administration will manage to spend the meagre sum and spend it wisely.

I am serving notice that in the 1986 Budget, God's willing, I will be pushing for a much greater amount for our social needs.

The Housing Corporation: Mr. President, I feel that the concept of this housing corporation is a good one, but I feel that it must cater to the needs of the poor people in this country. As I understand it, the housing corporation gave loans to people with assets over \$100,000 and direct loans for amounts up to \$45,000. Mr. President, there are so many in our community who have the need for loans in the region of \$20,000 to \$30,000 and I say if we are going to have a housing corporation, then it must cater to these people.

Mr. President, there was quite a bit of noise made here about the housing corporation, supplementary questions on questions, but the previous leaders of the Government must remember that they had the housing corporation for some three years and they did nothing with the Law. It stayed there, and in my opinion, was used as election propaganda machine and, as I said, did not help the man who I really believe it should have been helping. I believe that the Member himself realises now that if he had done the job he should have done, he might have still been in Executive Council today.

Cayman Airways. Mr. President, one of the reasons for the serious financial position of the country today is Cayman Airways, and I feel, Sir, that because of gross mismanagement

MR. W. McKEEVA BUSH (CONTINUING): under the past leaders of the Government funds that could have been used for our social development, were diverted to keep the airline going. Members of the new Executive Council all pledged during the campaign to put the airline under better management in order to minimise losses. I look forward to that Sir.

Mr. President, I realise that an airline is an expensive proposition, but I also believe, Sir, that a great part of the losses that Cayman Airways incurred was from the hiring of unnecessary and expensive staff members. How, Sir, the airline survived up until now is only a miracle. When the new Government took over, some of the creditors were ready to close, because of unpaid bills, and yet the new Government have been accused of wasting the country's finances - what rubbish, Mr. President.

The airline payroll, I feel, Sir, has been one of the main reasons for our down-fall as far as our financial position is concerned. The payroll has been loaded up with aunts, uncles, brothers, sisters, cousins, girl-friend, disc-jockeys and who knows what else. Mr. President, they talk about nepotism - that is where nepotism was, and these were the people who received the large salaries, while the Caymanians who helped to build the airline and kept it from falling to pieces, worked for peanuts. Mr. President, in my opinion, they were not for Caymanians, they only used the Caymanian name.

Mr. President, if the Chairman of that airline had been employed by any other large corporation, he would have been fired one month after he took office as Chairman.

MR. JAMES M. BODDEN: Mr. President, the Member is imputing and is out of order under the Standing Orders of the House.

MR. PRESIDENT: Under what Standing Order?

MR. JAMES M. BODDEN: 35 (3) and (4).

MR. PRESIDENT: 35 (3) and (4) say that it is out of order to use offensive and insulting language or to impute improper motives to another Member. My understanding of what the Member speaking was saying was that the previous Chairman.....

MR. JAMES M. BODDEN: Mr. President, I was the former Chairman of Cayman Airways and I challenge any Chairman to do any better than I did, the present one included.

MR. PRESIDENT: I do not think the Member is stopped by Standing Orders from expressing his opinion that you did not do an effective job any more than you have been stopped from expressing the opinion that the present Members of Government are not doing effective jobs. If he started to say that you behaved improperly or to use offensive or insulting language, I would certainly stop him. As I understand it, he has been questioning your efficiency, not questioning the propriety of your conduct as Chairman, and that he is entitled to do just as you are entitled to question the efficiency and the effectiveness of the present Members of Executive Council. If I were to stop him now I would have had to stop you many times in previous days and I do not think that you would have thought that right.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, the Chairman of the Board of Cayman Airways is like a sea Captain; if he sees his ship running aground he is in charge, he should change course; the Member from Bodden Town was in charge, it was under his stewardship that the airline took losses up until the 30th June, 1984 of \$16,237,553. Mr. President, in my opinion, yes, if he had been working for any other large corporation

MR. W. McKEEVA BUSH (CONTINUING): The country knows quite well, who was charged for raping the woman and who was in power then.

Mr. President, I still wonder today who gave the famous Mr. Scarby his travel documents after he had been caught with cocaine - cocaine, not ganja.

The country well remembers also, Mr. President, that episode. We need not wonder why certain leaders of the Unity Government were not taken to court in 1980 when they were arrested for being under the influence - the country knows that too. That was put on the headlines of a newspaper, so I am not saying anything that is wrong. They could not live without a system, they said.

MR. PRESIDENT: I think we have already gone rather beyond the normal time for the lunch break, so as the Member has stopped temporarily, I will suspend proceedings until 2.15.

AT 12.43 P.M. THE HOUSE SUSPENDED

AT 2.20 P.M. THE HOUSE RESUMED

MR. PRESIDENT:

Please be seated.
Proceedings are resumed.
The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, continuing with Social Services, we must be thankful to the Rotary Club and those who support it for the two fine homes they have provided in this country to care for our troubled youth, the Bonaventure Home for Boys and the Frances Bodden Home for Girls.

I feel, Sir, it is incumbent upon the Government to ensure that these homes are always staffed with competent people who understand and can deal with these problems of youth.

Mr. President, this certainly does not seem to be the case in the Girls' Home. I have received many complaints of these girls running around the neighbourhood, unattended; they appear in school improperly dressed and there seems to be a lack of supervision at the home and I questioned the qualification of these parents who seem to be on a long vacation in this country.

Despite these two fine institutions, some of our young people are still being shipped to Jamaica because we are told they cannot be coped with here. Sir, I do not agree with this. I feel that not even one of our young people should be sent off of this country. If we do not have the facilities now to deal with them we must get them, even if it means an additional 10¢ on package tax.

Mr. President, this country owes a great deal to all of the service clubs in this country who have really carried the social burdens over the years when the Government that boasted of its high reserves and surpluses ignored our growing social problems.

Another area of discontent to me is the Maintenance Law in this country. I want to pose a question to this Honourable House, what can \$20 per week buy for a child today? These men who walk out on their wives and children and leave them unprovided for are not in any way contributing to our social stability. They, I feel, should be compelled by law to provide for these children to help prevent them from becoming a further drain on our meagre social budget. \$20 is certainly not enough and I would like to see this law upgraded and strengthened to bring it into line with the present day cost of living.

Mr. President, we are thankful for the Government who had the initiative in providing the proposed sports complex on Walker's Road; it is a step in the right direction, but certainly we have a long way to go. We must provide the facilities necessary, not only on Walker's Road, but in the districts and the local neighbourhood that will allow our youths the opportunity to play together and to learn to compete while working off the energies of youth.

In providing these facilities, Sir, with our limited resources, we have to be careful to avoid waste such as occurred in the playing field in my constituency. Mr. President, I believe the time has come in this country for the appointment of a national sports Director and the coaches to further train and develop our most promising athletes for competition on the international level.

I would also like to see, and I make this as a strong suggestion, and I hope that the Member responsible is taking his notes - the creation of a national sports award to encourage our young people to compete. Mr. President, Cayman youth and indeed West Bay youths

MR. W. McKEEVA BUSH (CONTINUING): development.

Sir, there has never been a real programme; there have never been and there is not now the required amount of social workers to go into the highways and byways in our country to do the gigantic task of social work. All the money in the world, if it was packed into our Treasury, and I believe our good Financial Secretary, would not mind that, if we had all the money in the world it would not help our social problems unless it was channelled in the right direction, and unless we had a working social programme. We do not have any real programme and neither has any real amount of money been spent in the past.

Yes, Mr. President, the Unity administration spent, they wasted plenty money and today, we, in my opinion, are broke, so where has it gotten us? The administration of the past spent \$300 M; how much was spent on social services? Looking at the Appropriation Bills for the years 1977 to 1984 \$3,990,650 was estimated to be spent, yet the all-benevolent Unity administration, saw fit to spend only \$2,340,412 up to 1983 and for 1984, they could not even spend the amount they budgetted for; they spent \$858,561, making a total contribution to social services of \$3,198,973. This is the amount which they spent in their two terms out of \$300 million.

MR. JAMES M. BODDEN: On a point of correction and explanation, under Standing Order 31, Sir; the Member continues to give the House and the people wrong information. The actual amount that was collected saved and spent during our administration was \$283M and not \$300M.

MR. W. McKEEVA BUSH: I thank the Member from Bodden Town for that point. They wasted, Sir, \$283 million some hundred thousand dollars, but he cannot say that I am not correct in saying that they only spent out of this vast amount that they collected from the poor people of this country \$3,198,973. As I said in their eight years, they did not even spend the amounts they had budgeted for.

In the Estimates, Sir, for 1985, we intend to spend \$1,051,691. Mr. President, if the Honourable Mr. Robert Conolly gives this administration a chance to serve our four years, and if we spend each year what we estimate for this year, we would have spent \$4,266,764, a total of \$1,700,791 over what the Unity government spent for their eight years in their splendour.

Mr. President, I have no doubt in my mind that the present administration will spend the money that is budgeted which will help give the social service Department more officers to do the counselling that is so necessary in our country, and, Sir, I have no doubt that given the opportunity, this new Government will spend more for social services, not to say that I am totally satisfied with the amount budgeted for this year, but at least the opposition should be the last ones to complain, because we will spend in this year alone, 33 per cent of what they spent in their entire two terms, so this Government does have a social conscience. The opposition should be ashamed of themselves to talk rubbish about \$20,000 in the Estimates for dead people, for vaults, when he well knows that our administration is using the money on the living, and, Sir, if in the course of the year this administration sees as a necessity to build more vaults, then they will be built.

Mr. President, all of us in this Honourable House today are aware that a great part of our social problems is caused by the mis-use of drugs. This problem must be approached with the provision for a drug rehabilitation scheme. These people who become involved in this social scourage, must be given a chance to live proper and useful lives.

Also many young people, Mr. President, are

MR. W. McKEEVA BUSH (CONTINUING): sent to prison who clearly have mental defects and I think it is imperative that they are placed in a separate building from others, not all of the time, but some of the time, and are given specialist treatment.

I believe also, Sir, that we would be prudent instituting an anti-drug campaign in which young people at an early age, can be acquainted with the dangers of drug usage. I believe that this should begin in the schools.

The task is not so easy, but regardless of the cost we must try to do something to save our young people.

Mr. President, there is, it seems, big people involved in the drug traffic. We know, as have been evidenced by news report from the Bahamas, and more recently the Turks and Caicos Islands, that these drug traffickers use their great profits to corrupt people, to make it easier for them to destroy society. Mr. President, too long have our bare-foot boys gone to prison for smoking less than a stick of ganja, while the big boys thumb their nose at the law enforcement in this country.

Mr. President, I am a fair man; I am all for giving rights where rights is due and if one sector of our community is going to suffer for wrong, then all must suffer for the same wrong. The drug laws in this country need to be looked at, I never agreed before and I do not now agree that the prerogative of the judge should be taken away, as the Unity administration did, especially with a first offender. These situations bring genuine social dissatisfaction and we as leaders of the people, must address ourselves to it.

Sir, I have always believed that drug usage is a lesser crime than the peddling. The drug user himself is a victim. I believe that whether he is in some way related to me or not.

Questions tabled in this Honourable House last week, I am sure were asked only in an attempt to embarrass because the questioners already knew the answers they were seeking.

MR. G. HAIG BODDEN: Mr. President, on a point of order, the Member must not impute improper motives for the asking of that question.

MR. PRESIDENT: I do not think that embarrassing other Members is necessarily an improper motive. I think most questions are asked in the hope of embarrassing somebody.

MR. W. McKEEVA BUSH: Yes, Sir, quite a few other questions...

MR. PRESIDENT: There are different kinds of embarrassment, of course, but.....

MR. W. McKEEVA BUSH: Mr. President, I, Sir, was not embarrassed. Everytime I see one drug user going to prison, I say, thank God it is not I.

Another purpose of those questions, I am sure was to plant suspicion that I, in my role, as a Legislator, had somehow influenced the release from prison of this user who happens to be a relative of mine. Both of the Elected Members from Bodden knew that the request for clemency for this man originated in the Courts, whose hands are tied by the mandatory requirements of the Drug Law. This request for clemency was made a year ago, or thereabouts, long before I was elected to this Honourable House.

I, Sir, unlike other Legislators, am not competent of questioning the wisdom of the Court in requesting this clemency, but the facts are, this man displayed some honesty in pleading guilty to a charge that it would have been difficult if he had a lawyer to convict him. That is the true position, Sir, but, I have heard of instances where evidence has disappeared from the Court House in a charge much more serious than smoking a ganja butt; that charge, Mr. President, was one of violating a man's home and raping his wife.

MR. W. McKEEVABUSH (CONTINUING): service, in which the buses are in use for two or three hours in the morning and a like amount in the afternoon. Yet they are paid enough for this short service to make them profitable. Sir, if I was as good with figures as my friends in the opposition, I would really try to figure out what the service costs Government per child per mile annually. I am sure it is the highest of any place in the world.

I see in the Budget address where Government will review the service this year with a view to evolving the service into a public transportation system. Although I know that this would help to alleviate some of our growing traffic problems, I am not one to encourage Government to interfere in what might well be handled by private enterprise. Sir, the bussing of school children in these Islands does require better supervision by Government. In my district this matter is and has been the subject of many serious complaints which, because of the political aspect of the situation, have gone unheeded. Politics or not, this new Government must urgently address itself to the problems before we find ourselves with a disaster on our hands that has only been narrowly avoided in the past.

Some of the buses transporting these children from my district are in poor condition, yet day after day, the children are packed into the buses under the worst of overcrowding conditions. On returning home in the afternoons on a rainy day, they are put off the buses in the rain for far distances from their homes, to have their school books, their clothes, their bodies soaked. This is uncalled for in this day and age with the amount of money Government is paying the operators. I want to see it stopped.

The bus stop shelters that we hope to get in our district during the year, will alleviate some of the problems, but that is not enough. These operators that are being paid this big amount of money must provide the equipment to transport our children safely.

Mr. President, my colleague from North Side dealt in depth with the hospital and I will make my remarks short.

For years our people have been asking that a doctor be on 24-hour service at the hospital. This request was acknowledged by the previous Government and I give them credit for that; they even spent a lot of money erecting a cottage on the compound for the doctor to rest in. Having done that, Sir, like so many of their other projects, they failed to produce the doctor. I would hope that the new Government will provide this need for our people.

Mr. President, almost from the time our old Hospital was renovated into the new Hospital, the new facilities that it is today, the Unity team sought to make it into a political football. That renovation, if I remember correctly, took place in 1975 during a period of great depression, at a cost of CI\$600,000 and when the Government of the day instituted a reasonable charge of \$25 per day, for in-patient service, the Unity team, as they are suggesting now, staged a march in protest.

To remind the country, these small fees, Sir, covered the cost of all treatment such as X-rays, therapy, and medication. Since 1976, the big brains in the previous administration have spent more than \$600,000 breaking down walls and building them back without improving our health care service.

Last year they planned a new \$1M kitchen for the \$600,000-hospital. They also put the Children's Ward in a grass-piece, a most unsuitable place, and beyond that, Sir, no one yet, not even the brains, has figured out the extent of the raise in charges that they have instituted. This I do know, and that is, an out-patient visit can cost you \$70 today and that, Sir, in my opinion, is

MR. W. McKEEVA BUSH (CONTINUING): too high. Yet those so-called champions of the little people, are now crying crocodile tears for 4¢ increase on a pack of cigarettes that can give you cancer.

I see the previous Member for HESS writing letters about this 5¢ on a cheque and 4¢ on a pack of cigarettes, while his father, Mr. President, increases the price even before a new shipment of cigarettes came into the Island. This, Sir, is their mentality of helping the poor.

I am dealing with the Hospital and I would say, although it is not the opinion of some of my other colleagues, that I had hoped to see Dr. Ken Grant in the position of CMO, instead of bringing someone else. I know the man who is coming is a qualified man, he has been here before, he is a good man, but I contend, Sir, that if a man has acted as CMO or acted in any other position for months, and for months, and for months, why do we need to bring someone in to replace him? I believe and I would have thought he would have been a good choice. I could be wrong, but that is my opinion, and as I said before, constitutionally, opinions are perfect.

Social Services. Mr. President, the Honourable Financial Secretary said on page 34 of his Budget Address that change was the trademark for the Department of Social Services for 1984. Perhaps, Sir, there were changes, but there certainly was not enough and not, in my opinion, in the right areas. The new Government, in keeping with our promises, must now address ourselves to the social problems of our country as a matter of urgency.

Mr. President, the First Elected Member from Badden Town, seemed, during his three or four days speech in his House, to take much offence that we had accused them of doing for social services. I said it before and I say it today, the Unity team administration had no commitment to social development. This country today needs a social programme that will work at every level of our community to enable our people to benefit fully today and have a chance in the future.

Change, as they have bragged about, has not been all good, in fact, socially things have gotten worse. Today, Mr. President, we see a range of social problems in our country weakening of family support, exposure of our young people to anti-social behaviour and creations of new divisions in our society. We see excessive drinking, aimless drifting around, prostitution, disrespect for the law and mounting problems of the one-parent family.

I, Sir, do not pretend that over-night we could have prevented all of our social problems, but I did expect to see a clear course of positive action charted out and that the Unity Government would have commenced on the road to the kind of social development which I believed would have prevented most of the problems facing us today.

They talk about the increase in the welfare rolls and yet, Sir, I agree again that they did increase the amount in the welfare rolls, of course I believe it was done for political reasons, but, Mr. President, giving someone \$50 a month did nothing to help the problem eating at the very soul of our society. \$50 a month could help people like Sheppie Brandon who they were giving it to to buy rum with, but it did no real good in terms of alleviating our social scourges of the day. When we look at the amount of money spent in this country during their administration, in comparison to what they spent on social services, it is no wonder we have gone backwards when it comes to social

MR. W. McKEEVA BUSH (CONTINUING): BUT AS the saying goes, better late than never.

Sir, lack of proper training today is the root-cause of much of the discontentment in our society. Many of our young children are being taken out of school at age 15 and 16 years with hardly any qualifications for anything, and without the means or opportunity of getting any training. For most of these young people, Sir, leaving school must seem like a dead-end. Is there any wonder that they become frustrated and rebellious and get into mischief?

Mr. President, I believe that there are few of our young people who, if they are given a chance to do something constructive, will not respond. We have them in every society, but more so here, because they are put out of school with no hope of training at all to do anything.

Tomorrow, Sir, as an example, if I need my washing machine or refrigerator or my car repaired, it is almost a certainty that I will have to call an outsider, and, with the exception of one or two, in all likelihood, will not be much better than a cobbler, who will charge me twice what the worth is. So these are things that are draining our resources and make life in these Islands very expensive.

In the past campaign, Sir, I said that nothing was being done for our young people. Some people wrote letters to the press saying that I should be doing more. Things, Mr. President, like the technical college, was what I was talking about and I am most happy to be a part of a thinking, well-concerned Government, who sees the need and is doing something about it.

The previous administration did start a hotel training school that was badly needed and I give them credit for that, but, Sir, that was not near enough. The Marine Training School, in my opinion, is but a joke. For what jobs are we training seamen? On what boats are they going to find jobs? Sometimes, Sir, I wonder if the previous Government did not have someone permanently employed, thinking up ways to waste the money belonging to the taxpayer; that would ensure that we, the little people, would never, ever get a chance to help ourselves.

Sir, thank God, we were freed from that mentality last November and, as the Honourable Financial Secretary said in his address - "we are on the threshold of great things".

Mr. President, I had hoped that the few Unity team Members who survived our land-slide victory would have come into this House with their eyes opened and that they would have joined with us in trying to do what they obviously did not have the expertise to do. But instead, they have come in here, at least it appears that way to me, prepared to continue to confuse our people and to stir them up against the new Government.

MR. JOHN B. McLEAN

Mr. President, on a point of order. The Member is referring to the Members of the previous Government and I happen to be one - I have never tried to confuse the people of this country - I will never try to confuse them, I will never try to mislead them and I think if he is referring to the two Members from Boddan Town he should say so. But I do not want to be labelled with this at all.

MR. W. McKEEVA BUSH:

Mr. President, he was part of the Unity administration and do not you think that he is lilly-white; he has his faults.

Mr. President, they have come in here prepared, in my opinion, to confuse, and they have been confusing our people and to stir them up against the new Government.

MR. JAMES M. BODDEN: Mr. President, I do not think anytime since I have been in politics or my colleague has been in politics, for twelve years, that we have misled or confused the people of this country. We have always told them what was going on, it is because we are telling the people now the condition the country is in that he is upset.

MR. D. EZZARD MILLER: Mr. President on a point of clarity, Sir, I think you spent quite sometime here a few days ago explaining that when people were rising on points of order or explanation, they should quote chapter and verse of the Standing Orders under which they are....

MR. PRESIDENT: I think what I said was if somebody rose on a point of order they should tell me which Standing Order the point of order was on, if they do not I will assume that it is a point of explanation and since the Member gave way, that is what it will be regarded as under 34 (1) (b) - not as a point of order.

MR. LINFORD A. PIERSON: Mr. President, on a point of order under 35 (4), it states specifically that no Member shall impute improper motives to another Member, so I think that the Member from East End was quite in order, Sir.

MR. PRESIDENT: I do not think it is improper to stir people up; it is what many politicians do all the time.

MR. LINFORD A. PIERSON: It is improper, Sir, to state that the Member is doing it, if he is not.

MR. PRESIDENT: Whether he has done it, it is a matter of opinion and people are allowed freely to express their opinions in the House.

The Member may continue.

MR. W. McKEEVA BUSH: Thank you very much, Sir. Opinions are still constitutional, but I want to remind them that they said they opposed and I want to remind them that they should oppose constructively. This is what they, many times, told us.

But it is my opinion that they are trying to stir up the people unnecessarily. I do believe that much of this is bluff and I wonder if they really want to get back in power. I believe, Sir, that they should be happy to see the new Council elected, to relieve them of the mess that they have created. It must be plain to the country now that they were incapable of reversing the down-slide that we are in. They are stirring up the people and that is my opinion, but I believe it is all bluff. They are like what my uncle used to say about a certain man in my constituency that he would go around and ask 'Do you have a job for me?' when he would whisper - 'I hope you don't have one'. They are hoping to find a job, they are looking for a job and wishing that they do not find it.

As I said, Sir, I support the expanded community college and I will suggest at this time that we name it the Alpha Community College, because, Sir, we are on the threshold of great things - we are a new beginning.

Transportation for school children. Mr. President, to my knowledge Government, at the present time, is only involved in one form of transportation, that being the transportation of school children to the High School and Middle School in George Town from the outer districts. Sir, I see in the Estimates where we will spend \$356,424 on this transportation this year. To me this seems to be an awfully large sum to be spent on what is basically a part-time

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION

OF THE LEGISLATIVE ASSEMBLY

(THURSDAY, 14TH MARCH, 1985)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LL.B SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, UP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W MCKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLAND

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY

THURSDAY

14TH MARCH, 1985

1. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

- (1) PRIVATE MEMBER'S MOTION NO.3/85 - COMMISSIONER OF POLICE
CONTINUATION OF DEBATE: THE SECOND ELECTED MEMBER FOR
BODDEN TOWN (CONTINUING)
- (2) PRIVATE MEMBER'S MOTION NO.4/85 - APPOINTMENT OF ECONOMIC
ADVISORY COMMITTEE
TO BE MOVED BY THE ELECTED MEMBER FOR NORTH SIDE AND
SECONDED BY THE SECOND ELECTED MEMBER FOR WEST BAY
- (3) PRIVATE MEMBER'S MOTION NO.5/85 - ELECTORAL LEGISLATION
TO BE MOVED BY THE ELECTED MEMBER FOR NORTH SIDE AND
SECONDED BY THE SECOND ELECTED MEMBER FOR WEST BAY
- (4) PRIVATE MEMBER'S MOTION NO.6/85 - AMENDMENT TO STANDING ORDERS
TO BE MOVED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN AND
SECONDED BY THE ELECTED MEMBER FOR EAST END
- (5) PRIVATE MEMBER'S MOTION NO.7/85 - ESTABLISHMENT OF YOUTH CENTRE
TO BE MOVED BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN AND
SECONDED BY THE SECOND ELECTED MEMBER FOR WEST BAY

2. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND
SECOND READING OF THE APPROPRIATION (1985) BILL, 1985

3. GOVERNMENT BUSINESS

BILLS:-

- (1) THE STAMP DUTY (AMENDMENT) BILL, 1985
(CONTINUATION OF SECOND READING DEBATE)
REPLY BY THE HONOURABLE THIRD OFFICIAL MEMBER

COMMITTEE THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

HOUSE RESUMES

REPORT THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

THIRD READING

THE STAMP DUTY (AMENDMENT) BILL, 1985

(ii)

FIRST AND SECOND READINGS

- (1) THE DEFAMATION (AMENDMENT) BILL, 1985
- (2) THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985

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THURSDAY

14TH MARCH, 1985

10:00 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. It being Thursday, it is Private Members' Motions which have priority, and there being no questions, the first item on the Order Paper is Private Member's Motion No. 3 of 1985. The debate on that Motion had begun on Tuesday, I think, of last week, and the Second Elected Member for Bodden Town was speaking.

Town.

The Second Elected Member for Bodden

MR. G. HAIG BODDEN:

Mr. President, with your indulgence I would like the House to know that the First Elected Member for Bodden Town telephoned me to say that he was not feeling well this morning, but may be here some time later during the day.

MR. PRESIDENT:

Thank you.

MR. G. HAIG BODDEN:

And, Mr. President, if you would repeat your indulgence, I would just like to say that I regret the passing of Mr Ira Thompson who did so much to preserve the history of these Islands, and would like to remind the House that Government, some time ago, purchased the many artifacts that he had collected over the years. When we

MR. PRESIDENT:

Perhaps, if I could just comment on that and thank you for it, I am sure all Members would wish to join in expressing their sorrow at learning of the death of Mr Ira Thompson, who was a very widely respected and loved gentleman.

Thank you.

PRIVATE MEMBER'S MOTION NO. 3/85

COMMISSIONER OF POLICE

(CONTINUATION OF DEBATE)

MR. G. HAIG BODDEN (CONTINUING): Mr. President, when the debate was adjourned on Private Member's Motion No. 3, dealing with the Commissioner of Police, my closing statement had been that I supported the original motion passed by this House in 1983 - the motion which is now the subject of the Motion before the House seeking to rescind the original motion.

The reasons why I supported the original motion still remain the reasons why I still support it. The original motion resolved that it affirms (that is referring to the Honourable House) its fullest confidence in the integrity and probity of the Commissioner of Police. I still support that statement. I still have, although he is gone, the fullest confidence in the integrity of the former Commissioner of Police.

From the time he came to this Island he conducted himself in a manner befitting the rank of the highest police officer in the land. Members know that he had served as a high ranking police officer in these Islands several years before and had returned to England where he had been given a higher post, and he came back for his second tour of duty to serve as our

MR. G. HAIG BODDEN (CONTINUING): Commissioner of Police. He came back to Cayman the second time in 1980, and one of his first actions was to meet with the Members of the Legislative Assembly. In that meeting he set out to us the many plans which he had for the improvement of the Police Force. Members also told him in that meeting of the many complaints we had about the Police Force at that time. We told him about the many problems which the Police Force had and he worked out a plan of action which was well known to all the Members of the Legislative Assembly, as the representatives of the people of the Cayman Islands.

I can say that when he left here last year, he had carried out most of those plans. He had brought about improvement in the Force. One must understand that when the Commissioner arrived here in 1980, the Police Force was at an all time low in morale. There was public agitation against the police. The Force was lacking in discipline, and the Commissioner fathered about his job of building a Police Force of which we could be proud.

He accomplished this, and we find that when Her Majesty the Queen visited the Cayman Islands in February of 1983, She, herself, bestowed upon the Police Force of the Cayman Islands, the new name of the Cayman Islands Royal Police Force. An honour which is only bestowed when a Police Force merits such recognition.

The programme worked out by the Commissioner was the formation of the Special Constabulary. This new unit in the Force was made up of volunteers from the private sector who subjected themselves to extensive training; who received no pay, and who were willing to come out and work whenever extra hands are needed. I need not elaborate on the fine job they did with the security for the Queen's visit and on the many other occasions when their services have been used. And this is why I support the motion which affirmed the confidence in the Commissioner of Police.

He also told us in one of his early meetings that he wanted to set up a marine unit in the Force. This is something that had been talked about for many years, and in fact one of the first questions asked in this House in 1973 had been, "When will Government buy a police boat?". So the Commissioner set up a marine unit in which the police had, at one time, three patrol boats which were used for policing the Islands; which have given assistance in tracking down boats involved in drugs; which have been used to save the lives of people in distress, and the full unit is commanded by a Cayman Islands' crew. And this is why I still have confidence in ex-Commissioner Stowers.

He spoke about the need for improvement in the facility for vehicle licensing and the issuing of driving licences. The licensing department of Government of the Police Force had been working under conditions which were not conducive to the efficient carrying out of their job. And it was at the insistence of the Commissioner of Police that we built the new building all out of capital funds from our revenue - funds that were not borrowed. This is one of the items that answers the question, "What did we do with the money that we spent?".

This fine building, Mr. President, enabled the Commissioner to carry out his hope for improving the facilities for the licensing department of Government.

The Commissioner spoke about the need for the provision of a modern communications network and of other new equipment. And because he carried out that promise, I agree with the original motion which affirms the confidence which the Legislative Assembly feels they should repose in the Commissioner.

MR. G. HAIG BODDEN (CONTINUING): He had, as one of his aspirations, the raising of the general standard of performance of the Police Force, and this has been done. We must admit that however much we criticise the Police Force, the performance of the individual officers is of a much higher standard than it has ever been in the past.

I do not want to go into the detailed programme for training which he set up, but I have two full pages of the officers who went away on different courses - officers who excelled in the classes in which they had been placed, and who came back and are now performing their function.

One of his dreams was also realised and that is why I can say that I have the utmost confidence and I fully agree with the motion that was passed, and cannot agree with the attempt to rescind that motion. But, the matter that most tested his integrity was that of the drug problem in these Islands.

Everyone was complaining that we only jailed the little boy who smoked his little stick of ganja and that no dealer of any substance had ever been brought before the court. And the Members of the Legislative Assembly, although some of them may deny it today, gave the Commissioner of Police a mandate to go all out to arrest the drug problem. And he went about his job and he did bring to trial many drug dealers and many drug pushers. He also gave tremendous assistance to the United States of America in their war against the drug problem. But the hand of the drug dealer, like the hand of the Mafioso is long reaching, and when you touch them you have trouble on your hands. And I believe it was because of the fine job the Commissioner had done in dealing with the drug trade, that he was accused wrongfully and that he left this Island virtually a disgraced man. He was humiliated; he was abused and finally rejected.

The second reason why I agree with the original motion and why I feel it should never be rescinded is because that motion also said that the Legislative Assembly will afford him all possible support in carrying out his duties of enforcing law and order in these Islands. That statement should stand for all times, and for all Commissioners of Police; the present one, and the ones to come in the future.

If this motion is rescinded today, the Legislative Assembly will be saying we would not have stood behind Commissioner Stowers in carrying out his duties of enforcing law and order. But, what is even worse, we will be saying to the incumbent Commissioner of Police that we will not stand behind him in the carrying out of his duties of enforcing law and order. And what would be most disastrous is that we would saying to future generations to come that the Legislative Assembly will not stand behind the Commissioner of Police who enforces law and order.

So, for the two reasons just mentioned, we should not rescind the motion. The original motion went on and further resolved that this House strongly recommend that should the Commissioner of Police wish to institute proceedings for defamation against any person who have made or published such false allegations, inasmuch as these allegations were made as a result of the carrying out of his official duties, the Government agree to indemnify fully the Commissioner of Police in any costs and outlays he may incur in bringing such action.

What the resolution did was simply to recommend that the Government should pay any expenses that he may incur in bringing action. But the resolution did not authorize the payment. The resolution could not authorize the payment. There

MR. G. HAIG BODDEN (CONTINUING): is only one body which can authorise a payment, and that is the Finance Committee.

So the resolution that was passed, merely expressed the wish of the Members who voted for it. It did not put any charge upon the finances of this country. It did not put any obligation on the Financial Secretary to expend any money. It could not. It simply said, "..... we feel strongly", and that what is happening to the Commissioner of Police could happen to any other Civil Servant. It could happen to the Governor of the land. It could happen to the judge of the Grand Court. It could happen to the Collector of Customs.

We feel this action is wrong because I believe that certain would-be aspirants for political power in this country went all out to make the Commissioner of Police a scapegoat, and also had in the back of their minds that if they could destroy one public servant, it would bring down the Government.

One must remember, in dealing with this motion before the House, the era in which it was set. One must remember the conditions that prevailed; the conditions that led to the attack upon the Commissioner. It came at a time when the Unity Team Government was at the height of its glory. We had just brought Her Majesty the Queen to the Cayman Islands - something never done before in our long history. It was brought at a time when we had the largest surplus in our revenue. It was brought at a time when we had the largest reserves in our country. It was brought at a time when the elected Government had performed at its very best, and the would-be politicians knew that the next year there would be an election and if they did not start something there would not even be nominations. There would not be any elections and we would just all be returned as the two Members from Bodden Town had been in 1976, and as the Member for East End had been in 1984 - returned without any opposition.

So the devil minds of the opposition had to find some mischief, and it is unfortunate that they selected an innocent man. It is unfortunate that they pounced upon the one man who had ever been able to bring the drug dealers to justice in this country; and one wonders how far the drug money has really reached in this country.

The motion before the House would rescind one of the best motions ever passed. Now, if that original motion had done what the opposition claims it had done, I would say we should rescind it. They claimed monies had been spent. They claimed it would break the Government (they might not have claimed it in this House this time, but they have proclaimed it through every forum that they had). And, they deceived some of the public with these wild accusations that the Government would go broke.

So the motion cost nothing, but the very actions of the people who were against that motion cost these Islands a lot of money and a lot of anguish. It cost, as a result of this little tempest in a teapot which was started after the Queen's visit, an investigation of many public servants - and that costs real money. Many questions were asked in the House in the early stages. At that time the money expended by Government was a little over \$29,000; and I think afterwards there may have been other costs, or at least it cost some Government (if it was even the British Government) some money.

Also, it has resulted this year in the expenditure to ease the Commissioner out of his job. We were called into Finance Committee the day after the swearing-in of the

MR. G. HAIG BODDEN (CONTINUING) newly Elected Members; and, in fact, the meeting was so hurriedly called that I did not get my notice as I had gone off to Miami. I did not receive the notice until I came back. But, it was so hurriedly called, telling us that all of a sudden the Commissioner wanted to retire and leave, and that we would have a new Commissioner; but, to get rid of Commissioner Stowers they would have to pay him \$50,000, and Finance Committee voted the money. A waste of public funds because Commissioner Stowers' contract was to run until August, and if he had served us all of these years, no matter how bad he was, he could have lasted until August and we would not be paying two Commissioners of Police salaries from January to August. So we paid eight months extra service. We paid the eight months salary due the Commissioner to the end of his contract and we did not get any return for it because he was sent off. And of course, while we were paying him we had to pay whoever was acting or whoever was the new Commissioner. So it did cost the Government extra money.

While the Elected Members of Executive Council were pushing this through Finance Committee, they were destroying the reserves and the revenue which was left, ending 31st December, 1984, in a deficit position as outlined in this House of \$252,000. So this was just another \$50,000 out of that.

I am not saying that we should not have brought in a new Commissioner of Police when the Commissioner's contract was up, but there was no need to do it in this fashion. And the feedback I am getting from the public is that this motion, or rather the objection to this motion, had a lot to do with it, and the Commissioner's leaving is a direct result of campaign promises. While it cannot be proven

HON. BENSON O. EBANKS: Mr. President, I wonder if the Member would give way under Standing Order 34?

I would just like to draw the attention of the Chair, and the Member, Mr. President, to the statement that was circulated by the Honourable First Official Member on this question of the Commissioner's departure as a result of a question asked in the House during this Meeting.

I think the Member is putting forward a position entirely different from the statement made by the Commissioner on his early retirement.

MR. G. HAIG BODDEN: Mr. President, I have that statement right here, and, in fact, had been reading from certain parts of it when I dealt with the achievement of the Commissioner. I am well aware of what the statement says. It was a press release, and with your permission I will read it for the benefit of the Honourable Member.

"His Excellency the Governor, Mr. Peter Lloyd, today announced that the Commissioner of Police, Mr. E.J.E. Stowers, QPM, will be retiring at the end of the year. A separate announcement will be made later about the appointment of his successor.

Mr. Stowers was seconded from his post as Commandant of the Police College in Exeter, England, to be the Head of CID in the Cayman Islands between 1976 and 1978. In 1980 Mr. Russell, the then Governor, invited him to become Commissioner of the Cayman Islands Police for a period of five years to develop, re-equip and arrange training for the Force.

Commenting on his decision to retire, Mr. Stowers said, "When I assumed command of the Force in 1980, I had

MR. G. HAIG BODDEN (CONTINUING):

several major objectives. They included the formation of the Special Constabulary and of a Marine Unit; improvements in the facilities for vehicle licensing and the issue of driving licences; the provision of a modern communications network and of other new equipment; arrangements for basic and some refresher training to be undertaken locally; and the raising of the general standard of performance. Each of these objectives having been realised, it is now necessary to consider what should be the next steps in the development of the Royal Cayman Islands Police Force. I believe that this can most appropriately be considered by whomever will become responsible for implementing any decisions reached - and that it is therefore timely for me to make way for a new Commissioner a few months sooner than had been planned."

The Governor said he was deeply indebted to Mr. Stowers who had served the Islands with distinction. "The task of a Commissioner of Police is never easy, particularly in a small community", he added, "and must often be controversial. But, Mr. Stowers can take pride in what has been achieved during his tenure of office. I shall remember in particular the outstanding performance of the Force at the time of last year's Royal Visit, and the admirable manner in which its duty was done during the recent elections. All of us owe much to Mr. Stowers, and, like his many friends here, I am grateful for the invaluable contribution he made. Nevertheless, I quite understand the reasons which have prompted his retirement and have therefore agreed the arrangements proposed."

The main theme of the Dignity's Party was to get rid of Commissioner Stowers if they were elected; although the getting rid of the Commissioner or any public servant is solely the domain of the Governor under the Constitution. Every member of the Dignity Team said in their campaign that they would like to see the Commissioner go. And when he leaves one day, or makes an announcement to leave, one day after they are voted into a majority into Executive Council - what do you expect the public to believe? Nobody can change my beliefs. I believe he left. I believe he retired. I believe he would have been a fool to stay with the vicious attack that had been made upon him by what is now a majority of the Members of this House.

I understand that your press release is correct. I understand that you accepted his retirement. I understand that. But, I also know that the public out there believes that he was helped along in his retirement. It was a retirement that he did on his own, but which was forced upon him because he feared the repercussions that would come from a Government who had campaigned to get rid of him. He feared, or must have feared, what they would do to him. So they tell him go. They are not going to pay him anything. And so he protected his own hide in leaving because he would have been stuck had he stayed.

The reason for the original motion which revocation is sought today, was because the Government of the day felt that the Commissioner had been unjustly criticised; had been vehemently attacked, and it did no good to the image of this country for would-be leaders going around the place on public platforms saying our Commissioner was corrupt and that our Government was corrupt. But some people would destroy, I believe, their own mother if it could bring them into power.

MR. G. HAIG BODDEN (CONTINUING): We saw a case of a man who had been victimised and who left in a hurry to escape that victimisation.

I now turn to the Motion which is before the House. The Motion is twisted in such a way as to leave out the essential portion of the original motion. The Motion reads:

"WHEREAS by Private Member's Motion No.5/83, passed by the Legislative Assembly on 1st December, 1983, it was recommended that this Government agree to indemnify fully the Commissioner of Police, Mr. James Stowers, in any costs and outlays he may incur in bringing proceedings for defamation against persons who made or published false allegations against his conduct and character;"

The key words that have been left out are, 'official duties'. What the original motion said was that if allegations were made as a result of the carrying out of his official duties, Government would stand behind him. But, these people who have brought this Motion have actually left out the words, 'result of the carrying out of his official duties'. This is the crux of the whole matter.

The motion that was passed originally did not give unlimited powers to people to receive aid from the Government for legal fees. It confined it to an officer of the Government who was falsely abused while carrying out his official duties. There is no excuse for leaving out those words, but I understand why they have been left out. Throughout the campaign against this man, no mention was ever made from any platform that the Government was standing behind a police officer in the execution of his duties, or as the motion said, 'in the carrying out of his official duties'.

Mr. President, it was brought out during Question Time in this House a few days ago that the Private Member's Motion passed in 1983 is impotent, and in itself is not able to spend Government's money. The Honourable Financial Secretary in answering a question that was posed, said in his reply that no money has been spent under this motion, and that no money will ever be spent because the motion did not authorise the spending of the money.

Now, if the motion is impotent and if the motion has not, in the past, and will not in the future, spend any money, why should it be rescinded? Is it simply to get rid of that little part of the motion that affirmed the confidence in the integrity of the man, or that little part that said that we will stand behind a police officer (and by this I mean the entire Police Force) in the execution of his duties keeping law and order in the country? Or is the reason to satisfy another campaign promise? Because not only did the members of the Dignity Team promise, in their campaign speeches, to fire the Commissioner of Police, but they also promised to get rid of the Garston/Dalmain motion as they called it.

In nine things out of ten that we have dealt with in this House since the November election, we have only been dealing with the victimisation of the public. We have only been dealing with things that if the Member wants to speak I will give way.

MR. PRESIDENT:

He did not rise.

MR. G. HAIG BODDEN (CONTINUING): We have been dealing solely with campaign promises and this Motion before the House is for the gratification of another campaign promise. It cost us \$50,000 in November to satisfy a campaign promise.

MR. W. McKEEVA BUSH: What about Mrs. Flores?

MR. G. HAIG BODDEN: It is going to cost much more in the loss of confidence and in the demoralization of the Police Force when they find out that the Government no longer stands behind them in the execution of their official duties. This matter goes a lot further.

Everyone knows that in the Regulations which govern the Civil Service, and in your other powers, there is always a provision for Government, and it has been done in the past, to give assistance for legal fees whether the person be a poor person or whether he be a public officer. All expenses are paid, and even without this motion, would have been paid. I think if the Commissioner wanted to institute proceedings he could have paid his legal fees. This was not the object of this motion. The object was to try to put a bridle upon the mouths of certain individuals; people who had become streaming artists.

They were writing letters to the press. They were organising marches. They were holding public meetings. We were coming near to a situation of mad rule in this country, where, as my colleague from Bodden Town says, the tail was wagging the dog. This was the atmosphere in which this motion originated for the good and peace of this country. It was not for the matter of paying legal fees.

MR. W. McKEEVA BUSH: Did you pay it?

MR. G. HAIG BODDEN: Many law firms would have done it free of cost, and the Commissioner, being a man of substance, could have paid his own way. But, it was simply to put a lid on this violence that had broken out. The motion was passed simply to arrest the political disturbances that were caused by ambitious, but not well-meaning people.

Today, if we pass this Private Member's Motion, we will be going back to anarchy. We will be going back to mob rule. We will be going back to the situation where no public officer of the Government can be respected.

Now, we are not here in judgment of the Commissioner. This Motion is not to decide whether he did right or wrong. This Motion is not to say whether he had been good or evil. This Motion which has been brought would rescind a previous motion. This Motion which is before us would be a step backward, when no person who is attacked would have the right to a fair trial. It has far reaching ramifications; some of them not understood by the original perpetrators of the time against our Commissioner of Police. He may have had his faults, but no stone would have been cast against him if they had waited until they had found someone without sin to cast a stone.

I will close with two beliefs which will remain unalterable in my mind. One is that when the Commissioner left this Island he had every right to retire because of his fear of the onslaught which the political machinery in this Island would have used against him. The second thought that will not be altered in my mind is that it would be a disgrace to the people of the Cayman Islands to rescind a motion which simply reaffirms our commitment to support the police in their war against drugs.

MR. G. HAIG BODDEN (CONTINUING): Finally, when the public became aware that some of the perpetrators of the criticisms against the Commissioner were themselves shareholders in companies involved in drugs, the public lessened its war which it had been caught up in. And now, today, that all of that has been laid to rest, it is wrong to resurrect it and bring it up clothed in its old grave clothes, and to spread it out here simply to gratify the maniac wish which was expressed during the political campaign.

MR. PRESIDENT: Does any other Member wish to speak? Then I will invite the mover to exercise his right of reply.

MR. W. McKEEVA BUSH: Mr. President, in bringing this Motion to this Honourable House, I did so upon the request of the people of my constituency, and many others from other districts, including citizens and voters from the Bodden Town constituency.

In bringing the Motion I had not really expected the rambling, foolish debate we have just listened to. But, Mr. President, if nothing else, that debate has served to highlight what really got the ex-Commissioner into ill-repute with the public.

Mr. President, I first want to thank the Honourable First Official Member for his contribution and for his debate in which he enlightened the House. What they, who opposed this Motion here today, perhaps fail to understand is that in the awful debate in 1983 on Private Member's Motion No. 5, members of the public and myself were castigated. And I firmly believe, Sir, that the motion was brought to this Honourable House in 1983 for that purpose and that purpose alone. They wanted to castigate people; they wanted to say certain things that they have said here that could not be said on the public platforms. Just like the innuendoes you have just heard. This is one of the reasons why the motion was brought. They had not the guts to get on the public platform and say the things that they knew were lies. But they could do so here under the honoured privilege of this House.

MR. PRESIDENT: The Member must not impute improper motives to another Member, and it is unparliamentary to say that another Member told lies.

MR. W. McKEEVA BUSH: Thank you very much, Sir. Maybe prefabrication is another word that could be used. I heard it used here before.

Mr. President, let us get down to the Motion. Politics, let us deal with politics, Sir.

Sir, a Commissioner of Police or any police officer, in my opinion, should not align himself with political leaders. Right or wrong, the people of this country felt that the ex-Commissioner of Police was incapable of applying the law fairly to certain political leaders, their families and their friends.

Whether it be true or not, there were many rumours of the ex-Commissioner's failure to enforce the law against certain political leaders and their friends. We have heard, Sir, of the case of one Scarbi, of whom the Commissioner had certain information indicating Mr. Scarbi's involvement with drugs. Yet, Sir, Mr. Scarbi was allowed to remain

MR. PRESIDENT: Order. The Member must not refer to any case of which a judicial decision is pending, and my information is that in the case of which mention is being made, a judicial

MR. PRESIDENT (CONTINUING): decision might be pending because individuals skipped bail and if they were brought back here there would be a trial.

MR. W. McKEEVA BUSH: Thank you, Mr. President, I abide by your ruling. However, a blind Bartimaeus or old Day Day would know that Mr. Scarbi is not coming back to this country.

Anyway, I abide by your ruling as the President of this House. I was not going to refer to the case, Sir, no more than to say that this man Scarbi worked out of the offices of a political leader in this country.

Another case I would cite, Sir, is that when a relative of a leading politician had in his possession an unlicensed firearm, namely, Sir, a machine gun. He was not prosecuted. The public knew about this and the public was upset.

The ex-Commissioner's action in causing the mis-trials was viewed by the public as the straw that broke the camel's back. Yes, there was a general outcry for his resignation then, and an investigation into the conduct of the Police Force. Every citizen in this country, Mr. President, was fast losing the respect for the Police Force.

A review, Sir, of the Police Force was subsequently ordered and during the course of this review the result was not published, although promises were made to the public. I hope Honourable Members of Government will remember that promise. It was a campaign promise that that review should be made public and it has not yet been made public. I would like to see it. However, during the course of this review, the ex-Commissioner of Police's contract was renewed for two more years by the Unity administration.

In September, 1983, Her Majesty's Inspector of Constabulary, Mr. Brownlow, upon the result of the preliminary review, ordered a further investigation of allegations made against the Commissioner. By whom were these allegations made? Who made the allegations that caused this second review? Where was this man working? Mr. President, as I understand it, his name was Escaravage.

On 14th September, 1983, as I understand it and I may be corrected, the Governor of this country informed Legislators that the Commissioner had resigned, or had intentions of resigning. What did we see? We saw the following morning that Members of the Unity Government, or some of them, met informally in this Assembly and decided to give Mr. Stowers a vote of confidence. An act that was published in the mouth-piece of the Unity Team, the Sun, on Friday morning, 15th September, 1983.

This act, in my opinion, and I will hold it forever and ever, was tantamount to Mr. Stowers and his political friends. Thumbing their noses, not only at the Caymanian people who wanted him to leave, but at the authority of Her Majesty's representative in this country.

Now, compare this act with a strong denouncement of the authority of the Police Force as published in the Times newspaper in September, 1980, after a certain political leader had been arrested while driving under the influence of drugs. No charge was ever brought before the court on this matter, nor were any charges brought before the court when a leading politician and members of his family, in a brawl, extensively damaged the Swiss Inn to the tune of \$5,000.

MR. W. MAKEEVA BUSH (CONTINUING): Mr. President, these are the things that cause the general public of these Islands, including this Member, to lose faith in the Commissioner's ability to command the Police Force of this colony, and which led to the cry for his resignation.

In my opinion, Sir, Mr. Stowers exhibited good judgment when he tendered his resignation after a new Government was elected on 14th November. That act and the Motion presently before this Honourable House, hopefully, will aid in restoring the Caymanian people's confidence in the Police Force; something that no one can deny is not now needed.

As far as the criticism of this Motion is concerned, we heard much about the \$50,000 and I would state here for public record that I knew nothing of that meeting, although I understand they were trying to contact me for that Finance Committee meeting. But had I been there, Sir, I would not have agreed because the act of the Commissioner of Police in the aborting of the case has cost this country thousands and thousands and thousands of dollars, and no one knows where it will as yet end.

Sir, as far as it being a campaign promise, yes, it was a campaign promise, and, yes, it helped to beat the Unity Team mercilessly at the polls. I would say, Sir, that the 5,000 odd votes that the majority in this House today have collected, were all honest people concerned about the welfare of this country.

One thing the Member forgot to say, or forgot to explain to this House which was bad - either the Commissioner of Police getting his \$50,000 or the same thing that they did to a previous Civil Servant, Mrs. Flores, in the region of \$30,000. Why was not that explained?

As I said, Sir, his criticisms are not justified. I think the Motion presently before the House is a good one. If it is unnecessary, Sir, it is only doing what should have been done before, and that was to rescind the first unnecessary motion.

The Commissioner, Mr. President, has gone home. The Unity Team has been beaten at the polls, and I believe I have the votes for this Motion to be passed. I will say, Sir, that the wheel has turned a full circle.

Thank you.

MR. PRESIDENT:

There was one point that was made in the Member's speech which I have been considering since he made it, and I think that perhaps it will be best, in order to avoid any public misunderstanding, if I speak in response to it here since it was a point made in the House to Members. I would ordinarily have asked another Member to make it on my behalf, but since the Member was closing the debate, nobody else will be speaking to this Motion and there will not be an opportunity.

If I understood him correctly, the mover of the Motion said that the Unity Team, at some point I think in the summer of 1983, renewed Mr. Stowers' contract for two years. If I did understand him to say that, then I must say now that the statement is totally unfounded. Constitutionally, no Member of the Government has any power whatever to appoint or renew the contract of any officer. In the specific case of the Commissioner of Police, the approval of the Secretary of State to an appointment or a renewal of contract is required. That approval was sought without consulting any Member of the Government and it was given. And, in any case, as was explained, sometime in late 1983 (I cannot recall

MR. PRESIDENT (CONTINUING): the precise time), before Mr. Stowers originally came here it was agreed between him and my predecessor, Mr. Russell, that he would come for five years and that although his original contract was a three year contract, it would automatically be followed by a further two year contract. So I cannot allow it to go uncorrected, a statement that the Unity Team renewed his contract. It played no part in the matter at all.

Now, let me put the question that Private Member's Motion No. 3/85 be passed.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I think the ayes have it.

MR. W. McKEEVA BUSH: Could we have a division?

MR. PRESIDENT: I think both of you were going to ask for a division - yes. Will the Clerk please carry out the division?

DIVISION
NO. 11

AYES

NOES

Hon Benson O Ebanks
Hon W Norman Bodden
Hon Capt Charles L
Kirkeconnell
Mr W McKeeva Bush
Capt Mabry S Kirkeconnell
Mr D Ezzard Miller

Mr Linford A Pierson
Mr G Haig Bodden
Mr John B McLean

6

3

CLERK: SIX AYES - THREE NOES
ABSTENTIONS: TWO (Honourable Second and Third Official Members)

PRIVATE MEMBER'S MOTION NO. 3/85 PASSED BY MAJORITY.

MR. PRESIDENT: I declare the Motion carried.
I think probably now it is a convenient time to suspend proceedings. Before I do so perhaps I may just inform the House that I have, again, unfortunately an engagement just before lunch and as I did last week, rather than inconvenience the House by suspending proceedings very early for the lunch break, I have asked the Honourable First Official Member to preside after you return and until lunch-time. I shall be back again after lunch.
So I will now suspend proceedings for approximately fifteen minutes.

AT 11:25 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.47 A.M.

THE HONOURABLE FIRST OFFICIAL MEMBER TOOK THE CHAIR

MR. PRESIDENT: Please be seated.
Proceedings are resumed. Private
Member's Motion No. 4/85.

AMENDED
PRIVATE MEMBER'S MOTION NO. 4/85
APPOINTMENT OF ECONOMIC ADVISORY COMMITTEE

MR. D. EZZARD MILLER: Mr. President, I wish to move Private
Member's Motion No. 4, standing in my name which reads:

"WHEREAS we consider that a plan should be formulated to establish the areas to which priority should be given with particular reference to the Social, Educational, Medical, Economic and all other needs of the inhabitants of the Cayman Islands;

AND WHEREAS in formulating such a Plan it is incumbent to determine the sources and the amount of revenue that will be required to finance such needs;

BE IT RESOLVED that Government prepare a Five-Year Economic Development Plan to establish the Social, Educational, Medical, Economic and all other needs of the inhabitants of the Cayman Islands, the steps to be taken to fill such needs and the order of priority to be given thereto as well as the manner in which it is proposed to raise the necessary revenue to finance the said needs;

AND BE IT FURTHER RESOLVED that Government lay such a Plan on the Table of this Honourable House for consideration during 1986."

MR. W. McKEEVA BUSH: Mr. President, I beg to second the motion.

MR. PRESIDENT: The motion is be it resolved that Government prepare a five-year Economic Development Plan to establish the social, educational, medical, economic and all other needs of the inhabitants of the Cayman Islands, the steps to be taken to fill such needs and the order of priority to be given thereto as well as the manner in which it is proposed to raise the necessary revenue to finance the said needs; and be it further resolved that Government lay such a plan on the Table of this Honourable House for consideration during 1986.

Does the mover of the motion wish to speak.

MR. D. EZZARD MILLER:

Thank you, Mr. President.

Mr. President, in introducing this Motion, I will make an attempt to raise the level of debate in this Honourable House out of the trenches where the battle took place over the first few days. Not that I am afraid to fight in the trenches, Sir, because I have speech number two prepared and waiting in my briefcase if the debate goes back to the trench level.

Planning, Mr. President, may be described as the process for the long-term economic and social development of a country, and this, Sir, is exactly the intent of this Motion now before this Honourable House.

Mr. President, this country has long been promised an economic plan, but for the last eight years the only indication of Government's economic policy was in its annual budget. This was confined mostly to increased spending with no real goal or objective clearly defined, other than increased revenue.

The need for such a plan, Mr. President, I believe, is clearly demonstrated in the fact that over \$250 million was expended and the only positive achievement is a Middle School, which, Sir, in my opinion should never have been built; a new elaborate airport terminal, a national airline and a few other amenities.

Mr. President, our jails are overrun with prisoners. Drug abuse and crime are on the increase, and many social ills beset our beloved inhabitants. Most of whom, Sir, have experienced, during those years of great prosperity in this country, a reduction in their real wealth because they have been encouraged to sell their land early in the boom at cheaper prices. The money that they got from the sale of those lands is now spent and they have no more land to sell.

The Government's financial statement as contained in the Draft Estimates were laid on the Table of this Honourable House on the 1st of March, showing a deficit position of \$252,537 at the 31st of December, 1984.

Mr. President, as with the Labour Legislation, I believe the time is ripe for action and not talk, and that is why I have moved this Motion here today.

History will prove, Sir, that the interim economic five-year plan that was used in Government in the early 1970's gave us this beautiful building in which we are now assembled, the Courts building, the Government Administration building, the dock, the highschool, the primary schools in all the districts. In other words, Mr. President, that plan gave us the infrastructure on which the economic boom of the late 1970's took place. That boom, Sir, was the greatest boom ever experienced in the history of these Islands.

Mr. President, Members will no doubt note that there have been some minor changes in the wording of the original Motion which I presented, and that, Sir, is simply what is known as the dance of legislation. The intent is the same, but, in seeking support for the legislation, we have to give a little to get a little. So there is no real change in the intent of the Motion, and I am quite happy with its final wording.

Mr. President, I believe that when Government prepares a five-year economic development plan, and I have the confidence in the Members who will be working on that plan, that they will produce a good and comprehensive plan.

The aim of the plan, Mr. President, as I see it should be to reduce uncertainty by replacing intuition

MR. D. EZZARD MILLER (CONTINUING): and non-rational forecasting with sustained intelligence and national budgeting. It should also give priority to the needs for each year and provide the framework for the Honourable Third Official Member to develop his annual budget.

The budget makers, I believe, once this plan has been established, would become in name oriented, comprehensive and future minded, and their horizons under a dynamic plan would be broadened by a continual process of preparing sets of decisions for future action which would be directed at achieving the goals and objectives of this five-year plan; and achieving those in a way of optimizing the means at their disposal.

The five processes that I would like to see employed in the development of this five-year economic plan, Mr. President, are: planning; programming; budgeting; implementation; and evaluation.

The planning, Sir, would involve identification of the needs of this country over the next five years. The programming would be the setting of priorities in these needs - that is what will be done in each year. Budgeting would be the process of estimating the cost of the solution for the needs and identification of the source of funding for the projects. Implementation would deal, Sir, with the actual implementation of the solution of the needs. Last, Sir, but by no means least and in some consideration most important would be evaluation. This, Sir, should be a critical and objective look at the solution developed to determine if it has in fact met the needs or solved the problems that have been identified.

Mr. President, I believe we could be on the threshold of another boom in these Islands as the figures provided by the Honourable Third Official Member in answer to a question I asked during a Sitting of this House concerning the revenue showed that there was an increase in the first two months of the year 1985 over 1984, and it was a substantial sum. Mr. President, that represents the real growth because no new revenue measures had yet been introduced.

If it proves, Sir, to be a case that we are on the threshold of another boom, and I am very optimistic about that, Sir, that we will see a turn-around in the economy under this new Government, this plan becomes even more important if we are to avoid the pitfalls of the last boom.

To sustain this anticipated boom and to derive maximum benefits for the people of this country, this plan must give cognizance to a most important natural resource - our people.

Mr. President, while the Labour Legislation, which will soon be enacted by this Honourable House, will provide one of the necessary framework for this resource even if we have to ban trade unions to remove their destructive threats as they are actually destructive when formed for political reasons, as indicated by the Second Elected Member for Bodden Town. I beg your pardon, Sir, I think it was the First Elected Member for Bodden Town who said it.

However, if this plan provides (and I anticipate that it will) for effective manpower development which creates a means to harness and release the human energies, talents and knowledge of our young people towards furthering our economic development. People, Mr. President, are the most versatile

MR. D. EZZARD MILLER (CONTINUING): resource available to any government, yet, in the past years the policies have tended to limit and discourage rather than to harness, direct and release disability.

This plan, Mr. President, must therefore encompass various activities that allow for manpower forecasting, manpower compensation, manpower planning, performance and appraisal, and career development for the youth of this country.

This manpower planning and development should provide higher wages, job satisfaction and acceptable contributions. The plan must facilitate introduction of the following basic attitudes, Mr. President. These attitudes are optimism, self-confidence, cautiousness and trust to our people, especially our youth.

Mr. President, it is my belief, and maybe fortunate for this nation, that contrary to many of the more mechanical theories of economic development, future consumption is not necessarily in hand by present abstinence, nor of the exonerations to save, as both of these, Mr. President, were lacking in the past Government. Nor do I believe that to channel resources into the hands of a few entrepreneurs, as was mostly done in the past Government, does any more than to create an illusion of development and wealth without really raising the standard of living.

This five-year economic plan, in its largest application and interpretation must be a concerted effort by the Government to raise the standard of living, the social and well-being of Caymanians. This it must do, Mr. President, through a coordinated and total use of all the resources of this country, both physical and human.

This plan, Sir, must be the process of determining national economic and social goals of the future, with the ultimate aim of enriching the conditions of human life and activity in this country. It must be the means whereby the wisdom, intelligence and technical skills of the people of this country are brought to bear upon the formulation of programmes for its future growth and development. Indeed, Sir, in its methodology it must be the bridge between fact finding and policy making.

I believe that the plan, which will be presented to this Honourable House by Government if this Motion is passed, will reflect a social and political philosophy that the people of this country can be justly proud and that they will attain maximum benefits as the gross national product is maximized under this plan.

It is something of a truism, Mr. President, that we are living in an era of planning and control; whether it be the housewife with a housekeeping allowance, the industrialist with the responsibility to shareholders, or our own Honourable Financial Secretary with the burden of our national budget.

Planning and control is part of our daily lives. We may not like it. We may even resent it when it is imposed, but as an act of self-discipline, however, I have come to realise that it is an essential factor in my business and private life and that it should be in our national aspirations if we are to be successful in the further development of this country.

Mr. President, as individuals we are privileged to serve in this House by the citizens of this country. We are custodians of our proud national heritage, and we have a responsibility to pass it on to future generations in.

MR. D. EZZARD MILLER (CONTINUING): an enhanced and improved state. To do this successfully, Mr. President, we must plan.

Our economic plan, Mr. President, should be a dynamic one, subject to review each year to allow for changing national circumstances and the needs of our beloved country.

Mr. President, I am not in the habit of quoting other authors, as I do not believe that the ability to interject quotes from books which one carries around for public display is any great reflection on one's intelligence. But while preparing this speech last night, I was reminded by my good wife of a quotation by Seneca. "Our plans must carry because they have no aim. When a man does not know what harbour he is making for, no wind is the right wind."

Mr. President, I ask all Members of this Honourable House, especially those who have proclaimed themselves champion of the little people, to support this Motion. Let them put their efforts where their minds have been for the last several days. I trust, Sir, that with their support this Motion will be passed and this Government will produce a five-year economic plan which will lead to unprecedented development and prosperity in our country. Sir, most importantly it will have the ultimate effect of raising the standard of living of all Caymanians.

Thank you, Mr. President.

PRIVATE MEMBER'S MOTION NO. 4/85

APPOINTMENT OF ECONOMIC ADVISORY COMMITTEE DEBATE

MR. PRESIDENT:

The Motion is open for Debate.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to support the Motion, Private Member's Motion No. 4, before this House because I feel that it is timely. I feel that a plan is the first order of the day in a government that is properly managed and run.

A plan is absolutely necessary in order for this Government or any other Government, or business, to know where it is headed. One cannot chart the course of any country unless one knows where one wants to go. This is true if you are on a ship - you have to find out where you are, determine where you want to go and then set your course. I feel that this Motion today will do just that.

We cannot continue to have a Government that is operated from crisis to crisis in a hit-and-miss manner. It reacts rather than acts. We need a Government with its hands firmly on the tiller of this country. We need a new direction and I am sure that this plan will help us to go in the proper direction when approved.

Mr. President, when people come to our country, or any country, particularly foreign investors, one of the first things they ask is, "What are the plans for your country?". What do you hope to achieve? Where are you going from here?"

If we do not have such a plan to show the foreign investor, then he will realise that the Government is not a Government of substance; and not being a Government of substance it has no stability.

I think that this Motion will show the foreign investor that we are a Government with substance and a Government of stability, and that their investment will be properly secured if they invest in our country. We must, Mr. President, justify the confidence which the people of our Islands have placed in all of us in this Honourable House today. I believe by supporting this Motion, we will do just that.

I thank you, Mr. President.

HON. W. NORMAN BODDEN: Mr. President, I rise to support Private Member's Motion No. 4, which seeks the appointment of an Economic Advisory Committee to set up an economic five-year plan.

Good planning produces good results because as we look around us from day to day, we can certainly see the opposite. I believe, Sir, that decisions taken in an ad hoc, unorganised manner can be costly and disastrous. A plan sets the course and enables a government or individual to measure their performance and set its goals which are achieved in an orderly and businesslike fashion.

A proper plan can be the rudder which will help to direct the future course of this country, and I am able to give this Motion, Sir, my full support.

MR. PRESIDENT:
speak?

Does any other Member wish to

MR. W. McKEEVA BUSH: Mr. President, I would not have it said that I lost an opportunity to speak, and especially on such a momentous occasion in this Government when we call for the introduction of a five-year economic plan.

Sir, it is only, I feel, in the historical context that we are able to evaluate Cayman's development. It is through the lessons of history that we are able to project possible future development. As we make plans for our future and try to establish goals, we Caymanians should view this task with enthusiasm.

It is a task filled with great potential. It is a task that will effect the lives of our children and grandchildren; and to put it in simple terms, the policies we establish today will effect the future of the Cayman Islands. The question is, what kind of Cayman do we want to see develop?

Before we can answer this question, Caymanians as a whole, and the Government, must have a clear sense of national priority. The time has come, in fact, Sir, it has long past when we must set our national goal. This national goal must be to develop an economic plan that will set policy in every area that effects our lives nationally, and that will help improve the future for all Caymanians in which not only economic opportunities will exist, but more importantly where principles of freedom, equality and justice will prevail for everyone.

While these goals, Mr. President, might be found in their very nature nebulous, this is a task to which we must address ourselves. If we fail this task, we fail in the greatest challenge facing us today.

Mention has been made that we are on the threshold of another boom, and by all indications if no great problems such as a march, that is now whispered around, takes place, we are coming into a period of better times. But, if this is so, we cannot allow the boom to go every which way the wind blows. We have seen the disastrous effects, as a new Government, of what has taken place over the ad hoc and nonsensical policies of the previous administration, and we must now embark on a sensible course.

Sir, I have always maintained that our economic and material development has far outrun the social development of these Islands. This has already created social problems and we must now embark on a proper plan of social development for this country.

MR. W. McKEEVA BUSH (CONTINUING): Social deterioration has effected, more than anyone else, our young people. No plan, Sir, has been laid in the past for social development, and I urge this Government to take a social development plan into serious consideration when we meet on this Economic Advisory Committee.

Sir, I wish to say that I support this Motion. It takes, Sir, a new vitality to reach into the wills and hearts of the people to raise standards to face the competition of the world, and I congratulate the Elected Member for North Side for his foresight.

I support the Motion, Sir. Thank you very much.

MR. PRESIDENT: The Honourable Third Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, as the Government examines this period of our development, we find the period to be very lumpy in respect of capital expenditure.

We see the need for a water supply, a sewerage collection system, additional fire stations throughout the districts, the need to resurface roads and the traffic flow needs attention. As we look at all of these, Mr. President, it seems only logical that a development plan is needed. It will provide, hopefully, the answers to some of these problems, and I commend the Elected Member for North Side for the Motion.

MR. PRESIDENT: If there are no other speakers, would the mover wish to exercise his option to sum up?

MR. D. EZZARD MILLER: Mr. President, I would just like to thank Members for their support and I hope that the other business of the House can move along as fast as this one did.

I believe, Sir, that when Government tables this plan and shows the nation at large that it is capable of identifying the priorities and needs of proposing solutions for these needs in identifying the sources of revenue and how the cost of these needs will be paid for, the public acceptance will be high. I would just, once again, like to thank Members for their support, Mr. President.

MR. PRESIDENT: The question is that Private Member's Motion No. 4/85 be passed.

QUESTION PUT: AGREED.

MR. W. McKEEVA BUSH: Could we have a division, Sir?

MR. PRESIDENT: There are no noes.

MR. W. McKEEVA BUSH: One Member has not voted, Sir, and I believe I have the right to ask for a division under Standing Order 43(2).

MR. PRESIDENT: Yes.

MR. W. McKEEVA BUSH: Thank you, Sir.

DIVISION
NO. 12

AYES

NOES

Hon Michael J Bradley
Hon Thomas C Jefferson
Hon Benson O Ebanks
Hon W Norman Bodden
Hon Capt Charles L
Kirkconnell
Mr W McKeeva Bush
Capt Mabry S Kirkconnell
Mr D Ezzard Miller
Mr John B McLean

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CLERK: NINE AYES - NO NOES.

MR. PRESIDENT: The ayes have it.

PRIVATE MEMBER'S MOTION NO. 4/85 PASSED.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, the next Motion which is to be moved as a Private Member's Motion No. 5/85 relates to a matter which you, when you are sitting as Honourable First Official Member, have Portfolio responsibility for. It is my understanding that the substantive President is returning after lunch to resume the Chair, and I feel that it would be invidious if the matter for which you had Portfolio responsibility were to be debated when you were not in an opportunity to carry out your normal functions as the Honourable Member having Portfolio responsibility for that, and if it was your wish and the wish of the House, could I suggest that perhaps we suspend fifteen minutes earlier than normal so that when the House resumes at, say, two-fifteen o'clock, you will be in your normal place.

MR. PRESIDENT: Yes, thank you for that. I believe some Members wanted to go to Rotary as well, if they have not already gone (Laughter) as I understand it is Secretary's Day today.

HON. MICHAEL J. BRADLEY: Are there any liquor fines? (Laughter)

MR. PRESIDENT: Bearing all that in mind I think I can suspend proceedings until two-fifteen o'clock.

MR. D. EZZARD MILLER: So long as I get the same privilege tomorrow to go to Kiwanis, Sir. (Laughter)

AT 12:29 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. Private
Members' Motions - Motion No.5 of 1985. The Elected Member for
North Side.

PRIVATE MEMBER'S MOTION NO. 5/85
ELECTORAL LEGISLATION

MR. D. EZZARD MILLER: Mr. President, I wish to move
Private Member's Motion No.5/85 on Electoral Legislation standing
in my name. The Motion reads:

"WHEREAS in certain Electoral Districts of the Cayman
Islands each registered voter is entitled to vote for
more than one candidate;

BE IT RESOLVED that this Honourable House appoint a
Committee to study the Electoral Legislation now in
effect in the Cayman Islands and to recommend such
changes to the said Legislation as will ensure that
in all Electoral Districts of the said Islands each
registered voter shall be entitled to vote for one
candidate only."

MR. W. McKEEVA BUSH: Mr. President, I second the Motion.

MR. D. EZZARD MILLER: Mr. President, I crave your indul-
gence, Sir, to refer quite closely to my notes on such a sensitive
subject.

MR. PRESIDENT: So long as your notes are not too
copious I am sure the House will not object.

MR. D. EZZARD MILLER: No, Sir.
Mr. President, while I realise that
the Elections Law, 1983 (Law 36 of 1983), is a fairly up-to-date
Law, and I do agree with most of the Law, there remains in the new
Law, which existed in the old Law, an archaic system of multiple
choice voting. That is in some districts, Sir, in fact in four
of the six electoral districts each registered voter is allowed
to vote more than once.

In the electoral district of George
Town and West Bay, each registered voter is allowed three votes
while those of Bodden Town and the Lesser Islands are allowed two
votes and those of East End and North Side are allowed only one
vote. The latter case of each registered voter having only one
vote is the true democratic process.

Mr. President, let me at this time
make it emphatically clear that I am not, and I repeat I am not
advocating or supposing any tampering with the Constitution of
these Islands because there will be those who speak to this Motion
who might suggest that is what I am advocating. Nor, Sir, am I
proposing that we increase the number of representatives in this
House.

MR. D. EZZARD MILLER (CONTINUING): I consider the pillar of any democracy to be one voter, one vote. Rather, Sir, what I am proposing is that we look at the Election Law to find a solution to this multiple choice voting.

Mr. President, I believe that this anomaly of multiple choice voting can be removed by the redefinition of the electoral districts in the principal Law. In the principal Law, electoral district means an electoral district as constituted under section 4, and I would propose, Sir, that this section 4 be amended to remove this anomaly.

What I propose, Sir, is that section 4, which now reads: "(1) For the purposes of the election of Members of the Assembly and of compiling and revising the lists of persons entitled to vote at such elections the Cayman Islands shall be divided into six electoral districts as defined in the First Schedule."

Subsection (2) of section 4 states, Sir: "The First and Second Electoral Districts shall each be represented in the Assembly by three elected Members."

I am proposing, Sir, that this subsection (2) be amended to read: "The First and Second Electoral Districts shall be divided into three constituencies each being represented in the Assembly by one elected Member."

Further, Sir, that subsection (3) of section 4 which now reads: "The Third and Fourth Electoral Districts shall each be represented in the Assembly by two elected Members," be amended to read: "The Third and Fourth Electoral Districts shall be divided into two constituencies each being represented in the Assembly by one elected Member."

Those two amendments, Mr. President, I feel, will effectively equate these subsections (2) and (3) with the provision of subsection (4) which allows one voter, one vote, which is as it should be in a democracy such as ours.

Mr. President, this division of those electoral districts into constituencies to coincide with the number of representatives now in the Assembly, would be a simple and straightforward physical division similar to boundaries that now exist for the electoral district system.

The registration of voters in each of those constituencies would be the same except that in those electoral districts that would be sub-divided, they would vote in the constituency in which they are entitled to vote in accordance with the other provision of the Election Law. Candidates, Sir, would then seek election to represent a specific constituency within those electoral districts which have more than one constituency.

One voter, one vote instead as it is now under the Law where some voters have three votes, some voters two votes and other voters one vote. Mr. President, I believe that the Cayman Islands are the only democracy in the face of this earth in operation today which allow multiple choice voting. It is time we brought ourselves in line with the other great democracies to ensure a democratic future for our children.

While, Sir, in some parts of the United States of America with the election to councils and ~~and~~, there is a form of multiple choice voting. I think I am correct in saying that in those instances, although the voter votes more than once, he votes only once for each officer. In other words he may be voting in one election for four members of council, but he votes for those four posts rather than for three people to do the same thing as we do in our multiple choice voting. We are electing three representatives each to do the same function in some constituencies.

MR. D. EZZARD MILLER (CONTINUING): Further to the adherence of the principle of one voter, one vote, there are other advantages in correction of this system, Sir, such as pinpointing the responsibility within the constituency being represented by only one member and he will either receive the credit or the blame, as passing of the buck, as they say, will no longer be possible.

Multiple choice voting by its very nature could lend itself to use by special interest groups within the multi-representative electoral districts as they could markedly influence the election of their candidate by casting only one of their votes for that candidate and reducing the pool of votes to be shared by the other candidates.

In other words, Mr. President, take the First Electoral District of West Bay. In the last election they had approximately 2,200 registered voters. With each voter being allowed three votes, that would give a total vote pool of 6,600. If 1,000 of those voters, Sir, for whatever reason decided to cast only one of the three eligible votes, they would effectively reduce the vote pool by 2,000 votes; therefore reducing the votes that can be shared among the other candidates for the electoral districts and giving their horse, so to speak, Sir, a head start at the gate. Herein, Mr. President, lies my deep concern that some interest group, whether nationalities, particular labour sector or whatever interest group could unduly influence an election and thereby the Government of this country to their own advantage under multiple choice voting.

Mr. President, some Members of this House, as well as some citizens, have enquired as to why I have brought this Motion so soon after an election. I believe, Sir, that that dangers under inequalities, as I have explained, warrant the urgent attention of this Assembly. I would not, Sir, want to be accused of election Galamandering to win a seat by leaving it until next year or the year before elections. Neither, Sir, would I want to be party to changing the election process less than one year before polling day as was done with the principal Law in 1983. Rather, Sir, I would hope that this could be done as early as possible to give the populace of this country plenty of time to become familiar with the changes in the Law, and Government plenty of time to educate and inform the people affected by the changes in the Law.

I will not be directly affected by the changes as I represent one of the two districts that enjoy the true democratic process of one voter, one vote. I therefore accept fully the responsibility of the blame or praise as the case may be, and very often, Sir, a fair share of each.

In closing, Sir, I would like to make it clear that in bringing this Motion it is my intention that the terms of reference for this Committee be such that its deliberations and recommendations are confined to the Election Law and the definition of electoral districts, and not with increasing the membership of this Honourable House or to tamper the Constitution.

I therefore, Sir, ask Members of this Honourable House to support this Motion.

Thank You.

PRIVATE MEMBER'S MOTION NO. 5/85 - ELECTORAL LEGISLATION DEBATE

MR. PRESIDENT: Private Member's Motion No. 5 of 1985 is now open for debate. The Second Elected Member for George Town.

DEBATE
PRIVATE MEMBER'S MOTION NO. 5/85

MR. LINFORD A. PIERSON: Mr. President, I have already told the Elected Member for North Side that I would be speaking on this Motion. Unfortunately, at lunchtime, I missed my chance to speak on the one just preceded us, but I made sure that I was here in time for this one.

Mr. President, I believe that shortly after the elections you circulated to Members of the Assembly on the question of the Election Law and you requested Members to submit any recommendations which they may have, specifically or generally in the upgrading of Law 36 of 1983.

I cannot, Mr. President, support a piecemeal amendment to the Election Law - a Law that I feel fairly adequate and perhaps would be subject to just a few minor amendments after quite a lot of study has been given to it. I am not saying, Sir, and I would not attempt to say here that there are ulterior motives for bringing this Private Member's Motion, but it does seem somewhat premature that this should be brought in such a piecemeal fashion at this point in time.

I think that this Motion is unnecessary. I do not see the necessity for having to change our Election Law to enable registered voters to be entitled to one vote for one candidate. I would perhaps agree with it, Sir, if a reconsideration was given to having a look at all the electoral districts in this country and perhaps running two Members for North Side and East End. Maybe at that time the Elected Member for North Side would reconsider his position.

Mr. President, the people of this country recently went through an election campaign that was well run under the present Law. There were no problems, and the people voted for those whom they wanted to represent them over the next four years.

I see this Motion, Mr. President, as just another way of being somewhat vindictive, and I believe, Sir, that it is just another way to say to the public that we, even though we had a landslide victory at the polls, we are still not happy.

I believe, Mr. President, that to divide our country into sectors would be to further split our people. We have a situation, Mr. President, in the Cayman Islands where we can still mix with people regardless of their political, religious, racial or other leaning.

Mr. President, in my opinion such a Motion borders on a separatist system, and this is one of the things that I feel could destroy this country. We have seen such separatist systems divide countries such as South Africa, Rhodesia and other places, and I believe, Mr. President, that this is another attempt to divide our people. There is no reason why I feel that I should be afraid if this Motion is passed, which I have no doubt it will be in view of the composition of this House, but if such a Motion is allowed to go through I feel that it should be amended to read that the Committee should recommend such changes as may be seen to be necessary and not specifically as it is stated here.

MR. LINFORD A. PIERSON (CONTINUING): In the George Town electoral district we have three candidates and I believe, Mr. President, that is true to say that those candidates receive their votes from a wide cross-section of the population, regardless of the social, racial or other backgrounds of those candidates.

I can speak specifically of our Honourable Second Elected Member of Executive Council in every area that I have been I have received support. I know that that Member has received the same support and the same is true of the Honourable Fourth Elected Member of Executive Council. The three Members for George Town.

In any society, Mr. President, the situation exists where certain individuals are favoured. I am sure that in the recent elections there was one vote cast for the Honourable Second Elected Member of Executive Council that perhaps was not cast for the Honourable Fourth Elected Member of Executive Council. The same could be true of myself, but this does mean that we should tamper with the Elections Law just to suit our own gains, feelings or desires. We are dealing, as the mover of this Motion stated, with a very delicate Law and it is something that should not be allowed to be tampered with.

I feel that this Motion before us is very much premature. When the idea of bringing this Motion was discussed sometime previously, I believe that it was the feeling of the people who discussed it that it was premature, and I am surprised to see that the Elected Member for North Side would insist in bringing this here before us today. There are more important issues facing this country than fooling around with the Elections Law.

I support that all efforts be made at this point in time in trying to improve the general status of this country, but we are dividing the country when we try to split it up into constituencies the way that this Motion suggests.

Mr. President, I stated in my debate in this House that the future of this country depends upon our stability. Stability, Mr. President, is the key to our future, and if we allow ourselves to be put into a position where we start dividing ourselves, we will not succeed.

Mr. President, I believe the last major revision of the Constitution was in 1972. Perhaps it is time that we do have a serious look at the various electoral districts in these Islands, and perhaps a number of representatives in those districts should be in proportion to the population. Perhaps, Mr. President, it is time that we had another look at the composition of the Elected Members to Executive Council. But all these changes will take time and it will take a lot of deep study. We cannot make these changes over-night, and for us to tamper with our Elections Law would be a grave mistake.

Mr. President, my objection to this Motion is mainly on the basis of my desire to see us continue to live in peace and harmony in this country. We do not want separation. We do not want one Member for South Sound and South Church Street and another one just for the poor area around central George Town, and another one for the West Bay area. What are we doing? Under the Elections Law any registered voter can exercise his franchise of voting. He may vote for one, two or three in an area where there are three members running or where there are three seats. This is his democratic right. I wonder if the Motion seeks to take this away from him?

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I regard this Motion as a very bad Motion. I regard any motion that I feel is not in the best interest of our people and country as a bad motion, and, Mr. President, I would be remiss in my duties if I sat here and voted in favour of this Motion. I feel that if this Motion had come about after we had had time to study the Election Law properly, I may have been in a better position to deal with it in a positive manner. But this is being pulled out of the sky, Mr. President. It is being done in a piecemeal manner after you wrote to us and asked us to submit our suggestions so that it could be done in a very comprehensive manner.

Mr. President, in the electoral districts of George Town and West Bay we have three seats each. I cannot speak for West Bay, but I know that in George Town we still have a fairly stable society. We have people, regardless of social or other leanings of backgrounds, who can still mix together. Mr. President, I believe that it is true to say that those of who were successful in the last election received support from a wide cross-section of the community. I do not feel that we were split into sectors. I do not feel, Sir, that the consideration was on the basis of where you come from or what section of the constituency you belong to. I believe, Sir, that the people of the George Town electoral district in particular and of this country as a whole exercised their franchise on the basis of electing to this Honourable House those whom they felt were best able to represent them or the country.

Mr. President, let us not make changes for changes sake. I feel that this House would be much better served if any changes made here are made only after very deep and long consideration. I do not feel, Sir, that this Honourable House should be involved in changes at the whims and fancies of Members of this House. I feel, Sir, that we are very capable, honest and intelligent men and that our main interest is the interest of the future development and continued stability and prosperity of this country. Let us beware, Mr. President, that in our enthusiasm and zeal we do not make changes that could destroy this country.

Thank you, Mr. President.

HON. DENNIS H. FOSTER: Mr. President, I am sure every Member of this House is aware that 'election' comes under my Portfolio and therefore I am going to speak on it and convey what I feel should be done in relation to the Motion.

The last speaker, Mr. President, mentioned your letter of the 31st of January, 1985, to all Members in which you asked for their comments and recommendations. In addition to that, Mr. President, the Supervisor of Elections, whom I have heard much praise given to in this Meeting, has set up a committee of six of his key staff, who helped him during the election who were officers of the election, to go into it with him.

There are many small errors and small anomalies in the Election Law that we discovered and that I think we should set right pretty early lest they be forgotten. If, Mr. President, as a result of your letter to all Members we get a few minor amendments, well then a draft bill can be done in the normal way and presented to the House. If, on the other hand, Mr. President, we get many major and controversial suggestions, well then a bill can still be drafted, but put to a Select Committee of the Whole House.

HON. DENNIS H. FOSTER (CONTINUING): Mr. President, we have a very small population here, Sir, and to split up even the bigger districts like George Town and West Bay would mean the number of voters in each section would be very small. I do not know if there is any specific formula in other parts of the world in respect to the number of population for a constituency, but I am sure if there is, Sir, they would be much, much bigger in number than we have here.

Mr. President, I think it would be unwise for us to take the avenue that the mover of the Motion has suggested and I suggest, Sir, that we take the avenue which you started with by your letter and I am sure the Government will follow it up very closely. I cannot support the Motion, but I am sure, Sir, any anomalies and any corrections that need to be made to the Election Law will be done as a result of your letter and as a result of meetings that are going to take place with the Supervisor of Elections and his members.

I think Members should carefully consider the implications of this Motion, Sir, and that we take our time and look into this Law as suggested.

Thank you, Sir.

MR. JOHN B. McLEAN:

Mr. President, I am totally opposed to the Motion before the House as I feel so early after a General Election this Motion comes as a slap in the face to the populace of these Islands.

We have heard here, Mr. President, over the last few days of the Dalmain/Garston motion, but, Mr. President, to me that motion was a motion which represented something that was very important. I feel that the Motion before us should have a name 'The division of our people Motion' because this Motion can do nothing else but to divide our people.

If this Motion is passed, Mr. President, we will be taking away a right from our people and I will ask the question now, what will be the next thing down the road to pressure our people? Are we moving slowly into a communist regime or what?

Mr. President, I support the Second Elected Member for George Town fully on his debate on this Motion. He leaves me very little to say because I think he has pointed out every area that this Motion could prove a detriment to this country and its people. My honest opinion is, Sir, that this Motion should be withdrawn and a public apology made to the people of this country.

Thank you.

MR. PRESIDENT:
Lesser Islands.

The First Elected Member for the

CAPT. MABRY S. KIRKCONNELL: Mr. President, the Private Member's Motion No. 5 now before this Honourable House has given me very great concern from the first time I read it.

We have just completed a General Election which was properly handled and the people behaved in a proper manner, but, nevertheless, it did have an effect of division in our constituencies. This I think could only add to it.

I represent the Third Electoral District with my colleague the Honourable Third Elected Member of Executive Council and I am very proud that we as a team consider ourselves to represent each and every person living on Cayman Brac and Little Cayman. Just how the division would be made in our district, I have wondered considerably on that.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): I feel it is our duty to unite the population of the Cayman Islands, that all the population and all Honourable Members of this House must join with our Elected Members of Government in order to solidify our position and move ahead. I can think of many things that are far more important at this time that we should be taking valuable time to discuss than this. Therefore, Mr. President, I join the Elected Member for East End in saying that it would be my wish that the mover would withdraw this Motion for I cannot support it, Sir.

Thank you.

MR. G. HAIG BODDEN: Mr. President, the Motion before the House, if carried, would in effect divide four of the electoral districts into mini electoral districts; even if we call them constituencies we would in effect have in West Bay three electoral districts, three in George Town, two in Bodden Town and two in the Lesser Islands.

As has been mentioned, the area of the Islands is small. We have only 100 square miles and within that small area we already have six electoral divisions. The amendment would in effect give us twelve electoral districts although we may still choose to call them six with sub-divisions within themselves. But, for all practical purposes we would have twelve electoral districts.

The population is small - it is under 20,000 at the present time, and I believe that six electoral districts are quite adequate and we need not have any more.

The First Elected Member for the Lesser Islands who spoke, mentioned something about how the Lesser Islands' district would have to be divided. He did not elaborate on it, but there would be many difficulties. For example, who would get the Little Cayman district with a population of 20 people, and would you put it along with Spott Bay or would you put it along with the Creek? Who would decide the formula under which we would decide in a constituency with the shape and the special characteristics of the two Lesser Islands? Then who would decide the electoral boundaries within the George Town district? Would we split it from north to south or would we split it from east to west? Bodden Town is the only district of the dual constituencies that lend itself to easy sub-division into two electoral constituencies because of its peculiar shape being extremely long it could easily be divided into two districts. But I should hope that there is no more division. The Lawrences have brought enough division in Bodden Town already.

Some Member mentioned that in the last election there were instances where a candidate may have received only one vote. But what is wrong with that? If that candidate was smart enough to convince people to vote only for one person or if the people who voted cared so much for that one person that they would not give their votes to anybody else, I see nothing wrong with it because this is a democracy and people have a choice.

When I go to the polls I have a right to vote for one person or to vote for more than one person and this is a right that should not be denied. So if there is a dual constituency and a person wants to vote for one person, that is fine. If there are three candidates and the person wants to vote for two people, that is fine, and if he wants to vote for all three, that is also fine.

MR. G. HAIG BODDEN (CONTINUING): The Elections Law which we use had a thorough revision in 1983 and was assented to by the Governor in December of 1983. It was necessary to revise the Elections Law because it had been on the books for a long time. I think the Law we had been working with had actually been passed in 1969. There had been very few amendments over the years, but in 1972 we had a new Constitution and so we were running the elections under a Law that had been passed before the 1972 Constitution and it was necessary to bring the Law up to date; and no better time could have been sought than one year before the General Election.

The Law went through a Select Committee. There were many meetings on it and everybody interested had an opportunity to have some input in the Law.

The recent elections showed a high turnout of voters in every district and in fact in North Side, East End and Bodden Town the number of people turning out was exceptionally high for any country. Even in George Town where the turnout had been low in some years, there was an extremely good turnout of voters. The candidates returned, I believe, were the candidates that the public wanted.

I have always said that in elections we find that the public will normally return the people they believe to be the best ones to represent them. It is true that sometimes they find very soon they have made a mistake, but that is the way elections go. So if the honeymoon period ends only after a couple of months, it is the electorate who bought and paid the price for the type of government they have and they will have an opportunity to correct that error after four years or, with good fortune, might even be able to do it with your consent earlier.

If this Motion had come to the House asking for a national election where twelve Members would represent the Cayman Islands, I would have supported it because I have seen even in other Islands that we believe are democratic that there is an isolationist attitude which has permeated the capital budget which has been presented this year in that some electoral districts like Bodden Town and East End, with no representation in Executive Council, have found themselves without any capital work. But I will debate this later when I come to the Budget.

It is true that there are not many places left in the world with dual constituencies. In the Caribbean many of our sister Islands have the one member constituency. What I would like to ask is, are they any better off by having this position? Are they any better off than the George Town people or the West Bay people, or the politically happy people in Bodden Town? Are they any better off by having one member constituencies?

There is no evidence at all that our elections' system is not working well. Members come and go. Some of them a little faster than others, but this is a part of the election process and we have to accept and cannot change the system because there is a danger in tampering with what has been traditional - whether it is the grouper fishing or the fishpot fishing or the election system the people in a country come to accept a way of life. The way of life they have grown up with. The system into which they were born.

There is a danger in tampering with the Constitution, which we are not doing here. There is a danger in tampering with the Elections Law. There is a danger in interfering with, as a former Member of the House used to say, things that are working well. If it works well don't fix it.

MR. G. HAIG BODDEN (CONTINUING): I would not like to see this Motion sent to a Select Committee of this House. I would like to see it voted on here and action taken immediately on it. I believe the system propounded in this Motion would increase substantially the cost of running an election and would further complicate what already is a very complex system.

It is true there have been changes in electoral districts. Many years ago in English history, Lord John Russell had a lot to do with parliamentary reform, but that was necessary because there were grave inequities that existed then that do not exist here. For example, at the time of his bill for parliamentary reform, there were many burroughs in England that had nobody living in them at all, yet they were sending three or four members to parliament and some of the newly populated and highly industrialised cities had no member of parliament to represent them. And there were grave inequities at that time and he brought a bill that divided England into a more equitable electoral system so that a certain number of people would have reasonable representation. That is not the case here and I believe we have an election system that has worked quite well.

These Islands had its first election over one hundred and fifty years ago. Only a few short years ago we celebrated the '150th Anniversary of Parliamentary Government in the Cayman Islands', and although Members may quarrel among themselves I believe the election system that we have is a good one. I will certainly help to preserve the system as it is. Because of that I cannot lend my support to the Motion before the House.

MR. PRESIDENT:
wish to speak?

Does any other Honourable Member

Does the mover wish to exercise his right of reply? Oh, I beg your pardon - the Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, I am not rising to support this Motion as it stands, neither am I rising to condemn what I believe to be the thought behind the bringing of the Motion.

Members seem to have been debating our electoral system rather than what I perceive to be the nub of this Motion, and that is that democracy is based on the premise of one man, one vote. As I see it this is what the Elected Member for North Side is seeking with this Motion. Therefore, having given consideration to that, I do not see the Motion in an obvious light as some Members seem to see it. In fact, I seem to recall, Mr. President, that when our new Constitution was being decided in 1972 there was a report done by the Constitutional Commissioner, Lord Oxford and Asquith. The report consisted of recommendations and then it had commentaries and observations.

One of the observations and comments which the Commissioner Lord Oxford and Asquith made was that it was to his regret that he had not been able to sell the idea of single member constituencies to the Island and parliament of that day, but it was a matter which he hoped the new Assembly shortly after 1972 would address itself to.

Succeeding Members have found it convenient or not to their liking to disturb the status quo. The Elected Member for North Side who brought this Motion sees the system as somewhat inequitable. That being the case, Mr. President, I do not think that the Member could be criticised for having brought the Motion.

HON. BENSON O. EBANKS (CONTINUING): To perpetuate a system that if we accept democracy as one man, one vote is not in my opinion an enlightened approach. To discuss the electoral system generally, there are provisions under the Elections Law. For example, the question of postal voting where a complete constituency could be determined by a batch of say 100 or 120 postal ballots which could be controlled by a group, and those 120 votes would in fact determine all three representatives from the district let us say of West Bay.

If we had single member constituencies this would be more difficult. But, Mr. President, having said all of that I recognise that you have circulated every Member of this House asking them to pass on their comments to you with any ideas or any observations of error or deficiency in the Law and that this would be given some consideration. I think that is the way that something like this should be handled. It is obviously not a popular move to introduce the single member constituency and I am afraid that the Elected Member for North Side will have to do obviously a lot more selling technique on his concept if it is to find favour in this House and, I dare say, in the Islands because as one Member said there are people who cherish long established tradition very deeply.

Mr. President, as I said, because of that fact I will vote against the Motion. I do not see the sense in setting up a multitude of Committees to look into the electoral process, and it is possible that a Committee may come from the comments that you have solicited and it is a matter on which I certainly will not recommend nor take precipitous action as it is a matter which I would want to consult broadly on and assure myself that my constituents, for example, understand what was being proposed before I took a position on the matter.

I have said this, Mr. President, to say that I think the issue here is basically what I consider our interpretation of democracy. In this House we have one vote only and it is the recognised concept of democracy - one person, one vote. This would be the effect of what the Elected Member for North Side is attempting to do. I see nothing sinister or unusual in it. In fact, our situation in these Islands must be unique where we still have the multiple member constituency where a person has the right to exercise one, two or three votes.

Merely giving that support to the Motion, I must warn the Elected Member for North Side that for the reasons which I stated I will be voting against it.

MR. PRESIDENT:

I think in fact it will probably be convenient if we take our customary afternoon break now, so I will suspend proceedings for approximately fifteen minutes.

AT 3:27 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:48 P.M.

MR. PRESIDENT:

Member's Motion No. 5 of 1985.

Please be seated.

Proceedings are resumed. Private

Does any other Member wish to speak?

Does the mover wish to reply?

MR. D. EZZARD MILLER:

Yes, Mr. President. This is obviously the first opportunity I have had to stand alone on an issue, but it is a good feeling, Sir, and I am sure it will happen many times in the future. It clearly identifies my political individuality so the opposition Members will have to be careful how they use the term extension cord from now on.

Mr. President, I, in lobbying for the passage of the Motion, got some feedback that there would be some resistance, but not in my wildest imagination, Sir, could I have anticipated the violent reactions of certain Members of this House. To say, Sir, that a Motion which I brought and clearly in my presentation of that Motion stated that it was brought on the grounds to create equality with the true democratic process of one voter, one vote, (I will not say one man, one vote because the women might get upset and think I do not want them to have a vote), however, the true democratic process of one voter, one vote, to say, Sir, that I have brought this for ulterior reasons or for gain is ludicrous.

I represent, as I said in my presentation, a single member constituency and the people in the beautiful district of North Side enjoy the true democratic process.

I would just like to draw your attention, Sir, to the areas where we are hearing the words separation, racism, dividing people by classes. This Motion in no way, Sir, if it was passed would or could have done that. There is nothing in this Motion that says we have to divide the districts into good, better, black or white, and in my presentation I said that it would be physical divisions similar to those that now exist for the electoral districts.

Mr. President, that statement for physical division does not mean it has to be in a straight line. It does mean it has to be the better-off areas and the bad areas separated. I believe, Sir, it would be very difficult to divide any of the multiple constituencies into single member constituencies and not include people of all walks of life in all other areas when they were identified as single member constituencies.

Sir, I feel strongly about this. I have brought it to the attention of the House. I feel that it is my duty to my people and, Sir, I have no shame now, nor apologies for bringing the Motion. It is to be referred to as the Miller/Makoeva Motion in the future, I am happy to accept that, Sir. I am proud of it because I am simply trying to equate the democratic process and I hope, Sir, that history does prove me right and that those separatist policies which so much has been made of and which certain Members have tried to identify as my motive for bringing this Motion, does not in fact raise its head under this system; and we do find special interest groups electing their representatives for their own benefit and to control the destiny of this country.

MR. D. EZZARD MILLER (CONTINUING): What amazes me even more, Sir, is that some people say we should not tamper with the Election Law when in fact it was tampered with on fifty-five different sections in 1983. Now, Mr. President, that left little time for the populace of this country to comprehend, understand and appreciate all of the changes that were made under that Law. It also created some confusion in the elections.

There are other Members, Sir, who do not want to tamper with the Election Law, but they are happy to tamper with an even more sacred document, that is the Constitution, because the only way they can increase membership of this Honourable House is by changing the Constitution; and I am not prepared to support any changes in our Constitution. So you see, Sir, these people seem to be speaking with forked tongues. On the one hand they do not want to tamper with one thing, but they are quite willing to tamper with something that is even more sacred or more important in retaining a democratic process.

Some Members, Mr. President, tried to divert the attention and said that there are so many areas of need in this country that are more important than changes to this Elections Law. Why have not those Members, Sir, brought Private Members' Motions to identify those needs and to seek solutions to those needs? Why are they sitting back relaxed and letting the needs go unfilled? I felt strongly about this and I would apologise to you, Sir, in that your letter about setting up the Committee to look at the Elections Law arrived after I had handed this Motion to the Clerk of the Legislative Assembly.

Sir, my conviction to this principle, and that, sir, is what I stand for, of one voter, one vote, would not allow me to withdraw the Motion after having put it forward. If I am defeated, so be it, Mr. President. As I said, I shall never be afraid to stand on a principle which I believe, or to stand alone on something which I believe will improve a situation, stands for greater equality for our people. So, Sir, with those few remarks I commend the Motion to the decision of the Members and implore them to support the Motion, even if they have to re-think it.

Thank you.

MR. PRESIDENT:

I will now put the question.

QUESTION PUT: AYES AND NOES.

MR. D. EZZARD MILLER:

May we have a division, Sir?

MR. PRESIDENT:

call the division.?

Certainly. Will the Clerk please

DIVISION
NO. 13

AYES

Mr W McKeever Bush
Mr D Ezzard Miller

2

NOES

Hon Dennis H Foster
Hon Michael J Bradley
Hon Thomas C Jefferson
Hon Benson O Ebanks
Hon W Norman Bodden
Hon Capt Charles L Kirkconnell
Hon Vassel G Johnson
Mr Linford A Pierson
Capt Mabry S Kirkconnell
Mr James M Bodden
Mr G Haig Bodden
Mr John B McLean

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MR. JAMES M BODDEN: The Government Bench cannot say we do not support them. (Laughter)

CLERK: 2 AYES - 12 NOES

MR. PRESIDENT: I declare the Motion lost.

PRIVATE MEMBER'S MOTION NO.5/85 DEFEATED

MR. W. McKEEVA BUSH: It does show that the opposition and Government can work together though.

MR. PRESIDENT: Order! Order!
The next item on the Order Paper is Private Member's Motion No.6 of 1985 to be moved by the Second Elected Member for Bodden Town. Perhaps I can just remind the House of what I said, I think it was before Private Member's Motion No. 1 was moved, yes. I drew Members' attention to the provision of Standing Order 83 and those provisions of course apply in the case of Private Member's Motion No. 6. In other words as soon as the mover has read out the Motion and it has been seconded, I am obliged by Standing Order to put the question that it be referred to a Select Committee on Standing Orders.

MR. G. HAIG BODDEN: Mr. President, I understand your ruling that under Standing Order 83 this Motion, once moved, will go to a Committee and that once I move the Motion there will be no debate. However, I would like to draw your attention, Sir, to Erskine May, page 374, on the moving of motions.

MR. PRESIDENT: Could I just ...

MR. G. HAIG BODDEN: It says a Member called upon to move a motion may speak in its favour before he actually proposes it, and I am claiming my right to speak before I move it although there can be no debate afterwards.

MR. PRESIDENT: Perhaps I can just have a look at Erskine May to make sure that that particular

MR. G. HAIG BODDEN: I would also like to refer you to the paper that was distributed in the House yesterday where Mr. Lawrence said, in the House of Commons, that once a member started to move a motion there was no rule of the House to stop him once he started to move it. So that if I start to move it with making a speech I cannot be stopped from moving the Motion.

MR. PRESIDENT: Could you tell me the page again?

MR. G. HAIG BODDEN: Yes, Mr. President. Page 374 and it is the fourth paragraph - "A member called upon to move a motion... .."

MR. PRESIDENT: I suspect I have a different edition of Erskine May. I have the twentieth edition. Do you have

MR. G. HAIG BODDEN: This is the nineteenth edition.

MR. PRESIDENT: Thank you.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, if I may perhaps try, and as far as I can see it, assist the House. We, under our Standing Orders are bound by those Standing Orders except in relation to matters which are not specifically covered therein, in which case we have recourse to the custom and practice of Westminster.

My understanding of Standing Order 83(2) on the reading of it, "When the motion is reached, the mover shall move the motion", which is not discretionary in his respect at that moment, but that when the moment of time on the Order Paper has come, that he shall move the motion and inasmuch as we have got specific Standing Orders to that effect then it may be that you might feel that we do not have to have recourse to the practice and usage of parliament in relation to a matter that we have a specific direction upon.

MR. PRESIDENT: I think that is all perfectly true. What I was doing was reading Erskine May to see whether perhaps in the Standing Orders of Westminster there was a provision similar to Standing Order 83(3) and whether they interpreted their Standing Order in a different way in which I had interpreted ours the other day.

The other day when I first came to this, it seemed to me that the only purpose of Standing Order 83(3) could be to ensure that a motion that fell within it went straight to a Committee on Standing Orders so that that Committee should have an opportunity to debate the matter privately and in confidence before any debate took place on the floor of the House. If that were indeed so, I assumed that where it said the mover shall move the motion that that meant simply formally move the motion and get up and read it and have it seconded, and that there could not be any debate which is what I advised the Second Elected Member for West Bay before he moved Private Member's Motion No.1/85 and what I told him I should be doing.

MR. PRESIDENT (CONTINUING): It is perfectly true that Erskine May says exactly what you read out, but my own view is, for the reason mentioned by the Honourable Second Official Member, that there can have been little purpose to the specific Standing Order that this House chose to adopt other than the purpose I have mentioned; and if the House comes to the view that I am mistaken and that it is wrong to prevent debate on a motion or to prevent the mover of a motion from speaking on a motion to amend Standing Orders, then it would be helpful to me if in due course the House amended Standing Orders to make the position clearer. But for the moment I think that I am bound to interpret our own Standing Order in the way I did interpret it the other day. In other words you formally move the Motion, it will be formally seconded, the question is then put and the matter then goes to a Committee on Standing Orders.

MR. G. HAIG BODDEN: Mr. President, I apologise for not being here at the moment the other motion was moved a couple of days ago. What happened is that you will remember this was the day in which the Business Committee had changed the business of the House and were asking us to deal with Private Members' Motions instead of Government Bills, and I had to go home during the coffee break to get my papers. It took twenty minutes and on that day you had only given us ten minutes for the coffee break or I would have raised it on that day. (Laughter)

My feeling is that our Standing Order is clear. Once the motion is moved the procedure to follow after that, but our Standing Order is deficient in that it does not deal with the matter before the motion is moved and hence our Standing Order is silent on the procedure that we must follow before moving the motion. So in that case we would naturally have to go to Erskine May and the result is that the mover must explain his motion or else the House may not understand the motion. So he should have the right to explain the motion before he moves it. Once having formally moved it and having the motion seconded, you then as the Chairman must put the question without any debate. But I think an explanation from the Member moving the motion is very necessary.

MR. PRESIDENT: I can understand the logic of that argument certainly. On the other hand if I accepted it, I wonder why it should be the case that those who framed and accepted these Standing Orders should have thought to deny the opportunity to debate the matter in the House. In other words, why they should have sought to allow the mover to develop his argument, but nobody to answer him at all, and it seems to me that it is equally logical to suppose what I have supposed that is that those who drafted this particular Standing Order had in mind that, for whatever reasons, it was advantageous to arrange matters in such a way that discussion of Standing Orders took place in the first instance in a Committee rather than in the House.

As I say I frankly acknowledge that they are ambiguous, but having ruled one way and not been totally persuaded that my ruling was wrong I would welcome a clarifying amendment to Standing Orders that reflect whatever the will of the House may be. For the moment I think my ruling will stand.

PRIVATE MEMBER'S MOTION NO.6/85
AMENDMENT TO CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY STANDING ORDERS

MR. G. HAIG BODDEN: Mr. President, I will therefore move the Motion as directed.

"WHEREAS Standing Order 38(1) provides that, "After a question has been proposed a Member may, at any time during the course of debate, whether or not any other Member is speaking, rise in his place and claim to move "That the question be now put" and, unless it appears to the Presiding Officer that the motion is an abuse of the rules of the House or an infringement of the rights of the minority, the question "That the question be now put" shall be put forthwith; and if that question is agreed upon, the question being debated by the House shall be put forthwith.";

BE IT RESOLVED that under the provisions of Standing Order 83, Standing Order 38 be deleted and repealed and that all Standing Orders thereafter be amended by substituting for the Standing Order numbers a number being one less than the present Standing Order numbers."

MR. PRESIDENT: Will the seconder

MR. JOHN B. McLEAN: Mr. President, I beg to second the Motion.

MR. PRESIDENT: In accordance with the provisions of Standing Order 83(3), I now put the question that the Motion which has just been moved be referred to a Committee on Standing Orders. Members may know that there is not at present in existence such a Committee, but that when Private Member's Motion No.1 was moved and passed I stated that the Committee of the Whole House, for which that motion called, would be regarded by me as being the Committee on Standing Orders for which Standing Order 83 provides. In other words the question now before the House is that the Motion be referred to a Committee of the Whole House.

QUESTION PUT: AGREED BY MAJORITY. PRIVATE MEMBER'S MOTION NO.6/85
REFERRED TO A COMMITTEE OF THE
WHOLE HOUSE ON STANDING ORDERS.

MR. PRESIDENT: In that case the Motion is referred to a Committee of the Whole House and my recollection is that I appointed the Honourable First Official Member to be the Chairman of that Committee for the purposes of Private Member's Motion No.1, and I so appoint him, in order that there shall be no doubt, for the purposes of this Motion too.

Item number 5, Private Member's Motion No.7 of 1985. The Second Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 7/85

ESTABLISHMENT OF YOUTH CENTRE

MR. LINFORD A. PIERSON: Mr. President, Private Member's Motion No. 7 of 1985 - Establishment of Youth Centre reads:

"WHEREAS there is a growing social problem in this country and juvenile delinquency is on the increase, particularly in the more densely populated and environmentally deprived areas of George Town;

AND WHEREAS no form of civic or youth activities, other than certain limited sporting activities are established in these areas;

BE IT RESOLVED that Government take immediate steps to examine the feasibility of establishing a Youth Centre in the central George Town area, adequate to provide accommodation for various forms of youth activities to be organised under the supervision of a Christian body or group such as the Youth for Christ Organisation;

BE IT FURTHER RESOLVED that such feasibility study be given top priority as a matter of urgency and therefore carried out as soon as possible and accordingly a report made to this Honourable House at its next regular Sitting by the Government Member under whose Portfolio this subject falls."

MR. W. McKEEVA BUSH: Mr. President, I second the Motion.

MR. PRESIDENT: The mover may wish to speak to his Motion now.

MR. LINFORD A. PIERSON: Mr. President, as I have said in this Honourable House on more than one occasion the most important issue facing this country today is the issue of our youth - the young people of this country, Mr. President, who will be the men and women of tomorrow and indeed the future leaders of this House.

Mr. President, while I can appreciate, like other Members in this House, that there is need for a major plan such as a major economic plan, I see this as a plan that will no doubt take a number of years or at least a number of months to implement. Such broad guidelines, Mr. President, I do not see as being the effective way of addressing the problem before us today.

Today at Rotary, Mr. President, in discussing some of the problems facing the Cayman Islands today, a well respected gentleman said to me that we can continue talking about the reduction in our revenue and other aspects of this country's development, but in his opinion much more emphasis should be given to the youth as he viewed this as perhaps the most important issue facing this country today. I could not agree more, Mr. President. I happen to be a Justice of the Peace and in my capacity as such I am called often to sit as a Magistrate or as a Justice of the Peace in the juvenile court. It is very sad, Mr. President, to see the number of young people who are brought before the Juvenile court for misdemeanors.

MR. LINFORD A. PIERSON (CONTINUING): This Motion, Mr. President, seeks to establish or to implement preventative measures. There is no use closing the gates once the horse has escaped. It is one thing to say that Government can provide measures, a tape measures by sending the young people to jail and indeed sending them to approved schools. Mr. President, whenever we view the solution of our problems within the walls of detention centres, whether it be an approved school or indeed the jail, then I think we will indeed be taking a retrograde step.

No one in this country, Mr. President, regardless of their financial, social, racial, religious or whatever background can boast that we are immune to the social ills that are facing this country. Many of us parents, Mr. President, would wish that we could take our heads and put them on our children's shoulders. But this is not possible.

Mr. President, I happen to be very close to many of the people in the poor areas of this country and in particular in the electoral district of George Town. Up to two nights ago I sat with a group of boys in discussing a problem that is developing around the central George Town area. The representatives for George Town are aware of this problem. There are many such similar problems, Mr. President, throughout the country. There are problems in West Bay, there are problems in George Town, Bodden Town and in each and every district of this country. But, I think it is true to say that proportionately the greatest intensity of the problem is within the George Town electoral district.

Mr. President, I am not grousing over this problem. In this Motion I am attempting to focus attention at an immediate need. A need that is obvious to any resident of the electoral district of George Town and any visitor to this area. There is a growing disregard for law and order in this country and whether we want to accept this or not, this is the type of problem that forms the embryonic framework for social decay. I believe and sincerely believe, Mr. President, that any funds allocated by this Government in the establishment of a Youth Centre in George Town will be money well spent. I am not at this time suggesting that we should attempt to assign the full amount of money that may be required. This Motion is seeking or requesting that a feasibility study be conducted to determine the type of Youth Centre and where and how this could be established.

I have certain suggestions, Mr. President, but I would be more than happy to share within the body of a Committee and I hope, Sir, that it will be possible for me to be able to share these ideas. We say that there is no money available. Mr. President, I wonder what will happen to the economy tomorrow if because of any disregard on the part of this House social problems destroyed the tourism sector of our economy. I wonder what the position would be if because of the disregard to this problem that some tourist was injured in this area of the country.

Mr. President, I am aware that even with the establishment of a Youth Centre we will still have our problems. But such a facility will provide accommodation for many, many of our youth who are now out on the streets. Such a facility will provide a variety of activities which our youth could participate in.

Several weeks ago I visited the Turning Point where a number of our young boys were at the weight-lifting gym, but to my amazement and dismay the sad story was that they are being kicked out of that area and have no idea where they can be accommodated.

MR. LINFORD A. PIERSON (CONTINUING): There was a group of about twenty to thirty young men wanting, wishing and praying to be able to have activities, healthy activities to be involved in. Are we asking too much, Mr. President, to spend a little money in the youth of this country? We must realise that the social problems in this country are like a cancer. You may feel better by some form of medication, but it does not necessarily make it disappear.

The same problems exist in the West Bay area and I would hope to see a similar facility, perhaps a Civic Centre Youth Centre or whatever established in that area.

Mr. President, it is difficult for Members to say no to this Motion unless they have taken time as the Members for George Town have done in acquainting themselves with the problems in this area. I was happy shortly after the elections when the Honourable Members of Executive Council found the time to drive around George Town and by doing that, Mr. President, we found a number of problems that we were not aware existed in this section of the country.

I would like to make it abundantly clear, Mr. President, that I have no vested interest except of my interest in the youth of this country. They are crying out for help, Mr. President, and it is up to the representatives of this country to try and help them.

I realise, Mr. President, that I will have the opportunity to reply to this, but I would hope that my reply will be very short because I will get the full support of the House. It would be very sad, Mr. President, if for some unknown reason Members of this Honourable House felt that they could not support such a worthy project and undertaking. All we are asking for in this Motion is the opportunity for us to be able to study the problems within the George Town area.

As I said, Sir, I realise I am running short time, I realise that a Motion was passed this morning, Private Member's Motion No. 4 to appoint an Economic Advisory Committee that will seek to address some of these problems, but I am talking of a problem that is of immediate concern to this country.

I trust, Mr. President, that the House will see fit to support this Motion.

Thank you, Sir.

MR. PRESIDENT: As it is now just a moment after half-past four o'clock, I will invite the Honourable First Official Member to move the adjournment.

Debate on the Motion will stand over until the Motion is next down on the Order Paper.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT: The question is that this House do now adjourn until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:31 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., FRIDAY, 15TH MARCH, 1985.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
(FRIDAY, 15TH MARCH, 1985)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G. PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON MICHAEL J BRADLEY, QC, LL.B SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EDANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W MCKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY

FRIDAY

15TH MARCH, 1985

1. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND
SECOND READING OF THE APPROPRIATION (1985) BILL, 1985

THE SECOND ELECTED MEMBER FOR BODDEN TOWN CONTINUING.

2. GOVERNMENT BUSINESS

BILLS:-

- (i) THE STAMP DUTY (AMENDMENT) BILL, 1985
(CONTINUATION OF SECOND READING DEBATE)

REPLY BY THE HONOURABLE THIRD OFFICIAL MEMBER

COMMITTEE THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

HOUSE RESUMES

REPORT THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

THIRD READING

THE STAMP DUTY (AMENDMENT) BILL, 1985

- (ii) FIRST AND SECOND READINGS

- (1) THE DEFAMATION (AMENDMENT) BILL, 1985
- (2) THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS
AND PRIVILEGES) (AMENDMENT) BILL, 1985

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FRIDAY

15TH MARCH, 1985

10.05 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

I was given notice by, I think, two Government Members that they wish to make statements under the provisions of Standing Order 30, paragraph (1). If that is so I think the statements should be taken before the debate since there are no questions on today's Order Paper. Then the debate on the Second Reading of the Appropriation Bill, 1985 may continue.

The Honourable Second Official Member.

STANDING ORDER 30

STATEMENTS BY MEMBERS OF THE GOVERNMENT

HON. MICHAEL J. BRADLEY:

Mr. President, as Honourable Members of this House are aware with the circulation of the Order Papers and the various Bills, one of the matters due for setting down and debating at this Session of the Legislative Assembly is the Legal Practitioners (Amendment) Bill, 1985. This is a very short Bill seeking only to make a couple of very technical changes to the Legal Practitioners Law to bring it into line with other legislation which has been passed recently.

Since the Bill was forwarded to the Clerk for transmission to Members and placing upon the Order Paper, there have been a number of discussions held and I have been investigating several other matters, which if they are approved by the Government will necessitate several new amendments to the Legal Practitioners Law some time later this year. As, Mr. President, I felt in the past that Members would prefer if at all possible not to have their time burdened with a number of short separate Bills coming at regular intervals through the year, I am requesting the permission of the Honourable House to withdraw from the House the Legal Practitioners (Amendment) Bill, 1985. The request for withdrawal of the Bill, Mr. President, is made under Standing Order 58, and since the terms of the Standing Order are that I make a motion for withdrawal, I would wish to request leave of the House and yourself without notice, in accordance with Standing Order 58, to move that the Legal Practitioners (Amendment) Bill, 1985, be withdrawn from the Honourable House.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, under Standing Order 31 I beg you....

MR. PRESIDENT:

I think we must finish dealing with the previous motion. I had not realised that the Honourable Second Official Member was going to be doing slightly more than make a statement. He has actually sought permission to make a motion. I was just reading through the Standing Orders myself to get the position quite straight. I think he is quite right that in terms of Standing Order 58 it is proper that there should be a motion for the withdrawal of the Bill, and I think that under the

MR. PRESIDENT (CONTINUING): circumstances which he has outlined I am prepared to grant him leave - and I am looking up the right Standing Order - to move that motion without notice, so that the question can be put.

HON. MICHAEL J. BRADLEY: My apologies, Mr. President, under Standing Order 24, sub-order (9)(iii)....

MR. PRESIDENT: That is right.

HON. MICHAEL J. BRADLEY: It may be made without notice. I am sorry for misleading the Chair.

MR. PRESIDENT: I had just got there myself. So I do not think that the Member needs permission. I think it is quite proper for the question now to be put.

The question then is that a Bill for a Law to amend the Legal Practitioners Law should be withdrawn for the reasons which were outlined by the Honourable Second Official Member. Does any Member wish to speak? If not I will put that question.

QUESTION PUT: AGREED. THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1985, WITHDRAWN.

MR. PRESIDENT: Now the statement by the Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, under Standing Order 31 I beg your permission to make a statement with regard to a Bill for a Law to amend the Traffic Law, Law 16 of 1973. I wish to inform Members of this Honourable House that it is my intention, with their permission, to withdraw a Bill for a Law to amend the Traffic Law, Law 16 of 1973.

The reasons for withdrawing the Bill are firstly, since the Bill was published and circulated I have received many requests from respected and responsible people to give further consideration to the two amendments relative to sections 65 and 66. Secondly, since there was an advisory committee reviewing the Traffic Law, Law 16 of 1973, and all its numerous amendments with a view to bringing a new comprehensive Traffic Bill to this Honourable House, I consider that the representation which I have received concerning this short amending Bill could more usefully be considered by that committee. Accordingly I ask leave of the House to withdraw this Bill.

MR. PRESIDENT: May I take it that like the previous speaker you are seeking to move a motion for the Bill's withdrawal in terms of Standing Order 58?

HON. CAPT. CHARLES L. KIRKCONNELL: Yes.

MR. PRESIDENT: In that case the question before the House is that a Bill for a Law to amend the Traffic Law should be withdrawn in accordance with the provisions of Standing Order 58. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. IN ACCORDANCE WITH STANDING ORDER 58, THE TRAFFIC (AMENDMENT) BILL, 1985, WAS WITHDRAWN.

MR. PRESIDENT: That concludes the Statements of which I was given notice. We can now turn to the first item on today's Order Paper, the continuation of the debate. The Second Elected Member for Bodden Town.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND
SECOND READING OF THE APPROPRIATION (1985) BILL, 1985

MR. G. HAIG BODDEN: Mr. President, at the adjournment of this debate on Wednesday I had been speaking on the story which had been circulated that the Government was broke in November, and that the new Government had inherited such a sorry mess. I had dealt with the Reserves which I showed were actually there as the Financial Secretary had said they were, and that these Reserves, unencumbered, were in the amount of \$10 million. I had also started to deal with the surplus revenue which existed. The Second Elected Member for West Bay and his counterparts in Executive Council all talked about the poor state of the country owing so much in bills and being in such a poor financial condition. However, this is not borne out by the estimates and it is not borne out by the Budget Address.

The matter of surplus revenue is one which can be shown from the examination of a statement made by the four Elected Members of Executive Council themselves. After they took office they said that they had found surplus revenue of \$891,500 at the 31st October. This is repeated twice in the Compass of Monday, 28th November. So surplus revenue did exist and in fact the Honourable Financial Secretary himself had given an answer in December to a question that we did have surplus revenue.

However, the budget which has been presented shows that on the 31st December there was a deficit of \$252,537. So the story which had been circulated before the election and the story which is still being circulated whenever it suits certain people, that the country was broke will soon be true, because the new Government consumed the \$891,500 which existed on the 31st October according to their own statement and have run up a deficit of \$252,537, making a total of \$1,144,037. Now this figure of \$1,144,037 is the deficit which we would have right now if they had not found that surplus of \$891,500 in this year's accounts.

However, this is not all the story because people will remember that I mentioned that in November they had come to Finance Committee and graciously begged for \$2.4 million to come out of the Reserves. No one knows yet what has happened to that money, with the exception of the fact that the Financial Secretary has told us that they spent over \$800,000 out of the approved \$2.4 million to pay some bills for Cayman Airways.

I believe the reason why they are using up these Reserves, and the reason why they are turning surpluses into deficits is simply to give some credibility to the false story which had been circulated that the country was broke. The country was not broke. It had Reserves of \$10 million. It had surplus revenue of nearly \$1 million and if the present trend of spending continues the country will be broke by June, 1985.

Also this group of people known as the Dignity Team not only deny that Reserves existed; not only deny that surpluses existed, but continually carry the story that we have amassed great public debts. Here again one Member said in the Chamber that we have mortgaged the future. That statement has no credibility at all because the Financial Secretary told us on Page 17, I think, that the public debt is now only \$11.6 million. The total public debt at the

MR. G. HAIG BODDEN (CONTINUING): 31st December, 1984 is \$11.6 million, which excludes the Port Authority loan. It gives us a detailed account of how he arrived at the figure of \$11.6 million. So if a country with the kind of revenue we now have each year only owes \$11.6 million, it has not mortgaged the future of this country.

If we look at the history of public debts we will see an amazing revelation, and we will see that there were times in our history when the country's future had been mortgaged because of the large public debt which the country owed. In 1972 when a certain Government was elected the public debt stood at just a little over \$1 million. Following that was the four years under the new Constitution with Elected Members of Government given the responsibility for running many departments in Government. We saw the public debt mushroom in those four years to a figure close to \$7 million. At that time in our history the public debt was about 60 per cent of our recurrent revenue. At that time the country's future was mortgaged because the Government had created such a large debt in proportion to recurrent revenue, and in proportion to its ability to pay, that the country's future was mortgaged. At that time it was taking something between 10 and 12 per cent of the recurrent revenue just to service the debt. So that is the only time in the history of these Islands that we have had an uncomfortably large public debt in relation to the recurrent revenue which is the means of servicing the debt. So we had a servicing problem then.

While the public debt at that time was just a little under \$7 million, today we are told that the public debt after eight years has only risen to \$11.6 million, just a 50 per cent increase in eight years, while in their four years in office we had a 700 per cent increase.

The feature which we really need to examine is the relationship of the public debt to the recurrent revenue. Because when a man gets a mortgage the main criteria for that mortgage is how much salary the man is earning, how much income he has and is he able to service the debt. The position in 1976 was that Government was almost bankrupt because it had borrowed to where it had become difficult.

When we took over in 1976 our first main concern was to get the public debt under control, and not to borrow during those first four years until such time as we could get a figure which we could manage. You will see that we did this because in 1977 the public debt was \$7,642,815. In 1981 it was a little bit lower. It was \$7,324,952. So that while we had contained the debt we had increased the revenue so that the facility for servicing debts had grown. What happened is that the ratio decreased and we find that instead of owing a debt which was 60 per cent of the recurrent revenue, we then owed debts which were a lesser percentage of recurrent revenue. In 1977 the percentage had dropped to where the public debt was 58 per cent of the revenue. The next year that dropped to 49 per cent of the revenue. The following year that dropped to 35 per cent of the revenue, and in 1980 it was 23 per cent of the revenue. Since 1980 the public debt has not gone above 20 per cent. In 1981 it was 17 per cent. In 1982 it was 18 per cent. In 1983 it was 19 per cent and in 1984, the year they said we had mortgaged the future of this country it was still only 19.9 per cent. For 1985 the public debt of \$11.6 million will still be less than 20 per cent of the recurrent revenue so the statement that we had mortgaged the country, which I understand to mean that we had borrowed beyond our ability to repay, has no credibility at all.

MR. G. HAIG BODDEN (CONTINUING): I have spent a long time on these three areas, recurrent revenue, surplus revenue, public debt and its relation to our ability to pay, and the Reserves. However, this is necessary because the record must be set straight. If the country is broke let us say it is broke. When the country is not broke let us tell the truth, because with our tourism and with our international banking the country's image abroad is important and must supersede political ambitions of politicians who will circulate false stories which would damage the image of this country just to get another Government out of power.

It has been said that the budget is unrealistic and this, Sir, is not a reflection on the Financial Secretary, but on the Elected Members of Executive Council who have allowed this to happen. Let us look at the capital budget first and one will see what I am talking about.

The capital budget which they have put forward for the year 1985 is only \$9,840,611, while the revised capital budget for 1984 was \$18,129,575. In other words while we were able to spend during 1984 \$18 million on capital projects they have put forward a budget in which they intend to spend \$9 million. In other words they have cut the capital budget in half. The capital budget is the budget which builds roads, constructs buildings, and buys heavy equipment and vehicles. I wonder if these Members really realise what they have done. In their attempt to balance this budget they have cut the capital budget in half. Do they not know that this action will further erode the economy of this country which has been washing away like sands from a river base ever since November. While they have increased a few little taxes which may hurt, nothing they have done could ever create the havoc which Government's action of cutting its capital budget will do.

Let us face facts. Do we think the people of the Cayman Islands during the year 1985 are going to ask for and accept only half of the services which they received in 1984? I understand what the Honourable Elected Member of Executive Council said but the capital budget does provide services whether we want to call it services, or we want to call it new investment. I am not here to quibble with him over semantics, but the plain fact is that the Islands' capital budget has been cut by the Elected Members of Executive Council in half, at a time when they are having problems with the economy. This is bound to cause further erosion in the economy.

If they had only put forward a capital budget less than we did in 1984 it could be understood, but to cut it in half is ridiculous. If one looks at the capital budget for 1983 one will see that our actual expenditure in that year was \$10,036,468. So we actually spent, and these I think are audited figures, more money on capital projects in 1983 than we expect to spend in 1985. So the country has gone back two years, in fact three years, because if they spent less than in 1983 they must be spending around the 1982 budget. So this country has gone back three years in the three months they have been in office, because the public is expecting the same level of performance. In fact some of them promised in their campaigns to give a higher level of performance than before. Yet they believe that they can do it with half the money. They believe that the prices are going to fall when they have to buy bulldozers, fire trucks and whatever else the capital budget buys. They truly believe that, and that is why this budget is unrealistic.

MR. G. HAIG BODDEN (CONTINUING): If one examines it closely one will see that the budget put forward for 1985 for the purchase of vehicles is \$278,784 less than was spent in 1984. What are they going to do? Are they going to let this country slip back into the position it was in when we took office in 1976. We found at that time that at Public Works where they had four dump trucks, they had to lay one of them up to get the parts to keep the other three running because of lack of funds to purchase new trucks and new spare parts. Is this what we are going back to?

The thing which gives me most concern is that the vote for local construction is \$4,165,320 less than it was in 1984. I wonder if they have explained this to the people in the construction industry who they promised to give jobs to. I wonder if they have explained that the Government this year is not going to help the construction industry; that the Government this year is going to repress the construction industry, and that this year they will pay for local construction \$4 million less than last year. These figures are contained on Page 148 of the Budget and are low figures. I would not like to see them if I had to put them forward for them.

In the summary they show that capital projects are reduced by \$6 million but that figure is only \$6 million less than what we budgeted for in November, 1983 when we made up the estimates. The true figure is really the \$18 million which we spent minus the \$9 million which they hope to spend, or a difference of \$8,288,964. So the budget is unrealistic. One cannot provide the services which were provided in the past for less money than was spent in 1983.

Take a matter like Mosquito Research and Control Unit where the control of mosquitos depends on the price of oil. How can they hope to accomplish what they have set out in this budget.

We had a revelation in this House last week when a question was answered about whether there would be any hot mix put on the roads, the major roads, the main arteries, and we were told that this year it had not been budgeted for. Had it been budgeted for the capital budget would not be cut by as much as it has been cut. So the budget is really not balanced, when we cut essential capital projects which are needed.

If this play with figures had only entered the capital budget they could be excused, but in the recurrent budget I see in many areas instances where it appears that their expenditure for 1985 will be more than their expenditure for 1984. However, on a close examination one will see that there is not an increase in services. It is simply a salary increase, and the actual recurrent expenditure for providing the services has been reduced to make it appear that the budget has been balanced.

Let me deal with a few of these and we will see how unrealistic this budget is. In fact there is only one way that this budget could remain balanced. They show that in December, 1985 they will have some \$15,000 in surplus this year. However, there is only one way that can happen, and that is if they can find some way to eliminate the last three months in this year. If they can stop the hands of time on 30th September this year they may end up with a balanced budget. But if they have to spend money in October, November and December I would bet any one of them that they will end with a deficit.

MR. G. HAIG BODDEN (CONTINUING): I promised to examine some of the ways in which it appears that the services have been increased when they have not been increased. Let us take a look at the Legislative Department and we will see on Page 42 that the estimates for supplies this year are \$16,010. Last year we approved \$63,500, and in 1984 we revised that figure at the end of the year to \$164,575. They show a decrease of \$47,490 in that item alone. Of course a half hearted attempt is made to explain that this deficiency will be made up under item 03-011. However, that figure is only \$4,000 so it does not fool anybody who examines this closely. The services, supplies and materials are cut by a further \$7,000 and that item has not been made up by what they seem to say is the corresponding substitution for it.

The fact is that it is cut by \$47,000 and the other vote has only increased by \$4,000. Let us look closely at this. We will see that the total vote for that department has been increased by \$70,810. However, if we look at the salaries we will see under personal emoluments that the salaries have increased by \$114,300. So that while the total vote for that department has increased by \$70,000, the staff has been given less money to run this place day by day. Because there is an increase of \$70,000 overall but there is an increase of \$114,000 in salaries. So the Clerk has been given less money this year to run this department than the Clerk had been given in 1984. From what I hear Members are going to be demanding more services. They want six Meetings a year and will get that because the Dignity Team can provide it. They want more services yet they give the Clerk less money. So when we reduce the services it is unrealistic to say that the budget has been balanced.

What is going to happen is that throughout the year not only the Legislative Assembly Department but all the other departments of Government will have to come back for more money, or as I said earlier they will have to close down the work on the 30th September.

If we look at Page 32 we see the same thing happening only it is much worse, because the estimate for this department is actually shown as less than the one for 1984; \$100,000 less which is the actual figure minus \$99,651. So they have budgeted for less than they did in 1984. Not only have they budgeted for less but the deficiency is much more than the budget shows. Because here again, we have had salary increases which take another bite into the money. The approved estimates for salaries had been \$124,070 in 1984 and these salaries have gone up to \$169,330. So the difference between that is \$45,223 and we have to add that to the other \$99,651, which shows by how much the services have actually been cut.

On Page 48 they have cut the supplies for the Police Department by \$56,635. They have cut the equipment for the police force by \$57,838. Can the police operate on less than they did last year? Will the uniforms cost less? To show the game which they really played, they have come under New Services asking for additional policemen. So they are going to have more bodies to clothe, to provide equipment for, and yet they cut the budget below what it was last year. They come under New Services and ask for some additional bodies. They want one Chief Inspector, four sergeants and one clerical officer. So how can they put in six more new bodies into the department and then cut supplies and equipment by over \$100,000? This is a make believe budget, the kind of budget Alice in Wonderland would have created if it had been necessary for her to write a budget.

MR. G. HAIG BODDEN (CONTINUING): The budget is not balanced when we cut these services; when we know full well that the policeman is going to need the same number of parts and coats and helmets and boots or whatever the money is for. The budget is not balanced unless we take them off the streets, as I said earlier, on the 30th September when this money runs out.

Now, the department upon which these new Members and new Members of Executive Council have fixed their star is the Department of Social Services on Page 101. Here we see the difference between words and actions. Here we see the difference between campaign promises and the realities of running a Government, because in no other area has Alice in Wonderland exerted herself than in the vote for Social Services. We know the many promises they made in the campaign. We even know the motions and the questions which have come. We know the many songs they sang about how the old Government never looked at Social Services, but now they are going to do everything for everybody. Now we look at the vote. It shows a total increase of \$17,841, which if it were a real increase would not be a bad figure. I do not expect too much from the new Government in way of increases because it has been demonstrated that they are lacking in the ability to create revenue or to have innovative ideas to balance the budget.

So the total increase of \$17,841 if it were an increase in services would make me happy. However, if we look at that same page we will see that under personal emoluments or salaries, the salaries for that department have gone from \$402,726 to \$492,507. So there is a salary increase of \$89,771. So what has actually happened to Social Services? They have been hurt. The money to provide the services has been cut. They have a salary increase of \$89,000. So if the services were to remain the same we should have an increase in the overall budget of \$89,000. However, the increase is only \$17,000. So the services have been cut by \$71,930. No new people are added in this figure.

Under New Services they are going to add one executive officer, or one secretary or something like that. In other words they are going to add one member of staff to Social Services Department. However, this is not included in this vote at all. So this salary increase of \$89,000 is simply to pay the workers.

HON. BENSON O. EBANKS: Mr. President, under Standing Order 34 (1)(b) the Member has given way, Sir. He appears to need some help. The Member is using the 1984 approved figures, not the revised figures. The Member should be very well aware that in 1984 the salary increase for all departments was put in the budget in a block vote and it was later distributed. If he looked at the revised figure he would see that the increase in salaries for this particular department for example is only \$44,694, whereas the total increase in expenditure is \$193,130, not \$17,841 as he is claiming. That is against the approved, not the revised estimate which is the money which was actually spent.

MR. G. HAIG BODDEN: Mr. President, I wish the Member had put in the budget what he just said because my budget says here on Page 101 that the increase was \$17,841. Why is he trying to mislead the House, and why is he interrupting me when he has nothing to say? On Page 101 they said that the increase for that department was \$17,841 and not the Alice in Wonderland figure which he is now giving.

MR. G. HAIG BODDEN (CONTINUING): I am not using Alice in Wonderland figures. I am using the figures which he put forward, and he knows full well that this budget has been cut and only shows an increase of \$17,000 because of the salary increase. I am like the Financial Secretary. I do not need any lectures on how last year's salary increase was carried in the budget. I know how it was but that has nothing to do with these figures. So I will give way next time he rises again, but I hope that he will study the budget instead of Lewis Carroll's "Alice in Wonderland".

MR. W. McKEEVA BUSH: Or Robert Conolly's

MR. G. HAIG BODDEN: I have only begun with the Social Services, Mr. President. The approved figure for 1984 was \$457,500. I do not need any lecture on the difference between actual figures, revised figures and approved figures. The approved figure, which is the figure we budgeted for was \$457,500. He comes here one year later and budgets for 1985 \$396,500, which shows up his budget a minus figures of \$61,000 - minus \$61,000. What is that figure? Even the Second Elected Member for West Bay will have a shock at this because that item is the item for grants, contributions and subscriptions. If one examines the details of that vote one will find that this is the vote which buries the paupers, gives the children care and protection, provides for community development, maintenance of children in approved schools, maintenance of refugees, poor relief and support grants which is the money which goes each month to indigent persons.

So whatever anancy story some people might have been told in the caucus the fact is that this 1985 budget shows a \$61,000 decrease in helping the poor and the children who need care and protection. These are their own figures, not from Alice in Wonderland but from Page 101 of the budget, minus \$61,000. So if the public believe....

HON. BENSON O. EBANKS: Mr. President, I wonder if the Member would give way under Standing Order 34(1)(b). I would just like to call his attention again, Mr. President, to the fact that the revised figure for 1984, that is the amount actually spent, was \$286,506. So the vote under this Head this year is increased by \$110,000, not decreased by \$61,000. The \$61,000 is the decrease over the inflated approved figure which was put in last year, which could not be spent wisely.

MR. G. HAIG BODDEN: Mr. President, if this Member wants to speak why did he not speak before me if he is getting itchy. I do not know if you can do this but if he is getting the itch why do you not let me stop speaking and let him speak. Anyway....

MR. W. McKEEVA BUSH: He is telling the truth.

MR. G. HAIG BODDEN: Mr. President, I saw in the newspaper this morning that one great writer had said that if they saw the truth some people would stumble over it and go their merry way without knowing it. I am dealing, Sir, with the minus figure of \$61,000 which is less than this House approved in November, 1983 when it prepared the 1984 budget. So despite what they want to say about the Unity Team, we never made an attempt to balance a budget in this fashion. It has been balanced by a reduction in services and the social department will not be able to give to the public the kind of care which they have given in the past.

MR. G. HAIG BODDEN (CONTINUING): I know about the salary increases. Our Government instituted them. We gave the Civil Service a decent wage. Our heads of departments were taking home pay which was far less than people do in the same jobs in the private sector. We gave them decent salaries and we knew that there would be a salary increase this year. I do not think they will ever see a salary increase again so they had better make the best of what they have now.

So I would like to repeat what I have been saying. The total vote according to the figures put forward by the Honourable First Elected Member of Executive Council when he helped to present this budget, because the budget particularly in these areas is the product of the Elected Government and the Financial Secretary does not direct the policy there; he only guarantees the accuracy of the figures, shows a total increase of \$17,841, with a salary increase of \$89,771. Therefore having what I call a service decrease of \$71,930.

I have not finished with this. In fact I am just beginning this phase of my speech. On Page 95 we take a look at the personal health services.

MR. W. McKEEVA BUSH: (Interruption).

MR. G. HAIG BODDEN: The Second Elected Member for West Bay wants me to tell how much we spent. He had his turn to speak. I thought he should have used that instead of castigating people, if he wanted details of the budget out.

MR. W. McKEEVA BUSH: But he is supposed to be enlightening the House. He should tell us how much they spent.

MR. G. HAIG BODDEN: I do not listen to the Member. I do not take advice from him. When I want advice I know where to get it. If I need any advice on this budget I am going to the Financial Secretary. Some people like to sport a new shoe, but they cannot bear the pinch.

On Page 95 we see that the same thing has happened, perhaps to a lesser degree. It shows an increase of \$970,227. However, if we look at salaries again we will see that salaries have increased by \$711,786. So in that important service most of the increase is simply used up by the increase in salaries and therefore cannot trickle down to the people who expect the service when they go to the hospital.

Page 115, Lands and Survey Department which is probably one of the smallest in terms of spending. This shows a total increase of \$89,461 yet the salaries are much higher than the salaries approved in 1984. What has happened is that this year they will pay in salaries \$91,389 more than was approved in 1984. So here again we get a decrease in services of \$1,928.

Mosquito Research and Control Unit shows the same thing. There is \$46,408 increase in spending, but the salary increase is nearly double the total increase of the approved figures for 1984. The salary increase is \$86,024. There is a reduction in services of \$39,616 above what was approved in 1984. So if we are looking to Mosquito Research and Control Unit to do the same levels of control which we received in the past, we should not now be cutting the budget and through some Alice in Wonderland formula trying to conceal the decrease in the services.

MR. G. HAIG BODDEN (CONTINUING): The Planning Department. In 1984 we approved \$175,738 and in fact we actually spent a little bit more, a couple of hundred more. This year they approved \$204,383. If we look at the salaries we will see that there is a \$29,592 increase in salaries compared to a \$28,000 increase in total services including salaries. So here again in this important department we see a reduction in the money for services, despite the fact that we have opened a new fire station in Frank Sound, and we are talking about one for Cayman Brac and West Bay.

So the budget is unrealistic. There is no way that the Government can provide these services with the money in this budget. Of course I have heard a lot about the financial wizardry and I have heard a lot about the good management and the fiscal control. However, there are only 100 cents in a dollar and if the dollars are not there the services cannot be provided.

MR. PRESIDENT: I was going to suggest that we took our break whenever it is convenient to the Member. I imagine he is continuing for a while. Would this be alright?

MR. G. HAIG BODDEN: Yes, Sir.

MR. PRESIDENT: In that case I will suspend proceedings for approximately fifteen minutes.

AT 11.23 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.48 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I had discussed ways in which on first glance it looked as if certain votes had been increased when they were actually reduced below the approved figures for 1984. I did such a good job on it that it brought my friend to his feet many times. I will now deal with the capital expenditure and show how important items have been cut both below the approved figures for 1984 and the revised figures for 1984, and in many cases below the actual expenditure in 1983.

One item is accounting, computer equipment which is shown with an estimate of \$10,000 against a revised figure of \$85,000. However, I understand that if major equipment was purchased this year it may not be necessary to have a heavy expenditure.

There is mechanical, heavy equipment and the revised figure for 1984 for this was \$416,730. This year we expect to spend only \$173,500. That vote is minus more than a quarter of a million dollars - \$273,500. Would anybody believe

MR. G. HAIG BODDEN (CONTINUING): that the funding scheme and the rest of Government can get along without purchasing a substantial amount of equipment? Can they produce the services with this cut back in their budget? There is need for vital pieces of equipment, for example, I understand that the well-field which should have been completed in East End in December is still lagging, and we were told here that it may be completed by the end of March, that is the end of this month. One of the reasons for the delay in that work has been because Government has been depending on Cable and Wireless for the use of their trencher. Here is just one example of a crying need for the purchase of a trenching machine. Probably if one goes through the equipment at Public Works Department and funding scheme, one would find the need for much more. So it is totally unrealistic for the Government to budget for heavy equipment this year the sum of \$273,500 less. The budget is really not balanced when essential items are cut out.

We see that the vote for medical equipment has been cut, according to their own figures, by \$123,975. In fact there are only \$56,000 as against the revised figure of \$232,533. So how can the Members of Government believe that they can get away with a budget like this, cutting the capital budget in essential areas.

We see that the vote for vehicles has been cut by \$155,800.

Airport development has been cut by \$2,386,759. This is understandable since they have even baptised the new terminal twice. There should not be need to build this year. That vote is cut by over \$2 million.

The vote for civic centres is cut by \$240,000 when there is still a crying need for these centres.

Construction of roads is cut by \$465,500. Our actual expenditure in 1983 on roads was \$1,449,854 yet two years later they expect to maintain our roads on less money than was spent in 1983. The vote for 1985 is \$1,106,000 while in 1983 we actually spent \$1,449,854. These figures are unrealistic because the public is demanding more and better roads. We cannot satisfy their demands by spending less. It can only be done as I mentioned earlier on another item, by a cut in services, and this is what we see.

I heard Members speak about the discussion and the visit they had from their Executive Council Members and I am grateful that I had a discussion with them and mentioned some of the needs in our district. We parted with the understanding that it would not be possible to do all the things we had talked about. This is fair enough because Governments like other businesses and other people always have more needs than they have money. We spoke about one road which has now become essential for not only Bodden Town, but the entire Island, and that is a by-pass road, a road which has become necessary because the streets through Bodden Town are narrow and are heavily trafficked in the mornings and evenings. With a by-pass road traffic could move from North Side and East End into George Town without all the congestion there. It would also open up the interior of Bodden Town. I do not expect that this road will be built over the next four years. The reason is that two of the Elected Members of the present Executive Council were Members of the Executive Council during the 1972 to 1976 administration. In 1973 money had been voted to build a community hall in Breakers and that hall was never built until after the Government had changed in 1976. I do not expect to get any of my wishes fulfilled because the capital vote from Government this year, unlike the figures which were from Wonderland,

MR. G. HAIG BODDEN (CONTINUING): are projects of a political nature. If one examines the capital vote one will see that Cayman Brac, George Town and West Bay, the three constituencies of the four Elected Members of Executive Council, have eaten up all of the cake in the capital expenditure. Nothing has been provided for Bodden Town with a little exception which I will deal with later on. Nothing has been provided for East End with one exception which I will deal with later on, and a few crumbs have been thrown to North Side.

I had expected substantial works this year on that new road. Instead I see that the road to Mr. James Lawrence's private apartment has been fixed instead, and a lot of bouquets are being thrown by the Herald to the Elected Members of Executive Council. Not even Solomon in all his glory has been arrayed like these divine people who now run the Government; and his road has been fixed.

When I had the discussion with Executive Council Members on road work I do not recall their mentioning that road to me. They certainly never told me they were going to fix it. I have to mention this because it has been said that the capital works have been carried out with the agreement of the Members from the various districts.

East End will receive a civic centre which had been budgeted for last year. Part of the money had been set aside. The construction had started and naturally they have to finish it. That is all they will get.

Bodden Town will receive \$81,000 for a school building which I think is necessary. It will receive along with East End one hard court for the school, and it will receive a cattle dip, all small items totalling in the vicinity of \$100,000. There are only six electoral districts and yet we receive \$100,000 out of a \$9 million capital expenditure.

East End is the same. In North Side a road will be built which will only benefit four or five families. Could that money not be spent, which has been spent on a North Side road which is a dead end road which goes into bullrushes, together with the road which serves Mr. Lawrence's apartment....

MR. D. EZZARD MILLER: Mr. President, I wonder if the Member would please give way. On a point of clarification, Sir, I do not think that it is fair to say that the Bullrush Walk Road in North Side will benefit only five families. There are quite a number of people who farm in there. In fact I believe that there are people from the Second Elected Member of Bodden Town's district who will benefit if that road is completed, because it will go through some people from Bodden Town's land as well. So I do not think that it is quite correct to say that only five families will benefit. I think the whole Island will benefit in the increased produce and so forth which will be produced in that area. Thank you.

MR. G. HAIG BODDEN: Mr. President, I do not care whether five families or six families or seven families benefit. The point I am making is that throughout the sittings of this House the Elected Member for North Side has been a stand up supporter of the Executive Council and his road has now been fixed.

MR. D. EZZARD MILLER: I have my principles, Mr. President.

MR. G. HAIG BODDEN: I am not saying that they are paying him for voting with them. I am only pointing out the position of the political capital budget which we have, where districts have not been noticed at all. In 1972 to 1976 they did not do anything in Bodden Town. It did not hurt us. We were returned unopposed and I think this time we might be heading for that again. So whether they spend or not does not hurt me. It does not hurt my colleague. It does not hurt the ~~Elected Member~~ for East End. However, the people of that area are entitled to a piece of the pie. They have been short changed in this politically plotted budget.

In our eight years we saw that every district shared in the benefits. We deprived Bodden Town on many occasions when we could have forced it because we never wanted to do work simply to get elected. When that comes I do not want to be here because that is corruption. When one promises people he will fire the Commissioner. When one promises people that he will build docks, one is getting into the situation where one says, "You vote me in and you will get this". To my mind that is payment.

We have been short changed in this budget. I am used to that. I expect to be short changed in 1986 and 1987 and 1988. If the public realises what is happening I am certain that there will be a change and no one will be short changed again.

Take Cayman Brac. In the four years between 1972 and 1976 less than half a million dollars was spent on capital works in Cayman Brac. I said when I came in here in 1972 I found the situation where the Island ended at Crewe Road. Nothing was done in Bodden Town, East End, North Side or Cayman Brac. Everything had been done so far in George Town and West Bay. We have come full circle to that again, where capital works are put up which are unnecessary. I will be dealing with that later when I come to the dock in West Bay for the personal aggrandizement of Members and to carry out campaign promises, when more important and more urgent works are necessary.

I am dealing with the road works where the budget has been cut this year. What concerns me about what is left is that it is not distributed on a priority basis. It has been distributed on a political basis. We heard from a question asked in this House that the Government this year cannot continue putting the hot mix on the major roads. Can you imagine that? They cannot afford to. They have not included it in this budget, money for the major arteries which serve this country. The black topping has been done somewhere up from West Bay to Breakers and it was the intention to continue the major roads to North Side and East End. However, everywhere we turn little vote getting roads are being done and the major arteries have been neglected, looked out completely from the budget. This is not fair.

The money which is provided for roads will do the Bluff Road in Cayman Brac which I believe is necessary, but I would like to question if that road is as necessary as the bypass for Bodden Town or the major artery from East End to George Town. I am not saying Cayman Brac should not have the road fixed. I am saying that that road could never have priority over a major road which now lacks its black topping. No one has supported Cayman Brac more than the unity team during its eight years. I mentioned that between 1972 and 1976 Government had spent less than half a million dollars in capital works in Cayman Brac. Between 1976 and 1980 we spent \$1.5 million on capital works there and in the last four years between 1980 and 1984 we spent \$8.5 million in capital works in Cayman Brac and Little Cayman, seventeen times what the previous Government had spent in four years.

MR. G. HAIG BODDEN (CONTINUING): So, I support items for Cayman Brac, but I cannot see how this road could have priority, or how James Lawrence's road could have priority. I must admit I never fixed his road because I did not want my picture in the Herald.

So out of the money provided one third of the money seems to go to Cayman Brac, and the other two thirds are divided between the two other constituencies represented by Elected Members of Executive Council, George Town and West Bay, with as I mentioned the little bit which it will take to fix the Bullrush Walk. So the \$781,000 for Grand Cayman will go for link roads in George Town and West Bay, Bullrush Walk in North Side, traffic improvements and so forth, with no road work in Bodden Town. However, we should be thankful as I hear they are going to paint the town hall for us this year.

I must continue to deal with other items in the budget which I feel are unrealistic. However, I would like to say that in the matter of the roads, I should hope that if the present Executive Council ever have the opportunity again to prepare another budget, that in the matter of road works they should consider the priorities rather than other considerations, and major roads should be given priority.

Under capital works I see the vote for farm development is down by \$195,000. I cannot understand how this vote is down when the promises that there are going to be so many changes, new policies and new development in farming have been made.

I already dealt with one item touching on medical equipment, one vote which was down by \$123,000, but what has been done here is that the decrease was so great it could not be put together because it would have been too noticeable. On page 151 we see that the vote for medical facilities is down by \$369,560. This is at a time when we are going to provide better health care.

The vote for purchase of land is down by over half a million dollars - \$540,441. It is a good thing that our administration over the last eight years bought large quantities of land for Government, because there is only \$50,010 under purchase of land on this particular vote. In 1984 we had approved \$590,451 for the purchase of land and that figure had been revised to \$1,104,731, which simply means that we spent last year half a million dollars more on land than we had budgeted for. All of this came out of last year's revenue and still we ended the year with a surplus. When I say the year I mean the end of the year we were responsible for which was the 31st October, 1984. I know that surplus disappeared between October and December, but that was the present Government which carried out the disappearance act.

The last year we actually purchased \$1,104,731 of land. This year the miracle working Government is going to buy all the land which the Government will need for \$50,000. The First Elected Member for Bodden Town already dealt with the purchase of the land for the dock in West Bay which is needed as much as a person would need a hole in his head. He said that in that area \$50,000 would probably only buy a postage stamp size piece of land. By that I imagine he meant that it would be a very small parcel of land not sufficient for building a dock.

What is even more convincing that this is an unrealistic budget is that in another area I see that \$20,000 has been budgeted to build a dock. I have been informed that this landing facility will be similar to the one at Spotts. I do not have the exact figures here with me but the dock at Spotts, I believe cost something in the vicinity of \$75,000 to build at that time. Now the miracle working Government is going to build

MR. G. HAIG BODDEN (CONTINUING): a dock similar to that in West Bay for \$20,000. This means that the figure is unrealistic. What is going to happen is that they are going to start the dock with the \$20,000. Then they are going to come back to Finance Committee and seek further funds. It is the only way it can be done.

A budget should be a reasonable guess of what one's expenditure should be. We are never able to calculate the cost to the nearest dollar, but there should be a reasonable figure which very likely would meet the cost. To put in unrealistic figures in an attempt to balance the budget is totally wrong and might even be politically unsafe in the long run, although the budget as presented shows a surplus of \$15,000.

We hear a lot about sporting facilities, playing fields and parks, yet the Government this year has reduced that vote by \$152,900. This is a reduction greater than the actual expenditure in 1983. So it follows that 1984 was a year of heavy spending on sporting facilities. Everyone knows that when we were elected in 1976 there were no playing fields except the one in West Bay and I believe one in George Town. Bodden Town had no playing field. Now since we have been there for eight years we have purchased the land and built playing fields for the schools in Bodden Town and Savannah. We also purchased land for a field to serve the children who have actually left school. This land is contained in the parcel with the civic centre in Bodden Town. But I have heard no mention of turning that land into a playing field, and I do not think it is possible with the little bit of money which is allowed here for sports centres, playing fields and parks. I do not think we will get that playing field this year.

The same thing happened in East End. There were no playing fields until the Unity Team bought a piece of land in the centre of East End. 1984 was a year of heavy spending by the Government on sporting facilities. We bought some parcels of land in West Bay at a cost of nearly half a million dollars, and these parcels of land total about 19.25 acres. This land can later be developed for whatever purposes the new Government may want to put it to. The sporting complex up at the school on Walkers Road has been started and according to the new Member for Health Education and Social Services work is progressing on it.

However, to believe that this Government will have no need for land during 1985 is unrealistic. The only piece of land they have budgeted for is the one parcel of land we could do without. Last year we purchased a parcel of land for the sewerage plant, and no purchase of Government in recent times has come under so much criticism. The criticism from the opposition came because they knew Government needed the land. They knew it was a good project and they also knew it was a good price. That parcel of land was bought for much less than many other parcels in the same block. It is true that they had people valuing land who said it could be bought for a little over \$2,000 an acre. The acreage of the land was 30 acres and I believe some of the people who valued the land said that it could have been bought for a little over \$2,000 an acre. This is nonsense. There is no part of George Town which is zoned for heavy industry where you can purchase land for that price. I believe if anything Government got a very good bargain in that they paid much less than the true value of the land, yet there are people who say that you can go out in George Town and buy a parcel of land for \$2,000 in that particular area.

The land was ideally situated because it is to be the future site of the sewerage plant, and the heavy concentration of sewerage is in the central George Town area and the West Bay Beach. It is true that Government could have

MR. G. HAIG BODDEN (CONTINUING): found cheaper land, but what was the use of going up in the cliff at East End or behind Bodden Town to buy land for a sewerage plant and have to pipe at heavy expense the sewage from George Town and West Bay. So there were many factors which went into this purchase. There were many factors which made it attractive, and I said in one of my political meetings that it was only because the owner had been a strong supporter of the Unity Team that the opposition had raised so much nonsense about this purchase.

I could name parcels of land in that area. Mr. J. Bodden owns the adjacent lot I believe, and he paid much more per acre for his land back in 1976. There were other landowners in that area who sold and bought for better prices. There are landowners there now who would not sell for the price paid. It is a good thing that we bought that land because there is only \$50,000 for the West Bay dock, and only another \$10 which would be available this year for land. It is a good thing that the present Government are getting ready to use this land, and I do hope that they will get some mileage out of it as well, even if it is necessary to baptise it a second time.

MR. PRESIDENT: If the Member has finished dealing with one particular matter perhaps it will be a convenient moment to break.

MR. G. HAIG BODDEN: Yes, Sir.

MR. PRESIDENT: In that case I will suspend proceedings until approximately 2.15 p.m.

AT 12.36 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.22 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I will sum up the portion of my speech dealing with the unrealistic budget which has been put forward. It is unrealistic to say a budget is balanced when it has actually been cut in half, that is the capital budget. It is also unrealistic because the public will expect more services in 1985. The budget is also not balanced when the Reserves are reduced below what is considered a safe reserve. It is not balanced when what the First Elected Member for Bodden Town calls the penny ante system of taxation is used.

Before moving on to the remainder of my speech, I would like to mention a remark made by the Second Elected Member for West Bay. As he is a new Member I will not bother to deal with the many statements which he made. However, he did make a statement which is totally erroneous, a statement

MR. G. HAIG BODDEN (CONTINUING): which is repeated often on the outside. That statement is in relation to a case which was tried in the Grand Court and in which he insists, together with the Herald, in saying that the Unity Team and particularly, the First Elected Member for Bodden Town interfered with the case, and the results which were brought about by political intervention. This statement is untrue. It is unfounded. The truth of the matter is that the case in question was tried in the Grand Court and there was no political intervention. In 1983 certain Members of the Assembly who perhaps did not like the colour of the Unity Team asked the Governor to have this case investigated by a special investigator, and you, Sir, wrote to the Chief Justice asking him, I would imagine, to give his opinion on the case. The letter which he wrote to the Governor and which was circulated to all the Members of the Legislative Assembly at that time showed clearly that the case was tried in the Grand Court without any political intervention. I am reading this letter in the hope that the Member will now desist from spreading his propoganda and his untrue statements about this case. The letter reads:

"Thank you for your letter B.14, 3rd June, 1983. I think the rape case Members of the Legislative Assembly had in mind was the case of R.V. Solomon and Bodden. It was not a file that disappeared. I doubt if the disappearance of a file would have had much effect on the case. What disappeared was an exhibit, a glass Louvre with finger-prints. It was difficult to determine how that disappearance came about, and one strongly held opinion was that the exhibit was mislaid while it was still in court. At all events it caused some embarrassment to the prosecution but was not fatal.

The case proceeded in the Grand Court but was aborted when it was reported that one of the prosecution witnesses was seen talking to one or more jurors. There was some plea bargaining and at the re-trial the prosecution accepted a plea to a lesser offence, indecent assault, and so the accused were convicted on their own plea and were fined.

The outcome does not lessen the gravity of the loss of an exhibit. Steps were taken to improve security and routine exhibits are kept in a steel cupboard to which the Assistant Deputy Clerk has the key. Sensitive exhibits such as firearms, hard drugs and expensive jewellery are kept in a safe in the office of the Clerk of the Court. She has the key to that safe.

I examined the arrangements in person today. While those for routine exhibits are reasonably adequate, in the light of the concern expressed I have decided to request the Clerk of the Court to obtain funds to buy another large safe in which to keep exhibits.

Perhaps I should add that following the disappearance of the exhibit in the rape case there was a full investigation by the CID. All registry staff from the Clerk of the Court to the messenger were questioned. The investigation did not turn up any reliable evidence to identify anyone as the culprit. The exhibit mysteriously reappeared after the case ended."

MR. G. HAIG BODDEN (CONTINUING): Everybody knows at that time it was a Mr. Edwards who was the Clerk of the Court and responsible.

I have taken the time of the House to do this because the Second Elected Member for West Bay has sought to scandalise innocent people, not only in the House but outside it. I hope that now that he knows the truth, which he probably already knew, that he will desist from his mean habit of scandalising people.

Mr. President, I would now like to deal with the money which I see in the budget as payment to Boards. I think this particular vote should have its name changed from that of payment to Boards to that of family tree. Because in the recent publication of Members of the new Boards I find the important Boards are filled with family members. I have listed a few of them - nephews, brother-in-law, brother, cousin, daughter-in-law. In fact, Sir, the only family member not found on those Boards is the mother-in-law. It is true that on one or two Boards in the past there may have been a relative of the unity team. For example on the Tourism Advisory Committee there was a member, but that Board is not a decision making Board. Here on the Liquor Licensing Board, the Cayman Islands Corporation, the Protection Board, the Planning Board we see this nepotism. Also we see it extend beyond what I mentioned to where when they needed, say somebody from Bodden Town, they took a husband and wife team and put the husband on one Board and the wife on another. Now, I have no objection to these people personally because I believe they are well qualified to be on the Boards. However, why could the Government not find somebody else rather than taking husband and wife. On another Board I see two brothers from West Bay. One on one board and one on the other. Could they not find other people? Did they have to keep it to this family circle?

I see on two other major Boards a manager and his private secretary, one on one Board and one on the other. There are a lot of people out there to choose from. Why must it be kept in the family? I see on the Boards defeated running mates, as in the case of the Appeals Tribunal under the Land Law. I see old cronies known to be close to the Members on the Boards and the Board membership stinks with nepotism. But what is more alarming, Sir, is that with the exception of the husband and wife team mentioned, there is nobody from Bodden Town or East End on a major Board. There is one other man from Cayman Brac who is now living in Bodden Town on one of the Boards, but East End has been left completely off. To my knowledge it is only on the Pharmacy Board that one East End person appears. This is wrong to leave these districts without any representation on these Boards.

Closing on this point I would like to say that they are missing a lot if they do not have local input. When we established the Water Authority we decided to always keep on it although it was not written in the Law, one Member from each area in which there was a water lens. When the first Members were appointed we had a Member from North Side, a Member from East End and a Member from Lower Valley in Bodden Town where the three water lenses are situated. The new Government came to power and took all these Members off and never replaced them with any local people except two local people who have special interests in the water business. They have the Board filled with Civil Servants and so on, and they are missing this local input from North Side, East End and Bodden Town. Let me say that one of the best contributions ever made on the old Board came from Mr. Otto Watler who was a Member from Lower Valley. While he was on the Water Authority Board, he brought to our attention the fact that since canal work had started in that area the water had deteriorated. His belief was that these canals were

MR. G. HAIG BODDEN (CONTINUING): draining off the fresh water and would eventually damage the lens. We had this investigated by bringing in somebody from the United Nations as well as another gentleman who had worked in the Bahamas on a similar problem, and both of these experts concurred with Mr. Otto Watler. The result was that the Government put a moratorium on Mosquito Research and Control Unit building canals in the area of the water lens. Although it was not written into law, we would not allow canals to go within a mile and a half of a water lens.

This information could not come from any other source but a source which was local and which knew the situation. So when the Government establishes new Boards and disregards the public at large, particularly the areas affected, they are really hurting themselves. I would like to see this corrected as soon as possible.

In the Budget Address I note that Government may consider, although it is not written in those exact words, looking into the transportation system with regard to the bussing of school-children. I believe it would be wrong to interfere with the system which now exists. It is working well and I do not believe that Government can do a better job of bussing the children. It is my belief that if Government were to go into bussing the school-children it would be more costly. For example some twenty-five or more buses, I believe, are currently engaged in the bussing of the school-children, and if we were to buy that many buses now the capital expenditure would be something in the vicinity of half a million dollars. That is far more than we are paying now and we would still have the same operating costs because we would have to pay drivers and we would have to get them serviced at the Funding Scheme. I believe that in the long run the service would deteriorate.

The Elected Member for North Side actually mentioned the high cost of administration at the Public Works Department. He felt that we were spending quite a bit of money and in the year the Department was doing some capital works which did not justify the expenditure. However, I would like to point out that the vote for Public Works is not really an administrative vote as it is for many other departments. For example if we examine the details we will see that there is a sum of \$150,000 for street lighting. This actually has nothing to do with the administration of the Public Works Department. That vote is simply there so that the Public Works may pay Caribbean Utilities Company Limited for the street lights. It is really not an administrative expense like the money for paying a secretary or buying paper for the typewriter. Also there is in that vote a sum of \$34,000 for fuel and oil supplies, which again cannot really be called administrative, but would more or less be a capital expense in some other department.

I see that there is a sum of \$40,000 for traffic lines and signs which I imagine is money spent on buying traffic signs or having them made here. So that vote, although it is expensive, is really not as bad as it appears on the surface.

There was one campaign promise made, a promise to change the Narcotic Agreement which will not be carried out. The present Government, in my opinion, will not be able to carry out the promises which I heard during the election that they would change the system of giving information back to the way it was, where the information would be given through the courts rather than the system of now giving it through the Attorney-General. I do not believe that they will be successful in changing the Narcotic Agreement in that manner. They may get some other changes but the major campaign promise about the Narcotic Agreement will not be fulfilled.

MR. G. HAIG BODDEN (CONTINUING): If it were I think Government's integrity would suffer. I think we would have a falling out with the Foreign and Commonwealth Office and we would be despised in the eyes of the United States. So that is one campaign promise which may not be fulfilled.

I agree with most of the statements made by the Honourable Financial Secretary in his Budget Address, particularly the one where he says that 1984 was a reasonably successful year. It is a very mild statement but then he is a very moderate man. However, that statement alone will tell the public that all the propaganda they heard during the November election was pure propaganda, and that the Islands were never broke and that we were handing over the administration having accomplished much. So he said it was a successful fiscal year.

However, he did make one statement on Page 17 which I do not agree with. He said no major change would be made in the country's economic and development policies. Now this may have been true when the idea appeared in his head before the election, but certainly since November there have been major changes in the country's economic development policies. We have seen stagnation of the economy. We have seen no faith in the Government because they themselves have cut their capital expenditure in half. We have seen tax increases on local people, a departure from previous years. We have seen cut backs in services in every area. So there has been a major change in Government's policies since the election.

The Housing Corporation is mentioned in your Throne Speech. We heard from questions in this House recently what a sorry state it is now in. It has no policies, no money and is making no loans. We also heard in that same Question Time that prior to November the Housing Authority had done quite well. I do not expect we will see any improvement in its present condition of no policy, no money and no loans, because three of the four Elected Members of Executive Council vehemently opposed the Housing Authority Law when it was passed in 1981 in Cayman Brac. Now these three Members, along with the other Elected Member have the responsibility for making it work. So I do not expect to see any change.

You will know, Sir, that that opposition did not enter the Bill in Cayman Brac. When we returned to Grand Cayman a petition was sent to the Governor asking him to do away with the Law by using his veto power. Some Members were not even satisfied with that and they put out this advertisement in the newspaper, called a paid advertisement, which was actually a copy of a letter they had sent to the Secretary of State. This letter is signed by two of the present Elected Members of Executive Council, and the Honourable Third Elected Member of Executive Council or the third Member who opposed the Bill in Cayman Brac is also mentioned as agreeing with the content although he did not sign it. This letter went to the Secretary of State praying that His Excellency would withhold assent to the aforesaid Law or alternatively that he would exercise his power of disallowance of the aforesaid Law. So the opposition to that Bill was deeply grounded. They gave reasons for it such as not agreeing with certain sections of the Bill, but if one examines the Hansard one will see that these three Elected Members of Executive Council, because we were fortunate to have a division taken, actually voted against the Third Reading of the Bill. So that while their agitation had been to one or two sections and to the fact that Standing Orders had been waived to allow the full passage and to provide for the gazetting, the truth of the matter is that they voted when the crucial time came at the Third Reading of the Bill. So I do not expect any loans to be made by the Housing Corporation for some time to come.

MR. G. HAIG BODDEN (CONTINUING): The Throne Speech mentions the many avenues of future prosperity and activity for the country, and the Budget Address pays tribute to the fine building which is known as the Owen Roberts airport terminal. This building was opened by the Government after its completion before the General Election. I understand that it received what is now termed the second baptism after the election. It is my opinion that there was no necessity for a second opening. I have never seen it done and I have attended the opening of many buildings around George Town. We are never called back when the staff moves in its typewriters and its adding machines. There was no need to have an operational opening. The building had been opened. However, if I had been in the Government I would have wanted to open that building the second time because it is really worth it. I would hope that it would give to me as it undoubtedly gave to them a lot of political mileage. So although they had boycotted the first opening and did not attend at all, they opened it a second time and have reaped whatever political mileage one can get from a second baptism. I suppose there is nothing as comforting as to see a person who has backslidden be baptised anew in the faith.

However, I am concerned that they put up a plaque at the entrance in honour of a Member who had just come to power. Undoubtedly during his four years in Executive Council he will distinguish himself and he will do many things of which we can be proud. However, I feel that the plaque which was put up there alongside the one of the Member whose heart and soul had been in the construction of that building, should come down. I believe in giving honour where honour is due, and if the Member finishes his four years and does something outstanding I would agree with it. But to put up a plaque identical in size and shape and content of words to the one put up by the Member who constructed the terminal building, I think was a waste of public funds. Also at that opening many people were honoured; people who had helped in aviation, some of them in the early days of aviation, and I agree, Sir, that these people should have been honoured. There were many of them who worked hard and I agree some honour should have been shown to them. What I cannot understand is how they could open a building built by the Unity Team, headed by the former Member for Tourism Aviation and Trade and not invite him to make a speech at the opening. This was an insult to the people of the Cayman Islands because whether one likes the First Elected Member for Bodden Town or not, he has made his contribution to aviation in this country.

I recall when we were elected in 1976, the now Honourable Third Elected Member of Executive Council inherited a dock which was in the same stage of completion as the airport was in 1984. I must say that the Honourable present Third Elected Member of Executive Council invited the former Member of Executive Council, Mr. Berkely Bush, to make a speech at the opening of the dock. All the Members agreed it was the right thing to do because Mr. Bush had been in charge when the dock was built, and credit for building the dock should go to the Government between 1972 and 1976. Mr. Bush was invited and he came and he made a speech and the Islands were satisfied. The Islands are now disturbed that the new Government has tried to pretend that the Member who headed up the construction of the terminal does not exist. However, I will tell them that he is very much alive and that they will hear from him again. It really was a shame to treat him in this manner and if this is not political victimisation, tell me what is.

MR. PRESIDENT: Does any other Member wish to speak?
The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I wish to join other Honourable Members who have spoken before me in thanking you for your gracious Throne Speech, and secondly the Honourable Financial Secretary for his usual fine, factual Budget Address. Both of these were very well prepared, informative and ably delivered to this Honourable House on Friday, 1st March.

Each year at budget time our Financial Secretary has the unenviable task of floating the financial course of this country, and each year I am sure that this becomes even more complex and burdensome. Needless to say the Budget Address for the year 1985 has been no exception.

I have witnessed first hand some of the many long hours he has spent at his office and I sincerely wish to congratulate him on his dedication, ability and foresight.

Mr. President, as has been customary, you have outlined Government's policies and programmes while the Financial Secretary has provided a detailed report of Government's financial affairs and the state of the economy. It is a procedure which any democratic Government must have to publicly review its past and its plans for the future, because in our society the people have a right to know.

Mr. President, at the beginning of his Budget Address the Financial Secretary stated that while the 1984 General Elections have brought a substantial change in the Membership of this Honourable House there has been no major change in the country's economic development policies. I fully agree and endorse that statement.

I am grateful to the people of George Town for electing me a second time with such an overwhelming majority as their representative for another four years, and indeed to my colleagues for electing me to become a Member of Executive Council. I can only say that as I have done before, I have the interests of my people at heart and I will do my best. It is a fact, Sir, that in the General Election of 1984 the people decided that it was time to break the hold that the self styled unity Team had on this country. This is democracy at its finest hour. However, Sir, ever since then those who were once quick to accuse others of being prophets of doom have all too suddenly themselves joined those ranks. It is amazing just how quickly the tune changes when the shoe is on the other foot.

Mr. President, in my opinion it is high time that those who have lost their high perches understand that the people have spoken; that the 1984 election is over, and so they may just as well settle down and help maintain the political stability which has in a very large measure contributed to our success in the past, and will dictate the future of these Islands. Mr. President, the democratic process will not always please everyone. There will be those around who will be displeased with the results and ready to point an accusing finger, but may democracy always be kept alive in our country. The people's right to choose is the cornerstone of any stable society.

Recently the reckless and shall I say somewhat dangerous postures I have seen displayed; the propaganda which has been spread; the wild threats which have been made; the secret committee meetings with the committee of forty-four, all leave me to wonder, Sir, where is the love for the Cayman Islands professed by some would be leaders? Is it truly love for this country which concerns them most, or a thirst for power and position?

HON. W. NORMAN BODDEN (CONTINUING): This, Sir, must mark the dividing line between the politician and the statesman because as has been said a statesman thinks of his country and a politician thinks of the next election.

I have sat for days and days and I have listened to complaints from the opposition. Some of the very things which they complained about were of their own making. I have heard suggestions about people who needed attention and things which needed to be done. May I ask why were these not done in the past eight years since the Unity Team lays claim to everything else which is good in this country?

Mr. President, there has been talk about turning around the economy. No-one can deny that there has been a slow-down in some areas when compared with the rapid growth which this country was experiencing. However, this slow-down was well on its way before the elections of November, 1984. Let no one be misled, Mr. President, highly industrialised, much larger and much more powerful countries than the Cayman Islands cannot turn around their economy by the mere drop of a hat. I have always said it and I repeat it here once again, economic booms, the same as recessions or slow-downs are like our food supplies, all imported from the United States of America and all dictated by outside forces over which we have no direct control.

Additionally, Sir, the aftermath of an election year has its inherent set-backs especially when the previous administration has indulged in such an intense election year of capital expenditure programmes for obvious reasons, which fortunately did not bring them the results which they expected at the polls. It is all well and good, Mr. President, for people to lay claim to economic expertise when an administration enters on the crest of an economic boom, and exits during a slow-down which has not been given a fair chance of catching up.

It is therefore a totally biased and distorted picture to list the accomplishments of eight years and attempt to compare them with the first three months of the administration of a new Government. This is unreasonable, and to my mind projects an unfair situation to the people of this country. I for one would certainly be totally convinced of their financial ability once they are able to create a boom in Cayman at any time that the United States and the rest of the world are in any form of recession. Until then they can lay no more claim to economic ability and success than the present Government.

I believe that as long as the United States economy is good and remains strong; as long as we remain a stable and strong country, Cayman's economy will not flounder as has been prophesied. It is all political blarney as far as I am concerned. As a Government we have sound policies....

MR. G. HAIG BODDEN: On a point of order, Mr. President, the Member is reading his speech. I refer to Standing Order 32(4).

MR. W. McKEEVA BUSH: The Member should sit down instead of talking about reading the speech.

MR. PRESIDENT: I have not noticed him reading it. I have seen him referring to his notes.

HON. W. NORMAN BODDEN: Mr. President, I am not reading my speech, Sir. I have made notes. I am following them fairly closely. However, I can assure the Member that if I did read

HON. W. NORMAN BODDEN (CONTINUING): anything it was written by Norman Bodden and not as was the case with some of the Member's extension cords in the previous administration.

MR. G. HAIG BODDEN: On a point of order, Mr. President, he should refer to himself as the Second Elected Member of Executive Council, not as Norman Bodden.

MR. W. McKEEVA BUSH: Just sit down.

HON. W. NORMAN BODDEN: I believe I am entitled to call myself by the name I have gone by for fifty years if I so choose, Sir. However, I also like to apply my title so that it sounds more official.

I was saying, Mr. President, that as a Government we have sound policies. We are determined to maintain the climate conducive to good business for the investor, and we will continue to provide an attractive destination for our visitors. These are our main industries on which we have to depend, past, present and future. We will seek out and encourage honest businessmen to continue to do business here, making it abundantly clear that it must be conducted within the limits of our laws. Because these Islands are not for sale, nor will they ever be used as a centre for drug trafficking with the approval of corrupt Government officials.

MR. JAMES M. BODDEN: Two points of order, Mr. President. Under Standing Order 32(4), although it has been brought to your attention the Member still continues to read his speech.

MR. PRESIDENT: If I think the Member is reading his speech I will bring it to his notice.

MR. JAMES M. BODDEN: Alright, Sir.

HON. W. NORMAN BODDEN: I do not know what is bothering these people about reading the speech, Sir. If we are saying anything in favour of them they never notice that we are reading it, you know. (Laughter). However, if it is against them they do not like that.

MR. JAMES M. BODDEN: It might have been prepared by someone else.

HON. W. NORMAN BODDEN: You do not have to worry about that, Sir. Maybe the Member is accustomed to writing other people's speeches but I write my own.

I was saying, Mr. President, that I challenge the Members both in and out of this House to accept their new roles in the true spirit of democracy and follow the sound advice offered by our Financial Secretary when he said to now address our total energies to the preservation of political stability, maintaining our good financial position and prudent control of Government spending. Because let there be no doubt about it, Sir, but the day when over ambitious politicians create an atmosphere of political instability and unrest in this country, we can all say goodbye to the financial and tourist industries which have made this country what it is today. We will then surely, Sir, return to the days of fish and breadfruit and all the good intentions of protecting the little man; all the propaganda will not be worth a row of pins, as this is one sure way of keeping poverty at his door. We will all pay the price, Sir, those who are right and those who are wrong.

HON. W. NORMAN BODDEN (CONTINUING): As I have said before, Mr. President, the Throne Speech and Budget Address enables Government to review the past and discuss its plans for the future. This Government is fully conscious of the needs of this country. We know that we need more field workers for Social Services. We need more coaches to direct our young people in the sporting fields. We need more street lights, better roads, rehabilitation programmes, improvements in prison facilities and the list could go on and on, for our needs are many and varied. However, these all cost money and where will the funds come from?

Certainly the new Government cannot expect to find these funds in the short time frame in which we have had to work. It will take time and patience when one considers what we have inherited, which is heavy financial commitments of Government funds, debts to be paid and a large infrastructure to be serviced.

It is true that balancing the budget was a serious problem. This was done, Sir, by the introduction of certain necessary revenue measures plus a transfer of funds from General Reserves, I think it was \$2.2 million, which is less than had to be transferred in order to balance the budget last year in 1984. Mainly this was accomplished though by cutting expenses. I have heard accusations of financial experts. I do not profess to be one, Sir. I can add and I can subtract but I am sure that any schoolboy knows that one way of balancing his budget is to cut his expenses. This is what was done in the case of the budget for 1984.

In spite of all the hullabaloo which has been made in this House about the few revenue earning measures I am pleased to see, Sir, that after four years Government has seen fit to remove the duty from imported drinking water. It is a long time to wait, Sir, for a glass of duty free water but it was worth it, and I am sure that the little man who has been talked about so much in this House recently will be appreciative of that as well. It just goes to show us that the play written by the Caymanian playwright Mr. Frank McField, "Time longer than Rope" has a grain of truth in it.

I would also point out, Mr. President, that while there has been talk of all the revenue earning measures which this Government has introduced, in looking back to the Hansards of this House one would find that when the Unity Team came into power in 1976, the first thing they did at their very first Meeting in 1977 was to increase import duty on liquor, wines, cigarettes, tourist accommodation tax and of course the banking fees which have been increased and increased and increased to the extent that we cannot add on any more at this stage for fear of losing many of our banking institutions here, which could have an adverse effect on the labour situation in this country. So it works both ways and people's memories should not be so short.

It must be borne in mind, Mr. President, that plans for the future are very often affected by the conduct of the past. It is therefore in this light that the year 1985 must be considered.

Mr. President, the budget for 1985 stands at \$61 million and compares with the budget for the previous year, 1984. I would venture to say, Sir, at this stage that many of the warnings sounded by past budget addresses have gone unheeded until the day of reckoning has come. As our Honourable Financial Secretary so wisely put it we should trim our finances to the bare necessities required to provide the services to the people of these Islands.

HON. W. NORMAN BODDEN (CONTINUING): Our future, Sir, is therefore strongly affected by the conduct of the past administration. So we are faced today with what could be termed quite rightly bare boned financing. "But why" one must ask. Because one just cannot get blood out of stones and Government has been forced to trim or rather cut its finances to the very bare necessities. There was no alternative. This had to be done by force and not by choice, clearly due to no fault of this present Government as has been claimed by the opposition.

Mr. President, keeping up with the Jones more than all the good things we see in our neighbouring countries, all this is fine. I am not criticising or complaining about good conveniences and a high life style because I can enjoy that as well as the next man. However, it must be remembered that he who calls the tune pays the piper. All the fine facilities we have in place must be serviced. Manpower must be provided, but the other side of the coin is that these must be paid for. They cost money just the same as in the other countries we sometimes try to copy. Therefore it can only be reasonable to expect that it must eventually reach the stage where we must cut the cloth to suit the occasion, to quote the words of the Honourable Financial Secretary. That day has arrived.

It has always been true and it will stand the test of time that what we want and what we can afford are two different things.

Much has been said, Mr. President, as I have mentioned before about the revenue earning measures being put forward. However, no-one has admitted what caused them to have to be introduced at this time. This country has in the past been taken on a spending spree especially during 1984, Mr. President. Government must now find funds to support its commitments and these can only come from the public who enjoy and reap the benefits. This is a reality which cannot be postponed nor avoided. A careful analysis of Government's estimated position will reveal that out of the local revenue of \$58.3 million which this country is expected to generate in 1985, \$45.8 million or 78.5 per cent goes to recurrent expenditure, the cost of running this country which is not cheap. This is why so little was left for capital expenditure and new services, Sir.

To a householder who earns \$1,000 a month this means that he is spending \$800 out of that \$1,000 to operate or run the house, and therefore he only has approximately \$200 left for other expenses. Government is in a very similar position. I have listened to all sorts of wild accusations being hurled at this new Government, but last year and the year before, and probably going back further too, substantial amounts of money have had to be taken from the country's General Reserves in order to balance the budget.

In 1983 there was \$2 million taken and last year there was \$3.3 million. This year there is \$2.2 million so why is this considered such a sin in 1985? Is it because there is a new Government that this propaganda is being used in a last ditch attempt to discredit the new Government and convince the public that they made a mistake at the polls? Last year six out of seven sources of revenue failed to produce what was forecast.

Reviewing the figures one will find that import duty was down by \$1 million. Tax was down by over \$300,000. Licences were down by \$286,000. Sales were down by over \$2 million. Fees were down by \$600,000 and services were down by \$40,000. With this sort of performance in 1984 the new Government has inherited a dismal situation which certainly cannot be turned around in three months.

HON. W. NORMAN BODDEN (CONTINUING): *The slow-down started, Sir, under the unity team Government.*

MR. G. HAIG BODDEN: *On a point of explanation, Mr. President, we did make the estimate last year. The Member is misleading the House when he says we did not. Some areas were down, but overall we made it.*

HON. W. NORMAN BODDEN: *I am not saying that they did not make their estimates, Sir, but those revenue accounts which I read out were taken from the budget and they were certainly less than what was forecast. That was the point which I was making. With regard to making the budget I would like to remind the Member that in 1984 they brought a balanced budget to this House, balanced on paper, showing that at the end of 1984 they would have over a half a million dollars surplus. However, if one takes 1984 in isolation and considers the revenue earned as against expenditure, one will find that they ended up in 1984 with a deficit of well over \$1 million.*

MR. PRESIDENT: *I think this may be a convenient point to take our afternoon break and I will suspend proceedings for approximately fifteen minutes.*

AT 3.26 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.43 P.M.

MR. PRESIDENT: *Please be seated.
Proceedings are resumed. The Honourable
Second Elected Member of Executive Council.*

HON. W. NORMAN BODDEN: *Mr. President, when we took the afternoon break I was saying that the slow-down started under the Unity Team Government. It was inherited by the new Government and I am certain that the public in this country know that they elected politicians, not magicians. They cannot expect miracles in three months.*

It must also be pointed out that out of the budget of \$61 million for 1985, \$1.2 million has already been spent or committed by the previous Government in 1984, covering advances for on-going projects which must be paid for out of this year's vote.

As I have said before, Mr. President, one hears so much these days about the little man and what we are doing to him. But where was the little man when school fees were enforced which perhaps though not intended did affect many a Caymanian family, because I personally received complaints from many, many Caymanians for whom hardship was created because of the imposition of school fees. Where was the little man when hospital fees were increased? These also produced hardships for the little man. There are others, an increase in travel tax and an increase in work permit fees. These too have affected the little man in one way or another, directly or indirectly, from time to time.

HON. W. NORMAN BODDEN (CONTINUING): It is my opinion, Sir, that — emphasis is merely being placed on the poor in our midst simply for a ploy to the galleries with an eye on the polls in 1988. However, how many are actually willing to get down to the level of the poor man in this country shoulder to shoulder, and help him when he really needs it. This is left to be seen and would certainly be interesting to many of the poor people in this country who are being referred to continuously by some people who have no time to spend with them.

Mr. President, the 1984 election is over and it is true that political rhetoric should be put to rest so that all of our energies can be concentrated on the difficult task ahead for this country, the task of maintaining political stability and keeping this ship of state on an even keel. Let there be no doubt about it, there are many problems ahead which demand our attention. It is going to take the statesman, the politician, the financial experts, the young educationalists and the man on the street to find those solutions. If we really love this country rather than ourselves we will pool our abilities and find the way to conduct ourselves at our usual high standards which have commanded the respect of the outside world and made this country the success it is today.

However, having said what it is desirable to see happen it seldom does, because past political campaigns have been dragged into these Chambers. Therefore, Sir, just as long as there exists those who wash their hands like Pontius Pilate and who in a subtle way attempt to mislead the public, there must be those who shoulder the responsibility to set the record straight. The public must know, Sir, and regardless of propaganda they are aware that ever since the unity team emerged years ago it has brought nothing but unnecessary and unwelcome divisions amongst our people, which threatens the very fabric on which this country has been built. A division and dangerous situation has developed and if allowed to go unchecked will eventually create more of a devastating effect on the future of this land and our people than any Bermuda II, III or IV as far as that is concerned. Let us put our priorities in order.

Mr. President, I would like now to turn my attention to our Civil Service which has increased by some six per cent. I too agree with those who have said that we cannot continue to support further increases in this area. However, it must be kept in mind that as more and more demands are made by the public for improved services, just the same as in any other business Government must have the available manpower in order to meet those demands. It cannot be done otherwise and all the fine buildings in the world are useless without the people needed to provide the services to the public. Those services must be kept at a desirable level.

I realise that Civil Servants' salaries account for \$28 million of recurrent expenditure but, Sir, I also realise too that Civil Servants must eat. Civil Servants have families to support and many dedicated Civil Servants work long and hard hours.

I believe that the move to eliminate all posts in establishments which have not been filled as one means of stopping further increases in the Civil Service and reducing expenses is correct and I support this action. Regardless, Sir, of those who are quick to criticise it is my opinion that we have a good strong Civil Service and I for one have always supported them, simply because while politicians and their new-fangled ideas come and go, the Civil Service remains the backbone of this country.

HON. W. NORMAN BODDEN (CONTINUING): I next turn to police. I am most pleased to see, Sir, that a local well deserving officer now fills the position of Deputy Commissioner of Police, and that the in force training of local officers is progressing well. This I believe to be a sound investment in our future because our young people who choose this area of the service must be given an opportunity, and they must be trained and trained well if they are to fill responsible positions in the future to keep law and order in this country.

I next turn to Radio Cayman. I feel that Radio Cayman is to be commended for their professionalism and commercial success. Without being over nationalistic I made particular note of the fact that out of a staff of fifteen, thirteen are Caymanians who operate the station. This is something to be proud of.

The new Caymanian Protection Law which will shortly come into operation is undoubtedly the most important piece of legislation passed in the last four years. While not yet perfect it is a substantial improvement and will serve this country well. The new Board like the previous one I am sure, has been working very hard and I sincerely congratulate them for their dedication and interest in the affairs of this country.

Mr. President, the continued growth in the financial market is encouraging. Of particular interest is the fact that we are continuing to attract banks from further afield than the United States so that all our eggs are not placed in one basket. Total expenditure in Cayman by the banks and trust companies totalled \$41 million we are told, and of course tourism was next in line with over C\$32 million. Ask any child on the street and they are fully aware of our heavy dependence on finance and tourism. This has been true for years and will continue to be just as long as we continue to provide the ingredients which attracted investors and tourists here in the first place. Those ingredients are stability, safety and friendly Caymanians. The importance which we attach to these fragile and fickle industries can never be over-emphasised. This must be preached to our hotel workers, our taxi drivers, our shopkeepers and all others at every possible opportunity, because one mistake, one major march down central George Town by misled and misdirected people can cause us to lose overnight the benefits we now enjoy and have worked hard to build up.

Mr. President, the Honourable Financial Secretary went into much detail to point out the high percentages of Caymanians employed in the various local businesses, and these figures were most impressive. While I am not over nationalistic, as I have said before, these statistics tell me that more and more Caymanians are filling their rightful places in the job market. This is the way it should be. We encourage companies to do business here, and while there are needs for key personnel to be brought in at certain levels, this must always be seen as a two way street so that Caymanians can share in the development of our own country.

I believe, Sir, that Cable and Wireless is one company which has set a fine example in this regard and I would certainly like to see more of this type of Caymanian involvement at the managerial levels.

Mr. President, I would now like to turn my attention to my areas of responsibility, the Portfolio which has been assigned to me which is the Portfolio of Tourism Aviation and Trade.

HON. W. NORMAN BODDEN (CONTINUING): Firstly, I must thank the staff of my Portfolio for the assistance which they have so kindly given me and the loyalty which they have shown since I took up my position some three months ago. I continue to count on their support and I am looking forward to working along with them during the term of my office. I do believe that together we can accomplish much for our Government and for our country.

Secondly, Mr. President, I must comment on the statements made by the First Elected Member for Bodden Town in his debate. He stated that in 1984 the unity team Government had spent \$732,567 but that this year the Portfolio of Tourism Aviation and Trade administration had been thought so little of that only \$226,820 were being provided for expenses. He went on to say further that there would be insufficient funds to pay for electricity and stationery, and that the department would have to send out letters on goatskin. Well, if that were really the case it would not be saying much for the previous administration, because this makes it appear that so few funds were left that not even bare necessities could be covered. However, Mr. President, the decrease in this vote is simply because several subjects which were never related to the main subjects of this Portfolio were removed to their proper Portfolios. This is the reason for the large difference in the expenditure in that department.

Additionally, the Member should have been aware, Mr. President, from his vast experience of how Government works that electricity bills are paid by Finance Department and stationery is paid by Personnel Department. I can safely state that the Department of Tourism Aviation and Trade stationery will be available. However, no funds will be wasted because goatskin could be found to be quite expensive.

Mr. President, the Portfolio and departments under it have presented realistic budgets which I am prepared to defend. Measures to reduce unnecessary Government spending are some of the goals of this Portfolio for the next four years instead of the spendthrift mentality which was displayed over the past eight years. I believe that with the support of my staff we can achieve this.

With regard to tourism it has already been said several times during this Meeting, Sir, that the year 1984 proved to be an excellent year for the tourist industry in the Cayman Islands. This is most commendable to the staff of the Department of Tourism and the Portfolio, for a job well done. Air arrivals were up 13.6 per cent and cruise ship arrivals were up by 14.9 per cent over 1983, or an overall increase of 14.3 per cent. In a highly competitive market in which many destinations experience a decrease this speaks well for our tourism officials' abilities and the quality of the product of tourism in the Cayman Islands.

For 1985 it is expected that tourism arrivals to the Cayman Islands will continue to increase. Air arrivals are forecast to be 167,582 for an increase of 12.8 per cent. Cruise ship arrivals are forecast to be 218,847 for an increase of 7.5 per cent. It is believed, Sir, that this forecast is a realistic one and as in the case of all projections it is naturally based on some assumptions. The major ones are that the economy of the United States continues to show positive improvements. Also it is hoped that the currency exchange levels; the strength of the United States dollar against the pound Sterling does not produce a negative effect on tourist arrivals, and the tourism product in the Cayman Islands must be maintained to a high standard. Those assumptions have to be made and kept in order for us to meet our projected targets.

HON. W. NORMAN BODDEN (CONTINUING): With the cooperation of all tourism related businesses in the Cayman Islands and the positive approach to the continued development of tourism in our country, our Department of Tourism has an aggressive marketing programme arranged which is expected to produce favourable results again this year. The Million Dollar Month Fishing Tournament, Scuba Bowl and Pirate's Week are all local promotions for which plans are in place and progressing well.

A new Tourism Advisory Committee has been appointed with three sub-committees set up to deal with tourism products, cultural activities and tourism awareness. These Committees are comprised of a cross-section of hard working, dedicated citizens and promises to be an asset to our tourism efforts.

Mr. President, I am happy to see the progress which is being made to make marine parks in this country a reality, because I believe that this is the means of preserving our heritage which continues to account for at least 50 per cent of our tourist arrivals, and which I feel must be preserved for the benefit of Caymanians as well for generations to come.

In a highly competitive and cost conscious market we must monitor very closely the services we provide. We must give fair exchange and fair value because the United States dollar is hard to earn and they expect service in return for what they spend.

I am also happy to see and I support the provision which is being made to assist and eventually build docking facilities in the district of West Bay which will enable that district to receive and handle cruise ship arrivals. I think that West Bay is one of the nicest districts in our Islands and it is time that they received some help in this area. This has my wholehearted support.

A new advertising agency has been appointed for the Department of Tourism and Cayman Airways effective as of 1st April, 1985. Mr. President, this change was not made for the sake of change only but it was felt that a new approach, new concepts and new ideas needed to be put into a revised dynamic advertising programme for the Cayman Islands. That is just what we have. Fearon O'Leary Kaprielion Incorporated is a creative advertising agency with extensive experience in travel destinations and airlines. They do not now represent any airlines nor tourist destinations in the Caribbean which would present a conflict of interest. So we believe that they are the right agency for the Cayman Islands and for Cayman Airways. Mr. President, this agency was selected after viewing and listening to presentations from ten other advertising agencies for two days. Expert advice at no extra cost is always welcomed by me whether it originates in the Bermuda Triangle or comes from the Texas cowboys. So the committee to set up and deal with those presentations was comprised of a real expert in tourism from Bermuda, the managing director of Cayman Airways, the regional sales manager for Miami, the sales manager for North America, the director of international sales and marketing for the Department of Tourism and Cayman Airways, the director of tourism, the Principal Secretary for Tourism Aviation and Trade and myself. I think we had a hard working, well experienced committee which was capable of giving us sound advice so that the selection of the agency could never be in doubt.

After listening to advice from committee members, I took the decision and recommended to Government that the new agency be appointed. To me, this is a proper and democratic procedure which I chose to use and which I understand never happened in the past with other appointments which were made of advertising agencies.

HON. W. NORMAN BODDEN (CONTINUING): In our efforts for tourism in 1985 a strong public relations programme will of course support our advertising and special market promotions during this year. I may mention here, Sir, that it is the policy and intention of my Portfolio to monitor very closely the performance of each of our regional offices to clearly establish what contributions they are actually making to help tourism, and what it is costing Government. The same applies to public relations costs and I would point out here that after proper consultation, it was possible to save some \$80,000 by discontinuing the arrangement which was made with the Cayman Islands News Bureau, and by arranging for the Department of Tourism London office to continue with the public relations services which had previously been provided by the News Bureau.

For the past several years the State of Georgia has placed prominently in the top ten tourist producing States and we have put a small amount in the budget this year which I trust will receive Members' support, so that we can in the course of the year at least appoint a sales representative in Atlanta with a view to one day being able to open a sales office in that city.

Mr. President, good tourism results cannot be achieved or produced without a good qualified and experienced sales force and tourism officials. The Department of Tourism is finding it increasingly difficult to hold on to good staff, not to mention being able to attract experienced staff as replacements. In addition to that no salaries revision has been made for two years for the Department of Tourism overseas staff. We have therefore, Sir, put in for a small increase in salaries for this staff and I again trust that this will receive Members' support at Committee Stage.

I come next to Aviation. It is true, Mr. President, that this department is manned by a well experienced and qualified Caymanian and other Caymanian staff of which we can all be justly proud. The airport runs fairly smoothly and gives little trouble. I find our Director of Civil Aviation a man who goes by the books and I sincerely appreciate that.

As you stated, Mr. President, it is intended during the course of this year to make an attempt to operate the airport on similar grounds as the Port Authority. Providing landing fees can be collected and the Financial Secretary will hand over the travel tax, by the time of your next Throne Speech you should be able to say the same for the airport operation as is now being said for the Port Authority and Radio Cayman.

The new terminal, a much needed facility, stands as a tribute to all Caymanians as I said on the day of the operational opening. It is a facility to be proud of and will undoubtedly contribute to our repeat tourist arrivals because of the conveniences provided there. However, here again, fine though it may be this building has to be paid for, and the operating cost has to be met. This can only rightly come from the people who enjoy its use.

I would like to respond now to the comments made by the Second Elected Member for Bodden Town regarding the second baptism. You know sometimes the second baptism is the best. (Laughter). This is what I am told by the Christian community. Anyway, Mr. President, the points made by the Second Elected Member for Bodden Town have been well taken and well considered by me. I have never been a person to claim glory which I was never entitled to. The 1,680 George Town people who put me in here are well aware of the quality of person that I am. I do not seek to take anybody's Sunday from them. This was not the intention. There had been a big elaborate opening costing some \$16,000 in November. This I understand was a very successful function. Nevertheless, it was

HON. W. NORMAN BODDEN (CONTINUING): a fact that the building was not ready to be occupied. I have seen the reverse happen. I have seen the staff move in and start to work in buildings before they were completed and they had the official opening some time afterwards. However, this was totally the opposite. Government felt that since it had been opened prematurely and since all the festivities had cost quite a bit and been conducted, that when the day finally came that the terminal was completed it was important enough an occasion to mark it by a special event. I went along with that reasoning. I am sure that the former Member responsible for Tourism Aviation and Trade has worked very hard and I am sure that he got all the credit which he was entitled to when his time came around in November. It just so worked out that as a result of the elections I happened to be the Member in place at the time. Therefore I fail to see that if this was the way that the election went why anybody's name other than W. Norman Bodden should have been put on the plaque marking the date on which the terminal was declared operationally open. This I really do not understand.

I have contributed a lot to aviation in this country. I am not a braggart and I have never tried to deprive anybody of anything which they were entitled to. I feel that I had as much right to conduct the ceremony and to have a plaque put there that I was the Member in place on the day it was declared open the same as anybody else. I have no apologies to make for that to anyone.

I hate to belabour the point, Sir, but for the sake of clarity I must point out again, because this came up time and time again at Question Time and through the debate, and point out very clearly that the amounts paid to Arch and Godfrey Construction Limited and the Public Works Department for the ceremony held on 12th November covered extra costs due to the interruption of work in progress. These were extra costs incurred. In other words because of the ceremony the contractors had to stop what they were doing, clean up the place for the opening and then resume work after the opening. Mr. President, this was a cost not incurred in January because the building was completed and work was finished at that time. I certainly hope that this will help to clear up this matter in the minds of this House and the public.

I have noted the First Elected Member of Bodden Town's recommendation for outside seats at the new terminal. I think that it is a fine suggestion and I certainly will comply with this if there are available funds.

In the course of 1985, Mr. President, as can be seen from the estimates, we plan to start the terminal in Cayman Brac with available loan funds and expect to be able to complete it hopefully in the following year. I want to give this Honourable House my assurance that this is one air terminal in the Cayman Islands which will be only opened once. I am sure that the people of Cayman Brac will welcome this because as the number of tourist arrivals grow there is a pressing need for a new terminal.

Mr. President, the Fire Department is another department efficiently operated by Caymanians. Our Chief Fire Officer is an excellent disciplinarian who commands the respect of his staff. He runs a good operation and asks very little in return other than dependable fire-fighting equipment. His building facilities are poor and need improvements very badly, but he understands very well that there are not enough funds to go around at this time, so he will have to patiently wait.

HON. W. NORMAN BODDEN (CONTINUING): We have put in a small amount for a replacement water tender which he badly needs, a small amount for fire wells to be drilled which are absolutely essential for better performance, and a few other odds and ends which I trust will receive Members' support.

A fire station to serve the West Bay and Seven Mile Beach area has been my request for years as the Hansards of this House will reveal. I spoke about the need for this in that high density area time and time again at every opportunity at my disposal. We hope, Sir, to be able to at least clear the site and the building will come in due course as soon as funds become available.

Mr. President, I next come to Cayman Airways, the proclaimed political football, which if it is so, it was made a football by the Unity Team. It appears to me that it has been used as a refuge for supporters and friends. Mr. President, Cayman Airways will always have my full support, as I see it as an essential service in respect of these Islands. I would hate to see the day come when because of politics or economics these Islands become solely dependent on any foreign air carrier to maintain air services for our people, our tourists and business community.

I have worked on both sides and I have seen the needs, and I do not believe that we should ever again be dependent on outside operators to provide these Islands with an air service. I see this as essential to maintain continued growth in the two industries on which we are so dependent. I also see it as essential for maintaining air links with our sister Islands of Cayman Brac and Little Cayman, and I see it, Sir, as essential to continue to provide opportunities for Caymanians who have chosen the field of aviation as a career. However, having said that, Sir, the facts of our national airline and its future must be faced up to.

I do not believe, Mr. President, that any amount of political propaganda could convince the average Caymanian that I have anything but interest and genuine concern for Cayman Airways, and that I will do all in my power to see it continue, as I like many others recognise its value.

Mr. President, much has been inferred about my Portfolio. I have heard what I consider many disparaging remarks. Perhaps it is felt that this position I have today is a bit much for the barefoot boy from Whitehall as some of the politicians called me during their dirty campaigns in 1984. However, I can assure the public and I know that they are aware of the contribution which I have made to Cayman Airways from its very beginning, and that I too have some ability to provide the needs in my Portfolio. I have always believed in Cayman Airways and I have helped to build it into an airline long before the Unity Team was ever heard of. I am not a braggart but I am not unfamiliar with civil aviation matters and proceedings. In 1971 I prepared a docket for the Civil Aeronautics Board of the United States and represented Cayman Airways as its chief witness at the hearing in Washington D.C., which gained for the very first time a foreign carrier's permit which enabled Cayman Airways to take its rightful place amongst international carriers, and to inaugurate a scheduled air service from the Cayman Islands to the United States of America.

In 1977 I was a member of the delegation which attended the negotiations on Bermuda II, and while both the United States and the United Kingdom had support teams it is true that the only persons directly involved in the negotiations were the leaders for both sides, Mr. Boyd for the United States and Mr. Shovelton for the United Kingdom.

HON. W. NORMAN BODDEN (CONTINUING): Nevertheless, Mr. President, the performance of the Cayman Islands delegation at those talks and the results which came out were nothing to be ashamed of. We were never put in any back room, nor did we spend any time talking to clerks. The case for Cayman Airways was carefully, professionally and efficiently documented and handed to the United Kingdom and the United States delegates. As a result of that, Sir, Cayman Airways in addition to Miami was granted another United States point of entry which it could select from a grouping of five. That other point of entry was chosen as Houston, Texas which has proved to be a good route for the airline in its expansion, and a good route for this country.

In addition to the second United States point of entry I would like to remind this House that it was the result of the Cayman Islands team at that conference which enabled the moratorium to ever be brought about, because it was set out there in an exchange of letters between Boyd and Shovelton that before any additional carriers were designated to affect Caribbean destinations that those countries' opinions would be taken seriously into consideration. So that laid the groundwork for the two lucrative destinations which Cayman Airways now operates to and the fact that a moratorium was placed in 1982 of which so much talk has been made.

In 1978 I was again Cayman Airways' witness at the Civil Aeronautics Board hearing which extended Cayman Airways' operating permit to the United States for another five years. Shortly after that Houston was inaugurated as a destination. I have related this, Sir, not to blow my own horn but simply to point out that I am equally or more qualified than the former Member in aviation related matters, and will ensure that Cayman Islands representations are aired fully and to the highest authority.

I consider myself fully capable to be the Member responsible for Tourism Aviation and Trade, and as such, responsible for policy matters relating to the national flag carrier's operation. The 1,660 George Towners who put me here as their representative also feel that way, and so do my colleagues who voted me into Executive Council. I do not intend to allow anyone in or out of this House to infer that I am some insignificant, incapable person.

MR. PRESIDENT:

I think that we have reached the time to adjourn and I will ask the Honourable Second Official Member to move the adjournment.

ADJOURNMENT

HON. MICHAEL J. BRADLEY: Mr. President, Sir, in accordance with Standing Order 10(5) as read with Standing Order 10(2) I do now move that this House do now adjourn until 10.00 a.m. on Monday, 18th March, 1985.

MR. PRESIDENT:

The question before the House is that this House do now adjourn until 10.00 a.m. on Monday, 18th March, 1985.

QUESTION PUT:

AGREED.

AT 4.32 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., MONDAY, 18TH MARCH, 1985.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY
(MONDAY, 18TH MARCH, 1985)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC. LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRKCONNELL	MEMBER FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER FOR DEVELOPMENT AND NATURAL RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN D McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY

MONDAY

18TH MARCH, 1985

1. PRESENTATION OF PAPERS AND REPORTS

(a) PUBLIC ACCOUNTS COMMITTEE REPORT

(Meetings held 5th December, 1984; 8th and 23rd January, 1985; 12th and 27th February, 1985; and 12th March, 1985.)

TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

(b) BUSINESS COMMITTEE REPORT

(Meeting held 4th March, 1985.)

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER.

2. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND SECOND READING OF THE APPROPRIATION (1985) BILL, 1985

3. GOVERNMENT BUSINESS

(a) BILLS:-

(1) THE STAMP DUTY (AMENDMENT) BILL, 1985

(CONTINUATION OF SECOND READING DEBATE)

REPLY BY THE HONOURABLE THIRD OFFICIAL MEMBER

COMMITTEE THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

HOUSE RESUMES

REPORT THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

THIRD READING

THE STAMP DUTY (AMENDMENT) BILL, 1985

(ii) FIRST AND SECOND READINGS

- (1) THE DEFAMATION (AMENDMENT) BILL, 1985
- (2) THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985
- (3) THE MARINE CONSERVATION (AMENDMENT) BILL, 1985
- (4) THE INTERPRETATION (AMENDMENT) BILL, 1985
- (5) THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985
- (6) THE LIQUOR LICENSING BILL, 1985

(b) MOTIONS:-

- (1) GOVERNMENT MOTION NO.3/85
LOANS (CARIBBEAN DEVELOPMENT BANK) LAW, 1977 (LAW 17 OF 1977
TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER
- (2) GOVERNMENT MOTION NO.4/85
APPOINTMENT OF STANDING SELECT COMMITTEE
TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER

4. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

PRIVATE MEMBER'S MOTION NO. 7/85

ESTABLISHMENT OF YOUTH CENTRE

DEBATE THEREON

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MONDAY

18TH MARCH, 1985

10:00 A.M.

MR. PRESIDENT:

Please be seated.
Proceedings are resumed. Presentation of Papers and Reports. The Public Accounts Committee Report.

PRESENTATION OF PAPERS AND REPORTS

PUBLIC ACCOUNTS COMMITTEE REPORT

MR. LINFORD A. PIERSON:

Mr. President, in accordance with Standing Order 70(1), I, as Chairman of the Public Accounts Committee, beg to lay on the Table of this Honourable House the Report of the said Committee on the Auditor-General's report and audited accounts of the Government of the Cayman Islands for the year ended 31st December, 1983.

MR. PRESIDENT:

So ordered.

MR. LINFORD A. PIERSON:

Mr. President, in presenting this Report I feel that it is my responsibility and duty as Chairman to give the House and Honourable Members a brief summary of the matters highlighted in the Report and the recommendations arrived at.

Mr. President, the Committee held six meetings on the following days -

- (i) 5th December, 1984
- (ii) 8th January, 1985
- (iii) 23rd January, 1985
- (iv) 12th February, 1985
- (v) 27th February, 1985
- (vi) 12th March, 1985.

Mr. President, within the terms of the Committee's reference and the authority contained in Standing Order 70 we summoned the Principal Secretary for Development and Natural Resources to assist the Committee in its work, and we again wish to record our thanks for the valuable assistance received from him. Also from the Auditor-General and other senior officers contacted to assist us.

Mr. President, while we regard all of the observations and recommendations made as important, perhaps our greatest concern focused on the following.

Item 30 of the Auditor-General's report on Hospital Fees. The Committee investigated the position of the accumulated outstanding bills at the Hospital for the period 1978 to 1983. Following deliberations on a detailed report and breakdown of outstanding debts submitted by the Hospital Administrator, the Committee, having noted that the efforts being made by him to ensure that payments are timely and promptly made, recommends that every effort be made to determine methods of payments of Hospital

MR. LINFORD A. PIERSON (CONTINUING): fees at the point of entry rather than when the patient is released from the Hospital.

The Committee further recommends that a cross-benefit analysis be carried out to determine the profitability of pursuing the payments of debts regarded by the Hospital Administrator as doubtful and bad debts to ensure the cost of employees' time, etcetera, does not exceed the value of debts collected. Further, that Government update its policies in conjunction with Social Services with regards to identification of paying and non-paying patients and to ensure that proper means' tests are carried out where patients state their inability to pay.

Also, Mr. President, item 32 on Company Fees - the Committee investigated the position of outstanding company fees in the sum \$1,168,200 for the period 1979 to 1983. The Committee, in finding no acceptable reason for outstanding company fees for up to six years in arrears, recommends that immediate steps be taken to rectify the position of outstanding company fees and that the collection of penalties incurred for late returns, as provided for under the Law, be paid forthwith, and that such companies failing to do so, be struck off the register. The Committee further recommends that upon a company being struck from the register, any property vesting in or belonging to that company be vested in the Honourable Financial Secretary for the benefit of the Islands in accordance with the provisions of the Law. It was also noted that a substantial amount of these outstanding fees were in respect of local Caymanian companies.

Item 39 of the Auditor-General's report on capital projects. It is the opinion of the Committee that, with respect to major capital projects, the Public Works Department be involved only in a supervisory capacity as past experience has shown that invariably the private contracts are more prompt and efficient. The Committee recommends that major Government projects be put to tender to ensure that Government receives the best value for money.

Perhaps, Mr. President, the item of the Report of greatest concern to the Committee dealt with the purchase of property 13C 2, which property was purchased from Mr. George Seymour for the sewerage project. The Committee noted that the said property had been purchased by Government for the water and sewerage system, etcetera, for a sum of \$390,000. The Committee investigated the matter to ascertain whether, in view of vast discrepancies from various valuations of the land, the expenditure may have been incurred without due regard to waste and squandering of Government funds.

The Committee's findings showed that the 7½ per cent stamp duty was paid by Government in full, resulting in a total purchase price for the property in the amount of \$419,000. It is the opinion of the Committee that in light of the recommendations made by leading valuers, the price paid for the property was significantly in excess of the market value of the land as agreed by Government's official valuers and the independent valuers from the private sector as shown from the reports submitted by them -

- (i) Valuation by Mr. Conolly of Lands & Survey Department - April 1983.....\$ 75,000
- (ii) Valuation by Crighton Properties - May 1983\$522,720
- (iii) Valuation by Mr. Flatt of Lands & Survey Department - July 1984\$ 40,000
- (iv) Valuation by Mr. S Williams - July 1984\$ 66,000
- (v) Valuation by Mr M Bould - January 1985\$ 75,000
- (vi) Valuation by Mr A Paterson - February 1985...\$ 65,000

MR. LINFORD A. PIERSON (CONTINUING): It is noted, Mr. President, that the average valuation placed on the property, excluding Crighton Properties' valuation of over \$500,000, is \$64,000.

The Committee recommends, Mr. President, that in future, valuation should be conducted through the Lands and Survey Department and, where there is doubt and discrepancy, two outside valuations should be obtained by Government.

Mr. President, also arising from the meeting, the Public Accounts Committee thought that it is time (this was discussed, but perhaps not reported here) that we review the terms of reference of the Public Accounts Committee which I think we will have the opportunity to do when we look at the Standing Orders as a whole.

Mr. President, the Public Accounts Committee's Report has received the complete support of all Members of the Committee and this Report is the Report of the Public Accounts Committee to the House. Mr. President, I would therefore move that the recommendations contained therein be adopted by this Honourable House.

MR. D. EZZARD MILLER: Mr. President, I wish to second the motion that the recommendations contained in the Public Accounts Committee's Report be adopted by the House.

MR. PRESIDENT: The question is that the recommendations contained in the Report of the Public Accounts Committee on the Auditor-General's report and audited accounts of the Government of the Cayman Islands for the year 1983, be adopted. Standing Order 72(5), I think, applies, and the motion, having been seconded, is open for debate.

DEBATE

ON THE PUBLIC ACCOUNTS COMMITTEE'S REPORT

MR. G. HAIG BODDEN: Mr. President, I must congratulate the Committee for having gone into the public accounts, but cannot sanction the adoption of that Report. There are three areas mentioned in it that I would like to speak on.

One is the recommendation with regard to a change in the valuation of properties bought by Government. Government should not have one set of values for purchasing land and another set of values for land being transferred by private individuals upon which stamp duty is payable. The system in operation now is that the land is valued and if there is doubt about the valuation assessors can be brought in; even the Honourable Financial Secretary can be called upon to give the final say. The system used in the past to determine the value of a parcel of land for stamp duty has been that you take into account sales in that area. If ever anything has been used unjustly for a political football it has been the purchase of that parcel of land for the sewerage plan - the parcel which is the subject of a part of this Report.

It is true that a Government officer not being versed in the values of land came up with a very low value of this parcel; ridiculously low in my opinion. He suggested that this parcel of land could be purchased for a little over \$2,000 an acre. This has to be nonsense and, in fact, one other person valued it at \$1,330 an acre, which, again, has to be nonsense. That parcel of land is contained in what is known as Block West Bay Beach North. The very name is inflationary.

MR. W. McKEEVA BUSH:

It is swamp. It is not beach.

MR. G. HAIG BODDEN (CONTINUING): This parcel of land is also in an area which has been zoned, ever since 1977, as industrial land - land for industrial development. Anyone familiar with land values in Grand Cayman will know that heavy industrial land in the centre of George Town is much higher priced than residential property.

I do not want to give the names, but it is a fact that many years ago the adjacent property to this parcel was purchased and is now being used by that person. It was purchased at a price of between \$6,000 and \$9,000 an acre. This was back in 1976, and it is suggested that this parcel of land is worth less than \$2,000 an acre. It is also known that land in that same block has been sold for \$45,000 an acre. That same Block, West Bay Beach North, in quite recent transactions land was sold for \$45,000 an acre. So how can this be bought or sold for \$2,000 an acre, or even less, as has been suggested.

It is time the public knows the truth about this parcel of land. The parcel of land was purchased from Mr. George Seymour who owned it for many years and I have been told by Mr. George Seymour, and I have been given his permission to state it, that as soon as the noise was made that he was selling this piece of land he was approached to buy, from a certain gentleman, a parcel of land almost in the same locality on the North Sound Road. Mr. Seymour's opinion is that because he did not purchase that piece of land, with the money obtained from his sale of this parcel he has been victimised by the opposition who claim that he was overpaid because he was George Seymour and a known supporter of the past administration. What should give one concern is the fact that this parcel of land was not purchased by Executive Council. It was purchased by Finance Committee and at the time of the purchase Members were told the exact locality of the land, Members were told the price of the land and Members agreed unanimously to purchase this parcel of land for the said price obtained. It was only after Finance Committee had agreed that some Members of that same Finance Committee took it to the public at public meetings maintaining that the Government had overpaid for this parcel of land. There was no overpayment. It was a fair price. The land had been valued at \$522,720 by a reliable real estate agent who had sold land in that area for many years.

We did not pay \$522,720. This was the asking price of the vendor. We negotiated and there were discussions at the portfolio level. The Honourable Financial Secretary was very satisfied that this was a fair value and we were able to purchase it for \$130,000 less than the price asked by the owner of the land.

I have seen a list of every parcel of land in that block and I know the price of every parcel sold since 1976. I am convinced that the price we paid for this land, something in the vicinity of \$13,000 an acre, was a fair price.

I have mentioned that as far back as 1976 land was sold for \$9,000 an acre and in some of the recent transactions the land was sold for \$45,000 an acre. So I am convinced that the price of \$13,000 an acre was a fair price, in fact, if anything, it was exceedingly low.

Also if we assume that this land is only worth what the lowest value says it is worth, the land would be sold for \$333 for a house lot if one was going to put four quarter acre lots on it. This has to be ridiculous.

MR. G. HAIG BODDEN (CONTINUING): One person said it was worth \$40,000 and it is ridiculous to even imagine that one could buy a house lot in George Town for \$333.33. Who even dreams that needs to have his head examined and examined fast because his brain has deteriorated. There is no place in Cayman today where one can buy one acre of land for \$1,333. I would like some of those who have condemned this purchase to go out and buy land for this price in that Block.

The criticisms have been unjustified. I am not condemning the Public Accounts Committee because it was fed information and it made its assessment on the information. What I am criticising is the untrue stories which were told during the election about this parcel of land. But, this is not strange because every good act the past Government has done has been condemned, but history will tell that we were right.

This Parcel was a good purchase. I am not surprised that the purchase was condemned. During the campaign we heard stories like the Government made a mistake. The Herald had a big headline "Government makes a mistake - another mistake of Government to start this water and sewerage scheme".

This scheme had been called by the people who now run the Government, or at least by one of the running mates, as an unrealistic scheme.

MR. PRESIDENT: We are not debating the scheme, we are debating the purchase of this particular piece of land or the Public Accounts Committee and that deals with the particular purchase of this land.

HON. MICHAEL J. BRADLEY: Yes, Mr. President.

MR. G. HAIG BODDEN: This purchase which the Public Accounts Committee examined is now called an unrealistic purchase, but there are no facts to justify its case that it is an over-payment. The Report mentioned and the Report is correct that the Government must take steps to make sure that there is no waste or squandering of public funds. This act was no waste or squandering of public funds because we purchased a piece of land for a valuable service in the future. It is a good thing we purchased it, as I mentioned in my debate, because there is no money this year to purchase land.

So, if we examine all the circumstances surrounding this particular parcel, we will see that the sale was justified. The price paid was a fair price. This parcel of land is ideally situated because it is close to the West Bay Beach and very close to the central part of George Town which is the area to be served by the sewerage works. Government undoubtedly could have found a cheaper parcel of land in Little Cayman or Cayman Brac, or maybe even up behind Bodden Town, North Side or East End. One can buy land in some areas for less than \$30,000 an acre, but Government needed land to put a sewerage plant to serve the West Bay Beach and central George Town. So it had to buy a piece of land in this area, and with all the criticisms of this sale no one has suggested any parcel of land in this area that can be purchased for less than \$30,000. So this has been just another political football and I believe that Finance Committee was justified in recommending the purchase and authorising the expenditure for this piece of land.

We know that a part of this land is swamp. We know the access to it is by a dyke road, but none of these things detract from the ideal situation of the land. None of them reduce the value to the price which has been suggested should have been paid. We did not purchase this land to put the Governor's residence upon. We purchased it for a pond which will receive sewage.

MR. G. HAIG BODDEN (CONTINUING): I was a Member of the Finance Committee that recommended this purchase, and, unlike some Members who supported it at the time, I continue to support it because I believe it was a fair price paid for fair value received.

The second matter I plan to speak on, mentioned in the Report which is before the House, is the hospital fees. I note the comments on the collections and the amount of fees outstanding. I would like to say that while it is all right for the Government to endeavour to collect its hospital fees, I cannot approve the exuberance with which they have gone about it.

I have in my possession a letter which was sent to a person who had visited or had stayed in the hospital in December. That person left the hospital on the 26th of December with a bill of about \$100 or so, and on the bill was written that the money should be paid within thirty days. The lady paid the bill on the 15th of January, and on the 25th of January she received a letter threatening to put her in court if she did not pay the fee.

Is this what the Government is doing with the hospital fees? Here is a person who was given thirty days to pay the bill and although she had paid it, long before the thirty days were up, they were threatening to take her to court. I can circulate those letters to Members if they want to see them.

MR. PRESIDENT: I must remind the Member that what we are debating is specific recommendations in the Report. The Member must help me by sticking to those and not turning this into a general debate about anything that was mentioned in the Report.

MR. G. HAIG BODDEN: Yes,

MR. PRESIDENT: Now I really do not think that what the Member has been saying is relevant and I would have stopped him earlier, but I thought perhaps you were going to show me its relevance. He has failed to demonstrate it. Next time I shall stop him rather earlier.

MR. G. HAIG BODDEN: Mr. President, a recommendation has been made in the Report and I think Government is acting upon that recommendation; but I am saying that the way they have set about it is wrong. Anyway I will not

MR. PRESIDENT: Can you show me which

MR. G. HAIG BODDEN: pursue the subject. The third matter is that of company fees. The Report correctly, Sir, mentioned that company fees were outstanding over a period in amounts that were not considered good accounting practice. It does not exactly say that, but this is the meaning of it.

I would like to point out that this occurred simply because company registration has grown to where we now have, according to the Budget Address, thousands of companies - and under the old system of collection in dealing with companies it was difficult to track them all. This, I believe, will be corrected with the use of the computer and I think this is the reason why the Honourable Financial Secretary has shown that so many companies have been struck off for non-payment of fees. With computer billing, better track can be taken of them.

MR. G. HAIG BODDEN (CONTINUING): Mr. President, I would like to close and I hope that I have made my point that there was nothing wrong with the purchase of that parcel of land; and, if Government in the future does not make any worse investment than that one, we will not have the problems which I expect to see before 1988.

MR. PRESIDENT: The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, as a Member of the past Finance Committee, what the Second Elected Member for Bodden Town has just said is correct in the sense that Finance Committee did approve of the \$390,000 for the said piece of land. What he did not say was that the Committee was never given any other valuation. All that the Committee heard was that the asking price of the land was over \$500,000 and that they, the Government, had negotiated with Mr. Seymour and they had gotten the figure down to \$390,000, and they thought at that price it was a good buy.

As a Member of Finance Committee we must be guided by the Chairman of that Committee and in the absence of any report of any other valuation, we must be guided by his decision.

The land, as I said, was quite swampy. I know a piece of land adjoining a piece of property which I happen to own was purchased just around the same time (and this is dry land) for \$3,500 an acre. Therefore, that land would have cost \$105,000 instead of \$390,000. So it is very easy to determine, Sir, that the price paid for this land was excessive - there is no question about it. There is no road leading to the land. There is only a dyke road as the Member admitted. We knew nothing about the accessibility of this land in Finance Committee. We were never told that the land had no access to it.

The land which I just referred to which was sold for \$3,500 has access to it by a paved road. So, Mr. President, there is no question that the former Government made a blunder, and a big blunder. No one can tell me that there are six other valuers and they are all wrong. Figures do not lie, Mr. President. They are right here for us to see. So when one makes a mistake, why not admit it? Why not be honest with the public and say, "Yes, we paid \$390,000 for it. Yes, we paid more money for the land than what it was worth". The public would appreciate this. Do not try to cover up something that has been done.

Mr. President, he has no fear of this present Government because we are going to be honest truthful and open with the people at all times.

MR. G. HAIG BODDEN: On a point of order, Mr. President, is he imputing that we are dishonest? He is coming very near to it.

MR. PRESIDENT: He has not said so, so I do not think he is out of order.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the second point I would like to touch on is the hospital fees. We had a personal experience with hospital fees. Our maid went to the hospital about two years ago. We paid the hospital fees. We got a receipt for it and just last year, before 14th November, we got a letter and we were told, besides that, that this hospital fee was due. My wife had fortunately kept the receipt and she went back and proved that the fee had been paid.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Mr. President, what I am suggesting here, Sir, is that there is something wrong with the accounting at the hospital and it needs to be looked into seriously.

Thank you, Sir.

MR. PRESIDENT:

The Honourable First Official Member.

HON. DENNIS H. FOSTER: Mr. President, I am not going to go into the contents of the Report. I simply would like to congratulate the Chairman and the Members bearing in mind, Mr. President, that we have not had such a report for many years even bearing in mind that three out of the five Members are new Members to this House. I congratulate them for tackling the task so early after their appointments late last year.

I congratulate them, Sir, and ask them to continue to do a good job in this Committee.

HON. VASSEL G. JOHNSON: Mr. President, I too would like to congratulate the Public Accounts Committee for producing this their first Report in such a short order after this Legislative Assembly was appointed. It is a very healthy position when a Public Accounts Committee becomes so enthused over its work and, Mr. President, it is so great a regret to learn that over the past few years, there might have been a Public Accounts Committee because I know that it is something which the Legislative Assembly looks forward to in appointing such a body to look at the financial activities within Government, there have been no Reports from such a body in such a long time.

Mr. President, I really rose from my seat because I could not resist hearing the old story told again about this piece of swamp land. Mr. President, I dealt with it on the platform during the days of electioneering and so I am bound to speak on it again at this time. We went into this very carefully, Mr. President, and the Report which the Public Accounts Committee has given is a correct one. They have quoted figures which were used in earlier debates and discussions. Now, Mr. President, two of the reports came from people whom this Government has used constantly for many years to do revaluation of properties for stamp duty purposes. Therefore, it cannot be said that these are people who do not know very much about Caymanian land. One of the reports or assessments came from the Government own Lands and Survey Department and I have very great regard for the ability of the experts in there in determining land valuation. Also, there is another person in the private sector, Mr. Williams whom I personally know and have personally used for many years to do the same job.

How, Mr. President, can the valuation of these people be just thrown in the waste-paper basket? However, at the same time there is a valuation by a strong supporter of the Unity Team and this valuation he gave, Mr. President, was out of this world. Had the Government used that and with the past Government with their money madness scheme accepted and paid for that sort of valuation we probably would not have found very much left in the Treasury when we got here.

Mr. President, I am not blaming the vendor of that piece of land because certainly if he could have extracted a million dollars from that money madness group I would not have blamed him. However, here we have valuations given for a piece of land of \$36,000, \$40,000, \$66,000, \$75,000 and yet they would not accept those.

HON. VASSEL G. JOHNSON (CONTINUING): They said, "No, we have a lot of money why charge us such a small price for it. We are going to pay you \$390,000". Certainly anybody would have accepted that, Mr. President. I would have although I knew it would be dishonest.

Mr. President, we heard a lot about the valuation of land in that area so I can afford to tell you, Sir, that even after this fabulous purchase land was sold in that area at \$3,600 an acre. Mr. President, it is not the sort of swamp land which we are talking about here which they paid \$390,000 for. It was dry land as well and there was a lot of it. Mr. President, this piece of land which was purchased for \$390,000 is the worst kind of swamp land which one will find in that area. When we say swamp land it is all swamp land. There is no little piece of dry land anywhere near it. Worse than that, Mr. President, it is directly to the North of that great garbage dump which has further devalued even the price of raw swamp land. Where they get a price of \$45,000 an acre from is beyond me. Mr. President, the only land which I know of which was sold for that price anywhere near to the North George Town area was across from the Seven Mile Beach near to the Islander Theatre. One could take a stone and throw it from the theatre on to that piece of land. Mr. President, let me say this. It was all dry land. I have not known any land in that area and let me tell you, Mr. President, that I have lived in George Town and in that area for fifty years; I do not know of any land in that North George Town area which was ever sold for that sort of fabulous price. Land across from Seven Mile Beach running to the North Sound included as part of the Seven Mile Beach land is sold for big prices, Mr. President, but certainly nothing North of the garbage dump off here, right off George Town. It is not off the Seven Mile Beach.

So, Mr. President, for the record's sake I hope that it is made clear what the position is as far as that piece of land is concerned. I want the vendor to know that I am not speaking ill against him. I wish to God they had paid him a little more.

Mr. President, the Public Accounts Committee mentioned hospital fees. Of course that has always been a bone of contention in the hospital because nobody up there wants to collect hospital fees, I am convinced of that. In the past Government I made as Financial Secretary many different proposals for collecting fees up there and the member responsible said, "No, just leave it alone". This is how they did things, Mr. President, "Just leave it alone". I know people who have gone to that hospital, honest people who want to pay their bill and months went by without any bill being received.

The Honourable Third Elected Member of Executive Council mentioned about a bill which was sent out and which bill had already been paid. There is all sort of confusion up there, Mr. President. When one goes and looks at the staff there, one wonders what they do. I do not want to knock the Civil Service or any department of Government but, Mr. President, let me tell you this. I have walked around. I have observed the operation of departments in this Government and I can tell you that there is need for a great shake up in many of them. One thing they study and that is how to spend the money which is allocated to them on a quarterly basis, because they have got to spend it before the end of a quarter. It does not matter how it is coming in, they must spend it. I believe that it is time for someone to look at the little pittance of hospital fees which is charged up there for the services which are subsidised to the extent of 70 or 80 per cent.

HON. VASSEL G. JOHNSON (CONTINUING): So we are not charging the public very much for those services but I think that the public has a duty to pay the little that we do charge. I hope that in the coming months someone will look at that department and try to collect the small fees which are charged.

Thank you, Sir.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I had not planned to speak but seeing that there were so many red herrings drawn across the road I decided I would say my piece too. I would associate myself with the thanks and congratulations offered to the Chairman and his Committee for the job which they have done and are doing. I would like to say that the Public Accounts Committee is a very important Committee. The last eight years we did not hear one word from the Public Accounts Committee and the Government spent and spent and spent, and no-one asked or even poked around a little. If one did poke around he received a slap on his hand and was told that he was a naughty boy.

Mr. President, it has always been clear to me what has happened and what took place in the buying of that swamp land. So anyone saying or even implying that this is a fair price has no love for the tax-payers of this country. I just have to wonder, Sir, how can they say that it is a fair price. No wonder the country has suffered. No wonder there is no money now in the Treasury. Yet we hear many complaints.

Sir, I fervently pray that this new administration when buying property will not rob the tax-payers as has happened in the buying of that swamp land. I promise the country that if ever a matter as such comes to Finance Committee I will not condone such manipulation of public funds.

Mr. President, several valuations are on the record, one for \$75,000, one for \$40,000, one for \$66,000, one for \$75,000, one for \$65,000 and one which came from a strong supporter of the Unity Team administration for \$522,720. Yet they say, Mr. President, that it was a fair price. Mr. President, that is rubbish. I say, Sir, that they should be tried for it. They should be made to pay the difference between the true valuations and the outrageous price which the Unity Team Government paid with the tax-payers' money, wasting the tax-payers' money. Now the Treasury has no money and they are still complaining, but that is true Unity Team mentality.

As I said and I repeat, I give the country my assurance that if ever a matter such as this comes to Public Accounts Committee or comes to Finance Committee, I will not condone such manipulation.

Thank you very much, Sir.

MR. PRESIDENT:

Executive Council.

The Honourable Second Elected Member of

HON. W. NORMAN BODDEN:

Mr. President, I would like to join with Members before me who congratulated the Chairman of the Public Accounts Committee on such a timely and comprehensive Report. As a Member of the Finance Committee in 1984 which dealt with the purchase of the property which has received so much discussion this morning, I would like to make it abundantly clear that at no time were the Members of Finance Committee given the valuation for this property which was provided by the Government Lands and Survey Department.

HON. W. NORMAN BODDEN (CONTINUING): At the time we were told that Government was desperately in need of this fine property; that it had been evaluated by a reputable real estate agent; that they had negotiated so strongly and got the price down to an acceptable figure, and that they recommended that it be approved. We could only follow those recommendations as being genuine, but at no time was Finance Committee told that this property had been valued by the Lands and Survey Department for \$75,000. I would just like to make that small contribution as a Member of the Finance Committee which dealt with this matter in 1984.

Thank you.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, as a Member of the Public Accounts Committee I would like to compliment the Second Elected Member for Bodden Town on his usual eloquent, verbose and vociferous way in which he has reduced a puritanical, deductive and evaluative approach to a political football, Sir. The approach taken by this Committee was based on the facts and figures provided for it. The Committee was very much concerned by the discrepancies and that is borne out in the recommendation, Sir. The Committee without falling in jeopardy of bringing its deliberations into the open in the House, Sir, felt that there had been to a certain extent some change in the way that the land valuation was accepted. Therefore, it made the recommendation that it stick to having the Lands and Survey Department do the evaluation.

We were not concerned, Sir, with who was involved with the transactions but merely with the figures which lay before the Committee. Sir, people seem to wonder though why there is such a discrepancy in the evaluation. However, I believe that I can define it, Sir, because it seems to be from what I heard today a mobile piece of land. One minute it is located in West Bay Beach South. The next minute it is located in central George Town Industrial Park. So maybe that is wherein lies the inflated value if an inflated price was paid, as I believe it was, for this piece of land. Because it depends on where we pin it down and at what time and where it was located when the valuation or buying was done. If we can find a piece of land which we can move around like that we might have something going for us.

As to hospital fees, Sir, I think the Member clearly illustrated what I have said all along is wrong with the hospital. That is bad management. That is why the Committee made the recommendations which it did. We were at a disadvantage, Sir, because there was little guidance available for up to date reports. Because as has been expressed earlier there had been some time during which this Committee had not met and tabled a Report in the House of Assembly. However, I would just like to draw Members' attention to a few other areas and recommendations made.

That is under Item 11, Advance Accounts, under Item 38, Control of Expenditure and Item 61, Safeguards against Irregularity. I think that those kind of recommendations clearly illustrate the intent and the approach taken by the Committee.

Thank you, Sir.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, may I join with my colleague the Honourable First Official Member in congratulating the Public Accounts Committee in having presented so timeously its Report in relation to the finances of Government over this last year.

HON. MICHAEL J. BRADLEY (CONTINUING): I hope, Mr. President, that if my interpretation of section 74 of Standing Orders is correct that it will not be the only Report which they will present to Honourable Members of this House.

I feel that they are being unduly modest in only having dealt with the past year, Sir. It is my understanding that there has been no Report in respect of the four previous years and I was wondering whether it would be their intention to go back and cover the other years, so that the duties imposed upon them by this Standing Order which may not have been fulfilled by the past Public Accounts Committee, will be fulfilled by this one.

MR. PRESIDENT: Did the Elected Member for East End wish to speak? You caught my eye earlier and I was....

MR. JOHN B. MCFARLANE: Yes, Mr. President, I would just like to be very brief. At the time of the purchase of the said piece of property I held responsibility for the Portfolio. I would just like to place it on record, Mr. President, that my Portfolio was asked for certain information, namely valuations from the Lands and Survey Department which I was also responsible for. The valuations were got and presented and at that point the responsibility was no longer with my Portfolio. I would just like to clear the Portfolio because I would not want anybody to get the idea that we took full responsibility for the purchase.

MR. PRESIDENT: The Honourable Third Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I too like some other Member did not intend speaking, but since everybody is having their turn I will take mine as well.

I would like to join the Honourable Members of the House in congratulating the Chairman and Members of the Public Accounts Committee. I think that they have dealt with the Report of the Auditor General in a rather fair way. They have made some particular comments on some aspects of the Auditor General's Report. I think in fairness that I should make some comments about them.

With regard to the Item 32, Company Fees indicating that the outstanding fees are a little over \$1 million from 1979 to 1983, and their recommendations regarding steps to be taken in the collection, and also the fact that these Companies should be struck from the record as well the following comment or recommendation which indicates that any property owned by these Companies will be struck from the record and should be vested in the Financial Secretary for the Government of the Cayman Islands. Mr. President, over the years the scrutiny of company records has been a horrendous task, when we are considering the fact that there were over 19,000 company records until a year or so ago when a tremendous amount were struck from the Register as a result of the computerisation process. To manually scrutinise these files we employed people during the summer time. No matter how many people we employed, Mr. President, they never seemed to be able to go directly through the alphabet of these companies 'A' to 'Z'. We took many approaches to it. We would begin one year at 'A' and work our way through the names which fall under the alphabet. We would get somewhere in the middle of the alphabet and the exercise would have to come to a stop because the students from colleges who were pursuing degrees, who were actually the ones who only took this work, had to return to college.

HON. THOMAS C. JEFFERSON (CONTINUING): The following year we would begin at 'Z' and we would never get back to 'A', Mr. President. Therefore as a result the process was not manually possible. As a result of the computerisation of the Company Register we are now at a position where we can determine what fees are outstanding, and what Registered Office is responsible for the collection of them. However, we must bear in mind, Mr. President that the Registered Offices are not going to stick their hands into their own pocket-books and pay these fees because the real responsibility for paying the fees rests with the shareholders. Until the Registered Offices receive the funds from the shareholders or beneficial owners they are not going to make any payment. This is how this \$1.2 million comes about.

We mentioned on 1st March that over 1,800 companies were struck from the records. This is all part of the exercise, Mr. President. In previous years when we were working on the computerisation of the company records we struck a good number of companies from the Register at that time as well. I cannot remember the exact number now, Mr. President, so I am not going to quote figures. Now that we have the, shall I say, automated Company Register it is easy to determine who owes and who should pay, and working with the Registered Office is possible. If after the Registrar of Companies decides that he has given sufficient notice to the Registered Office and has given sufficient time for the Registered Office to make contact with the beneficial owner of the particular company, and no fee comes forward, we then strike the company from the Register. That is the process which we are exercising and it is the same process which is recommended in the Public Accounts Committee Report.

MR. PRESIDENT: I do not think that any other Member wishes to speak but before I invite the mover to exercise, if he wishes, his right of reply I think that it may be convenient to take our usual morning break. So I will suspend proceedings for approximately fifteen minutes. Let us resume at 11.40 a.m.

AT 11.25 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.45 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed
The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I wish to take this opportunity to thank Members who supported Public Accounts Committee's recommendations, and also for any adverse comments which we may have had on the recommendations. It points to the importance and the necessity for such an important Committee.

I would also comment on the recommendations made by the Honourable Second Official Member regarding the activities of the Committee. I agree that perhaps we should go back for another three or four years. Our only problem there, Mr. President, is that we have been advised by the Auditor General's Department that prior to 1982 it would be fairly difficult for us to examine the audited accounts. However, I will go back to him and see how far back we can go with our Report.

MR. LINFORD A. PIERSON (CONTINUING): It appears, Mr. President, that the three areas of the Report which engendered most discussion were Items 30, 32 and 48 of the Report which had to do with hospital fees, company fees and the purchase of property 13C - 2. I would like to make it abundantly clear, Mr. President, that our examinations were carried out under the terms of reference contained in Standing Order 74(1) which states that the Public Accounts Committee shall examine the "accounts showing the appropriation of the sums granted by the House to meet the public expenditure, and of such other accounts laid before the committee as the House may think fit".

It did not, Mr. President, extend to any political considerations and I would wish to make that very clear. It is not our intention, Mr. President, to cast any aspersions or to try to reflect adversely the operations of the past Government because I am sure that individuals in the House are aware that the Report on the 1985 accounts will be dealing with any activities of the present Government. So our position, Mr. President, is independent. It is not in any way political and I think that it is important that this point be made very, very clear indeed.

There is no doubt in our mind, Mr. President, that the purchase of property 13C - 2 was somewhat inconsistent with the valuations given. As I stated initially there was an average price given by five of the six valuers of \$64,000. We ended up paying, Mr. President, \$419,000. I am not here to say whether this was right or wrong. As stated earlier our examination extends to our findings and our report on those findings.

Perhaps, Mr. President, in future instead of the valuations being done through the Lands and Survey Department and supplemented by two outside valuations, maybe the Government should consider compulsory acquisition where this is seen to be necessary. This would avoid any doubt as to the question of manipulating or political considerations.

I noted the comments made by the various Members, in particular those of the Second Elected Member for Bodden Town and those comments are well appreciated. There is just one point which I would like to make clear which perhaps escapes the Member. That is that the recommendations of the Committee were that the valuations should be conducted through the Lands and Survey Department, and where there is doubt and discrepancy by outside valuations. I cannot see, Mr. President, where there could be any major objections to such a recommendation. In addition, I feel that Government should consider compulsory acquisition in such cases if we are to avoid the question of political considerations.

We did not regard this, Mr. President, as a political football because we tried very hard and indeed we did stick very closely to the terms of reference on their appointment.

On the question of hospital fees, Mr. President, I feel that it is again necessary for us to note specifically the recommendations made. To clear any doubt in the minds of Members of the public I would like to state again that the Committee recommends that every effort be made to determine methods of payment of hospital fees at the point of entering. I think that I need to make it quite clear also, Sir, that in cases where members of the public are unable to pay their hospital fees provisions are made to the Social Services Department to have these waived or otherwise treated. There is no attempt here, Mr. President, to squeeze those people who cannot afford to pay the fees. However, I must agree with the Honourable Fourth Elected Member of Executive Council that more effort needs to be made through the hospital administration to collect the fees which are collectable.

MR. LINFORD A. PIERSON (CONTINUING): On the question of company fees, Mr. President, here again I am glad to note the comments made by the Honourable Third Official Member of Executive Council. These comments are well received and I think the Committee are happy to know that in future the system within the Registrar General's Department will become much more efficient through the implementation of computer services. However, I need to point out to Members that we are not dealing here with three months, six months or even a year but our Report extends to four years from 1979 to 1983. Surely the Honourable Third Official Member must know that that is an unduly long time for fees to be outstanding. So what we are pointing out here, Mr. President, is that we would wish to see this system improved and we take very kindly to the assurance that this will be done.

Mr. President, again I want to thank the members of the Public Accounts Committee for their support, and also the Members of this House for their kind remarks. I trust that they will see fit to pass this Report and this motion.

Thank you, Mr. President.

MR. PRESIDENT: The question before the House is that the Report of the Public Accounts Committee on the Auditor General's Report and Audited Accounts of the Government of the Cayman Islands for the year 1983, and the recommendations contained therein be adopted.

QUESTION PUT: AGREED.

MR. W. McKEEVA BUSH: Can we have a division, Sir?

MR. PRESIDENT: Very well. Will the Clerk please do one.

DIVISION
NO. 14

AYES

NOES

ABSTENTIONS

- Hon. Dennis H. Foster
- Hon. Michael J. Bradley
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassal G. Johnson
- Mr. W. McKeeva Bush
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. James M. Bodden
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller
- Mr. John B. McLean

Hon. Thomas C. Jefferson

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MR. JAMES M. BODDEN: Mr. President, why was it necessary to have a division when there was no one voting against the motion?

MR. PRESIDENT: Because I ruled earlier that if a Member called for a division he was entitled one, because I might have failed to hear somebody saying aye or no.

MR. PRESIDENT (CONTINUING): The question did come up once before and my initial instinct was the same as yours; that if I had not heard anybody say "No", there really was no need for a division. However, it was argued and argued successfully that perhaps I might not have....

MR. W. McKEEVA BUSH: It is called smoking them out, Sir.

MR. PRESIDENT: I am sorry, I failed to hear the Clerk's count. It was 12 ayes, 1 abstention, no noes. Is that right?

MR. JAMES M. BODDEN: The Member never had to smoke out anybody.

MR. PRESIDENT: Order, order. I am trying to hear what the Clerk said.

CLERK: I said 13 ayes, Sir.

MR. PRESIDENT: 13 ayes, 1 abstention and no noes. I declare the motion carried.

THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE AND RECOMMENDATIONS CONTAINED THEREIN WERE ADOPTED.

MR. PRESIDENT: Item 1(b), Business Committee Report.

BUSINESS COMMITTEE REPORT

HON. DENNIS H. FOSTER: Mr. President, I beg to lay on the table of this Honourable House a Business Committee Report of a Business Committee Meeting held on the 4th March, 1985.

MR. PRESIDENT: So ordered.
Item 2, continuation of the debate on the Second Reading of the Appropriation Bill, 1985.
The Honourable Second Elected Member of Executive Council was speaking.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND SECOND READING OF THE APPROPRIATION (1985) BILL, 1985

HON. W. NORMAN BODDEN: Mr. President, when the House adjourned last Friday I was speaking on the subject of Cayman Airways. I had previously pointed out that I like many others recognised the advantages of owning and operating our own airline, but that quite rightly these advantages must be weighed against the cost and other related matters.

I therefore now, Mr. President, refer to the financial statements of Cayman Airways Limited and Cayman Air Holdings Limited for the financial year ended 30th June, 1984 which have been tabled in this Honourable House on 1st March, 1985. These accounts will reveal, as most people are already aware, that the national airline continues to suffer very heavy financial losses.

A review of the statement of loss and deficit as audited by Price Waterhouse, shows that the national airline earned in operating revenue a total of \$23.2 million for the financial year ended 30th June, 1984. However, operating expenses totalled \$23.5 million, resulting in an operating loss of \$300,000 for the year then ended.

HON. W. NORMAN BODDEN (CONTINUING): However, after financing costs of \$2.45 million covering obligations under capital leases were added, this brought the overall net loss for the year to \$2.75 million. I am quoting United States Dollars according to the statements, Mr. President.

This result then combined with losses brought forward from previous years therefore made the overall accumulated deficit of Cayman Airways as at 30th June, 1984 \$16,237,553. The financial statements of Cayman Air Holdings Limited also show an accumulated deficit of \$980,000 for the year ended 30th June, 1984, which when added to the accumulated deficit of Cayman Airways produces a grand total accumulated deficit of \$17,217,460.

Turning to the Balance Sheet of Cayman Airways Limited we find total current assets of \$5.3 million as against total current liabilities of \$12.3 million. The company therefore had a working capital deficiency of \$7 million and a shareholders' deficiency of \$7.5 million as of 30th June, 1984. In other words, Mr. President, all the working capital of the company which Government had injected over the years had not only been used up, but the company was also short of \$7 million with which to meet current bills, in spite of its large earnings.

This serious position emphasises the pressing need for both short and long term funds to be made available in order to support the operation if Cayman Airways is to preserve any semblance of its reputation with its debtors within the airline industry, and remain in business. There can be little doubt that the Cayman Islands Government, the company's sole shareholder, will have to again be called on from time to time to provide further help in the form of further loan financing or capital injection. This is a fact which must be faced and cannot be shelved.

It must also be pointed out that as at 30th June, 1984 the Cayman Islands Government had already invested capital of \$8.75 million, plus loans of \$5.5 million outstanding in Cayman Airways. Additionally, the Cayman Islands Government has guaranteed Cayman Airways' loan repayment obligations for the two 727 aircraft which amounts to \$2.5 million annually until 1996. It must also be noted that the \$4 million sale price for the two BAC 1-11 aircraft is also held in an escrow account which serves as collateral for the obligations of the Cayman Islands Government as guarantors of Cayman Airways' aircraft lease. Government does, however, I understand receive part interest on this escrow account. These, Mr. President, are the facts revealed in the accounts of Cayman Airways which have been tabled.

The Opposition, Mr. President, complains about the five cents stamps on cheques introduced by this Government and cries concern for the little man. However, taking these facts into consideration they have already committed through guarantees and debts every man, woman and child in this country to taxes amounting to over \$2,000 each.

Mr. President, some cost cutting measures have been instituted and it is anticipated that the next financial statements will present a more favourable picture of the financial affairs of the national airline. Additionally, a decision has been taken to wind up Cayman Air Holdings Limited in the course of this year so that in future we will be dealing with only one set of accounts.

It has always been my view, Mr. President, that Cayman Airways with its present route structure and equipment actually lacks the basic economic factors needed for it to ever become viable.

HON. W. NORMAN BODDEN (CONTINUING): Of course, this has been the case from the very beginning and I am sure that had a proper feasibility study been conducted by Government in 1977 this fact would have been established then. In any event some cost cutting measures have been taken with the view of reducing losses to a more palatable amount. Once this is done, once then this is accomplished Government will have to consider subsidising the airline and provide for it in the annual estimates.

Mr. President, after we took office in November, 1984 we found in the financial statements the situation which I have previously outlined of the over \$17 million losses. The company from reports we received and from observations, appeared to be top heavy with experts, the majority being non-Caymanians who were earning high salaries and many of whom had never worked for an airline before to the best of our knowledge. There were bills to be paid immediately. The lease was due. There were bills from Texaco. There were bills for maintenance. At this point I would like to clarify the accusations, shall I say, put forward by the Second Elected Member for Bodden Town when he claimed that this new Government is spending at the rate of over \$2 million a month. I would like to place it on record that the only amounts which have been spent by this new Government have been the \$1.6 million, which has been spent on bills owing by Cayman Airways in order for the company to continue its services unhampered. The other \$2.2 million which he refers to is the amount taken from Reserves which has been placed in the budget but which has not been spent. I think that that point should be clarified to the public.

We also found that many of our own Caymanians in management who were holding responsible positions were underpaid, and many times ignored. At Question Time the Second Elected Member for Bodden Town also raised extensive questions and supplementaries on the re-hiring of two local Caymanians in Cayman Airways. No names were given so I can only take this opportunity to assure him that there is a new policy in Cayman Airways that we do not fire anybody for political reasons, and therefore they were not rehired for political reasons.

MR. JAMES M. BODDEN: Mr. President....

HON. W. NORMAN BODDEN: Mr. President, that Member has had his say and I am not giving way....

MR. JAMES M. BODDEN: The Member is imputing....

MR. PRESIDENT: Are you rising on a point of order?

MR. JAMES M. BODDEN: Yes, Sir.

MR. PRESIDENT: Under which Standing Order?

MR. JAMES M. BODDEN: Under Standing Order 34. The Member is imputing that the....

MR. PRESIDENT: Under which Standing Order are you rising on a point of order?

HON. W. NORMAN BODDEN: Mr. President, with due respect, Sir, I have received enough interruptions. That Member has had his time to speak.

MR. PRESIDENT: If he is rising on a point of order and so satisfies me you have to give way. (PAUSE).

If the Honourable Member rises on a point of order he must satisfy himself first what his point of order is.

MR. JAMES M. BODDEN: Standing Order 34(a).

MR. PRESIDENT: No, that merely gives you permission to rise on a point of order. It cannot itself be a point of order. I think perhaps you mean Standing Order 35(4).

MR. JAMES M. BODDEN: Yes, Sir, that is the one, Standing Order 35(4).

MR. PRESIDENT: No, I do not think that the Honourable Member has imputed improper motives to you.

MR. JAMES M. BODDEN: He did say that it was done for....

MR. PRESIDENT: No, he said that his Government has not sacked anybody for political reasons. He did not mention your Government. The Member may continue.

MR. JAMES M. BODDEN: I think I misunderstood then and I heard different from you.

HON. W. NORMAN BODDEN: I think that I am fully aware of what I said, Mr. President, and that is exactly what I said. I said that there was a new policy in Cayman Airways that this Government had not fired anybody for political reasons nor had they been re-hired for political reasons. I made no reference to any sort of imputation on the part of the Member.

Mr. President, at this time in Cayman Airways we have a well experienced and methodical Chairman of the Board, and a Board of Directors comprised of successful businessmen and several efficient Government officials who are doing an excellent job in stabilising the airline and endeavouring to bring its operations under control.

The Board is making excellent progress and combined with the efforts of management, while a profit cannot be promised, as I said before it is expected that some improvement in the financial position will be forthcoming.

I would also like to advise that in December a Swissair team was commissioned to do a report on the national airline because it is always useful to have an objective view from outside experts free from political influence. Of course, Swissair was chosen because Swissair is the best managed airline in the world. Their report will be forthcoming in due course.

Mr. President, the future development of the airline will depend on how successfully expenses can be reduced. Future route structure also plays an important part in its future and of course increased utilisation of the two 727 aircraft which we operate. The operation of a high cost aircraft like the 727 which is only utilised 50 per cent is a large contributing factor to the difficulties of the airline. However, there are many overall considerations to be taken into account and the needs of the airline will be kept constantly under review.

HON. W. NORMAN BODDEN (CONTINUING): The extension of the Miami/Cayman moratorium is being actively pursued and additional United States destinations will be requested through the United Kingdom whenever Bermuda II is being renegotiated, so that the airline is not totally dependent on its two main existing routes to and from the United States. I wish to assure the people of this country and Government that no stone will be left unturned to keep Cayman Airways flying. We all look forward to the day when it will unfold its wings to bigger and brighter horizons.

This, Mr. President, brings me to the subject of the request for the extension of the moratorium on the Miami/Cayman route which will expire on 1st April, 1985 if not extended. We are optimistic but of course cannot be sure until the time actually comes. Should this not be extended there is absolutely no doubt that this would only further erode and further deteriorate the financial position of the airline, and weaken the carrier to the extent that its survival could be placed seriously in doubt. So we have placed a lot of emphasis on requesting an extension of this moratorium. Shortly after taking office it was discovered that apparently no action had been taken to request an extension from the United States on this moratorium. So immediately arrangements were made through the British Embassy in Washington for a meeting with the United States Government officials so that initial steps could be taken to put our case forward and express our concern. This meeting was arranged and during the month of December a delegation consisting of the new Chairman of Cayman Airways who is also the Honourable Fourth Elected Member of Executive Council responsible for Development and Natural Resources, the Managing Director of Cayman Airways, the Principal Secretary of the Portfolio of Tourism Aviation and Trade, and our Director of Civil Aviation and myself met with the Chief Aviation Policy and Programmes Officer for the State Department and the Deputy Assistant Secretary for Policy and International Affairs in the Department of Transportation in Washington, D.C.

The meeting was useful and efforts have been continuing ever since to bring this matter to a satisfactory conclusion, and we hope for the best. The concern expressed by the First Elected Member for Bodden Town for the people of the Cayman Islands in regard to the extension of this moratorium is very much appreciated, but I can assure him that this matter is being handled at the highest possible Government level at the present time. It is nevertheless important to note that as I have said before, no action had been taken to request an extension to the moratorium until the new Government took office in late November, 1984. However, the previous Government, and particularly the First Elected Member for Bodden Town knew from 1982 that this moratorium would expire on the 1st April, 1985. However, as I said no action had been taken on it.

Mr. President, the First Elected Member for Bodden Town also mentioned in his debate the negotiations which resulted in the present moratorium on which we are seeking an extension, and pointed out what help, if any, had been given by the British Government. There is no doubt that this moratorium has been of great benefit to Cayman Airways and I should like to sincerely express our gratitude to all of those who helped to negotiate it. In doing a bit of research on this, according to the records a particularly helpful part was in fact obviously played by the United Kingdom officials concerned. I can do no better than to quote messages which the First Elected Member for Bodden Town himself sent at the time after he had visited Washington to represent the Cayman Islands case.

HON. W. NORMAN BODDEN (CONTINUING): He sent a telegram on 1st November, 1982 to Mr. Roberts, the leader of the United Kingdom delegation which read as follows:-

"Thank you for the support which you gave to the interests of the Cayman Islands in the negotiations with the United States and for the courtesy you extended to the Cayman delegation. It made a deep and favourable impression on all of us. We were happy to relate that experience to our friends in the Cayman Islands."

Mr. Roberts replied on 9th November, the actual date on which the United States agreed to the moratorium informing us of the agreement reached. A further telegram was sent on 17th November at the request of the First Elected Member for Bodden Town which said:-

"Thanks very much for your message. Your success on our behalf is very much appreciated by the Cayman Islands people. Thanks to you, your delegation and Government, and warm personal regards to you."

I have brought this to the attention of this House and trust that for the sake of the record this will reflect the exact position.

Mr. President, I have been dealing through the British Government on civil aviation matters since 1970 and I, for one, have always found them to be most helpful and considerate of the Cayman Islands, its people and its problems, and I can only speak of my experience with them. The present Chairman of Cayman Airways led the Cayman delegation on the Bermuda II talks which were held in Washington in 1977. Although there have been different versions of the outcome of this, I believe that our present Chairman can support what I have said with regard to the help we get from the British Government.

In truth and in fact, and I said so earlier and repeat it here, there was nothing to be ashamed of which the delegation from Cayman put forward at the Bermuda II talks in 1977. This gained a second point in the United States for Cayman Airways and it was also as a result of a Boyd, Shovelton exchange of letters which enabled that moratorium to be imposed in 1982. That assisted greatly with it and I think that the outcome was satisfactory at that time.

I have no doubt, Sir, that there is a certain resentment in some areas to the British. However, I feel that many times they are seen as the people who are blocking political ambitions to rule and run this country. I trust that our people now nor ever in the future will allow political propaganda to influence their decision to remain a Crown Colony of Great Britain. This has given us our stability and strength and must be given credit for the success of this country which is often bragged about.

Trade. Mr. President, efforts will be made during 1985 to attract some form of light industries to the Cayman Islands; industries which are non-polluting nor labour intensive. I realise that this is not easy to do and it has been tried many times before. However, we plan to conduct certain promotions abroad which I trust will prove helpful.

HON. W. NORMAN BODDEN (CONTINUING): I next come to labour. I believe, Mr. President, that our labour office and staff is doing a tremendous job for this Government and this country at very little cost to Government, nor requesting many luxuries. I feel that they are filling a real need. I know that the recent labour survey has been criticised by the Opposition. However, I think that it has served a good purpose. We certainly expect to do more in the future. One of the reasons why we needed a survey, Mr. President, was because we had to establish the position with regard to the number of unemployed as near as we could in this country. Because before the Elections all one could hear from the Government was that there were only unemployables who were unemployed. Everybody could get a job here if they wanted one. So we really had to find out what the true position was which was one of the reasons. The other reasons I have outlined before.

Nobody can tell me that 42 people in East End, 39 in West Bay, 12 in North Side, 30 in George Town, and 35 in Bodden are all really unemployable. I do not believe that. I think that they are people looking for jobs and our labour office has been able to place some of them. Now the Opposition is screaming about all the unemployed. They have suddenly become unemployed and they are asking, "What is the new Government going to do about this in three months"?

I do not believe, Mr. President, that the outside world will become alarmed because Cayman conducts a simple labour survey as has been claimed by one Member. However, what will alarm them more and what will alarm most of all is the formation of a labour union which could only serve to wreck this country and wreak havoc amongst our people and businesses. The committee which has recently been established as a result of a Private Member's Motion will produce, I am sure, suitable labour legislation which will provide the help and protection which our workers need. So I trust that a labour union or any of its promoters will never take roots here, as it will not serve the purposes of the Cayman Islands and its people.

The future, Mr. President, may be wrought by problems. The sea may often get rough. However, in the true Caymanian tradition I believe that the Cayman Islands will continue to grow from strength to strength through the firm determination of our people to stand by what is right and proper for this land. I believe that the Cayman Islands will continue to remain the preferred offshore financial centre and the preferred tourist destination in the Caribbean. I believe this with all my heart, as long as we continue to offer stability, the same degree of safety and tranquillity. These we still have in this country. After all is said and done let us try to keep it that way. Then we will not only be politicians but we will be statesmen.

I support the Appropriation Bill, 1985, Mr. President, and I thank you.

MR. PRESIDENT:

Does any other Member wish to speak? Would you like to start your speech now or is it going to be inconvenient, as I would expect to suspend proceedings for lunch in about a quarter of an hour? If you can conveniently use some of that time that is alright. Would you like to start?

MR. JOHN B. McLEAN:

It does not matter, Mr. President. If you prefer to suspend proceedings a little earlier it is fine with me....

MR. PRESIDENT:

I think let us make a start if you would like to speak now. The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, for a while I have contemplated as to whether it made sense for me to stand here and to debate this Budget Address, as it seems to me that the three Members of the past Government are being treated in such a hostile way by the present Elected Government. However, Mr. President, I am aware that there are those on the outside who expect this little minority to speak and to tell it like it is. Therefore, I shall debate this Budget Address with pride.

Mr. President, once again the Honourable Third Official Member, the Honourable Financial Secretary has presented us with what I consider a very comprehensive Budget Address and he should be commended. However, Mr. President, before entering into this Budget Address for debate please permit me to air a few comments on my personal feelings as to the attitude and behaviour in this Honourable House recently.

Mr. President, I was first elected to this Honourable Legislative Assembly in 1976 and in these years, Sir, I have never seen so much revenge, resentment and hatred amongst Elected Members who should all be here with the same goals in mind. Mr. President, sometimes I have to say to myself, "Why? Where will it all end?". Mr. President, one of the first things which a Member receives once he is elected to this House are copies of Standing Orders which we should all study and comprehend. I feel, Sir, that this has not been done by certain Members, because if it was done they are surely ignoring the sections which deal with the mode of conduct of Members.

During this Session, Mr. President, I have heard insults. I have heard mud slinging. I have heard unparliamentary language. I have heard politics played and lastly, Mr. President, I have heard nasty names called to Legislative Assembly Members. Mr. President, be it a present or a past Legislator it is my honest opinion that it is a shame for any of us to stand here and to ridicule because I feel that we are all placed here by the general public, and I would say the majority of the general public. It is stupid to the lowest when we are going to stand here and hear Members referring to past legislators even to the extent of calling them skunks.

Mr. President, my record will show that I very seldom disturb Members when they are speaking, but at that time I was tempted to get to my feet and to say my piece. I honestly feel, Mr. President, that the Chair should have offered a ruling and an open apology should have been made by the Member for such bad remarks and bad behaviour. We must realise, Mr. President, we are no longer on a political platform. We are now in the Chambers of our House of Parliament and I will say that this sort of behaviour must change for dignity to be restored here. I refer especially to a week last Tuesday when this House, Mr. President, was somewhat of a market-place with the behaviour which took place here. We must remember that they are no longer the times when we stood here and the only people who heard us were those sitting in the gallery. Today whatever is said is heard on the radio all over the world. Have we ever stopped to think what damage we could be doing, not only to ourselves, but to our country and our people?

Mr. President, my reason for being here is for the faith which my people have placed in me and I think that I am right in saying that this was displayed quite clearly, loud and clear, at the polls at the General Election in November, 1984. However, Mr. President, my people depend upon me to do what I feel is right and I have endeavoured to do this ever since I have been an Elected Member.

MR. JOHN B. McLEAN: (CONTINUING): Mr. President, that brings me to a point which I would like to touch on, or I should say a few points. I have personally seen resentment; I have seen revenge among some of the newly Elected Government. I have aired this at a public meeting in my district and I shall do the same here, Mr. President. After the General Elections, in my first speech here I made it abundantly clear that the elections were over and I was prepared to work with anybody who made up the new Government providing that we were working for the betterment of this country and its people.

After the General Elections, Mr. President, the results were all announced and I took time to write to each of the Elected Members of Executive Council. I say this at this point because quite contrary to what the Second Elected Member for West Bay pointed out here when he mentioned that the Last Government should try to work with the present Government, this has always been my intention, Sir. I think I started off correctly. I wrote to the Members. I extended congratulations and I gave them the assurance that I was prepared to work with them for the next four years for the betterment of this country and our people. To show you, Mr. President, how I have been ignored or resented, this was done on the 21st November and so far I have received one answer. I must say that that came from the Honourable Third Elected Member of Executive Council and I deeply appreciate it. At least he extended the courtesy of answering my letter. I waited for some time, Mr. President, because I felt that two wrongs do not make a right and again I wrote to those in high office. It was coming near to budget time and as I said my people expect me to perform as long as I am in this Legislative Assembly. I laid out various things I had started in my district and I did put in those which I would like to do for the years 1984 to 1988. Thus far I have learnt through the grapevine that again the Honourable Member mentioned just a while ago, the Honourable Third Elected Member for Executive Council was quite influential in having my letter discussed at a meeting which was held by the Members. Again I am grateful to him for his assistance.

However, Mr. President, my argument is this. I feel that as an Elected Member for a district in these Islands that I should be shown that much respect. Even if a note had to be sent to me signed by the lowest clerk in the Portfolio I think I am due that much respect. That was two times, Mr. President, when I consider that I have been resented.

To further this, Mr. President, we are all aware that a few weeks ago the news media was able to feature the new Executive Council visiting various districts and certain representatives were featured as meeting them out there. After all my efforts to try and to work closely with the new Government I knew of the visit to my district the day after it had happened and the only reason I knew then, Mr. President, was because an ongoing project, the civic centre, was visited and one of the workers there mentioned to me that the Members had been out there. I think, Mr. President, that this is very bad. We are all here and we should all be working together. To see that already I have named three times when I have been treated very coldly by the new Government is a disgrace.

Let me go on to another point, Mr. President.

MR. PRESIDENT: Perhaps if you are moving to another point, since it is now just 12.45 p.m. it would be a convenient moment to take the luncheon break.

MR. JOHN B. McLEAN: Yes, Mr. President.

MR. PRESIDENT: In that case I will suspend proceedings. Before doing so, however, perhaps it may be convenient for the House if I mention one point. The Honourable Member who has just been speaking, the Elected Member for East End did draw to the attention of the House his view that a Member who spoke during debate, I think it was on Tuesday of the week before last, some time ago anyway, referred disparagingly to a former Member. The Member quoted the words used and said that he would have expected that to have been ruled out of order. I did at the time consider whether it should be ruled out of order, and have subsequently considered the matter further still. I could find nothing in our Standing Orders which covered the point. They say that it is out of order to use offensive or insulting language about other Members, but they do not mention former Members. I looked up Erskine May, and what Erskine May says is that it is not out of order to cast aspersions on ex-Members of the House, even if they are Privy Councillors.

It therefore seemed to me that I was not in a position to rule him out of order. That said, however, I would entirely endorse the sentiments expressed by the Elected Member for East End. I would ask all Members to recall that they will themselves some time be former Members of this House, and that if a practice of referring insultingly to former Members were to become common, all present Members would have to expect that they some day would be referred to in that way. I would also ask all Members to reflect on the point that anything said within this House is privileged, and it seems to me to be undesirable and indeed thoroughly disreputable for any Member to take advantage of the fact that a statement here is privileged to insult someone else in a way in which he would not do outside for fear of a libel action.

So, I would ask all Members to bear those points in mind and when speaking, even in the heat of the moment, of former Members, to do so with the same sort of courtesy which they would extend, and be obliged by Standing Orders to extend to present Members.

So I just wanted to explain why I had not ruled the Member out of order, but to make your point for you in a sense if I may.

I will now suspend proceedings
until 2.15 p.m.

AT 12.47 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.19 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, let me thank you for your advice just before suspending the House for lunch. I am very pleased to know that you put forward those words and I hope that Members will be guided by them in the future.

Mr. President, when I stopped because of the lunch break I was speaking about Members of Executive Council having visited my district to visit the civic centre. I would like now to move on to another incident which I was not happy with.

Quite recently, Mr. President, the Honourable Members of Executive Council came to my district to hold a public meeting. Again, Mr. President, the first knowledge which I had of this meeting was when I heard it on radio broadcast. It is my feeling, Sir, that as the representative for that area I should have been brought in on the plans for such a very important meeting. I should not have heard it on radio broadcast. Several members of the constituency of East End called on me to find out exactly what the meeting was all about and, Mr. President, I was unable to say anything because I knew nothing.

The Friday before the meeting, Mr. President, I was speaking to somebody from one of the Portfolios, and it was then that I was told that they were coming to my district and they were wondering if I would sit on the platform and attend the meeting. Mr. President, I was very much upset and I told the individual. I said, "I am no boy. I am as much man as any Member of the Executive Council". I had held the post of one of the Ministers there, and I had tried at all times to get justice done for the people of these Islands and for the country as a whole.

Mr. President, what annoyed me most was to know that on the night of that meeting my people were told that I had been invited. It was a free country and I could not be made to come. My people were not told when I was invited or how I was invited. Mr. President, I resent this sort of attitude. It does not only show disrespect for me, but shows disrespect for the people of my constituency. I assure the Members of Government that my people were not at all pleased with it.

I would have been only too happy to attend that meeting, Mr. President, had I been brought into the picture. However, how would it be for me to sit on a platform and have questions posed to me not knowing what the meeting was all about? Mr. President, I could go on to show you how many other times we have been left out, but I will deal with just one more.

The statutory Boards of Government were put together since the General Elections, Mr. President. Again, I am not saying that I have to be on any Boards. That is fine. I do not want to be on one, but I feel that it is unfair for my district not to have at least one representative on at least two of the major Boards. I speak of the Planning Board and the Cayman Protection Board. Mr. President, I feel that for those Boards to be properly operated we should have input from all areas of these Islands, and I would urge those who had a hand in putting these Boards together to reconsider and let us have at least one representative from my district.

MR. JOHN B. McLEAN (CONTINUING). Mr. President, this sort of attitude, resentment, hatred and revenge is quite evident before us today. It has destroyed other countries and I will say, Mr. President, if it is not discontinued it will destroy ours.

Mr. President, let me now turn to certain areas of the budget for the country for 1985, and let me say that I am pleased to know that our Honourable Financial Secretary has been able to present this country with a true position which leaves very little doubt in the minds of the people. When I make that statement, Sir, I refer to various other statements which have been issued in the local press by other Members of the Government.

It has been publicly stated, Mr. President, that our country was broke. It has been said from political platforms and to me, Sir, it was only done in an effort to mislead our people. We have seen and heard a certain Member who has been responsible for the purse strings of this country for many years state publicly that this country was broke. Mr. President, this reminds me of Harry S. Truman when he made the statement, "If you cannot convince the people one way, confuse them". This is what was done, Mr. President. Our people were confused by the trust which they had had in this Member who had been in charge of our purse strings for many years. Praise God, Mr. President, that we still have in our midst a capable, responsible, distinguished and honest Caymanian who now controls the finances of this country, and I speak of no other than the Honourable Third Official Member. Through his deliverance of the Budget Address, Mr. President, much has been put right in these Islands.

We heard that our country was broke but yet, Mr. President, when the Honourable Financial Secretary presented his Budget Address we were able to hear the truth that we have surpluses left from the last Government which are earning interest. We were told of the millions of dollars which were already spent and we have been told of the millions of dollars which will be used to balance the 1985 budget.

Mr. President, I am not disputing the fact that if the money from the Reserves needs to be used, we should use it. This is the reason why they were put aside for a rainy day, but at least, Mr. President, we should be honest, speak the truth and admit the money was there. My honest opinion, Sir, is that the people of these Islands after having been misled are due the respect of having a statement issued by the same hands to correct that which was so misleading.

Mr. President, we are dealing with a budget which in order to balance, we have added certain pressures on our people. It is a known fact, Mr. President, that the past Government made every effort to remove taxes where they touched on the man on the street the hardest. Today, what are we seeing? We are seeing taxes and more taxes. Let me say, Mr. President, that it seems as if when the word poor man is mentioned in this Chamber, there are those who find it hard to appreciate the remarks. Let me say, Mr. President, I can use that term because I have experienced what a poor man is. I do not believe that there is one Member in this Chamber who was raised up as poor as I was. At the age of six I was left without a father and if it was not for a good brother, Mr. President, I could have never made it. So when I speak of the poor man, Mr. President, I can speak with authority. I know what the poor man is. I know who he is and I speak his language.

MR. JOHN B. McLEAN (CONTINUING): What we are seeing today, Mr. President, is taxes removed from condominium developers where investors make large profits and depart our shores. However, Mr. President, what is most disheartening is to know that those taxes are being passed on to the little man in an effort to balance this budget.

We see taxes raised, and I will mention a few. Warehousing fees at the airport which will affect Caymanians and residents alike are going up. Mr. President, no one can tell me that there is one importer who will not pass on the adjustments in those taxes at the airport. So, therefore, it must pass on to that little man whom it seems as if we should not mention.

We see package tax go up by 400 per cent. Hotel licences are going up by 150 per cent, liquor licences by roughly about 600 per cent, cigarettes by 25 per cent, import duty on air freight by about 300 per cent, stamp duty on cheques by 100 per cent, and we see boats over 25 feet being taxed. Security tax has also been increased, and we also see a 7.5 per cent tax on contracts assigned. Mr. President, I was told only a while ago by a quite reliable source of somebody who was just about to start a large project and who has become disheartened because of some of these taxes which are being discussed here today. This firm has already taken a decision to leave these shores. Are we going to witness more of this?

As I said, Mr. President, this budget before us is one which will add much pressure to the populace of these Islands. I will further say that there is much discontent and unrest among the people of these Islands. We continue to say, Mr. President, that our people are very peaceful and I could not agree more. However, regardless, Mr. President, when somebody gets their back against a wall they will retaliate. They will revolt.

Again, let me say like Robert F. Kennedy said, "A revolution is coming, a revolution which will be peaceful if we are wise". Why wait. Why wait. I think it is the duty of the Members of this Honourable House to do whatever possible to assist our people instead of pressuring them.

Mr. President, I join with the Second Elected Member for George Town when he said that he could not support this way of deriving funds to balance a budget. To me, Mr. President, it is what we could term as a "Mickey Mouse" way of deriving revenue and the time has come when we should find other measures whereby we can derive revenue without pressuring our people.

Another area which has been debated to some length is the public water supply which has recently, Mr. President, become of deep concern. We have heard much of the progress with the first well-field. We have heard of the production of some 12 million gallons. Mr. President, again I have received many complaints from residents in that area and I am hoping that they are wrong. I have received many complaints of the deterioration of their water supply, and according to them it has taken place since the well-field was established there. As I said, I hope they are wrong but, Mr. President, I do not think that we should wait until they are proven right. I feel that the time is now for us to do proper tests in that area, proper monitoring and make abundantly sure that we are not faced with a problem there like we have in certain areas of this district.

We have also heard much on the well-field development in the District of East End, my district. Mr. President, I feel about the well-fields there the way I felt in the beginning. I feel that once the well-fields are developed there we should continue on what was planned, and that is to first pipe the District of East End.

MR. JOHN B. McLEAN (CONTINUING): Let them have a supply. Let us monitor it for a while, and if it is proved that there is an adequate supply and that it will not deteriorate the lens in any way, then we continue to supply other areas.

Mr. President, I speak on behalf of the people of my district. We sympathise with the water problems but let me say, at the same time we are not prepared to see what Almighty God has endowed us with destroyed. It is a known fact, Sir, that that area of the Islands has always been known to receive less rain than other areas. So, therefore we depend more on our water supply. Let us be sure before we are sorry. I have no doubt in my mind that it would cost very little to set up proper day to day monitoring, and I feel that the gentleman who is in charge is one who knows what he is doing. However, Mr. President, let us go about this in the right way. Let us not destroy what can be very good to us in that area in the long run.

Mr. President, let me move on to another area which was mentioned in the Budget Address. I am now speaking of the Cayman Turtle Farm. It is quite pleasing to note that my efforts on this issue are in some manner about to mature. I am hopeful that when we are represented at the next meeting of CITES in Argentina that we will reach the goal which we started off with. I am hoping that the ban will be lifted and perhaps in the next Budget Session the Honourable Member of Executive Council with the responsibility will be able to come here and to point out to us the great successes, and that we can start to upgrade the facility there and try to put it back where it was.

I am also glad, Mr. President, to learn that continued emphasis will be placed on agriculture. I am also happy to know that it is the intention of the Portfolio to continue to work closely with the Agricultural Society.

Mr. President, in my years in the Portfolio it was an honour, a privilege and my pleasure to work hand in hand with the farmers and the society. I feel, Sir, that they now expect it and I am glad to know that this will be continued. The farmer, Mr. President, although sometimes certain people lose sight of it, is a very outstanding and important person in any society. The farmer is one who produces the needs of every country, because it is a fact that we must all eat. It is my feeling, Sir, that in order for the close relationship to continue some of the day to day Portfolio requirements will have to be put aside, and the Honourable Member responsible will at some stage find himself out there alongside the farmer. I had to do so, Sir. Many times I ended up walking away with messy things on my feet but the beauty of it, Sir, was that the farmers deeply appreciated it. They get it on their feet.

Mr. President, there were several projects, several goals set for the Department. We started off the tick eradication programme. We started off the artificial insemination project. We started off the importing of animals to the Islands in an effort to help the farmer. We brought in chickens. We started interior roads. We started meat inspection. We brought in animal feeds and sold them at the cost to the farmer. Mr. President the farmer deeply appreciated this and it is something which we cannot at this time fall back on. We have agriculture to a point where we need to press forward, and I was pleased to hear the statement made by the Honourable Member a few days ago that it is his intention to do so.

Before moving to capital projects, Mr. President, let me speak a little on Education and Health. Again, Mr. President, I feel that it is only right to pay compliments to the past Member for this Portfolio. I feel, Mr. President, that from the budget we can see that there are large figures to be spent in these areas.

MR. JOHN B. McLEAN (CONTINUING): However, as is said the tax which is paid for this purpose is not more than a one thousandth part of what will be paid if our people are left in ignorance.

I am pleased to know, Mr. President, that the standards of education in this country have reached where they are today. We see from the budget that the primary schools in Grand Cayman with a population of 980 pupils, had a recurrent expenditure of \$1.2 million or an annual cost per pupil of \$1,237. We see the primary school in Cayman Brac with a population of 157 and a recurrent expenditure of \$284,000, an annual cost of \$1,810 per pupil. The Cayman Islands High School in Grand Cayman has 952 pupils and a recurrent expenditure of \$1.9 million, an annual cost per pupil of \$1,900. Cayman Brac High School has a population of 158 and a recurrent expenditure of \$432,000, an annual cost per pupil of \$2,700. Last and most important, Mr. President, although it seems that there are some in this Chamber from their statements who disagree with the Cayman Islands Middle School, we see a population there of 814 pupils with a recurrent expenditure of \$1.1 million, an annual cost per pupil of \$1,300.

I feel, Mr. President, that if there was a step in the right direction made, it was when it was decided to open up the Middle School. I wonder if the Member who spoke out against the Middle School could go out there and convince the parents in this country that the Middle School was something which Government wasted money on. I am certain that he would not get past the first parent.

Again, Mr. President, as I said, the health services in this country are services which we can be justly proud of. I am not here to say that the hospital is being run 100 per cent efficiently. We find there are problems in most institutions. However, again let me say, Mr. President, that it provides a service which we can be proud of. I agree with certain Members that we should have a doctor on call at all times, or I should say on the premises at all times. However, Mr. President, just because of one incident we cannot crow down the whole hospital.

Mention was made here this morning of hospital fees. Yes, I agree if they are fees which are outstanding we should make efforts to collect them. However, Mr. President, I have right now certain bills which were handed to a lady when she was leaving the hospital, a lady who had suffered with heart problems and who became very upset when she was leaving to have this bill pushed in her hand and told that she would have to pay shortly.

I feel, Sir, that a proper system should be looked into for collection of fees. Again there are some who are unable, regardless of how small the fee may be, to take care of that fee or at least to take care of the fee all at once. We may say that parents with children have no problems, but in the case I am speaking of right now, Mr. President, the lady has six. However, I have been told that they are in no better position than she is, and it is impossible for this bill to be paid all at once. So I would hope that one of the priorities of the present Honourable Elected Member of Executive Council responsible for that Portfolio will be to try to make some sort of arrangement whereby our people can be treated a little differently with their fees.

Let me briefly speak, Mr. President, on capital projects for 1985. I submitted, Mr. President, a list to the Honourable Elected Members of Executive Council with the responsibilities for various Portfolios, and I will point out that the Honourable Second Elected Member of Executive Council was not

MR. JOHN B. McLEAN (CONTINUING): included because his Portfolio really had no responsibility for what I needed. I see from the budget, Sir, that certain projects which were started last year are included but, Mr. President, I feel bad to know that there is not even one new project identified in the budget for my district.

In the last budget there were funds voted to purchase property in Gun Bay. I notice this time, Mr. President, there is not even a token vote, and the funds which were there last year have of course disappeared.

I am hopeful, Sir, that again when we go into Finance Committee certain considerations will be given and that at least one new project for my district can be identified. This, Mr. President, would be greatly appreciated not only by me, but by the people of the District which I represent.

Let me say, Mr. President, in conclusion of my Budget Address that the Honourable Financial Secretary stated, and I quote:-

"There is no doubt in my mind, Mr. President, that the Cayman Islands is one of the most preferred offshore financial centres, and we are, in my view, on the threshold of great things for these Islands and our people."

Mr. President, this is very encouraging to hear and I trust that we as Legislators will be mindful of this and endeavour to replace the dignity of this Chamber, and continue to maintain the stability always realising, Sir, that a good thing can easily be destroyed.

We continue to draw references to the neighbouring Islands, mostly Jamaica and Cuba. At one time, Mr. President, they were beautiful Islands too. They were also Islands which had great potential and resources. What do we have? Mr. President, it is much easier to destroy than to rebuild. Any fool can destroy, but it will take the wise to rebuild.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak?
The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, first of all I would like to thank you, Mr. President, for the very able Throne Speech which you delivered in this Session. I would also like to thank the Honourable Third Official Member for his Budget Address. Mr. President, as one who was the former Financial Secretary of this Government, who was involved in writing fourteen Budget Addresses, I am aware, Sir, of what is involved in writing these documents. In February, 1969, when I wrote my first Address it was at a time when the Administrator or Governor was responsible for writing both Addresses, the Throne Speech and the Budget Address because he was virtually the Treasurer of the country as well.

Mr. President, the Throne Speech, and I highlight the Throne Speech because it takes precedence in this opening Session of the Legislature, is a mark in this country of British tradition. Mr. President, it sets the opening of the Legislative Assembly in a very colourful ceremony, a very colourful opening, and on this occasion it was followed by the Budget Address and the Budget Address is usually followed by some surprises. It sets out the programme for the year. It sets out new revenue measures, and it gives a clear overview of the financial position of the country. So the Throne Speech and the Budget Address on this occasion gave us a very clear view of where the Cayman Islands has reached in its development and in its financial position.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, British tradition has served the mother country very well. It attracts streaming crowds of tourists and visitors into that country annually. Many of them go there to watch the traditional activities of that country. They watch the parade of the Queen's birthday and the changing of the guard. They look at castles and they look at other attractive sights such as gardens, palaces and so forth. Mr. President, British tradition has also benefited the Cayman Islands. Our link with the mother country provides stability. It provides investors' confidence and it provides for us a Whitehall system of Government which is the best in the world.

Mr. President, the fact that we are a Crown Colony has provided a big boom for this country; a big boom from the offshore financial centre which has been created here over the last fifteen to twenty years. From that creation the country has attained a standard of living which is, Mr. President, one of the leading in this region. So the Cayman Islands, all told has been always looked upon, especially over the last few years, as the envy of the Caribbean.

Most of the other Caribbean territories, Mr. President, have moved a little further away from that close contact with the mother country. They all want to be grown up children. They move into internal self-government and into independence and so they bring almost a physical separation between themselves and the mother country. They are their own boss. They dictate the way of life and the way of commerce, which is not always sensible to the investor. Mr. President, we have debated our constitutional position on the platform from time to time. I know what the feeling of the people, and when I say the people I mean the majority of the people of these Islands, is regarding constitutional change. I hope, Mr. President, that with their attitude towards the present form of Government that we will be a Crown Colony for a long time to come. We have all to gain and nothing to lose from remaining a Crown Colony.

Mr. President, your Throne Speech and the Budget Address gave a stream of facts upon which the financial, economic and social state of the nation can be debated. Mr. President, I will be moving into various aspects, various subjects which were touched upon during this debate and will be dealing with them largely for the benefit of this Honourable House and the public of the Cayman Islands. I do not intend to speak for very long or, Mr. President, to be engaged in filibustering as were some early speakers in this debate. Neither will I be repeating myself I hope. There is no use in repeating ourselves and thinking that we will eventually convince members of the public in time.

Mr. President, we heard and saw a lot of brimstone and fire. Thank goodness they are still afloat. They have not reached the ground as yet and I hope that they will remain there. Some Members of the Opposition said that they are treated in a hostile manner. Yet, Mr. President, some of them do not even come and associate with us in the common-room.

Mr. President, we have heard a good and large amount of rhetoric from the Opposition, rhetoric about the budget and about this new Government. Mr. President, one point which I wondered about when I heard them speaking was whether they really knew that they were not campaigning in the 1984 General Elections, but that they were debating your Throne Speech on the Budget Address. Mr. President, mud slinging and character assassination and unwarranted attacks on a person's good name cannot and I will repeat, Mr. President,

HON. VASSEL G. JOHNSON (CONTINUING): cannot be in the best interests of this country, especially one so small as the Cayman Islands.

Mr. President, some people seem to forget that the entire prosperity of the Cayman Islands springs mainly from our political stability. That is why it is so disturbing, Mr. President, that people who were so soundly defeated in the 1984 General Election should attempt to discredit the present Government and undermine political stability in this country.

Mr. President, undermining this Government they are definitely trying to do. I understand, Mr. President, that they are reviving an old Committee of Forty-Four to find ways and means of toppling this Government and to call new elections. Mr. President, this information has come to me from numerous calls in recent times and, Mr. President, if that is so I am calling it nothing less than treason. I am going to appeal to you, Mr. President, in your capacity also as Governor, and I am doing so before this Honourable House and before the people of this country, that that matter be investigated by the police. If it is correct, Mr. President, I would expect that those members of the Committee of Forty-Four be arrested and charged with treason.

I heard too, Mr. President, that they were arranging to lead people into George Town and surround this Legislative Assembly. They have great ideas about toppling this Government but I would advise them, Mr. President, to stop, think and look, for they know not what they do.

Mr. President, it has come to our knowledge too that they are going around saying that this will be the shortest lived Executive Council in the history of these Islands because they are using their tactics on us. However, Mr. President, we will not be intimidated. We are here as a new Government and we are going to administer the affairs of this country as it should be done. We were put here by a large majority of the people of this country and we have been given a mandate which we will carry out. That mandate, Mr. President, I can assure you will not be thrown in the trash basket. We will be honouring that. Mr. President, it is behaviour like this which has perhaps put them out of office since last November; put them out of office by an overwhelming majority of the people of this country. Mr. President, we are not going to bow to pressures; pressures especially by a minority group, because that will not be in the best interests of this country. Mr. President, neither are we going to allow the political stability of these Islands to be undermined by a handful of people who do not care what happens to this country once they can get their own way.

Mr. President, I believe the majority of the people who put us in this Chamber will strongly resist any attempt by anyone to prejudice the workings of this new Government. The people who put us here, Mr. President, wanted a change. They put us here to do a specific job. They put us here to put the country back on the right track once again and, Mr. President, with God's help we will try to do just that.

Mr. President, listening to some of the debate here was very amusing to say the least. We heard Members speaking about things which we did not do for their district. Members who had charge of those particular Portfolios and were there eight years, Mr. President, are now coming to accuse us who have only been in office for three months.

MR. PRESIDENT:

I wonder whether this might be a convenient time to take our customary afternoon break. So I will suspend proceedings for approximately fifteen minutes.

AT 3.24 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.46 P.M.

MR. PRESIDENT:

of Executive Council.

Please be seated.
Proceedings are resumed.
The Honourable Fourth Elected Member

HON. VASSEL G. JOHNSON: Mr. President, during this debate the Members of this Honourable House requested many things. When we took office in November last year the people of these Islands asked us one thing. They asked us to curtail indiscriminate spending. They asked us to do that in order that we could cut expenses down to what was necessary, that we should do away with wasteful spending and misuse of public funds. Mr. President, that is what we have attempted to do in the bare three months that we have been in office. Mr. President, we have ensured as far as possible that this reflects in the budget which we are looking at at this particular time.

Mr. President, we are not a Government which will spend indiscriminately and by whims and fancies. We have committed ourselves to do the best we can with what financing is available in Government. We have committed ourselves not to leave our bills for other people to pay.

Mr. President, we had to go forward with a budget largely determined by actions of the previous Government. However, Mr. President, we promised in November that this year we will put forward a budget which will reflect the thinking of this new Government. Because, Mr. President, we hope that there will be revived interest in investors' confidence in this country and that accordingly the economy will strengthen, and it will grow and so improve our income. Mr. President, we have reached a stage in our present tax system which we commonly call the indirect system of taxation, of a near saturation point.

We heard the Honourable Third Official Member say that it was not possible at this time to further tax the offshore industries. Even with a few meagre tax measures which he brought forward taxing largely the local side of our operation, there are all sorts of screams about it.

Mr. President, I will be speaking about the fiscal system of this country at a later stage. Mr. President, you mentioned in your Throne Speech that there was an increase in the Civil Service staff due to demands in the services of Government. Mr. President, I have always been concerned about growth in the Civil Service without much control. My own opinion is that when a department requests an increase in staff that other things should follow. Systems and methods within that department should be examined to ensure that work can be minimised so that there is no need for an increase in the complement of staff. This concern came about in the year 1974 when we saw in the budget a request for 25 per cent increase in staff. I immediately appointed three senior officials in my department and sent them all around to all the other departments to investigate the need for increase in staff. As a result of that exercise the request was cut in exactly two. From those days, Mr. President, I insisted as did Government that a thorough investigation be carried out within the Civil Service to determine job descriptions, methods, systems and what could be done to minimise the work load so that we would not have to face this large request for staff year after year.

HON. VASSEL G. JOHNSON (CONTINUING): That exercise has not been done as yet. My own opinion, Mr. President, is that under the present system as staff rises output remains constant, because those who are there believe that the new ones coming in should take on part of what they do. It is a continual rise in staff without the equivalent rise in output.

Mr. President, I know from experience that there are a few departments in this Government headed by local people who have done exactly what I tried to point out a while ago. They have not been fortunate with large increases in staff. I can name those three departments, Mr. President. They are the Treasury, Customs and the Post Office. Mr. President, I have seen those departments asking for small increases in staff and they would be given the run around for months with no hope of those few staff they requested. Many times, Mr. President, these ills are not caused by expatriate staff but by our own people. On the other hand I have seen other departments headed by expatriates who seem to have little difficulty in requesting additional staff. I remember with one of the local departments I spoke about a little while ago, not long ago the local officer was replaced by an expatriate officer, and some months afterwards I happened to pass around the post office and I could scarcely see anything for staff in that post office.

Mr. President, Government has quite a lot of problems where staff is concerned. I could relate quite a lot of experience which I have had in other departments of Government, personal experience of that. It would not do any good here. Staff is your subject, Mr. President, and I respect it. However, I believe that there are ills out there which need to be looked at.

Mr. President, recruiting of staff was mentioned in the earlier debate from the Opposition side. One Member said that the Public Service Commission was regarded as an anachronism from the colonialist past. Mr. President, these Islands are still a Crown Colony and they are a Crown Colony by an overwhelming choice of the people of these Islands. Mr. President, the 1984 election issue was based as well on constitutional advancement. We heard from the people that they were more than happy with our Crown Colony system of Constitution. Mr. President, the Public Service Commission functions under a Law, a Law which has been legislated by the Members of this Honourable House. The Public Service Commission was established to function, Mr. President, in isolation between the Public Service and any political interference. Perhaps, Mr. President, that is the reason for the dislike of the manner in which the Public Service operates. However, Mr. President, nearly all Commonwealth countries, as far as I am aware, still operate this system where the Public Service Commission performs a very important function within the recruiting system of Government. So I do not think that they have preserved a colonialist anachronism.

Perhaps, Mr. President, the Member might want to see here a system which is perhaps used in the United States of America where successful politicians may replace serving officers at their whims and fancies. However, Mr. President, apart from the Member who spoke in the manner he did about the Public Service Commission, I hope that other Members of this Honourable House do not share those same views. Our system of Government is quite good. As I mentioned earlier it has served us well in the past, in the present, and I hope in the future as well.

Mr. President, I will now touch on the financial position of this Government. It is quite well known, Mr. President, to all Members of this House that there was a declining economy perhaps from as far back as 1983. Nevertheless, 1984 demonstrated this quite clearly.

HON. VASSEL G. JOHNSON (CONTINUING): So, when Members speak as they did earlier it is to my mind trying to defend a senseless position. Mr. President, if it has been the fault of the new Government in just three months why did those brilliant financial experts who had charge of this Government for eight years leave it in the position they did? Why come blaming us three months after takeover, scarcely enough time to see all the people in our Portfolio and to see what they are doing? Mr. President, when we are thinking about the financial position of this country we must bear in mind that we should not create monsters which we cannot control in this country. We are yet too small and we have many limitations.

Nowadays, Mr. President, everything which we build here must be the best in the Caribbean and I am not condemning this, Mr. President, because certainly we build things which we can be proud of. However, Mr. President, even if we can find the loan money to build and to create things, what about the cost of maintenance of these institutions and other services when they are completed? My mind runs back, Mr. President, to Cayman Airways. I will deal with that later on. I also think of the beautiful airport which we have just built. However, when we try to introduce a few new tax measures within that airport, Mr. President, because one must appreciate the fact that one cannot operate such a large and beautiful institution unless the revenue increases a bit, yet there are people up there almost fit to be tied because Government has tried to raise fees slightly. So we want good things but we must also know how we are going to pay for them and service them.

Mr. President, I want to make it quite clear to this Legislative Assembly and the people of these Islands that this budget which is presented here is not a budget of this new Government. Neither is the Budget Address a document of this new Government. People may say what they want. We did have something to say about it and I will tell you what that was, Mr. President. When the budget came to us it revealed, Mr. President, a deficit of \$17 million. It had included in it, Mr. President, advances which were made in 1984 and would be written off in 1985 amounting to \$1.2 million. It had included in it, Mr. President, expenditure from projects started in 1984, and a portion of those projects to be completed in 1985 was valued in the estimate at over \$3 million. So as we carry over from 1984 the budget has in it \$4.3 million.

Mr. President, when we looked at that budget we said to the Honourable Third Official Member that according to the mandate we had from the people of these Islands we could not present a budget to this House unless it was balanced. So we asked him to take it away quietly, to work on it and when it was balanced then he could come back and show it to us. Mr. President, he did so and I should say that he did a very good job of it. However, Mr. President, poor man, I sympathised with him. It was perhaps one of the most difficult jobs which he had ever undertaken in his life. The former Unity Team Government had made it so difficult for him. He came back, Mr. President, and he showed us what he had done. He had removed all the Reserves which were available and had carried them to Revenue to supplement the shortfall. He had come forward with a few tax measures and said that they would produce approximately \$800,000. He had trimmed and pruned the budget and brought it down to what we see here now, Mr. President. So he put it forward with a small surplus balance of \$15,410.

Mr. President, I want to repeat this again for the benefit of my colleagues here and the public of the Cayman Islands. This budget is not a budget of this new Government and what is presented here is a carry over of the Unity Team Government. We are not responsible.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, it is common knowledge to all that a budget for the new year is prepared and presented here in November of the old year so that it can be ready for implementation in the new year. Unfortunately because of the elections in November, 1984 this was not possible and indeed this has a cycle of every four years. So it is just being presented now.

Mr. President, I will deal with some of the figures in the recurrent and the capital expenditure. It is said and a lot of crocodile tears were shed across the Chamber in the Opposition camp that the budget for 1985 did not have anything new in it, and it did not provide what was expected for the poor people of these Islands. However, Mr. President, I would just like to remind the Members that the recurrent expenditure for 1985 is \$6,512,274 above the 1984 estimates. So they cannot say that the new recurrent budget is going forward in a stagnant position. Mr. President, what they might have wanted to see in those recurrent estimates is the sort of money madness which they are accustomed to. However, that is not exactly so, Mr. President, because our Principal Secretaries knew that what we had in the back of our mind was priorities and what was in the best interests of the country. So cuts in some areas were followed by increases in other areas.

Mr. President, it will be noted that in the recurrent expenditure new salaries in January, 1984 played some part in this increase. I asked someone if they knew why that large increase of salaries was given to the top echelon of the Civil Service in 1984, and the reply was in return for a parliamentary pension. I suppose, Mr. President, that is why there has been so much heated debate over that Pension Bill because only one side of the deal came off.

Mr. President, looking at the capital side of the budget we find that in 1985 total capital recommended amounts to \$9,840,611. The capital put forward in 1984 on which so much was said, Mr. President, amounted to \$16,312,368. That looks swell but, Mr. President, when we examine the 1984 capital budget we find two large expenditures in there, the airport construction valued at \$3,167,708 and the cost of the Tower Building, \$4,381,166. The two sums make a total of \$7,548,874 and when that is taken from the 1984 capital there is a balance of \$8,763,494 which is below what we have put forward this year.

So, Mr. President, priorities have been taken into consideration and money madness taken out of the budget. We would have liked other big projects to go forward. Indeed, Mr. President, we do have one, the largest project which this Government is to undertake so far and that is the sewerage project of the Seven Mile Beach, which is costed at the present time at between \$10 and \$11 million. That project will be on stream, Mr. President. Of course in 1985 just a very small portion of the cost has been inserted in the budget and this is the reason why we have not got a large capital budget going forward. However, in my estimation, Mr. President, even if we call this the Unity Team budget the rationale behind the recommendations is in accordance with our policy.

Mr. President, I will now speak on the Reserves. This is quite a subject. Mr. President, this subject has caused so many people to strain their financial expertise trying to prove me wrong. Mr. President, I think that it was all in vain because any statement which I put my name to is a statement to stand and one which I will always defend. So I am defending what we as a Government have put forward, stating what the Reserve position is.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, we know that the Cayman Islands Government is not an impoverished Government. If we look at its assets, its land and its buildings and other assets, I am sure that we will see that it is a fairly well off Government. Mr. President, it is not usual or the custom to sell Government's assets. So when one speaks about the financial position of a Government we must be concerned about the cash position. I want to make it quite clear that that has been our stand on the platform and in this Government. We have been speaking about the cash position of this Government. On the platform I used the figures which were produced by Members of the past Government, and I showed from my calculations that at the time the Government had available cash of \$4 million.

Mr. President, there was much screaming and all their wise financiers came out with their expertise and they tried to make me look small. When we entered Government we asked the Honourable Third Official Members to let us have certain information relating to the financial position of Government as it stood on the 31st October, 1984. We took those figures, Mr. President. We analysed them and we put together a statement showing the surplus and deficit position at that time, amounting to \$892,000. They were saying most of the time and even a month before the 31st October, 1984 that they had millions of dollars in surplus cash. We showed the General Reserves, Mr. President, available cash of nearly \$2 million. We showed a Public Debt of over \$13 million and if the airport loan had been added to it at that time we would have revealed the \$16 million which has just been declared the Public Debt figure. We also showed some figures relating to Cayman Airways.

The proof of that, Mr. President, was that when the Honourable Third Official Member decided to move what available cash was in Reserves to supplement the budget all he could get out of it was \$2.2 million. We heard what he said in his Budget Address. He said, Mr. President, that the balance of it was a deposit which would not be removed because of the blocking of those funds against the Tower Building Loan. Mr. President, one can call it whatever one likes, deposits, collateral or hypothecation and it is all the same thing. It means that that sum of money is not available for use until when the bank says one can have it. That is what has happened to the rest of the Reserves which the Opposition over there is telling us that we have.

Mr. President, had it not been for that, I dare say that the Honourable Third Official Member would not have gone forward to recommend the few tax measures which he did. So, Mr. President, I have no regrets for any statement which I have made. I am not going into public and making a statement which I cannot stand by. I have served this country for thirty seven and a half years in the Civil Service and two and a half years in the military service. I have a track record in this country and I am not going to damage that record.

MR. PRESIDENT: I have been hoping that you were coming to a natural break. We are in fact slightly over time. So I will invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow.

MR. PRESIDENT: The question is that this House do now adjourn until 10:00 a.m. tomorrow.

QUESTION PUT: AGREED. AT 4.34 P.M. THE HOUSE ADJOURNED UNTIL
10.00 A.M., TUESDAY, 19TH MARCH, 1985.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY

TUESDAY

19TH MARCH, 1985

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC. LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRKCONNELL	MEMBER FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER FOR DEVELOPMENT AND NATURAL RESOURCES

ELECTED MEMBERS

MR W MCKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY

TUESDAY

19TH MARCH, 1985

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND
SECOND READING OF THE APPROPRIATION BILL, 1985

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TUESDAY

19TH MARCH, 1985

10.00 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. Continuation of the debate on the Throne Speech and Second Reading of the Appropriation Bill, 1985. The Honourable Fourth Elected Member of Executive Council.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH
AND SECOND READING OF THE APPROPRIATION (1985)
BILL

HON. VASSEL G. JOHNSON:

Mr. President, when I finished yesterday afternoon as a result of the adjournment, I was just at that time through with the subject of Reserves and so this morning I will go on to another subject, Fiscal Policies.

Mr. President, in the course of debate earlier in this Session I heard remarks passed that the tax system of these Islands was trailing fifty years behind and that the tax system was outmoded. I wondered, Mr. President, whether the speaker from the Opposition was thinking that he was in the Turks and Caicos Islands because I have always heard that that territory was some thirty to fifty years behind the Cayman Islands.

The fiscal policy of this country has been well thought out over the years. In 1969 to 1970 when the then Government prepared its economic programme, included in that programme, Mr. President, was a thorough examination of the fiscal policies of this Government to decide where over the next ten years it would raise its revenue, the kind of revenue which would relate to the development of this country as a financial centre and tourist destination.

Mr. President, as a destination for tourists the Islands have done quite well. As a financial centre we have done even better and these developments were possible largely because of the management of the fiscal policies and the administration of the country generally.

The 1970 examination of the fiscal policy indicated that for the foreseeable future this country should not stray away from the indirect system of taxation. That policy is maintained to this day and I hope for the foreseeable future from here that that policy will be maintained.

The direct system of taxation such as income tax, excess profit tax, death dues and so on, although looked upon as the most equitable form of taxation cannot do our system any good. What it takes to implement a system like that and the returns would not be all that much, Mr. President, and the damaging effect of driving away business from this country would add to the disaster. So we have no alternative than to continue with our present system of taxation such as taxes on imports, licence fees from banks, annual fees from companies and so on. Those are the main areas of our present revenue and how anyone can say that we are trailing fifty years behind in our tax system is really beyond me.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, many years ago a suggestion was made that we abandon or abolish our offshore industry. The British Government thought that too many small colonies were becoming tax havens and it was almost a dirty word within these small Commonwealth countries.

I remember back in 1970 I had to go to London and arrange a meeting with the officials of the Treasury, the Bank of England and the Foreign and Commonwealth Office to relate our particular situation in the Cayman Islands, and to plead with the British Government to leave our financial industry alone because we had no alternative. Mr. President, the meeting was very successful. We had the full support of the British Treasury and the Bank of England and so from those days on we had no interference with our financial industry as far as the British Government is concerned.

Mr. President, we have done quite well in this country. We are a small territory of one hundred square miles, with 18,000 people and a \$60 million budget. To raise \$60 million in revenue in this small country is no small feat, Mr. President, and so we have to be very thankful for what we have and what we are receiving. We are no doubt reaching a saturation point where our indirect system of taxation is concerned. The Honourable Third Official Member said in his Budget Address that because it was not possible to tax the offshore industry this year, he had to consider other forms of raising a bit of revenue. Mr. President, he is quite right. At one time there was no bank licence fee and within the last ten to twelve years a fee has been introduced. Today a Class A licence fee is up to around \$30,000. If we take it beyond that figure, Mr. President, we are going to price ourselves out of the market. Also if we continue to increase company fees, work permits and so on we will do likewise and it would be very unwise for us to continue raising revenue from that source.

What we must do, Mr. President, is to stimulate the economy so that activities here in all the areas of the economy can move on and produce more to the individuals, to Government and to the institutions, so that we will not need to think about taxation.

If there is any new form of taxation which can be suggested by anyone which will not interrupt or interfere with the present trend of things in the Cayman Islands, I will say, "Yes, let us look at it". However, Mr. President, I have been in this game for a long time. I have had the responsibility over that long period of time to find means and ways of raising revenue. I have even been accused in regard to a simple little poll tax with Members of the Opposition calling it income tax the height of stupidity.

Mr. President, in 1980 when it was important to find a diversification of the economy and to find additional avenues of taxation, I undertook to study the offshore insurance industry and very successfully, Mr. President. We introduced in that year the Insurance Law which promoted that industry and today the Cayman Islands is looked upon as the second destination in offshore insurance business. That, Mr. President, is serving the country well. It has added to the economy and it has added additional revenue to Government coffers. It has been a welcome diversification of the financial industry. These are the things we must look for which will genuinely assist the system as it is at the present time. Mr. President, I will be looking forward to any suggestion which anyone can make to the Honourable Third Official Member to improve our revenue system.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, I want to now say a few words on currency. It was one of my dear subjects very far back and I was Chairman of the Currency Board until I retired in March, 1982. I heard the First Elected Member for Bodden Town suggesting that perhaps Government should look at the possibility of buying some gold which would be a backing to the Cayman currency in circulation. Mr. President, this is not the first time we have heard that. The thing is that some people cannot learn. A number of years ago the same suggestion was made to me and rather than giving those Members my own views I sent to the Bank of England and asked if they would write a paper on this subject. The reply was very short. It did not take any genius to decide whether a small system like the Currency Board should become involved in buying gold.

Mr. President, that is what we refer to as commodity trading. When one buys gold the only benefit he looks for is if after buying that gold the price of gold rises. When he is ready to sell his gold he will then receive that inflated price. Then he knows that he has made a profit on the deal. However, an institution like the Currency Board, Mr. President, cannot exist unless it has a steady stream of income. So the little money which the Board accumulates for its currency in circulation and for its Reserves must be invested in cash or bonds in order to provide that steady income. Mr. President, the income is not only of benefit to the Board, the Board pays from its accumulated Reserves each year a certain sum of money to Government's revenue. I see in the budget this year a sum of \$900,000 to be paid by the Currency Board into Government's revenue. For a small system like that which was only established twelve years or so ago to be paying nearly a million dollars of revenue to Government today is also no small feat, Mr. President.

So what would happen if we had our Reserves in gold? We would not have an income for one thing and secondly we might have lost in the deal because the price of gold fluctuates. Sometimes it rises and sometimes it falls. So I want to make it quite clear to this Honourable House that buying gold is something we should not even dream about.

Mr. President, another matter I would like to mention relating to the Currency Board is the \$40 note which it put into circulation about two years ago. Mr. President, that note is commonly known as the Jim Bodden note. It was specifically requested by the Unity Team Government. Their vision of it being a useful note to the country was because they thought it would be used for the Pirates Week festival. They said that the \$40 was equivalent to US\$50, and that when visitors came here they would buy the note, US\$50 for one CI\$40 note and they would take it away as a souvenir of the Pirates Week festival. When I approached London about this \$40 note they asked me if I was in my good senses. I said that it was political and that was why I was taking it there. So on that basis they approved of it.

Mr. President, it was never liked by the public. It is out of the usual sequence of the decimal system because we use either a \$1, a \$5, a \$10, a \$25, a \$50 or a \$100 note. When we use any other denomination, Mr. President, it is of absolutely no use to people. It makes it difficult to calculate and to use for that matter. So if we walk around town today we find nobody with a \$40 note. The banks do not use it. The Honourable Third Official Member commenting on it recently, said that what he might want to propose in the near future was to declare that there would be no more printing of the note, and to put it out to see whether it could be sold as a collector's

HON. VASSEL G. JOHNSON (CONTINUING): item. I wish, Mr. President, that he would follow that suggestion and eventually replace that \$40 note with a \$50 note.

Mr. President, we heard quite a lot of debate here in this Session about the creation of a Monetary Authority which would eventually lead to a Central Bank operation. Mr. President, the Currency Board has made many studies of this possibility over the years. Papers were written by the Bank of England on the subject for the benefit of the Currency Board. In the last study, Mr. President, it was decided to try and see whether the Currency Board could enter into a clearing arrangement for the local commercial banks. If it could then no doubt the Board would be seen to be doing a function which is equivalent to a Monetary Authority. For that reason an amendment was made to the Currency Law to provide that the Currency Board could accept deposits and make advances for the purpose of this clearing arrangement. However, Mr. President, when we lobbied the local commercial banks on it we found difficulties. The banks had quite an acceptable arrangement amongst them. It was costing them nothing. There were one or two small banks in the centre doing clearing through other banks and finding some difficulties in doing so. However, Mr. President, eventually they too were able to make adequate clearing arrangements. So it eventually was not necessary to carry out that clearing arrangement.

It is not as simple as all that. The Currency Board would have had to increase its staff and increase its activities in order to do that particular kind of thing. Mr. President, nothing more was done about it. The Monetary Authority or a clearing bank usually are involved in many activities. First and foremost they are involved in banking. Mr. President, it was always hoped that the Savings Bank which was no harm to anyone could have remained there to become the nucleus of the banking operation for that Central Bank if at any time it was decided that this was necessary. The minute I walked out of Government, Mr. President, the Savings Bank was demolished. So that possibility of an added activity for a Central Bank disappeared.

Another activity which is done through a Central Bank is exchange control. We abolished exchange control in 1980, Mr. President, and I hope that it is not the intention of anyone here to reintroduce that subject. So item number two is off the list.

Mr. President, bank inspection is another activity of a Central Bank and we are told that the present system of bank inspection is very satisfactory, as it operates within the Portfolio of Finance and Development. Therefore in our small system we would have no specific need of moving the bank inspection operation from where it is, to put it into another separate institution.

The other function, Mr. President, of a Central Bank is to be the focal point where economic advice is given to Government. Naturally, Mr. President, one would have to employ professional staff to be able to give Government this sort of advice. So it boils down to the fact again, that under the present system the Honourable Third Official Member is the Government's economic and financial advisor. If advice is required beyond that level then we hire it from outside these Islands. So that system can serve us for a long time to come.

The fact is, Mr. President, as the Currency Board concluded several years ago, for the foreseeable future it would not be necessary to consider the operation of a Central Bank in the Cayman Islands.

HON. VASSEL G. JOHNSON (CONTINUING): By the same token if it is necessary to operate or to convert the Currency Board into a Monetary Authority that has already been done and all we need to do is to change the designation; set up the system to take over clearing and the rest of it. We cannot go into banking because that is a Central Bank function. So, therefore, as far as the operation of a Monetary Authority is concerned I would say that there is absolutely no case for one at the present time.

Mr. President, much was made of exchange control here and credit was claimed for a while in the Opposition. Exchange control was always known as a very technical subject. It was always known too as being one of the main attractions to the building of our financial centre here from back in 1966. Mr. President, in 1966 we operated under the British Exchange Control Law as it was applicable to Jamaica. Of course Jamaican Law was applicable to the Cayman Islands being a dependency.

At that stage we found that in order to promote our financial industry it was necessary to introduce a special Exchange Control Law which would grant to investors certain privileges which the British Law did not provide. So we made requests to Government to introduce a new Exchange Control Law. The request went to the legal department, to the judicial department, and eventually to the United Kingdom. Nobody wanted to do this new Exchange Control Law. The British Government said that they had given us one and if we did not like it we could do the job ourselves. So it came back, Mr. President, and the Administrator at the time sent the bundle to me and said, "This is your baby".

Within three months we had recommended a new Law, the regulations, the order, the notices, the lot and in 1966 those were introduced. When they came to this Honourable House the Members said that it was too technical a subject and they could not understand it. However, they said they would accept it because they had confidence that it was well prepared and well presented.

I am just pointing this out, Mr. President to give an idea where exchange control came from. In 1972 when Sterling floated, exchange control in the United Kingdom also contracted. It was only the United Kingdom and a couple of other territories like Gibraltar and Malta which operated exchange control within the meaning of Sterling. The Cayman Islands, Bahamas, Bermuda and all the other Commonwealth countries were told that they must do their own exchange control.

It was at that time, Mr. President, that I personally saw no need to continue operating exchange control in these Islands and the following year in 1973, I went to London and announced that we wanted to abolish exchange control. It took the British Government by surprise and they asked us to give them six months to think it over.

The following year, Mr. President, in 1974, we were invited back to London to discuss the subject and I carried along with me the former Chief Secretary, Mr. Watler. We sat in the Bank of England with the Treasury and Foreign and Commonwealth Office represented, and we discussed the subject. It was at that time that the British Government announced that they had agreed that the Cayman Islands could abolish exchange control.

Mr. President, unfortunately we did not get around to doing the job until 1980, but I will tell you why. Under our Companies Law at the time we had a special company fee imposed on all companies designated non-resident under exchange control. Had we at that time abolished exchange control we would have lost a tremendous amount of revenue from those non-resident

HON. VASSEL G. JOHNSON (CONTINUING): companies because they would automatically have reverted to being an ordinary company which fee was much lower than that of a non-resident company. Of course I was not interested in losing that amount of revenue. So we spent years with the legal departments and with all the other brain which we could find to study ways and means of abolishing exchange control without losing that revenue.

No scheme could be put forward, Mr. President, until in 1979 Mrs. Thatcher suddenly rose and took exchange control in Britain by the neck and dumped it. Then we said to ourselves that we could not allow Mrs. Thatcher to do that while we were still keeping on trying to find ways and means of dumping exchange control. So I went to the Attorney-General and I said to him that we must sit down now, the two of us, and we must find a means of abolishing exchange control and not losing our revenue. Mr. President, it took us about three months and we laboured and we tarried. Eventually we found a way out when under the Local Companies Control Law we inserted there a category of non-resident company which would continue to exist not designated under exchange control but under the Local Companies Control Law, which would embrace all non-resident companies whether they were designated as such under exchange control or not. So they would continue to pay that fee. Then we went forward, Mr. President, and we abolished exchange control.

There is a long history behind exchange control but thank Heaven we got out of it.

Mr. President, we heard mention made here of unemployment in these Islands, especially over the past year and I agree with it entirely. I know a lot of people in the construction field and others who have been out of jobs. Mr. President, it has been clearly said here by the Opposition that there has been a down turn in the economy from a little while ago. Whether they stated it or not it is to be clearly seen by everyone that that is correct.

Mr. President, what I was a bit concerned about is that the Unity Team Government would have known that there was this down turn in the economy and that there was unemployment in the country. They had a golden opportunity to remedy this and to help all those poor people over whom they have been shedding crocodile tears in the past weeks here, yet they did not. Mr. President, to take \$5.5 million and buy a prefabricated building is something which I cannot understand. The Government has a lot of land. In fact up by the Government Administration Building the Government made sure to buy additional land in that particular vicinity for further expansion of office accommodation. This was recommended a few years ago that all Government offices would be centralised in that area as far as possible. That was not done, Mr. President. Instead they went and bought a prefabricated building with a small amount of land around it and limited car parking facilities.

Now, Mr. President, that \$5.5 million could have been spent in the economy. Our poor people, those poor unemployed would have had jobs. That building would have taken about a year and a half to build. It would have still been under construction. It would have given local merchants some business. In fact it would have given everybody some business. One can imagine the benefit, Mr. President, of \$5.5 million spreading in the economy, especially in poor times. When we talk about the poor we must not think of them on the one hand and deny them of assistance on the other. We must be consistent with our views and in our effort to help them.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, the Honourable Third Official Member said that the total cost of the new airport terminal which included the control tower, would be \$10.7 million, and not as estimated by Public Works Department which was a cost of \$12 million, and as estimated by Caribbean Development Bank at a cost of \$14.4 million.

Mr. President, I am sure that the Honourable Third Official Member did not mean to cut that statement short. I have been involved in the airport terminal development myself as Financial Secretary. In fact the feasibility study which was undertaken, Mr. President, was during my time. It was undertaken by a Canadian group, paid for by the Canadian Government at a cost of Can. \$145,000. Mr. President, I do not believe that any appreciation was expressed by this Government to the Canadian Government for that gift and I would like on behalf of the Government on this occasion to record Government's grateful thanks for that feasibility study and the payment for that study by the Canadian Government.

It was because of that feasibility study that Caribbean Development Bank decided to assist the project by a loan. So whatever others might have thought about the study it had its useful purpose in that development.

Mr. President, the proposal for that project was that the control tower should be built first and then the terminal building. Along with that development there was to be a parallel taxiway on the North side of the airfield towards the sea. Mr. President, in the estimates made by Public Works Department and by Caribbean Development Bank that parallel taxiway was included and if the cost of the project up to this stage fell below those estimates, then the reason for this is well known. It is because the project is not completed in its original approved form. That parallel taxiway, Mr. President, I understand cost in the vicinity of \$4 million. So if you add \$4 million to the \$10 million, we have \$14 million.

MR. JAMES M. BODDEN: Mr. President, under 34(2) I think it is, I wonder if all this personal biography is necessary for the House this morning, Sir.

MR. PRESIDENT: I do not think that it is any more unnecessary than a great deal of what has been spoken in this debate. In this debate I have as is customary, allowed Members to stray quite far and wide.

MR. W. McKEEVA BUSH: On a point of order, Mr. President, under Standing Order 39(b) the Members present in the Chamber during a debate shall not read books or newspapers. I think the Member should pay attention to what is happening, Sir.

MR. JAMES M. BODDEN: Mr. President, it has been a habit in this House since I have been here, for thirteen years, if a person wanted to take a look at the morning newspaper he was allowed to do so. I do not know why this Member is such an authority on it all of a sudden.

MR. W. McKEEVA BUSH: Mr. President, they have been asking that we follow the rules. Now if one Member has to follow the rules everybody has to follow the rules.

MR. G. HAIG BODDEN: Mr. President, just for the information of the Chair, I am making notes for an attack which I am about to make pretty soon. There is nothing against making notes. The Member seems to think I am reading and writing. I am actually making notes.

MR. PRESIDENT: What the Standing Order says is that Members should not read books, newspapers and letters unless they relate to the business before the House. I have always hitherto taken the view that Members who are reading, are reading something which does relate to the business of the House. I know that Members read newspapers. Newspapers usually contain something which relates to the business of the House. Whether they are reading that part of the newspaper it is difficult for me to determine.

MR. JAMES M. BODDEN: For the information of the Member I happened at the time he spoke to be reading, "The Legislative Assembly continues debate".

MR. PRESIDENT: I think we should continue with the debate.

HON. VASSEL G. JOHNSON: Mr. President, thank you for your ruling, Sir. I did not get up out of my seat and interrupt anyone while they were speaking. They spoke for three days and I sat still and listened. I do not intend to speak for three days because that is filibustering.

Mr. President, when I was leaving Government in March, 1982, the Member who was then the Elected Member of Executive Council responsible for Tourism Aviation and Trade took over the steering committee which was dealing with the airport terminal, so I phased out of the picture. I mention that, Mr. President, to make it quite clear that I am aware of and I have knowledge of the background of this project.

Mr. President, much was said about the car park and Post Office which is now under consideration. However, for the benefit of this Honourable House I must make it quite clear, Mr. President, that the Post Office has been the subject of a feasibility study from a long time back by the British Post Office authorities. The recommendation was made for the re-siting of that Post Office and the site recommended for the new Post Office is the site behind the Public Library. So there is no reason for anyone to believe that this is a new thought where Government is concerned. Now that the Tower Building has been bought and is housing all the surplus staff of Government there is no need to consider the sort of development for a Post Office Building which was first thought of. This is the reason for the diversification to a multi-storey car parking and Post Office facility together.

Mr. President, there is no doubt in anyone's mind that car parking in central George Town is a necessity today. Neither is there any doubt in the minds of the people that there is need for a new Post Office where additional post boxes can be available. There is absolutely no space in the old building, Mr. President, to install additional boxes at the present time. There is always a big list of demands for new boxes. However, mail boxes are just a small part of the need for a new Post Office. There is no parking around that building. For people to go there, they have to park in other people's parking lots.

The facilities within the building, Mr. President are small and crowded, and when we look at the improvement and expansion of other Government offices we cannot but accept that the Post Office too is in need of expansion and in need of a new environment. The question of when we will get these things, Mr. President, depends on Government's ability to finance them. However, I can assure this Honourable House that if the need is there for these facilities and this Honourable House is prepared to approve it, and

HON. VASSEL G. JOHNSON (CONTINUING): we can find the financing to build them, that the recommendation will be put here.

Mr. President, much was said about the Housing Development Corporation as well. We were aware from last year that it had a lot of political flavour about it. We confirmed this when we got in there and saw what had happened to the funds generated during last year. There were actually people considered and given loans who had property themselves valued at over \$100,000. They had a net worth of \$80,000, \$90,000 and over \$100,000. They were given up to \$45,000 in loans. They were even given loans to refinance other loans.

Mr. President, when Government decided to establish a Housing Development Corporation one would have thought that this would go to help those people who could not negotiate a mortgage with the private institutions. I am sure that many of those on the schedules today who have raised loans from the Housing Development Corporation could go to private mortgage institutions and raise loans. However, Mr. President, that is something which we inherited. The new Board has now determined to make fresh efforts to raise additional money and to rethink the present policies, and to decide what a Government Housing Development Corporation should really be doing, and the sort of individuals whom it should be assisting. Because if we walk through the width, breadth and length of this country today we will find a lot of need. I am not saying, Mr. President, that we must go and dol^o out money to people who cannot repay it. I think this is being undertaken by Government under a low cost housing scheme and I am sure that it will want to continue this scheme. However, Mr. President, we must not go helping those people who can help themselves. We must think about the poor, those people about whom so much has been said in this House.

MR. JAMES M. BODDEN: Mr. President, I rise on a point of explanation under Standing Order 34(2).

MR. PRESIDENT: The Member has given way so you may....

MR. JAMES M. BODDEN: In following the debate of the Honourable Member it seems as though he is trying to put a different meaning to what was done by the Housing Development Corporation. Under the guidelines set down for it, it was supposed to give mortgages in cases where the people had annual incomes of less than \$25,000, with a maximum amount of \$45,000 to be loaned. As far as I am aware there was never any guideline set down either in law, regulations or otherwise which said anything about the net worth of a person. I am sure having looked over the list of most of the people who received mortgages, if any of these had a net worth of \$100,000 it was probably represented by land which was not readily saleable. It did not represent cash. Government does have two mortgage schemes which were put into effect under the Unity Team administration. One was the Housing Development Corporation Law and the other one was the scheme which was going in on Eastern Avenue for the people who really could not receive a mortgage in the private sector, or who could not afford to pay high rents.

It is two completely different types of housing authorities, yet he is insinuating that it was so wrong giving to a person who had \$100,000 net value. I do not recall the actual case he is talking about. There was a Loan Committee and many worthwhile people served on it, which was responsible for seeing where the mortgages went. I take issue with the Member in imputing that there was anything wrong done under our administration in regard to the Housing Authority. That is what he is trying to inject across in his speech, and I take great objection to it.

HON. VASSEL G. JOHNSON: Mr. President, I was about to finish what I started. I was told by one or two banks who had contributed to the funds of the Housing Development Corporation that the Corporation had apparently entered into competition with those banks by granting mortgages to people who could very well go to those banks and obtain loans. This was confirmed, Mr. President, by the records we found there. If that is the case and this is known throughout the banking fraternity in these Islands, one can see that other banks which have not yet contributed any funds to the Housing Development Corporation will be reluctant to do so, because they are providing cheap money, five per cent money which is on-lent at nine per cent. They are certainly not going to release those cheap monies for the Government to carry on competition against them.

That is the reason, Mr. President, why I spoke of what I found there as I did. Certainly if that is the case then we will have to rectify it. We have not had the time or the opportunity yet of re-examining their guidelines or their policies, but this will certainly be done before any more mortgages are considered. We must give vent to the feelings of debenture holders, Mr. President, the institutions which contributed those funds and we intend to do just that.

Mr. President, I know that the Honourable Second Elected Member of Executive Council has already covered quite a lot on the Bermuda II Agreement which was negotiated in 1977....

MR. PRESIDENT: I wonder before the Member starts on what is evidently going to be a new topic, if it will be convenient for us to take our customary morning break. I will therefore now suspend proceedings for approximately fifteen minutes and would ask Members to be ready to resume by 11.35 a.m.

AT 11.20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.41 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I was going on to speak on Bermuda II but before I deal with that subject I want to mention the Public Debt.

Mention was made by a Member of the Opposition that in 1972 this Government had a loan portfolio of slightly over \$1 million and that in 1976 that portfolio had grown to \$7 million. Apparently he thought that it was bad management of the then Government to stand by and see the Public Debt grow at that rate. However, Mr. President, I would remind this Honourable House that in 1970 to 1972 we began implementing an economic plan for this country which would establish the infrastructure and on which future growth would depend. In that infrastructure we had to provide a number of services and accommodation.

HON. VASSEL G. JOHNSON (CONTINUING): We built first of all the Chamber in which we now sit. That was number one on the list. Then we built the courthouse across the road, the police headquarters, and the Government Administration Building commonly known as the Glass House. We built phases of our secondary school and of primary schools around the Islands. We rebuilt a portion of the hospital. We built the George Town port which was opened very soon after the new Government took over in 1977 and, Mr. President, we began paving all the roads in the Cayman Islands.

I am sure that anyone who walks around the Cayman Islands today and has seen these beautiful structures, and furthermore has seen the services which have been established, could not but give Government credit for the administration of 1972 to 1976 and the loan which had been created during that time. For nothing can be done without money.

The economic plan was costed at something like \$30 million. A large portion of that cost was to come from revenue and a portion of it from British Government grants and loans. Mr. President, the development of that period has served the country well. When the new Government took office at the end of 1976 they took over a very orderly Government and a very orderly development. They needed only to wait for the revitalising of the economy.

Mr. President, no one can create suddenly an upturn in the economy. That comes by cycle and the next cycle which had been forecast at that time, a time when we were moving out of a terrible recession, was to start between 1978 and 1979. That proved to be correct, Mr. President. The upturn started in 1978 and by 1981 it peaked. So I cannot find any amusement in their trying to claim what they did in this country during those years to revive the economy.

Mr. President, another statement which was made by the Opposition was that in 1977 the Government spent 12 per cent of its revenue in servicing loans. Mr. President, years before that we had declared that it is the usual policy of any country not to spend more than 10 per cent of its revenue in servicing loans. At all times while I was in the office of Financial Secretary I made this quite clear and made it known far and wide, and I have never yet allowed the Government to move in a position which would upset that policy.

Mr. President, I took the 1976 estimates and searched through them to see how the Opposition could come up with the figure of 12 per cent. I cannot find those figures. The 1976 approved estimates indicate on pages 79 to 81 that the total cost of servicing the loans that year amounted to \$590,546. The same estimates, Mr. President, on page 14 indicate that the estimated revenue for 1976 was \$11,611,395. If the percentage is taken from that servicing it produces five per cent.

MR. G. HAIG BODDEN:

On a point of clarification, Mr. President, I dealt throughout with recurrent revenue, not total revenue from loans and all other sources. I said when the cost of servicing the debt goes above a certain percentage of recurrent revenue. I am not talking about total revenue.

HON. VASSEL G. JOHNSON:

Mr. President, I wish those people who speak about finances would get their lines straight. I too am speaking about recurrent revenue. There is no capital revenue in the figures which I am quoting. I quoted \$11,611,395 as the estimate of recurrent revenue for 1976.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, if we look at the level of servicing today and the level of revenue we find that the percentage of servicing does not rise above five per cent either. It was always in my mind that the cost to this Government of servicing its loan was always half of what the standard commitment is. So it is no use their trying to play with figures to deceive the public and discredit this Government, because that cannot be done, Mr. President.

Mr. President, another point which I wish to make is this. In the Honourable Third Official Member's Budget Address he said that the extent of the Public Debt so far is \$16.2 million. However, he also mentioned that if the Sterling adjustment was made according to the present rate, that our Public Debt would be only \$11 million. Mr. President, let me say this. When we are going to revalue our Public Debt it must be for a specific reason, either that we are liquidating that debt or because of some other specific reasons why we must take into consideration the currency value at the present time of that debt.

Mr. President, may I remind Members of this Honourable House that the parity of the pound Sterling to United States dollars is still \$2.40. We have seen fluctuation of currency over the last ten years which one could hardly imagine. We have seen already the pound Sterling falling and rising back to some heights. A lot depends on the economic conditions within the country. I have no doubt, Mr. President, that the pound is going to strengthen. In fact it has started to do so. I would not be one to advise this Honourable House that we should undervalue our Public Debt. We must take heed of this and as far as I am concerned we should look at the Public Debt as it stands at the present time. That figure is \$16.2 million.

Mr. President, I should state that it is not a reflection on the Honourable Third Official Member. The statement which he presents is provided to him by some of his experts, and I am sure that he agrees with me that the parity of the pound Sterling is still \$2.40. One cannot be too sure of what the fluctuation in that currency will be in a year or so.

The Opposition used this, Mr. President, to minimise what they looked on as their Public Debt commitment during their eight years in office. However, the fact is that we raised loans from time to time which increased from \$7 million in 1976 to \$16.2 million at the end of 1984.

MR. LINFORD A. PIERSON: Mr. President, I wonder if the Member would care to let me elucidate under Standing Order 34(1)(b) on a point which was just raised.

MR. PRESIDENT: Well the Member has given way so I think you can continue.

MR. LINFORD A. PIERSON: Mr. President, I think it is important that we clarify the point raised by the Member just now. As the Member has said I too do not like to interrupt but I think it is a little misleading here. Are we discussing future events, or what happened five years ago, or are we discussing the 1985 budget? I believe that when we are considering the valuation of the Public Debt we have to consider the time when the Public Debt is being evaluated. If we were paying off our Public Debt at the end of 1984 we would certainly be taking the exchange rate of the pound Sterling to the parity of that currency, and it would not necessarily be at the rate it was originally negotiated. I think we all know that the Pound Sterling is even below the value of the Cayman Islands dollar at

MR. LINFORD A. PIERSON (CONTINUING): *this point in time. So for us to suggest that the pound Sterling is still equivalent to the parity of 2.40 to the United States dollar I think is somewhat misleading. I believe that the Honourable Third Official Member was quite correct in valuing our Public Debt at the then going rate because we are considering the period under review, not what it was in the past nor what it may be at some future date. I quite agree with the Honourable Fourth Elected Member of Executive Council that it is possible that the pound may regain its strength and be back at 2.40 at some future date. However, right now the situation is not that. The situation is now that it is much weaker, so that when we are considering the revaluation of assets or securities in pounds Sterling we have to consider the period under review.*

Thank you.

HON. VASSEL G. JOHNSON: *Mr. President, I am quite aware of what statement the Member made and I understand what he is saying. If we were going to revalue the repayments being made in 1985, then I could agree not to go revaluing the entire loan portfolio. I do not agree with it and it does not matter what anybody wants to say about it. That is their own opinion. I am expressing my own opinion.*

Mr. President, these explanations in the middle of nowhere do no good to this debate. I did not interfere with anyone while they were standing there and talking about 1976 and beyond. I am replying to what has been said by the Opposition about years gone by and I have a right to do so. I was not interfering with them. I sat here quietly in my seat. I do not see why all of them must get up now and want to give explanations.

MR. LINFORD A. PIERSON: *Mr. President, under Standing Order 34(1)(b) I would like to elucidate further now or later.*

MR. PRESIDENT: *The Member has not given way I am afraid this time. I think the Member is right, there are too many of these....*

HON. VASSEL G. JOHNSON: *I am not giving way, Mr. President.*

MR. LINFORD A. PIERSON: *May I reserve my rights, Sir, under Standing Order 34(1)(b)?*

MR. PRESIDENT: *You may reserve your right under Standing Order 34(2), the right of explanation.*

MR. LINFORD A. PIERSON: *Thank you, Sir, under Standing Order 34(2).*

MR. W. MCKEEVA BUSH: *I think the Member had begun to sit down, Mr. President. Yes, the Member has sat down.*

MR. PRESIDENT: *Had you intended to give way? Perhaps I misunderstood. You were still on your feet at the time when I stopped....*

HON. VASSEL G. JOHNSON: *I sat down for you, Mr. President, but I will sit if you ask me to.*

MR. PRESIDENT: *It is up to you to decide if you wish to give way so that he can elucidate the matter now. Alright.*

MR. D. EZZARD MILLER: Mr. President....

MR. PRESIDENT: No, we cannot have more than one at a time unless yours is a point of order.

MR. D. EZZARD MILLER: Yes, Sir, mine is a point of order under Standing Order 32(1)(a), On a point of explanation for me personally, Sir, really

MR. PRESIDENT: No, a point of order only is allowed because we have already got somebody on a point of explanation. If you have a point of order you may raise it? No. Then the Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I am somewhat surprised at the Honourable Fourth Elected Member for Executive Council because as I said it is not a habit of mine to interrupt Members when they are speaking. I just felt that it was necessary at the time to elucidate the matter which he was discussing. Because like the Honourable Fourth Elected Member of Executive Council I too take some credit for having some financial knowledge. So when I speak I think I speak with some authority also. What I am saying here, Mr. President, is that it is not a proper picture to paint to suggest that the Public Debt of this country at the time we are considering now, should be taken at US\$2.40 to the pound.

MR. PRESIDENT: The Member did say this before you know.

MR. LINFORD A. PIERSON: This is incorrect.

MR. PRESIDENT: You have made that point already.

MR. LINFORD A. PIERSON: The Second....

MR. PRESIDENT: If we continue to interrupt; one Member gets up and says one thing and so on, we shall never get on with the debate.

MR. LINFORD A. PIERSON: I was going on to say, Sir, that my interrupting at that point in time was because I feel that any debate in the House should be something which the public can listen to and feel that it is correct information which is being passed to them. This information which was given is painting a distorted picture.

HON. VASSEL G. JOHNSON: Mr. President, I have been accustomed to the public of the Cayman Islands for a long time and I have no doubt, Mr. President, that they will understand what I am saying. I am not trying to present a distorted figure. I am not guilty of that in this House. I present a straight figure and a straight picture, and the true facts. This is what some people do not like to hear.

Mr. President, as I said earlier the Honourable Second Elected Member of Executive Council has outlined quite well and quite carefully the proceedings at the Bermuda II negotiations in 1977. However, as I was requested to be the leader of that delegation I think I should also have something to say about it. Mr. President, that agreement, or those negotiations were between the United States Government and the British Government. It was not a Caymanian affair. We were a Crown Colony and therefore

HON. VASSEL G. JOHNSON (CONTINUING): represented by the United Kingdom at those negotiations. We were requested to attend the meeting at the State Department and to sit behind the British delegation. We did that and, Mr. President, the leader of that team has already been mentioned. There were four members, the Managing Director of Cayman Airways who is now the Honourable Second Elected Member of Executive Council, the Director of Civil Aviation, Mr. Sangrinetti who was then attached to the Department of Tourism and myself.

We sat there, Mr. President, and by the good graces of the leader of the United States team, Ambassador Boyd, we were given the opportunity of addressing that meeting. We certainly took the opportunity to do so, one by one. Mr. President, at the end of the second day the United States delegation handed their decision to the leader of the British team, Mr. Shovelton and he conveyed it to us. The Americans offered us two points in the United States, Miami and Tampa. We contacted Mr. Shovelton and said to him that we could not go home and tell the Government that we received only two points out of eight points which we had originally asked for, and that they should reconsider their decision. They did so and at the end of the third day they handed over their decision. At that time they offered us three points instead of two, Miami, Tampa and New Orleans. They said that because we were a small airline operating one aircraft on our international routes, that they could allow us to operate only any two of those points at any one time.

They ended the note by saying that this was the extent to which they could go. Mr. President, with the knowledge of the British team we broke away from the meeting, went to our hotel room, called the British Ambassador and asked him if he was prepared to deliver a note to the United States Government from us. He said yes he was quite willing to do whatever he could to assist us. We sat down, Mr. President, the four members of the Cayman delegation, and for hours we worked on putting together a note in the manner which we thought would bring some reaction from the United States Government. We realised that we had gone outside of the negotiating team and this was a matter to be considered by the United States Government alone.

We prepared the note. We examined it for many hours afterwards, and when we were satisfied that it was in order we sent it to the British Embassy and the four of us typed it and signed it and handed it to the British Ambassador. He told us to go home and he would communicate the reply to us in due course. We came home and reported this to the Government. We had a communication from the British Ambassador the day after arriving home in which he said that he went to the State Department. The Secretary of State was not in but he delivered the note to his deputy. He said that in about two weeks we could expect a reply.

The reply came in exactly two weeks, Mr. President, and was that the United States Government had considered our submission. We had applied for six points which included Atlanta, New York, Philadelphia, Miami, Houston or Dallas and Los Angeles. The United States Government approved these points. They gave us Miami, Tampa, New Orleans and in addition, Mr. President, they gave us Houston, Baltimore or Washington. They said to us that we could operate any two of those five points at any one time.

Mr. President, when we go abroad to represent this Government we do not talk to clerks. The Member said that we had gone abroad and we had sold the sovereign rights of the Cayman Islands; that we had gone and discussed the matter with clerks,

HON. VASSEL G. JOHNSON (CONTINUING): and that we had traded away between the United States and the United Kingdom some route into Hong Kong. Mr. President, that could not be further from the truth. I am satisfied, Mr. President, that I represented the Government with my team to the fullest extent, and that we brought back results which could not have been achieved or attained otherwise.

So I want to make it quite clear that every opportunity that the First Elected Member for Bodden Town gets he throws these accusations at me to try

I have no fears about representing this Government anywhere or any time.

Mr. President, I want to speak a few words on Cayman Airways. It is one of the hottest subjects which we have in this country. It is one which is very concerning to the country because of past mis-management and because of the difficult financial situation in which the airline finds itself.

Mr. President, I know a lot about Cayman Airways, especially about the early days. From 1968 to 1977, for nine years I was a Director and the last of those six years I was its Chairman. Mr. President, in those days it was the opinion of the Government that Cayman Airways was a small carrier and could on no account become a self sustaining airline. For a small carrier with a small route structure to become an independent entity is one of the most difficult situations any company can find itself in.

It was because of that, Mr. President, that Cayman Airways was linked with LACSA airline of Costa Rica in the first nine years of its operations. Many bad things have been said about LACSA. We have sat and heard it over and over again but, Mr. President, I am prepared to tell this Honourable House and the people of the Cayman Islands that LACSA has served this country well. They are business people and they like to make the best of business. However, they also liked the Cayman Islands and they contributed much to this country, unlike what some people would like us to believe.

Mr. President, one of the difficult things which brought about this sad state of affairs with LACSA is that there were local people involved in that airline who could not be disciplined. They were not prepared to be disciplined under the LACSA administration.

Mr. President, LACSA was responsible for the cabin staff and the cockpit crew of the airline, but LACSA employed what Caymanians were available also. Cayman Airways was operated by a Board with the majority decisions being made by Caymanians. So where decisions within that airline were concerned, they were under the control of the Cayman Islands.

Mr. President, what happened from 1977 was what was happening to the airline when we took over its management again in November last year. A sad state of affairs existed, Mr. President. The accumulated debt of that airline which is a direct responsibility of this Government because we are the shareholders of that airline, was unbelievable. We found in the records of the airline at the 30th June, 1984 an accumulated deficit of US\$16,237,553. Mr. President, that accumulated loss was more than twice the capital of that airline.

It was good grounds for winding up the affairs of that company. Mr. President, had the company been wound up that debt would have been the responsibility of this Government. When we talk about the financial position of this Government we must not forget the accumulated debts in that airline.

HON. VASSEL G. JOHNSON (CONTINUING): Besides those accumulated debts, Mr. President, we found there a situation where the airline had an overdrawn account at their bankers of over \$2 million. The authority for an overdraft was \$1.8 million and they had gone over \$2 million.

That was not the worst of it, Mr. President, When we examined the accounts of the airline we found that they had an accumulation of debts, including what was owing to Government of approximately \$7 million. We said in the public statement which was issued after we took office that those accumulated debts amounted to \$6 million but, Mr. President, later on the Treasury sent officials in there to re-examine the position and they came up with an accumulation of debts of approximately \$7 million and not \$6 million. When we got into the airline, Mr. President, we found a most serious situation there. The lease payment for the aircraft was due within a few days. Fuel bills for the oil company were there and the oil company was just about to take action against the airline. We found very urgent bills there needing to be paid and if some of these were not paid within a few days one could never tell what would happen to the airline. We went to Government and said that it was their responsibility as well and we needed some money to pay these urgent debts.

The Government released approximately \$2.4 million and, Mr. President, a few of those debts were paid. There are still a lot of debts owing. We have just had notice that the courts in the United States have issued a writ against Cayman Airways for debts amounting to \$700,000 or \$800,000. These have now been passed to the Legal Department for processing. It is very likely if we must pay that debt and the airline has not got the money, Government will have to come to the rescue. Otherwise the worst that can happen is that one of the 727s can be seized in the United States.

Mr. President, these are very serious matters. In 1982 when the Government decided to release \$14 million to the airline everybody breathed a sigh of relief. The debt owing by the airline would be repaid and the aircraft then used by the airline would become their personal property. For the first time the airline would have tangible assets. A part of that money was loaned to the airline and a part was injected into the equity of the company. The managers of the airline were told by Finance Committee that they should not embark upon purchasing a 727 because it was already known that that was a very expensive aircraft with increased cabin staff and cockpit crew, and an aircraft which drank a lot of petrol.

Mr. President, there was no need to sell the two BAC 1-11s they were using at the time. It was a time for reconsolidation and putting the airline into some financial order before embarking upon the hunt for new aircraft. However, immediately those funds were released, Mr. President, those in positions of responsibility embarked upon exactly what Government forbade them to do and eventually purchased two 727s, or should I say leased them.

Mr. President, it is the consensus of opinion that that airline can never enter into a profitable situation or even a break even situation for some time, because those aircraft are very expensive to operate. So, Mr. President, that is going to be something to be looked at, and a decision will have to be taken on what is to be done with equipment.

The aircraft which were suggested for investigation were the 737 aircraft. Whatever the cost might have been those aircraft would have served this small airline very well. We tried to be too "big times", Mr. President, and so we got our fingers burnt.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, the other thing which we looked at in that airline was staff and salaries. Mr. President, we found that promises had been made to staff for a salaries increase from two years before. People were getting nervous and starting to walk out of the airline. We had to stop this. We found, Mr. President, that although there was good middle management staff, all the top positions were held by expatriates. Mr. President, when it comes to Caymanianising the systems here it appears that these are only spoken words, but the words are not followed by actions.

MR. JAMES M. BODDEN: Mr. President, I interrupt on a point of explanation in regard to the Caymanianisation of Cayman Airways.

MR. PRESIDENT: Is the Member willing to give way? It is up to the Member speaking whether he will give way on a point of explanation.

HON. VASSEL G. JOHNSON: Mr. President, I have given a lot of "ways" already. People have said what they had to say about these subjects. I am saying what I have to say about it now. I do not see where there is any need for explanation.

MR. PRESIDENT: The Member is entitled to reserve a right under Standing Order 34(2) if he wishes.

MR. JAMES M. BODDEN: I reserve my right, Sir.

HON. VASSEL G. JOHNSON: Mr. President, this has been looked into recently and a salaries' review has just been approved by the Board of Directors. A re-structuring of the senior segment of the administration has also been recommended. We are hoping, Mr. President, that that will improve the morale in the airline, which we found very low when we got there. The salaries' review covers from the middle to the lower grades because Cayman Airways was not in a position to consider salary increases right up the line. In fact the more senior staff were in our opinion fairly well paid. There have got to be adjustments along the way.

Mr. President, we are hoping to minimise the losses of Cayman Airways, and we hope that the action which has been taken so far will assist in doing that..

Mr. President, I am nearing the winding up of my address but I am afraid that it may take a little longer than what time is available before the break for lunch.

MR. PRESIDENT: If you have finished the part on Cayman Airways and have reached a natural break then perhaps it will be convenient if we take our lunchtime break.

So I will suspend proceedings until
2.15 p.m.

MR. JAMES M. BODDEN: Well, could I rise on a point of explanation at this point, Sir?

MR. PRESIDENT: I know you gave me notice that you were going away. Will you not be here this afternoon?

MR. JAMES M. BODDEN: No, Sir, I will not be here this afternoon.

MR. PRESIDENT: Very well then, I will let you make your point at this stage. I draw your attention to the terms of Standing Order 34(2). You must not introduce new matters or seek to strengthen your former position by new argument.

MR. JAMES M. BODDEN: No, Sir, I will deal just with the few points he dealt with.

I am a bit shocked to hear the manner in which the Member approached the airline, but I guess I will have to deal with that at a later point. However, he spoke about Caymanianisation. Now, if we are going to Caymanianise the airline, Mr. President we cannot do it just for the sake of putting Caymanians into jobs which we hope they can fill. We have tried all along to have as many people of Caymanian origin, descent and status in the airline as we could possibly have. I think every record of the airline will bear that out; the way that we fought under the previous administration to get them. However, there were certain positions which it was considered could not be filled with the personnel which we had. If we look at the proposed structure which I see in the newspaper today it makes one wonder whether we are going in the right direction now, when I hear of the action which they have recently taken against the Deputy Managing Director.

Also the Honourable Fourth Elected Member of Executive Council spoke about the \$16 million owing. It is not \$16 million owing, it is \$16 million in deficit and a lot of this was incurred at the time when the Honourable Second Elected Member of Executive Council was the Managing Director of Cayman Airways. He is quite aware of all of it.

With regard to the 737 and 727 aircraft it is a matter of personal opinion. We could debate for ages which would be the best one for the routes. We have had studies done by different consultants. Some say the 737 and some say the 727. It depends what we are looking at in regard to expansion of the airline routes. We cannot expand it with the 737 and we cannot compete on an airline route with the 737 as far as competing with Republic Airlines which has DC-50s and DC-80s to put on the run.

HON. W. NORMAN BODDEN: Mr. President, I would like to give a point of explanation as regards a comment made by the last speaker, Sir, if I may.

MR. PRESIDENT: Since you were mentioned, yes.

HON. W. NORMAN BODDEN: Alright, as regards my position of Managing Director of Cayman Airways and its present debts I would like to say this. The financial statements of Cayman Airways will reveal that up to 30th June, 1980, the accumulated deficit of the company at that time was approximately US\$3.5 million. I resigned from Cayman Airways on the 16th December, 1980. The accumulated deficit up to 30th June, 1984, four years later is now \$17.2 million. That is a vast difference and I think that this should be clearly reflected in the records of this House.

MR. JAMES M. BODDEN: Mr. President, I did not try to intimate that the Member was responsible for it. I was merely intimating that he is quite aware of what has caused the deficits in Cayman Airways.

MR. PRESIDENT: I said that proceedings would be suspended until 2.15 p.m., and I now so suspend them.

AT 12.44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.21 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON:

Mr. President, I will continue and now say a few words on the marine park proposal. I heard comments by the Opposition that the programme which we were putting forward was perhaps too extensive, and that we need to take a good look at it before it is implemented.

Mr. President, the marine park proposal was put forward by the Unity Team Government back in 1984. That committee which considered the proposal was chaired by the former Member responsible for Agriculture and Natural Resources. Mr. President, what we are now putting forward to the public are the proposals which we found on the shelf when we got into office. The marine park will be implemented under a regulation, and the regulation was put forward to Executive Council in trying to clear up the many things which we found held in the office.

When Executive Council looked at the proposals the Members said that in no way were they prepared to deal with it until the whole thing was put to the public and they had a feedback from them to indicate what they thought of the proposal and whether they would accept what was put forward.

Mr. President, that is exactly what we are doing. The marine park proposal has been taken to all the districts of the Cayman Islands. Although the park arrangements will not be extended to Cayman Brac and Little Cayman at this stage, although perhaps in another phase, we still sent people to Cayman Brac for an input from the public there as to whether they thought it was a reasonable proposal or not. Mr. President, they have accepted that Cayman Brac and Little Cayman do need the marine park system to protect the waters around those Islands too.

In due time, Mr. President, a report will be made of the public's reaction and this will be presented to Executive Council again when we will review the matter and decide whether it should be implemented, and to what extent.

Mr. President, we are endeavouring to secure an input from the public in all these matters of national importance, and matters which are not designated or classified secret and confidential. Executive Council want a public input on these matters of national importance so that when they are implemented we will have the entire cooperation of the public in doing so.

We believe, Mr. President, that the marine park proposal will be something very beneficial to these Islands. For one thing the diving here has been declared first class. In fact it is said that the underwater marine life and all the other beauties which are found there are perhaps as good as you will find anywhere. It has been said that it is only the great barrier reef of Australia which can be compared with our waters.

Mr. President, this will serve these Islands well. It will promote tourism here, especially divers. It is something which can promote the slow summer traffic in these Islands because groups of divers like to go around during the summer months. The same thing is happening in the smaller Islands, Mr. President. The diving there is excellent and that is now attracting groups of people there. I have no doubt that

HON. VASSEL G. JOHNSON (CONTINUING): in the months and years to come it will serve those Islands well in promoting tourist traffic there.

It is for this reason that we must look very carefully at the establishment of marine parks and ensure that it is implemented without due delay. I think it has the support of the entire Cayman Islands and there can be no doubt about its value to these Islands.

Mr. President, a Member from the opposition said that I had also sent out a trial balloon in talking about the grouper restrictions. Well, call it what he may it was really not a trial balloon. It was an urgent need to place restrictions on the groupers in three areas of these Islands, one in Grand Cayman, one in Little Cayman and one in Cayman Brac, because the people were complaining bitterly about the destruction being done to these groupers, especially during the spawning period. It was discovered that people were going in there and indiscriminately with spearguns, nets and fishpots catching large numbers of these groupers. It was therefore necessary for that immediate restriction. What happened is that the press release went out to the radio station and for some unknown reason the press release was changed around somewhat and a wrong impression went to the public which got them a bit upset. However, Mr. President, that was corrected soon afterwards and when the public knew what the position was, then they were satisfied.

We went to Cayman Brac as the four Elected Members of Executive Council and met with the public of that Island and explained the Government's action to impose these controls. The people there were very happy with what had been done. So whether it is a trial balloon or it is not, Mr. President, we as a Government take appropriate action when it is necessary. We do not leave things on the shelf to stay there until they become rusted.

We found a lot of things there, Mr. President. One was the Regulations to the Water Authority Law which was passed back in 1983 without any Regulations. So it is difficult to implement any control where ground water is concerned without those Regulations.

Mr. President, speaking about ground water, the Elected Member for East End had a lot to say about the East End wells. Mr. President, when we entered Government we found that the development of the East End wells was well under way. In fact this had been approved from the middle of last year and had the Water Authority had a good trenching machine, perhaps the wells would have been in operation before. So we cannot be blamed for opening up the East End wells.

Mr. President, early after taking office we understood that the East End people were getting somewhat concerned about Government taking water from the wells. So we thought it would be reasonable to meet with the people of East End, explain the whole thing and see whether we could reconcile matters. We knew, Mr. President, that there was an Elected Member in East End. I requested my Principal Secretary to contact the Member many days before the meeting and to advise him of the proposed meeting with the people of his district, and to ask him if he would sit with us at the meeting. Well, Mr. President, my information is that the message was delivered. Unfortunately because I was very busy with many other important things I did not contact the Member myself but my Principal Secretary who had worked with him for a long time and who knew him well is the man who I gave the job of speaking with him. If the Member did not get the message it is really not my fault.

HON. VASSEL G. JOHNSON (CONTINUING): He did not attend the meeting, Mr. President, but we still met with the people and talked to them. Mr. President, they are not only complaining about the wells. They are complaining about other things as well. However, Mr. President, that East End lens is the largest lens in the country. It has a capacity of producing nearly one million gallons of water per day if the wells are properly developed. The wells are four square miles in size, with eighty feet depth of fresh water. They have so much water in them that fresh water is bubbling into the sea from the lens constantly. If a few gallons are taken from it and with the ten wells which are now established there it is hoped that about ninety thousand gallons a day will be taken from it, there is no way in the world, Mr. President, that that small extraction from those wells can damage them.

Apparently, Mr. President, the people were promised by the Unity Team Government that water would be piped from those wells into the district of East End. I saw nothing on record, Mr. President, but it is understood that that was the promise made to them. Mr. President, if the Government had the capacity to do so I am sure that if a promise was made, that promise would have been fulfilled.

Mr. President, the Government has spent \$170,000 in East End developing those wells last year, and now besides that Government is spending in East End a large sum of money to develop a civic centre there which is going to draw from the budget this year over \$350,000. A large sum was already spent on that project last year. So it must be understood, Mr. President, that Government's capacity and capability of doing things is limited at this stage. East End in any case have got a fair share of the budget. Mr. President, I understand that the matter has now been reconciled and the people are satisfied that the extraction of water there will not damage the lens. The Water Authority will be monitoring the use of water from that lens from time to time as they are doing with other lenses. I am sure that if there is any danger of damaging those lenses at any time that the Water Authority will take appropriate action to avoid further damage.

Mr. President, the Government is embarking at the present time on a number of important issues. We mentioned Cayman Airways already and this was well outlined by the Honourable Second Elected Member of Executive Council, and the position which we have reached so far. The visit to London recently cleared the air with the British Government and the fact that we placed a great amount of importance on that particular subject. We are hoping, Mr. President, that before long we will have some news of the United States' decision regarding that moratorium. As soon as any information is received we will be passing it on to Members of this House.

Another important matter which is now under review is the re-negotiation of the Narcotic Agreement, Mr. President, this a far reaching subject and it would not be wise to make any further public comments at this time. However, I can assure this Honourable House that no time is being wasted in ensuring that the Cayman Islands have the best possible representation in the upcoming talks.

Mr. President, another matter of prime importance is the one now before CITIES, the Conference of International Trade and Endangered Species to be held in Argentina in April of this year. The subject is our bid to have the ban in the United States lifted on the importation of farmed turtle products into that country, a ban which was imposed a few years ago.

HON. VASSEL G. JOHNSON (CONTINUING): We are also, Mr. President, using every effort we can to ensure that we provide the best possible representation at CITIES and I myself will be leading the Cayman delegation to that meeting. We found, Mr. President, that the many members of that conference representing perhaps seventy or eighty countries, were all supporting the conservationists of endangered species of which the green turtle is one. Because of that there was a general feeling that whether the green turtle are reared in captivity or in the wild they are still an endangered species and should be protected.

However, Mr. President, we have had people out speaking to especially the African countries and the Asian countries which are members of CITIES to explain to them what the farmed turtle means against catching them from the wild, and the fact that the farm is making a vast contribution to wild life. I am happy to say that we have made many friends among those countries and I am hopeful that at CITIES we will be able to muster the two thirds majority for a decision.

Mr. President, one can never tell the outcome in a conference like that, but judging from the many countries we have talked to already including Nicaragua and Costa Rica, the United States, Canada and some of the big countries, we have got their support and I am very optimistic that they in their own right will be able to convince other countries that to support the Cayman proposal for a ranching system will be in the best interests of these Islands.

Mr. President, much was said here about the fact that we were introducing a few measures to increase revenue and the fact that this was the first Session of the new Government. However, Mr. President, this is not the first time that tax measures have been introduced in a new Legislature. I have been in this Assembly for seventeen years, and it was my responsibility during that time to provide new measures to supplement the budget. There were always proposals in nearly every year of a Budget Meeting.

Mr. President, in 1977 on the 2nd March when the new Government came into power, revenue measures were also introduced, and I would like to read from the Budget Address of the 2nd March, 1977, the measures which were introduced and what was said at that time, and I quote from page 22:-

"In selecting new measures great care was exercised in ensuring that the economic position was not disrupted and neither would there be strong political objections. Of course it is not an easy task selecting new measures from a narrowly framed tax system and any exercise, therefore, is merely to increase tax on current measures. The new measures estimated to produce a total of \$700,000 are the following:-

- | | |
|----------------------------|------------|
| (a) Bank Licence Fee: | \$481,000 |
| (b) Liquor, Beer and Wine: | \$193,000 |
| (c) Cigarettes: | \$ 26,000" |

So you see, Mr. President, that in 1977 the then Government which was new in the saddle introduced revenue measures as well. Mr. President, \$700,000 in those days was quite a sum of money in comparison to the value of money today. Yet the few measures being introduced in this Meeting amount to merely around \$800,000.

HON. VASSEL G. JOHNSON (CONTINUING): So it seems to me, Mr. President, that there is no good reason for objecting to new taxes at this particular time.

I agree with what was said that the measures being introduced should not be ones to hurt the little man. So much was said about this. However, here, Mr. President, in March, 1977 we have cigarettes too, and also liquor, beer and wine. The little man uses those too. So we must be consistent in our arguments and discussions.

Another thing I would like to say about revenue, Mr. President, is that mention was made of the airport revenue which was introduced recently. A number of measures were introduced, especially airport shops. I would like to say that whatever new measures have been introduced there, they were introduced before we took our seat in Government. So we are not to be blamed for what took place before we got there, and I would like this to be made quite clear.

Mr. President, I know that the staff of this Legislature have done a tremendous job in keeping up with the day to day tasks of ensuring that Members are treated well, and that the business keeps going with all its requirements. I want to thank them very much for this. I want in particular to say this, Mr. President. I have attended Meetings in this House for over seventeen years in the past, and in returning the first Hansard report was sent to me for my comments. I read it, Mr. President, and to me it is one of the best Hansards which has been produced in this House to my knowledge. Mr. President, it is a document which would not embarrass me if I found it in any library in the world. I am afraid that I could not say the same about past Hansards. So I want to congratulate the Clerk and her staff on the very excellent work which they are producing.

Mr. President, we heard in this House derogatory statements made against the newspapers. Mr. President, I wonder at times about the persistent attacks by the past Unity Team Government. Mr. President, if we do not like someone in the press we must keep out of their way. If the press slanders us we must sue them. The press is an institution run by people like ourselves. After all, Mr. President, the newspapers and the radio adorn our early morning breakfast table, providing us and keeping us abreast of local and world events. Our words and deeds in this Chamber and outside should always be instrumental in creating an image which would one day proudly reflect for us in the pages of those newspapers and in the air waves of the radio. So why attack the press. Let us sometimes pay them our tribute too.

Mr. President, I said in here earlier in my debate that this budget was not actually our creation and I explained why I made that statement. It is not meant to be a reflection on anyone. We have just entered into Government. We found many urgent matters to deal with and we were presented with the budget which we scarcely had time to look at. We made it quite clear that we were not prepared to go forward with one unless it was balanced, and we requested that the exercise be done to produce just that. It was from that fact, Mr. President, that I made the statement that the budget was not mine, because actually it was prepared and presented to us to look at.

It brought and it reflected the thinking perhaps of what came forward over the past eight years of administration. The policies and the views of a new Government cannot always be the same as those of the old Government and therefore, it takes some time to turn this into a new presentation. I therefore said that a true budget of this new Government would be the next budget to be presented in November, 1985.

HON. VASSEL G. JOHNSON (CONTINUING): Having said that, Mr. President, I nevertheless want to complement and thank the Honourable Third Official Member for the work which he has done on this budget. It is no easy task in these days, especially when there is insufficient money to do all the things which people would like done, and all the things which Government itself would like to have done. To take what is there and divide it equally among the various services of Government, and to partially satisfy those who will receive it is in itself a great task. Therefore I want to thank the Honourable Third Official Member for his work and for what he has devoted in presenting the budget as we see it.

Mr. President, we must go forward and we must look very carefully at the financial operation of Government. We must insist that there is sufficient control over expenditure and sufficient vigilance in the collection of Government's revenue. We must endeavour to manage the country's economy in a manner to ensure continued excellent performance because, as I said this morning we have no other alternative than to stimulate the economy. It is only by doing so that this country can expect to survive and to find sufficient revenue and funds to continue financing the many needs of Government.

Mr. President, the wind of change is blowing and it is blowing in every direction. We must be able to keep abreast of these changes. I would invite all concerned; invite the Honourable Members of this House; invite the Civil Service and invite the private sector to continue to contribute to political and economic stability. This is our only hope for years to come.

Mr. President, the financial future of these Islands must be of vital importance to all of us. There is no use in us taking a different direction. We must all head in the same direction and all of us must contribute in one way or another to the growth of these Islands. So we must go forward with this in mind.

Mr. President, I would like to thank you for your Throne Speech. It was a great pleasure to debate it and we hope that the proposals which you have mentioned for this new year will bear good fruit for this country.

Mr. President, I support your Throne Speech and I also support the Second Reading of the Appropriation Bill, 1985.

Thank you, Mr. President.

MR. PRESIDENT: Although it is a few moments earlier than the time we customarily take our afternoon break it may be more convenient to break now rather than to break into somebody's speech. I think I am right but the Honourable First Elected Member of Executive Council looked as if he was catching my eye. Am I right that he plans to speak and to speak for rather more than ten minutes or so? I think perhaps let us take our break first and we will all get our second wind.

AT 3.12 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.28 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The Honourable First Elected Member of

Executive Council.

HON. BENSON O. EBANKS: Mr. President, I wish to associate myself with past speakers who have complimented you on your gracious Throne Speech delivered here on the 1st March, 1985. Unlike the First Elected Member for Bodden Town I have no difficulty in referring to your speech as a gracious speech, Mr. President. When one refers in any formal sense to Her Majesty the Queen the term Her Gracious Majesty is used. Since your Throne Speech is symbolically a speech delivered on behalf of Her Majesty, the accepted reference to it is a gracious speech. However, Mr. President, I can understand that Member's difficulty because in my opinion he would still like to take this country as far away from the British Throne as possible, as he has expressed in the past. The people of this country know this only too well.

I also wish, Mr. President, to commend the Honourable Financial Secretary on his Budget Address, delivered in this Honourable House on the same date. His speech was clear, lucid, informative and timely. Mr. President, a few Members and especially the two Elected Members for Bodden Town seem to have a very short memory. The majority of what they said, especially the First Elected Member for Bodden Town, was basically what they have been saying since 1976, and more especially since June of last year. What amazes me is that they do not seem to realise that the people did not accept their rhetoric in November, and they will not accept it now.

Mr. President, we all remember that the Unity Team even took to the television air waves to try to sell that story and it flopped. I would liken that rhetoric, Mr. President, to a broken record and I think the Unity Team and their appendages should employ a new song writer.

The only substance I heard from the leader of the Unity Team in his contribution was his statement that the tail cannot be allowed to wag the dog. However, it appears to me, Mr. President, that he has not yet realised that in the context of Government, he is now the tail and a very stubby one at that.

The First Elected Member for Bodden Town, Mr. President, does not seem to understand that he lost an election in November last year. He said that the supporters of the present Government, Mr. President, are crying buckets of tears. Yes, Mr. President, it is true that on the morning of the 15th November last year, I saw grown people crying for joy; for the sheer joy, Mr. President, of being relieved from the stranglehold which the Unity Team Government held over this country. People are happy again, Mr. President. They feel free to talk and discuss matters without fear of reprisal and victimisation as was the case under the past Government.

Above all, Mr. President, I feel that the populace is happy that under this Government they can look forward to a time when the menace of casino gambling will not raise its ugly head in this country for a long time. It is possible, Mr. President, that this is one of the sources of revenue which we heard so much about but failed to be put forward in any specific terms.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, much has been said over the past two weeks about the financial statements of the affairs of the Government as at 31st October, 1984, signed by the four Members of Executive Council. It will be recalled, Mr. President, that from as early as December last year the two Elected Members for Bodden Town in particular were attempting to say that the present Government was spending money recklessly; was using up all of the country's Reserves and that in fact we had turned the surpluses into deficits miraculously in such a short time. It was for this reason, Mr. President, and others that the position was set out, and it was incumbent upon us to give a simple version of the liquid free cash position of the country which most, if not all of, the people would understand.

To the best of my knowledge it has been the practice to show in a statement of affairs of the Government the net cash position, because after all that is what is available for spending. We do not see a balance sheet of Government in the sense of any other company where all of its assets are listed. We basically always see a cash balance sheet. So, Mr. President, with this undertaking which we understood to have been given to the bank saying that no deposits would be transferred during the life of the loan for the Tower Building and the overdraft position given as at the 31st October, we set down the position which was the true position of Government as we saw it, that is the true net unencumbered position as at that date. This showed a clear free balance of \$1.894 million against debts owed by Cayman Airways to creditors other than Government of approximately \$4 million.

In my humble opinion, Mr. President, the mere fact that the Tower Building loan attracts interest at one per cent above the deposit rate is proof that the bank regards the loan as being secured by cash. Whether we say that the funds are hypothecated, assigned, encumbered or what, to me is playing with words, Mr. President. We are dealing with the true and final position of the free Reserves of the country.

Mr. President, the Elected Members for Bodden Town have sought to discredit that statement by saying that it had to be there or we could not have taken the \$2.233 million to transfer to balance the 1985 budget. Mr. President, the Honourable Financial Secretary in reply to a question in this Meeting has said loan funds from Caribbean Development Bank sufficient to almost liquidate the overdraft at the bank were received in late December. If the statement is looked at, Mr. President, it will be seen that the way we put it forward, once the overdraft was repaid it would mean that the Reserves would automatically increase. So of course would the National Debt.

It matters little, Mr. President, if the Reserve Account shows a balance of \$1 million on the ledger card if that Reserve Account is in reality committed to secure other advances or loans. In other words, it is perfectly possible, Mr. President to have a deposit account of \$1 million and on the other hand have an advance or loan account of \$1.5 million. You cannot argue that you do not have a deposit account of \$1 million, but your net position is a deficiency of half a million dollars if you have a loan of \$1.5 million, particularly if the deposit is used to secure the loan or advance.

The other point I would like to make, Mr. President, on the question of Reserves is that the \$2.4 million approved by Finance Committee in December was in fact not all spent. It is my understanding that as at the 31st December only \$863,900 had been spent in the repayment of Cayman Airways' debts.

HON. BENSON O. EBANKS (CONTINUING): I understand that the payments covered the lease and a payment on account to the oil company. The other accounts were still being verified at that time. It should be remembered, Mr. President, that whatever bills were there to be paid at that time which necessitated the calling of a Finance Committee Meeting for the Members' approval were debts or bills which were incurred and left unpaid by the Unity Team Government. They were not debts which were incurred by the present Government.

It is also true to say, Mr. President, that while \$2.2 million has been budgeted to be taken from Reserves into Revenue this year, that transfer has not yet taken place. If the year is as good as I hope it will be, I hope that it will be found unnecessary to make that transfer in the final analysis. The fact is, Mr. President, that this Government has not yet been able to spend any funds on any new capital projects, and it will not be able to do so until after this budget has been passed. So, Mr. President, any change in the actual accounts of Government between November and the 31st December, 1984, reflect the allocation of expenditure incurred by the last regime, not by the Government of today.

Mr. President, this is possibly as good a time as any to show that the economy of this territory was in a state of stagnation during 1984, and that it is not a situation brought on by the policies of the present Government since November. If we examine the summary of revenue at page 18 of the 1985 estimates we will find that during 1984 import duty fell short of its budgeted target by \$971,848. Taxes were short by \$318,952. Licences fell short by \$286,097. Sales were lower by \$2,225,421. This fall in sales, Mr. President, represents a fall in postage revenue and revenue stamps, and sale of water. Those are the main items under that. Fees fell short by \$598,357. Services were down by \$39,909 for a total shortfall in projected revenue under these Heads of \$4,440,584.

Mr. President, it is as well that it be pointed out that under the heading Licences we have such receipts as banks and trust licences, insurance licences, and that in both instances these figures are below projected revenue for 1984. In the case of insurance licences the figures are below those for 1983.

Similarly under the heading of Fees we find an item Company Fees. This again, Mr. President, is below projections and below the actual collection of 1983. Mr. President, these are the areas which were taxed and taxed heavily during the Unity Team administration, taxed to the point, Mr. President, where taxes cannot be raised further without jeopardising the continuance of that business. We must wonder, Mr. President, whether the fall in revenue under these items during 1984 is not in fact due entirely to the high taxation placed on these entities by the Unity Team government.

It does not take a genius to see that if we are to maintain the services at their present levels for our people, funds will have to come from areas other than those traditionally taxed, that is banks, trust and other companies registered here. To get a little clearer picture of the finances in 1984, Mr. President, under the Unity Team Government we must note that expenditure in 1984 included \$1,253,532 from Surplus and \$3,361,665 from General Reserves for a total of \$4,615,197 from Surplus and Reserves, plus \$7,548,874 from loans for a total expenditure of CI\$12,164,071 in unearned funds. Yes, Mr. President, a spending spree of \$12,164,071 in unearned funds. Yet still the people said, "No". They said "We have had enough". Now three months later, Mr. President, this group has the gall to try to tell us what needs to be done.

HON. BENSON O. EBANKS (CONTINUING): It should also be clear, Mr. President, why the decision had to be taken this year not to budget for too much from loan revenue, especially if these loan funds would not be revenue producing for some time.

However, Mr. President, that is not the total picture. What is not readily seen from the figures is that a further \$1.2 million was spent during 1984 and charged to Advance Accounts to be applied to specific Heads from this year's estimates. This includes the payment of \$863,897 on behalf of Cayman Airways Limited which I mentioned earlier, Mr. President.

In addition, there is an element of uncompleted capital works carried forward from 1984 amounting to approximately \$3.2 million. So, Mr. President, it must be seen quite clearly that it was not an easy task to balance this budget and to select priorities for new capital expenditure. It should also be clear by now, Mr. President, that there was no alternative to raising additional revenue to balance the budget.

These revenue measures, Mr. President, cannot in my opinion be categorised as excessive or oppressive. Licences for hotels have not been increased since 1974 and the increases proposed in this budget are quite moderate. The stamp duty on a cheque increased from five to ten cents cannot, Mr. President, be considered burdensome to the extent of squeezing the life-blood out of the little people as I have heard some Members say. Again, Mr. President, the timesharing revenue is minimal and should not result in increased cost to any user. It certainly will not result in any increased cost to the little people of this country. The increases on liquor licences, Mr. President, are in all instances save one very moderate in total. The one instance, Mr. President, which was considered unreasonable has been corrected and indeed the increases are so moderate that it will be difficult to pass them on to customers by apportioning them to individual items or drinks. In the case of a distributor the increase is less than \$7 per day and with the distributors' volume, Mr. President, this is not a great increase. The same is true for the retailer, the increase is less than \$1 per day. With the hotels it is roughly \$6 per day and so on down the line. Duty on cigarettes, Mr. President is increased by one fifth of one cent per cigarette or four cents per pack. This will undoubtedly be passed on to the consumer, Mr. President, but cigarettes cannot be considered a necessary or staple item and the increase is not a large increase.

Regarding the revenue measures, Mr. President, I would also like to point out that the package tax applies to air freight only. It does not affect goods coming in by sea.

Mr. President, there is another familiar tune played by the Elected Members for Bodden Town and their Unity Team cohorts which I would like to shed some light on. They are fond of saying that at the end of 1976 the debt service charge was 12 per cent of the current revenue. Mr. President, that is not the case. It might be argued that the debt commitment if it had all been due from 1976 might have been as much as 12 per cent. I have not had an opportunity to work that out. However, the fact is that repayments on most of those loans were not due until the end of 1982 and early 1983 when the annual revenue would have been much greater.

They argue, Mr. President, that the 1972 to 1976 Government left the loans for them to repay. That is true, Mr. President, but that Government left the income from the projects undertaken by those loans to repay the loans.

HON. BENSON O. EBANKS (CONTINUING): The First Elected Member for Bodden Town said that the cruise ship landing tax was instituted during his unity team administration. Mr. President, unfortunately like so much of what he said, this is not the case. The authority to charge cruise ship passengers a landing tax is contained in a Law passed in June, 1976, before the Unity Team came to power. The Law was passed in June, 1976 to come into effect on the 1st January, 1977. It was done in this way to give the cruise ships sufficient notice so that they could include it in their winter cruises, and so that it would take effect after the new dock became operational. Mr. President, from 1977 the revenue from this source was free and clear to Government because the Port Authority was able to pay its way from other earnings. For the records, Mr. President, to the 20th September, 1984, Government had collected \$1,594,783 from this landing tax.

Additionally, up to the end of 1982, the port had made contributions amounting to \$1,083,306 to General Revenue over and above the repayment on the loan. Mr. President, between 1977 and 1983 profits from the Currency Board transferred to General Revenue amounted to some \$3,557,380, another legacy from the pre-Unity Team Government.

Even Radio Cayman is now contributing to the income since it is operating profitably. So, Mr. President, it will be seen that while it is true to say that the loans negotiated by the pre-Unity Team Government were negotiated on very favourable terms, that is with long repayment periods and low interest rates and with the projects generating revenue which could consequently comfortably service the debts, no burden was left on anyone by that Government, or on the country. Mr. President, I would challenge the Unity Team Government to show just one single undertaking in their term of office which resulted in a revenue generating project. Above all, Mr. President, the infrastructure which supported the Unity Team's runaway development was put in place by the 1972 to 1976 Government, not by them. They only came along, Mr. President, in time to reap the fruits of others' labours, but could not direct it in such a way as to be of the most benefit to all. Yet they tell us that their administration was one of unlimited prosperity for all.

Mr. President, one of the most amusing statements which I have heard during the course of this debate was made by the First Elected Member for Bodden Town when he said that he was alarmed by the growing prison population, and that he favoured first offenders being put in some form of public service. What I assume he meant to say, Mr. President, was some form of community service. However, Mr. President, the Member must believe that people have lost their memories because it was he and his colleagues who in the Misuse of Drugs Law of 1977, provided that all drug offenders had to go to prison. By subsequent amendments, Mr. President, they legislated minimum sentences for all persons from the second offence on most drug charges, Mr. President.

This Government has pointed out on page 3 of your most gracious speech, Mr. President, that it intends to remove some of the present provisions for mandatory sentences. We intend to provide the courts with wider powers to make community service orders as an alternative to prison sentences once the machinery for enforcing community service orders has been set in place. Mr. President, this we regard as a matter of priority and of urgency.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, the First Elected Member for Bodden Town must have been attempting to be particularly funny at this point in his speech, because this is where he also undertook to lecture the present Government on the methods of re-negotiating a new Narcotics Agreement as he called it. I presume he means the law enforcement Treaty which is envisaged as being negotiated. He told us considerations to be taken into account and the pace that the negotiations must take and all the rest of it. However, Mr. President, I wonder if that Member was really speaking from experience, because it is my understanding that when he should have gone to London to take part in the first negotiations, he got as far as New York and eventually ended up in Seattle instead of London.

Another point which could be noted here, Mr. President, is that in his address the Financial Secretary pointed out that in his opinion there is little evidence of drug money in the finance industry in these Islands today. The cases being investigated go back to the latter half of the 1970s, in other words, Mr. President, business which flowed in during the time of the Unity Team administration.

Mr. President, Members and the country have no need to fear about the negotiations. We will do as good a job as is humanly possible on them. Above all we will not be afraid of good solid advice, Mr. President.

The First Elected Member for Bodden Town said that he was sure that the people were expecting the programme of low cost housing started on Eastern Avenue to continue Islands wide. Mr. President, the Member should know that there was no programme as such to that exercise. Not even the first detail or policy was made for that project. In my opinion that was a hurry up exercise, strictly as a vote-getting measure just before election time. It is our intention to address the low cost housing needs of the country, Mr. President, but it will be done after a reasoned and reasonable policy has been established regarding the scheme. It will not be our policy, Mr. President, to create false or unrealistic hopes in the minds and hearts of the electorate.

Mr. President, in spite of the explanation which I gave regarding the questionnaire which was sent to children in connection with the drug abuse survey, the First Elected Member for Bodden Town insisted that I had to accept responsibility for it because I am responsible for all that happens in my Portfolio. Mr. President, how short that Member's memory must be. Does he not remember that both he and a former Member in charge of this Portfolio disavowed all knowledge of the Cayman Airways' essay contest lesson plan which was put into the schools late last year before the elections? They had both been in their respective Portfolios for approximately eight years and disclaimed responsibility. However, I am expected to have all knowledge of my Portfolio after only six weeks or so in office. How ridiculous and unreasonable this is, Mr. President.

The same Member said, Mr. President, that the Middle School was a new idea in education in the Cayman Islands introduced by the Unity Team Government. Mr. President, again that is not a fact. The Middle School concept was always a part of the comprehensive system introduced in 1970. If one goes back to the very first report which was done for and accepted by the Government of the day, known as the Williams, McPherson Report, we will find that that report included the Middle School concept.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, it is perhaps as well that I sound the warning here to try to shock some people back into reality and cause them to realise that the Middle School which was undertaken by the Unity Team Government is not the final and complete answer to our educational needs. We are faced with large capital outlay in the very near future for education, in my opinion, if we are to provide quality education for the children of this territory. For example, Mr. President, the construction at the Middle School has not yet even been completed and yet the population of that school is already in excess of what was targeted for it when it was conceived. The George Town Primary School is very near to capacity in all age groups and already overcrowded in others. Other district primary schools also need additional classrooms and facilities so, Mr. President, we should condition ourselves to the fact that for the foreseeable future there will have to be a continuous school building programme in progress.

The Unity Team Government did not finish or complete our needs in education any more than did the Governments before them or quite possibly will this one.

One final point on education, Mr. President, is that the First Elected Member for Bodden Town took credit for the establishment of the Lighthouse School. Mr. President, that again was started pre-1976. The very name implies its origin. It was started in the little church hall by the lighthouse in Bosun Bay. So, Mr. President, the Unity Team cannot take credit for that either.

The Unity Team leader, Mr. President, sought to take credit for the establishment of the medical wing at the Pines Retirement Home. I would just like to remind him, Mr. President, that that came about because of a Private Member's Motion which I brought to this House about two years ago. I do not know why it took two years up until December, 1984, for the facility to be occupied.

Mr. President, the Second Elected Member for Bodden Town tried to make it appear during his contribution that less money is budgeted for Social Services this year than was spent last year. That is not so, Mr. President. Last year only \$858,561 were spent on Social Services whereas this year we have budgeted \$1,051,691, almost twice the actual expenditure in 1983. Mr. President, I too would like to see much more provided under the Social Services vote because I realise that we need more social workers and counsellors out in the field. I realise that we need coaches in the various sports, and we need to give more assistance all around. However, Mr. President, we have to cut our coats according to the cloth.

Medical services have come in for quite a bit of stick during this debate, Mr. President, but I would answer the criticism by saying that I give to this House my undertaking to make just as dramatic an improvement in medical services during this term as I did during my first term in this Portfolio. Mr. President, I think I should remind Members that when the fee structure was set for the new hospital in 1972, the room cost was \$25 per day and the total cost of a hospital visit including X-ray and laboratory work and medication was \$10. Yet the Unity Team marched. Today, Mr. President, thanks to the fee increases instituted by the Unity Team Government early last year, the little people of this country are now paying \$50 per day for a room and a visit to the doctor can cost up to a total of \$70, depending on the procedures involved. Sometimes in addition to that you have to buy medication.

HON. BENSON O. EBANKS (CONTINUING): I would like to remind Members, Mr. President that the harsh procedure of taking people to court, or at least threatening people with court action for the collection of fees was introduced during the last administration. It is not a tool employed by this administration, or instituted by this administration. However, Mr. President, in spite of all of that we did not incite people to march, nor do we intend to do so. We are more responsible than that and, Mr. President, we do not suffer from marching fever.

Mr. President, the First Elected Member for Bodden Town tried to use the facts given in the Financial Secretary's speech that 130 condominiums were registered in 1984 as compared to 75 in 1983, to show that 1984 was a good year for condominium development. However, Mr. President, the Financial Secretary said 130 condominiums were registered, not built. Those 130 condominiums could have been built at any time and this does not in any way reflect activity in the building trade during 1984. If one refers to the planning permission one will see the true story where the value of development is down dramatically.

Further, Mr. President, the 130 condominiums which were registered did not in any way reflect upon what could have been collected from the 4 per cent condominium tax which was removed in December last year, because that 4 per cent tax was collectable at the time of the approval of the planning permission for the condominium project, and not at the time of the registration of individual units being transferred.

Mr. President, it is true that during the campaign people of West Bay were told that every effort would be made to get them a fire station, and that promise will be kept, Mr. President. West Bay will have its fire station. It will also get the landing jetty and launching ramp in due course, Mr. President.

The First Elected Member for Bodden Town in paying lip service to the marine conservation regulations now being published for the reaction of the public indicated that he understood the regulations to say that there would be no line fishing from Barkers to South Sound, and words to the effect that someone who tried to catch a grunt from the ironshore in West Bay would be heavily penalised. Truly, Mr. President, that Member knows better than that. As has been said, these regulations as published were published from some time in 1982. Mr. President, the true fact is that line fishing is permitted from Barkers to a point approximately up to the public beach along the West Bay beach, so the entire area of ironshore in West Bay is a line fishing area. So there is no question of anybody being penalised for trying to catch a grunt on the ironshore in West Bay.

However, having said that, Mr. President, I would hasten to add that the staff from the Portfolio have been going from district to district gathering comments on the regulations, and it would be my expectation to see some changes made to the regulations as a result of these comments. As I said too, Mr. President, these charts which are being used, I understand were in existence from 1982 and I recall in 1984 seeing a statement from the First Elected Member for Bodden Town that he thought it was time that we have these marine parks in place. It would seem to me that if he really disagreed with them he would have done something to change them within that time. It is my opinion, Mr. President, that nothing was done because the opportunity did not exist to stir up the populace unnecessarily at that time.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, the First Elected Member for Bodden Town also said that it was his opinion that if the present Executive Council made the regulations under the Marine Conservation Law, the public would likely be excluded from swimming in the sea. As far as I am concerned the only time when the rights of the Caymanian people to swim in the sea were taken away, Mr. President, was when Government property known as the Dr. McGregor Land was sold by the Unity Team Government to build condominiums. It is my understanding that this land was sold to an entity with a Member of Government included. It was said, Mr. President, that that land was not fit for Caymanians to swim on, but it seemed very suitable for condominium development once it had left Government's hands.

Mr. President, the First Elected Member for Bodden Town also said that a new Development Plan is now due. I wonder why that Member did not see that the revision which was due to the 1977 Development Plan from 1982 was not brought to this House. If he was so concerned about the Development Plan being revised, Mr. President, why did he not do something about it? The revision was due from 1982. I am suggesting, Mr. President, that he was quite happy to allow the revision of that plan to slide until after elections.

MR. PRESIDENT: We have reached 4.30 p.m. and unless the Member proposed to finish speaking within the next minute or two, I think we should move the adjournment.

HON. BENSON O. EBANKS: I could be finished in five or ten minutes.

MR. PRESIDENT: I do not think Standing Orders really permit me to exercise quite that much latitude.

I think that we will move the adjournment. If Members all feel that you should be allowed to continue for ten minutes no doubt they will vote against adjourning now.

We will move the adjournment and maybe they will vote against it, in which case we can suspend Standing Orders to allow the Member to continue for ten minutes. I do not think I have that much latitude under Standing Orders.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow morning.

MR. PRESIDENT: Does any Member wish to speak? Because it is open to a Member to suggest that instead of adjourning we continue for ten minutes, if any Member wishes to do that.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the Member has indicated that he would need about ten minutes more. We have been in this Chamber now for a record breaking time and I think if we can get one speech out of the way this afternoon with ten minutes more we should do so.

HON. DENNIS H. FOSTER: Mr. President, that is so, Sir, but we have an Executive Council Meeting to attend after this which might take us a long time.

MR. PRESIDENT: That only affects certain Members. Does any other Member wish to comment?

MR. W. McKEEVA BUSH: I think we had better finish now, Sir. I have a commitment that I would like to meet. Besides that I would like the First Elected Member to be here....

MR. G. HAIG BODDEN: On a point of order, Mr. President. This Member must stand up when he is addressing the Chair.

MR. PRESIDENT: He is standing up now.

MR. W. McKEEVA BUSH: Yes, Sir. I realise that would have got to him, Mr. President. He has been keeping quiet all afternoon taking his blows. He has some more to take and....

MR. PRESIDENT: Order, order.

MR. W. McKEEVA BUSH: I am encouraging the Honourable First Elected Member of Executive Council to carry on tomorrow morning. Thank you, Sir.

MR. PRESIDENT: Well, I will put firstly the question that this House do now adjourn. If there were a majority against that I would organise that a separate question be put that we continue for ten minutes or so.

The question is then that this House do now adjourn.

QUESTION PUT: AGREED.

AT 4.33 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., WEDNESDAY, 20TH MARCH, 1985.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY

20TH MARCH, 1985

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LL.B SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W MCKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MADRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY

20TH MARCH, 1985

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND
SECOND READING OF THE APPROPRIATION BILL, 1985

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WEDNESDAY

30TH MARCH, 1985

10.00 A.M.

MR. PRESIDENT:

Please be seated.
Proceedings are resumed. The First
Elected Member of Executive Council.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH
AND THE BUDGET ADDRESS

HON. BENSON O. EBANKS (CONTINUING): Mr. President, the Members from Bodden Town, bemoaning the fact that the by-pass road behind Bodden Town is not provided for in these Estimates, and according to them, it is a dire necessity.

Mr. President, I am left to wonder if this road was so essential why the Members did not see to it during their term of office.

The matter of the interest to be received on deposits during 1985 has been mentioned and the Second Elected Member for Bodden Town sought to use this fact that we were in fact getting a considerable amount of money as interest on deposits, to show or to sustain his argument that meant that a large free balance was left on reserve account.

Mr. President, whether an undertaking has been given not to disturb the deposits or not, would not stop the interest from accruing on deposits....

MR. G. HAIG BODDEN:

I rise on a point of explanation, Mr. President, under Standing Order 34(2).

MR. PRESIDENT:

The Member has given way, so you may. I think it is Standing Order 34(1)(b) under which you should rise. Standing Order 34(2) is if the Member speaking declines to give way. The Member has given way. So, under Standing Order 34(1)(b) you are rising to elucidate some matter.

MR. G. HAIG BODDEN:

Mr. President, the Member is misleading the House. I did not say that the interest showed that there were free balances. I said that the interest of \$800,000 showed that we had to have substantial reserves and if we used the current interest rate of 8 per cent we would need to have \$10 million in cash to earn \$800,000 in interest, and if the interest rate was 10 per cent we would need \$8 million. I did not say that it proved that the reserves were unencumbered. I said that it proved that reserves were there, which he is maintaining are not there.

HON. BENSON O. EBANKS:

Mr. President, if the Member had waited maybe he would have had his question answered.

Mr. President, the point I am making is that interest to be received will not come along from reserves. During the year there will be times when surplus funds will have been collected and when they are not needed they will naturally be put on deposit, so interest will come from that source. It does not necessarily reflect a fixed amount of money throughout the year on deposit. For example, Mr. President, the Honourable Third Elected Member of Executive Council in response to a question during this Meeting pointed out that up to the end of February over \$14 million had been collected for the year and surely some of this money is on deposit, while it is not needed, gathering interest.

MR. PRESIDENT:

I think....

HON. BENSON O. EBANKS (CONTINUING): Third Official Member, Mr. President. Sorry about that.

Yes, Mr. President, I am sure that that money would not be left as free balances in any bank - it would be placed on interest. So the point I am making is, Mr. President, that there is no direct relationship between the amount shown for interest to be collected and a fixed surplus or reserve account during the year.

Mr. President, the Members from Bodden Town also said that the future of the country looked bleak, dark and depressing. But nothing could be further from the fact, Mr. President. That was the case up until a few months ago, but the future of the country looks good at this moment. Several large building projects are scheduled to start in the next couple of months which will stimulate employment in the construction industry and this will create an upswing in the economy generally, and the most encouraging thing about these developments, Mr. President, is that they include, for example, one large hotel which will provide employment for many Caymanians once it is finished and put into operation. This is what must concern all Caymanians at this time, that is, the future employment opportunities for Caymanians and this, to my knowledge, is the first hotel project to come forward in several years and hopefully all will go well and we will find employment for many Caymanians as a result of this undertaking.

Mr. President, as regards the few revenue measures which have been put forward in the budget, I believe them to be necessary and not repressive to the general public, but should this view be wrong, Mr. President, I am man enough to admit my error and I am sure that all Members of Executive Council are large enough or big enough to admit their error, if, by experience we find that any of these measures have, in fact, worked more detrimental effects on the public than we anticipate and we would do whatever is necessary to correct the situation.

But, Mr. President, it does no good to the country to have people going around, stirring up the people unnecessarily. In my district, for example, Mr. President, people are being told that head tax is being increased to \$50 in this Session and that it will now cost \$250 to go to the Hospital. Mr. President, these areas have not been touched - there has been no increase nor are any increases contemplated in these areas.

When will these irresponsible people stop trying to stir up the populace unnecessarily, Mr. President?

The Unity Team tried every trick in the book in order to win the election in November, 1984, Mr. President. They brought in the Concorde, they went on satellite television and they opened the Airport Terminal Building prematurely, now they are at it again. However, Mr. President, it is my opinion that all the king's horses and all the king's men will not put Unity together again.

The revenue measures have been called penny ante measure - if this is so, Mr. President, how in the next breath can these increases be so oppressive to the little man?

At the same time, Mr. President, the Unity Team Government, only last year, effected several increases in tax measures, measured in cents - postages were raised from 3¢ to 5¢ locally, air mail was raised from 20¢

HON. BENSON O. EBANKS (CONTINUING): to 25¢ and 30¢ to 35¢ - so these people are speaking with forked tongues.

During their term, Mr. President, poll tax was increased from \$2 to \$10, car licenses and drivers' licenses were increased - duty on alcohol, wine, beer and cigarettes were increased....

MR. G. HAIG BODDEN: Mr. President, again, under Standing Order 34 (b) - car licences have remained at \$48 a year from 1975 when the Member put them up before he left - we have never changed that. Why is he misleading the House?

HON. BENSON O. EBANKS: Mr. President, to carry on, duty was also increased by 5¢ a gallon on gasoline; hospital fees were increased; work permit fees were increased; and I am saying, Mr. President, just about every possible tax and fee was increased at some stage during their administration, so I do not know why it is such a sin to make a few increases during this budget.

The areas we have sought to raise our revenue from, Mr. President, were thought to be those that would be least burdensome on the average person. We could not return to the days of taxing banks and companies registered here - the fees on them are to the point where any increase would make this destination uncompetitive and we would lose more than we would gain.

The composition of boards was mentioned, Mr. President and there were charges of nepotism. Mr. President, I can only say that in appointing Members to the Board we considered ability and if those persons appointed happened to be relatives of Members of Government that is purely coincidental, Mr. President. It is impossible to have the whole of the Cayman Islands on the Boards. There are other good people out there who could have done a good job and possibly their turn will come on later Boards, but in appointing the present Boards, Mr. President, we did what we thought to be right. It was not based on political considerations or family ties, as was suggested.

Mr. President, with those remarks, I support the Appropriation Bill, 1985.

MR. PRESIDENT: Does any other Member wish to speak?
The First Official Member.

HON. D. H. FOSTER: Mr. President, I would like to congratulate you on a factual and concise Throne Speech which was so ably delivered. I would also like to congratulate the Financial Secretary on his Budget Address.

Mr. President, nobody knows better than I how much hard work was put into this Speech and Address. The Budget, Sir, is a tight one and I sincerely hope that when Finance Committee goes into to consider it that they will not attempt to do any more cutting or any more additions.

We heard from the First Elected Member of Bodden Town how much cutting had been done in the Recurrent Expenditure which was quite true and I sincerely hope that no attempt will be made to cut any more.

Mr. President, as I have said before, a lot of hard work was put in to this Budget Address and in a short time and I would like to congratulate the Financial Secretary and his staff for all the hard work that they have done on this, Sir.

HON. D. H. FOSTER (CONTINUING): Mr. President, I do not intend to get into any political fight but there are a few general matters which I must deal with.

Mr. President, the Cayman Islands have a unique economy - an economy based on tourism and the financial industry. An economy that you would not find in many of the other West Indian Islands, a demanding economy, Mr. President - a touchy economy. Tourism, the industry has to pay careful attention to their operations because one problem and the tourist industry can be lost - it is demanding, Mr. President. As a result, the Department of Government is very demanding and they must keep right up to date with proper staffing and proper organisation, etc.

The financial industry, Mr. President, requires plenty of service from the Government. If we did not have the financial industry our Registry of Companies would not be such a big Department; if we were not in insurance, we would need an Insurance Inspector and staff; if we were not in the banking business we would need a Banking Inspector and staff - these are services which the Government must provide otherwise the economy could collapse.

The industries on the outside are demanding and they want things in a hurry, and they want things properly done. As a result, Mr. President, our Civil Service has to be unique in order to service the industries outside there.

Now, Mr. President, we have heard several comments about the size of the Civil Service and I would like to bring to the attention of Members of this House a few facts that relate to the size of the service.

I think the total posts established is around 1317 of which the Police Department have 197. Now, Mr. President, this number is necessary because when the British Defence Force left the Caribbean, the West Indies, all territories were given notice that we had to upgrade our Police Force to handle any internal problems.

Again, in our unique economy, the Police Force plays a great part, in commercial crime and other sections.

Education - 272. Education is comparatively young in the Cayman Islands - it has only been in the last 20 years that we have started to upgrade our education system to take our men from the sea and put them behind desks. This has not been easy to persuade the seventeen year old boys, to leave the sea or not to go to sea and try to get an education. But, thank God the economy of the world took care of that, because tankers and shipping dropped to virtually nothing. So we were able to easier persuade our youngsters to go to school.

Mr. President, we cannot neglect education here, Sir - this is our lifeline for the future, and although the amount seems big we will see the results in years to come. We cannot expect to see results in a year or so, because once they have gone through our system here, if again we can persuade them and if they have the aptitude, to go on to further education, it is still another five or six years. When they do come back, they need the practical experience, so it is going to be a long while yet before we can man key posts in senior management or in top management with Caymanians.

Thirdly, Sir, is our Personal Health Service - 161. Another section which we have tried very hard to improve, with more modern equipment, therefore people have to be trained to use them and to improve the service as a whole.

HON. D. H. FOSTER (CONTINUING): Now, Mr. President, those three amount to 733, more than half or just about half of the total service. You can easily see that the Service of such is not inflated in any way.

Right in this meeting this time they are calling for a Fire Station in West Bay and a Fire Station in Cayman Brac. Whenever we approve these things we must bear in mind that additional staff will be needed.

There are many other Departments that I would consider not overstaffed by any means.

Mr. President, on the 13th of this month we had on payroll 1222 Civil Servants, ven hundred and seventy of them Caymanians, 452 expatriates; the 770 Caymanians representing 62 per cent. We had 93 vacancies or 7 per cent of the estimated amount.

Revenue estimated in the 1985 Budget was \$60.95 million but this included a Capital element so more relevant is the Recurrent Expenditure of \$45.8 million and Statutory obligations, pensions, Widows and Orphans pension, etc. amounting to \$543,600 and \$19,200 respectively, giving a total of \$46.4 million. Personal Emoluments is about \$28.1 million, less vacancies which account for about \$1.3 million and what we received back from rent about \$620,000, totalling \$26.2 million, less pensions, etc. at \$543,000 and \$19,200, leaving the actual Personal Emoluments at around \$26.8 million. This, Mr. President, of the \$46.4 million actual revenue, is about 57.78% of the actual revenue and, I could be wrong, but I believe somewhere around 1981 or 1982 our former Financial Secretary said that Personal Emoluments was about 63 per cent of the actual revenue. So, Mr. President, it would seem to me that we are steering in the right direction; we have dropped down a bit.

Mr. President, the Elected Member from North Side suggested an O and M study; I would not be opposed to that but I would like to read to him or quote to him a section in the Salaries Review 1984 -

' There have been calls for job evaluation and organisation and method exercises, but cautious ventures of the Personnel Department into these two fields have shown that the service is just not ready for them yet'.

Mr. President, we, in Government, know our service and we will know when it requires an O and M study. We have enough expertise in the service to conduct these studies or to make the necessary changes rather than to waste money on an expert who is going to come here and tell you exactly what you know.

The same Member, Mr. President, talked about taking away allowances or perks and then he went on to talk about a brain-drain. In the 1984 Salaries Review, many, many allowances were taken away, even our \$12 a month telephone allowance which a few Civil Servants got was taken away. Now, Mr. President, if you take away any more then you will really have the brain-drain.

Mr. President, as has happened over the past few years, we have already lost a lot of senior Civil servants; we cannot afford to lose any more now and no thought should be given about reducing perks, even our leave, Mr. President was reduced. I can remember the times when Civil Servants could accumulate their leave for the six

HON. D. H. FOSTER (CONTINUING): months and I am sure the former Financial Secretary can remember that. Now the maximum leave is 25 days.

Mr. President, it has been a hard, hard job trying to intice people, Caymanians, from the private sector to come back to the service and anything that would discourage those that we have got back from staying must not be thought of.

Mr. President, any qualified Caymanian can get a job in the Government provided there is a vacancy. When we have no qualified Caymanians we have no other choice than to take those who are closely connected to Caymanians or who are expatriates.

At this stage, I would like to thank the Second Elected Member of Executive Council, whom I did not have the privilege of hearing here on Friday, as I was absent, but I took time off last night to listen to the re-broadcast. I would like to thank him for his wise words about the Civil Service. He did not say anything that was untrue.

Mr. President, the media and radio can be the most wonderful help in a country or it can be the most disastrous thing in the country. We, over many years of thought, put Radio Cayman into place and I am not saying for a moment, Mr. President that it is perfect, but it compares favourably with the radio in other West Indian territories. I do not think that I could entertain or agree with the suggestion from the Elected Member from North Side that it be put out to a statutory Board and be out on a limb on its own, managed by a board and, as he said, 'let the people's fear be gone'.

Mr. President, I do not believe in troubling anything when it is working good. Radio Cayman has gradually been built up to where it is paying its way and putting a little money in the Treasury for the last two years, and Mr. President, I would say it would be a very dangerous thing to trouble it. Radio Cayman is owned and operated by the Government, non-political and out of the whole staff, there are only two expatriates - let us leave well alone.

Mr. President, on Monday afternoon, the Fourth Elected Member of Executive Council said, and I quote, "Mr. President, it will be noted that in the Recurrent Expenditure that new salaries in January, 1984, played some part in this increase. I asked someone if they knew why the increase, that large increase of salary was given to the top echelon of the Civil Service in 1984, and the reply was in return for parliamentary pensions. I suppose, Mr. President, that is why there is so much heated debate over that Pensions Bill because only one side of the deal came off".

Mr. President, I do not know who the someone was that he asked, but I would let him know why the increase in salaries was given, and Mr. President, I quote the first part of the Salaries Review -

'There are two main ingredients of Civil Service salaries in Cayman - the consumer price index, the private sector salaries'.

And, Mr. President, I would like also to quote from that Member's Budget address of 1980 on the Civil Service.

HON. D. H. FOSTER (CONTINUING): 'Because of the rise in inflation as indicated by the Cost-of-Living index, Civil Servants will be awarded a compensating salary increase in 1980 if the proposal is approved by this Honourable House. A constant review of Civil Service wage structure is necessary in view of the movement in the economy which may well have similar adverse effects as in the period prior to the recent recession when many Civil Servants exited to the private sector because of better wages. With the present enhanced economic position which may very well continue on a rapid growth over the next few years, Government could be faced with the problem again of losing some of its good staff to the private sector. It is therefore in the best interest to ensure that a wide disparity does not develop between the wage structure of Government and that of the private sector'.

Mr. President, that was just what was happening, Sir. If the increase had not been given we might have had no service today.

Regarding the reply that someone gave, indicates to me that the three Official Members were bought by the four Elected Members of Executive Council. Mr. President, I have worked with the Member all my life and he should know that I cannot be bought. Let me assure the Member that he has been completely and maliciously misled. How could he believe such a thing, Mr. President? Furthermore, the salaries review was done and the award made long before the Parliamentary Pensions Bill even came to Executive Council. I hope the Member will not let this type of thought go in this direction again.

Mr. President, I think at this time I would like to sound a bell of warning. God has blessed this country - we have prospered for the last 20 years. I have worked with Members for the past 17 years and more directly after I became Chief Secretary, with the Members of the Legislative Assembly and Executive Council, for the past 9 years. All have worked hard - if they did not work we would not be in the position that we are today.

We can be proud of our Islands - we have made strides of progress in the last 20 years. We have good roads, we have good schools and facilities; we have good medical services; we have good docking facilities in both Islands; we have good airports, airstrips and one good terminal. We hope to get the other one later this year. Good telephone and telex services - all of the infrastructure that a country needs and a good service is here.

The Third Official Member in his address said that this should be a year for taking stock and I agree with him, Mr. President, and we must take it altogether. This has been a long stormy session, probably the longest session of this House in history - there have been many embarrassing questions - many embarrassing statements and, Mr. President, I hope that all Members have got the election fever out of their system and that from now on every Member of this House will work together for the betterment of the people and the country and with one common goal.

Mr. President, what we have here today did not come by itself, it came through a lot of hard work, and co-operation from the people and all those concerned. In my estimation, Mr. President, we have not scratched the surface yet, but if we continue on the trend and with the attitude that has been displayed during this meeting, we are going to face downfall. We will go right down, but if we co-operate and work hand in hand with one another I do not know where we will ever stop,

HON. D. H. FOSTER (CONTINUING): because the world is just hearing about us - just finding us out and the good services that we offer and there is no doubt in my mind that we can go much further in the coming years

Mr. President, the Caymanian people are full of pride and I know that they would like to see this House working in harmony with each other. Now that they are able to hear speeches, questions, etc. on the radio, I can only say from the feedback that I have got the public is very upset. I ask Members, Mr. President, in future meetings let us ask questions that are worthy of a good answer - let us make speeches that will encourage our public.

Mr. President, I support the Appropriation Bill, 1985.

MR. PRESIDENT: Any other Member wish to speak? Then I will invite the Mover to exercise his right of reply if he wishes.

HON. T. C. JEFFERSON: Yes, Mr. President, thank you very much.

Mr. President, I join other Honourable Members of this House in congratulating you on your Throne Speech, Sir.

I am grateful for the kind words of Honourable Members in the Budget Address, but being in step with the First Official Member I think I, too, would like to clear some comments off my chest as well.

Mr. President, as I listened to the debate on Monday, there were so many shots taken at me for some time I thought I was an Elected Member on the Opposition side, and I thought the Fourth Elected Member of Council had confused me as such.

On Monday, Mr. President, as I listened to the Fourth Elected Member of Council, I was not sure myself whose Budget this was. He said it is not his Budget, and I think he went on to say it was not the Budget of the Elected Members of Government, but Mr. President, the Third, Second and First Elected Members of Council, who spoke earlier, did not give that impression to me at all. I was left with the impression, Mr. President, that the 1985 Budget is either mine or it belongs to the Official Members. But, Mr. President, when the candle is passed to me, I am never afraid at any time to say what the position is in my view.

The 1985 Budget does not contain provisions of \$1.2 million to cover sums on the Advance Account, because, included in this figure is the \$863,900 for Cayman Airways which was approved by Finance Committee to be placed on an Advance Account. Therefore, Mr. President, the sum to be charged against the 1985 Budget, that is the Advances, is approximately \$338,000.

The 1985 Budget does include on-going projects from 1984 of approximately \$3.2 million. Some of the projects to be funded by this sum, Mr. President, are East End Civic Centre, the Owen Roberts Airport Terminal Building, Prison buildings, School buildings at the Middle School Complex, Sports Complex, Water and Sewerage and \$100,000 for Office Furniture for offices at the Tower, Courts Administration buildings, and new Terminal building at the Airport.

HON. T.C. JEFFERSON (CONTINUING): These on-going projects, Mr. President, are really nothing new. If it was not for the on-going projects, perhaps the staff of Public Works would have to be laid off every four years.

Mr. President, some Members talked about the Capital Expenditures being cut in half. Capital Expenditure carried forward in any year is the amount of work that can be financed by revenue, including in some cases, drawdown on general reserves and loans. In the boom years the total budgeted Capital Expenditure, for example, 1980, was \$6.9 million. In 1981, when we had so much cash in hand, Mr. President and the Revenue was coming in much beyond the budgeted figures, it was \$13.1 million, and during the years of moderate growth 1982 and 1983, because we had accumulated the cash, Mr. President, we were able to do capital works of \$13.2 million in 1982 and \$16 million in 1983. But included in the \$16 million in 1983, Mr. President, is \$3.4 million of borrowing.

When the Government has sufficient revenue we can do many projects. However, when the revenue is not available to do \$13 million dollars' worth of capital works we can only do what the revenue can afford and, Mr. President, if we depart from that policy we are headed on the road of destruction, in my view.

As the Financial Secretary of this Government, Mr. President, it is my policy not to put forward an unbalanced budget and as long as I stand here, Mr. President, or sit here, I am not going to bring to this House and to these people an unbalanced budget.

Mr. President, the many comments on the short-fall during the preparation stage of the budget of \$17.7 million is also nothing new. I have been in Finance and Development for 12 years and I remember many occasions when the previous Financial Secretary, as the saying goes, pulled his hair out to balance the budget. We must bear in mind that it is not only the Honourable Members of this House who hear demands from the public; these Heads of Department who have been talked about, Mr. President, deal with these demands every working day of the year, and their budget proposals seek to deal with these demands. The public, in my view, Mr. President, should not expect to get more and more services without taking into consideration where the revenue is going to come from to finance these additional services that they are requesting.

The Heads of Department, Mr. President, overall have been very responsive to my request to trim the budget, during my short term as Financial Secretary and I am very grateful to them for it.

In the final analysis, Mr. President, the increase in the 1984, recurrent expenditure over the 1983, position as set on page 28 indicates that the additional sum is \$2.9 million dollars, but \$3.7 million dollars of it is Personal Emoluments vote. Now I know that we are talking about the approved budget for 1984, compared to what is to be approved here for 1985, and that the revised figures include a part of this \$3.7 million, but figures do not lie, Mr. President, if we look at the figure approved for 1984 against what is to be approved in 1985, the Personal Emoluments section is \$3.7 million. The increase is \$3.7 million, which means, Mr. President, that the Heads of Departments have reduced their other charges vote \$800,000 below the 1984, figure and I think that aspect is commendable in my mind.

HON. T. C. JEFFERSON: (CONTINUING): Mr. President, there were also some comments about the Currency Board, investment of the Currency Fund - there is no secret about it: section 4 of the Currency Law lays down the statutory procedure and requirement for the Currency Board to follow when dealing with the investments of the Currency fund, and as indicated in the Budget address, \$7.3 million is invested in U.S. Treasury Bonds and as Honourable Members are aware, these bonds are guaranteed by the United States Government. The remaining funds are placed on fixed deposits with prime banks in Grand Cayman and in the United Kingdom.

Another item, Mr. President, dealing with the currency and notes, a point was made that I had suggested, that it was my intention to recommend the issue of a Fifty Dollar note to the Currency Board and Government. That is correct, Mr. President, it is my intention. A general guide for issuing new notes is that when any two notes exceed 60 or 70 per cent of the currency notes in circulation a new denomination should be considered and issued.

Mr. President, on Monday as well, the Fourth Elected Member of Council said, and he was quoted by the First Official Member earlier, and I would not want to be repetitive, I am sure it is clear in the minds of the listening public at this time, but I would only preface my comments by saying that, quoting one part of it - 'I asked someone if they knew why the increase, that large increase of salary was given to the top echelon of the Civil Service in 1984 and the reply was in return for a parliamentary pension'. He went on to say "I suppose, Mr. President, that is why there has been so much heated debate over the Pensions Bill because only one side of the deal came off".

Mr. President, I am also, like the First Official Member, I do not know who that member is, who misled the Fourth Elected Member in such a way, but it is an inference that the Official Members and perhaps other Senior Members, were part of a deal to get their rightful and well-deserved increases.

Mr. President, I have been earning my living honestly for the past 27 years and I can hold my head high and I can go to sleep each night knowing that my conscience is clear - there is not one person in this world who can produce any evidence that will say that Tom Jefferson took any deal - not one, Mr. President.

I worked in the early days of my life on ships, sailing around the world, for three and a half years; I have served two years in the United States Army; I have spent eight years of my life working in New York City in the accounting field as a little accounting clerk, all the way up to Manager of the accounting section. I am not bragging, Mr. President, it is not my policy to brag about what I have done, but I think this is worth mentioning. And taking all these places into consideration and the number of people I have come across in my life and the number of business dealings that I have had in the Cayman Islands, there is no one, Mr. President, no one in this world can say 'I bought Tom Jefferson', and I worked with this Member for the last 14 years. He could not buy me and neither can anybody else.

I have served this Government, Mr. President for almost 14 years and I am pleased to have the opportunity of serving my people; I hope the Good Lord blesses my health to perhaps give another fourteen.

I have some dedication to my people, Mr. President, I have some views about where Cayman should go, and I had Christian parents, Mr. President, who taught me principles.

HON. T. C. JEFFERSON (CONTINUING): Those principles I live by and perhaps will die by, but I am sure, Mr. President, that as long as I am sitting in any office, whether it is Government or whether it is private sector, no one during my life-time will be able to point a finger and support it with evidence, that I was bought. I am not for sale, Mr. President, there is no price - there is no price.

Anytime, Mr. President, anyone has proof of any wrong-doing by any Civil Servant, I ask him to produce it, and if he does not have any proof, I ask him to be quiet, and not to try to damage the good names of other people. I take strong umbrage to anyone falsely accusing anyone, and more particularly, Civil Servants because it seems as if Civil Servants, all of them, are now a big foot-ball.

I would like to reiterate, Mr. President, that as long as I am present in this House, I will defend the Civil Service from any unjust attack, whether by rumours or otherwise. You know, Mr. President, some people do not know how good they have it. Let each one of us compare the Cayman Islands Civil Service with any other in the world and I would suggest that at the end of the exercise we will be all enlightened and we should all appreciate what we have.

Now I know, Mr. President, that the First Official Member quoted figures from a computer print-out, but I would just like to quote the figures from the 1985 Estimates. The total number of Civil Servants in 30 Departments in 1984 was 1298 and, Mr. President, if we were to deduct the Civil Servants in the Police, Education and Health Departments, that is, in three Departments, the number would be reduced to 692 Civil Servants for the other 27 Departments.

While we are all aware and trying our best to ensure that Government does not become too heavy at the bottom, or at the top or at the middle, we must all bear in mind as well that the kind of service, as indicated by the First Official Member, that we are offering to the international world and to the public of the Cayman Islands, requires a good deal of staff. Any day the Registrar of Companies does not respond to an attempt to register a company within a short period of kind, because the international investor has to take the afternoon flight, you hear a lot about it. You hear it until you get tired of hearing it.

Mr. President, the Fourth Elected Member of Council indicated that we should not have revalued our public debt. And on another occasion he said we should not have under-valued our public debt and that he knows I will agree that the parity of the pound to the U.S. is \$2.40. Mr. President, unfortunately, I cannot agree with the Member because the Public Debt is not valued at \$2.40 - it is valued at two Cayman Dollars to One Pound Sterling, and my financial training (Mr. President, I am just putting it as it is in the Estimates) does not allow me to say or to agree with the substance of the statements that he made on the Public Debt.

Another statement he made, Mr. President, and I hope I am not quoting him wrong, that I was not to blame because my technical staff had advised me. Mr. President, my staff bring matters to my attention for a decision and on other occasions I issue instructions to my staff. My staff have been quite loyal to me and I appreciate that loyalty. They have, in my view, worked on many occasions, beyond, as they say, the call of duty without any compensation whatsoever. But, Mr. President, I am

HON. T. C. JEFFERSON (CONTINUING): equally loyal to them, and this decision to revalue the Public Debt was mine and I take full responsibility for it, because I ordered the re-valuation and any accountant worth his salt will agree that it is the proper thing to do.

Mr. President, allow me to ask a question - which is the proper accounting process? - is it to over-state the amount of the Pound Sterling loan or to state them at their current value, using the true parity on 31st December, 1984? Perhaps, Mr. President, someone is becoming confused. How can you create a re-valuation account in a cash accounting system? The balance sheet shows cash assets and cash liabilities. Public Debt is not a cash item but a legal piece of paper indicating that Government owes a certain sum of money.

Before some misunderstanding arises, Mr. President, under an accrual or sometimes called a commercial type of accounting system, a re-valuation account would have been set up, but in my view, and during my years of training, under an accounting system you cannot set up a re-valuation account. What is correct, Mr. President, and again I say, in my view, is to show the loans or Public Debt in the currency stated in the loan agreement and to value those loans using the true parity on the 31st December of each year.

When we re-examine what we have done, Mr. President, we find that the difference on the revaluation is approximately \$1.8 million, and I focus my attention on the Pound Sterling because it is one that is easier to explain. There are other loans in other currencies, other than U.S. dollars; this is why we arrive at a difference of \$1.8 million. In 1984, annual accounts for the first time will show the factual public debt in currencies borrowed, less repayments in the currencies borrowed and such figures agree with year-end statements from various bodies who have made the loans. Re-valuation was discussed with the Auditor General some months ago who agreed and had no objections and further confirmed that Public Debt should be shown in currencies borrowed.

Mr. President, (I should be finished in a few minutes), there is only one Financial Secretary in this House and I think it is fair that Members should show some respect for the post, even if they do not like the person who is presently holding the post, Mr. President, and as I mentioned earlier, I stand by my principles that my Christian parents taught me and the expertise which I have acquired through the academic process and through the school of hard knocks.

Mr. President, I do not cherish making speeches of this kind, but I am only human. If I am attacked you can be certain, Mr. President, I am going to respond.

Mr. President, on a more general and positive note, these Islands are, in my view, on the prosperity road, but if we are not careful our politics, as we have heard during the last 12 or 13 days, and perhaps even further back, will go in the wrong direction and erode the stability that we have been boasting about for the last 20 years. And Mr. President, I do not believe there is anyone in this House who is going to disagree with me that if the stability goes, so goes everything else.

Mr. President, I began at the early stage of my speech, by saying that I would take up what the First

HON. T.C. JEFFERSON (CONTINUING): Official Member said in his speech - that is - I hope that all of us have now gotten politics out of our system, things off our chest, and Mr. President, I am prepared to let bygones be bygones, and let us get on with running this country, because if we get too involved with politics, we are not going to have any time to run the country.

Mr. President, I realize that you have been patient with me and I thank you very much.

I am reminded by my learned colleague, that I am to propose that the Bill be read a second time.

QUESTION PUT: AGREED. Bill given a second reading.

MR. PRESIDENT: The Motion is that a Bill entitled A Bill for a Law to appropriate certain expenditures for the services of the financial year 1985, be read a second time. Will those in favour please say aye, those against no, the Ayes have it.

In accordance with the provisions of Standing Order 63, paragraph 3, the Appropriation Bill now stands committed to the Finance Committee, and having checked past Hansards I find that the House's normal procedure at this stage has been for the adjournment to be moved by the First Official Member and for the House to be adjourned to a date and time to be notified by the Clerk. That is to say, the adjournment has lasted until Finance Committee has completed its examination of the Estimates and the Appropriation Bill and until the staff of the House have had the opportunity to put together the report of the Finance Committee and the House has then resumed in order for the report of the Finance Committee to be taken and for the Finance Bill to be read a third time and then any remaining business has been proceeded with.

So I shall assume that the House will wish to follow its normal practice and shall invite the First Official Member to move the adjournment accordingly now.

ADJOURNMENT

HON. D.H. FOSTER: Mr. President, I move the adjournment of this House to a date and time to be advised by the Clerk.

MR. PRESIDENT: The question is that this House be now adjourned to a date and time to be advised by the Clerk. Will those in favour please say aye, those against no, the Ayes have it.

Before we actually rise, perhaps it would be convenient if I just checked that it will suit all Members to take now the customary morning break and for Finance Committee to meet in twenty minutes time? Would that suit Members? I think that will suit Members so that Finance Committee will meet as soon as the morning break is over.

QUESTION PUT: AGREED. AT 11.29 A.M. THE HOUSE ADJOURNED TO A DATE AND TIME TO BE ADVISED BY THE CLERK.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION

OF THE LEGISLATIVE ASSEMBLY

FRIDAY

22ND MARCH, 1985

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LL.B SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATION WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W MCKEEVA DUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY

FRIDAY

22ND MARCH, 1985

1. GOVERNMENT BUSINESS

(a) BILLS:-

(1) THE MARINE CONSERVATION (AMENDMENT) BILL, 1985

(CONTINUATION OF SECOND READING DEBATE)

THE HONOURABLE FIRST ELECTED MEMBER CONTINUING.

FIRST AND SECOND READINGS

(2) THE INTERPRETATION (AMENDMENT) BILL, 1985

(3) THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985

(4) THE LIQUOR LICENSING BILL, 1985

COMMITTEE ON BILLS

(5) THE DEFAMATION (AMENDMENT) BILL, 1985

(6) THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985

(7) THE MARINE CONSERVATION (AMENDMENT) BILL, 1985

(8) THE INTERPRETATION (AMENDMENT) BILL, 1985

(9) THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985

(10) THE LIQUOR LICENSING BILL, 1985

HOUSE RESUMES

REPORT ON BILLS

(11) THE DEFAMATION (AMENDMENT) BILL, 1985

(12) THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985

(13) THE MARINE CONSERVATION (AMENDMENT) BILL, 1985

(14) THE INTERPRETATION (AMENDMENT) BILL, 1985

(15) THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985

(16) THE LIQUOR LICENSING BILL, 1985

THIRD READING ON BILLS

- (17) THE DEFAMATION (AMENDMENT) BILL, 1985
- (18) THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985

(b) MOTIONS:-

- (1) GOVERNMENT MOTION NO. 1/85 - ASSESSMENT COMMITTEE
TO BE MOVED BY THE HONOURABLE FOURTH ELECTED MEMBER
- (2) GOVERNMENT MOTION NO. 3/85
LOANS (CARIBBEAN DEVELOPMENT BANK) LAW, 1977 (LAW 17 OF 1977)
TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER
- (3) GOVERNMENT MOTION NO. 4/85
APPOINTMENT OF STANDING SELECT COMMITTEE
TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER

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FRIDAY

22ND MARCH, 1985

10.08 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The Marine Conservation (Amendment) Bill, 1985. Continuation of Second Reading debate. The Honourable First Elected Member of Executive Council.

THE MARINE CONSERVATION (AMENDMENT) BILL, 1985

CONTINUATION OF
SECOND READING DEBATE

HON. BENSON O. EBANKS:

Mr. President, yesterday afternoon I was saying that this Bill would enable us to make Regulations which should improve the image of the Cayman Islands in the eyes of CITES and help us with our quest to get the ban on farmed turtle products lifted. This effort has been going on now, Mr. President, for eight or ten years and I think that it is time that we do whatever is necessary to try to bring it to a satisfactory conclusion. The farm has been operating in limbo for far too long and the potential for development at the farm is too great to ignore it. At the height of its boom-day operation it employed well nigh a hundred Caymanians, and today that figure is down to less than twenty. So it behoves us to do all we can to get the farm back to full operating capacity so that we can find employment for our people. We cannot get the farm back to full operating capacity if we do not get the ban lifted.

Therefore, Mr. President, we must take into consideration potential there as opposed to the few people who might be affected by any Regulations which would be brought in under this Bill.

The question of the increase in fines, Mr. President, was bandied about and the fact that the fines have been increased to "a sum not exceeding \$5,000" does not mean that every conviction will warrant a fine of \$5,000. To influence people to desist from breaking the law a fine has to be sufficiently stiff to deter would be violators from breaking the law. As long as it reads, Mr. President, "not exceeding" I am not concerned with the amount. I believe that the judiciary will administer justice with mercy.

The point has been made, Mr. President, and I support it that the dive operators in this country must now show their concern for the preservation of our marine life as well as everyone else. It appears to me that far too often, Mr. President, a site is selected and it is used and used and re-used until it is exhausted and its attraction ruined. I believe that the dive operators should exercise some imagination and realise that they can in fact overuse sites, and vary their areas which they use accordingly. They must also, Mr. President, show concern and consideration to the people of this country who actually depend on fishing as a livelihood and others who are serious about their fishing in an effort to augment their income. I have had many complaints where dive operators maliciously and blatantly take a fisherman's fish pots and destroy

HON. BENSON O. EBANKS (CONTINUING): them. Mr. President, this is not building good will for the dive industry at all. They act as though they own the sea, and I believe as the Second Elected Member for West Bay said, that the time is ripe that in the Regulations some consideration is given to placing in them restrictions as to what a dive boat operator can do as well. I believe that the dive boat operator should have to show the same courtesy and concern for a fishing boat once that boat is already in place as the fisherman or any other boat operator has to show the dive boats once they have commenced their dive operation. Again, Mr. President, this brings me to another point which I have heard expressed as a vexing point. That is that the dive operators fly their flags even when they do not have divers overboard. So it is impossible for a boat operator to tell what they should do. Often these boats are anchored or moored near accesses to the shoreline where the boats must come through if they are to reach the ramps. So I believe that we have to take some action with those dive boat operators as well.

Mr. President, I realise that this Bill is not going to be pleasing to all but I think the time has come, Mr. President, when we have to decide whether we are in fact going to have conservation policies or whether we are going to play with it. What is needed in my opinion, Mr. President, is discipline on the part of all of us. After all discipline is the only thing which distinguishes man from an animal. If we are going to retain our benefits from our marine resources then we are going to have to discipline ourselves and all who attempt to use them. As is well known our marine life and environment is limited. It is exhaustable and unless conservation methods are adopted we will lose the very thing which we are seeking to cultivate. We cannot take halfway measures, Mr. President. We have to be serious about this and face the challenge, and do what is necessary.

As I said yesterday and I think it bears repeating, CITES is concerned about all our efforts at conservation, not just for the green turtle. We have drawn attention to our diving attractions and, Mr. President, those who have interested themselves in diving destinations over the years are watching to see what efforts we are making to preserve our marine life. I have been told that unless something is done and done very quickly we are likely to receive some very bad publicity as far as our conservation efforts are concerned, and also about our attraction as a diving destination.

Mr. President, with those remarks I support the Marine Conservation Bill before us.

MR. PRESIDENT:
of Executive Council.

The Honourable Third Elected Member

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the Bill before this House, a Bill for a Law to amend the Marine Conservation Law, 1978, Law 19 of 1978 is a straightforward Bill which seeks to give the Governor additional power to make Regulations which would ensure more protection for marine creatures, control methods of fishing in certain areas, and prevent the taking of young marine creatures indiscriminately. As I have said it is a straightforward Bill and I support it without hesitation.

Mr. President, if we brought the Holy Bible into this Honourable House the opposition would try to condemn it. Mr. President, it is about time that the opposition accept their responsibilities and become constructive Opposition instead of being obstructive as they are today. The truth of the matter is that they

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): did not have the courage or the guts to bring this Bill to this House because they feared getting an adverse reaction in November last year. However, Mr. President, time has shown that they might just as well have introduced it because holding it back did not help them.

The need for marine parks in the Cayman Islands was established many years ago and we feel that the time of talking about them has long passed and that positive action must be taken now while we still have something to preserve. Marine parks have been established by many countries all over the world in order to preserve, protect and control the underwater environment so that everyone will benefit.

The records show that the Cayman Islands were known for their abundance of turtles which inhabited our Islands. No thought was ever given to preserving or protecting them and today we all know the result. Turtles are almost extinct in our waters. Lobsters and conch are fast disappearing too, Mr. President, and it is our duty to make every effort to save them from the destructive and indiscriminate fishermen.

In order to achieve our goals it is necessary to establish marine parks, create zones where fishing is prohibited and zones where line fishing is permitted. Replenishment zones will have to be established where no lobsters or conchs may be taken for a period of years. There will also have to be an environmental zone where fishing or collection of marine life is prohibited.

The Bill also aims at increasing the maximum penalties for breaking the law from \$500 and/or six months' imprisonment to a fine of \$5,000 and/or twelve months' imprisonment. I consider this start is modest and we will need the cooperation and assistance of our people in order to make our efforts a success. Legislation without enforcement is useless and it is vital that our people be enlightened to the fact that all of us will be preserving some of the good things we now enjoy for our children and their children.

The opposition is quite aware that action must be taken now. The leader of the Unity Team announced last year that marine parks would be established in Grand Cayman and gave valid reasons why they were necessary. With your permission, Mr. President, I would like to read a release by the Cayman Islands Government Information Services on the 7th June last year, and it was in connection with underwater parks urged by Mr. J.M. Bodden. He said:-

"Now is the time for a new step forward in the designation of national underwater parks for the Cayman Islands. There are two reasons why this concept should be given new impetus. In the first place three-fourths of the tourists who come to our Islands and add much to our economy are fish watchers. They come to enjoy our reefs and our marine life and it is essential that this traditional enjoyment should continue.

The second reason and the only way in which this environmental attraction can survive and be sustained is that there must be a place where our fish can breed unmolested. It would be a place where the motto would be, "Nothing goes in and nothing comes out", meaning that you cannot throw anything into the park and you cannot take anything out."

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Mr. Bodden also pointed out that most Caribbean Islands like Martinique and Guadeloupe, Trinidad and Tobago have designated national underwater parks, and parks like Mr. Pencamps in the Florida Keys, Buck Island off St. Croix, and St. John's, Trunk Bay have become famous tourist attractions. Mr. Bodden says:-

"These are models, and it is time we had a similar conservation attraction, especially because of the specialised type of visitors who have fallen in love with our Islands."

Mr. President, it is alarming to hear the nonsense which is being expressed in this Chamber today. As I said before the Unity Team Government intended to take steps to do just what we are trying to do now. To prove the Unity Team's involvement with marine parks I further beg your permission to read one paragraph from the Cayman Islands Government Information Pamphlet on who established the zones for Grand Cayman's park system.

"They have evolved over the years from recommendations by many users of the sea and were formalised in their present form by the Marine Park Committee which included:-

Mr. Gleason Ebanks	charter boat operator
Mr. Carlston Bush	South Sound fisherman
Mr. Stanton Jackson	East End fisherman
Mr. Jack Andresen	diver, underwater photographer and concerned citizen
Mr. Jerry Hyther	former operator Cayman Dive Lodge, East End
Mr. Atlee Evans	dive and charter fishing operator
Mr. Don Foster	dive operator
Mr. Kent Eldemire	former dive resort operator
Mr. Sammy Jackson	former Director of the Port Authority
Mr. Paul Forbes Harper	former Chief Draughtsman, Lands and Survey Department
Mr. Kearney Gomez	Principal Secretary, Port- folio for Development and Natural Resources
Mr. Joe Parsons	Government Fisheries Officer"

and last but not least:-

"Mr. John MacLean
former Executive Council
Member for the Portfolio
of Agriculture Lands
and Natural Resources"

was its Chairman.

It is a disgrace for the opposition to use this issue now to mislead and stir up the people against the present Government when they wanted to do the same thing but did not have enough backbone to tackle the problem.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Again this is political gimmery, Mr. President, but it will get them nowhere. If ever I have seen people dig their political graves with their tongues it is now. It is happening right here in this Honourable House.

Mr. President, the Second Elected Member for Bodden Town said that the small fishermen would be destroyed by this Bill. I totally disagree with this misleading statement. There are only a handful of fishermen who are spearing fish and lobster for a living in our Islands and they are the people who are destroying the marine life of these Islands. They must be stopped. The spear gun is a most lethal and destructive weapon, not only to fish but to humans. There have been quite a few cases of spear gun injuries reported at the hospital. If these spear guns are not banned completely they will ultimately destroy the marine life of our Islands.

Mr. President, I am reminded of a slogan I heard a few years ago. "If you must shoot in our waters, shoot pictures". Mr. President, we must take no halfway measure to stop the destruction of the undersea environment and the marine creatures living there. Let us take whatever action is needed now before it is too late so that in years to come our children and grandchildren will be able to say, "Thank God we had wise and courageous ancestors who saved not only our Islands from financial disaster, but our marine life from destruction".

Mr. President, I support the Bill wholeheartedly.

MR. PRESIDENT:
Town caught my eye.

The Second Elected Member for George

MR. LINFORD A. PIERSON: Mr. President, this amendment seeks to increase the regulation making power of the Governor enabling the prescription of closed seasons for the taking of marine creatures etcetera.

The point I would like to make, Sir, is that this is not a completely new concept. Part IV of the Marine Conservation Law, 1978, Law 19 of 1978, already provides for the restricted marine areas. I think, Mr. President, for the benefit of the public they should know that section 10 of this Law states:-

"The Governor may designate areas of Cayman Waters to be restricted marine areas under the management of the Board for the purpose of marine research and development and such areas shall be clearly demarcated and shall be closed to all members of the public save licensees of the Board."

It further states, Mr. President in section 11(1):-

"The Governor may designate certain areas of Cayman Waters to be marine parks".

In view of this, Mr. President, I can see very little need for controversy on this Bill as far as the establishment of marine parks is concerned. What I can disagree with, Mr. President, is the notice of amendment which the mover is asking be taken at Committee Stage. This amendment, Mr. President, would in my opinion create some amount of hardship. However, I have spoken to the mover of this amendment Bill and he has given his assurance that this will be given another look at.

MR. LINFORD A. PIERSON (CONTINUING): I believe, Mr. President, that if we completely prohibited the use of spear guns it could create some amount of hardship for our people. As the Second Elected Member for West Bay said yesterday there are many of our fishermen and charter boat operators who depend on the use of the spear gun to make a living. Mr. President, I believe that this is why in section 14 of the Marine Conservation Law, 1978 it is specific what restrictions should be placed on the use of spear guns. It states in this section, Mr. President, that:-

"Whoever takes any marine life with the aid of a spear gun in Cayman Waters is guilty of an offence save that the use of a spear gun -

- (a)(i) by any one person to take for human consumption only six fish or less per day;
- (ii) five Lobsters or less per day in accordance with section 8;"

Also, Mr. President, the Regulations under the Marine Conservation Law, 1978, that is the Marine Conservation Regulations, 1979, give authority for the Marine Conservation Board to issue a certificate for any individual who would wish to use a spear gun to take marine life in excess of that permitted under the section which I have just read. So it is specific here in the Law already, Mr. President, about the sort of control which should be placed on this form of marine creature.

The problem I see with this, Mr. President, is not the absence of the proper Regulations, but it is the absence of policing the Law and Regulations before us. I believe, Sir, that if more vigilance is placed on the control and policing of this Law and the Regulations under the Law, we would not be talking about the problems which we are experiencing today.

I make no bones, Mr. President, and I wish the Hansards to record that I am an avowed conservationist. I feel, Sir, that if individuals are allowed to destroy our wild life, be it marine life or other, we will be reduced very soon to chaos. However, this does not erase the fact, Sir, that there are some of our people who depend on catching certain marine life for a living.

I grew up in the East End district and I know that it was a way of life for people in that district to go out in the morning to catch the fish for dinner. We cannot take this away from them, Sir. If a method of getting this amount of food is by the use of spear guns I feel, Mr. President, that a proper way and reasonable way would be to impose whatever restrictions are necessary. However, we should not impose a total ban on the use of spear guns. It is one thing for us to say, Mr. President, that they can use lines to fish, but those of us who have had any amount of experience at fishing will know that we just do not go out there and predict what amount of fish we are going to catch in a day. The spear gun is perhaps a bit more convincing and this is perhaps the reason why it is used.

Mr. President, some time ago I was invited to sit in on a Committee formed to establish the marine parks system. I found it very easy to accept the invitation because of my feelings towards the protection of wild life. Mr. President, while I am speaking on this subject I think that in future this House should perhaps consider enacting proper legislation to control our bird life, because I too have seen an indiscriminate waste of

MR. LINFORD A. PIERSON (CONTINUING): this type of wild life. I have seen people go out and shoot for the sake of shooting and not even try to find the birds after they have shot them. This is also true, Mr. President, of the marine life.

A few days back I saw on our waterfront some fishermen with seines out. It was appalling, Mr. President, to see the waste of the little "goggle eyes" on the beach. Some of them were drifting on the beach and nobody even bothered to pick them up because they were so small.

I have heard also, Mr. President, the indiscriminate use of seines where bonefish which are a sports fish and cannot be eaten have been caught and just left to die. I cannot support this type of behaviour Mr. President.

Section 24 of the Law, Mr. President, covers certain Regulations and it is noted that it is the intention to re-letter certain paragraphs of this section to take into account:-

"(l)prescribing minimum sizes below which marine creatures may not be taken;

(m)prescribing closed seasons within which marine creatures may not be taken;

(n)prescribing areas within which marine creatures may not be taken;"

and also:-

(o)prescribing areas within which fishing by certain methods only is permissible;"

The question, Mr. President, of marine parks now arises. This concept or idea is not unique to the Cayman Islands. In many other tourist destinations it has been seen necessary to establish such parks. In the Caribbean region there are parks in the Bahamas, Barbados, Jamaica, Netherland Antilles, Trinidad and Tobago, the United States Virgin Islands, Southern Florida and the Florida Keys. Mr. President, the reason why these parks were established was to protect marine life.

The plan creates, Mr. President, four types of zone which cover only 37 per cent of our shelf area around Grand Cayman. This equates to only 20 square miles. That means that 63 per cent of the waters around this Island can still be used without the similar restrictions contained in the four zones.

The zones are non-fishing zone, line fishing zone, replenishment zone and environmental zone. I will not go into the details of these zones, Mr. President, as I covered these quite comprehensively in my budget debate. However, I feel, Mr. President, that it is fair to the people of the Cayman Islands. I also feel, Mr. President, that it should be accepted as a matter which has been given considerable thought. The Honourable Third Elected Member of Executive Council mentioned some of the notable individuals who were involved in the study. It was done on a very serious and scientific basis, Mr. President. These zones were carefully selected by some of the leaders in our country. Contrary to what the Honourable First Elected Member of Executive Council mentioned I do not agree, Mr. President, that it is the fault of the dive operators. This is not my understanding. From what I understand the dive operators are very much interested in protecting our marine life. As a matter of fact they have led us in this

MR. LINFORD A. PIERSON (CONTINUING): respect. I can understand this, Mr. President, as they have a very strong vested interest in the protection of our marine life. I also do not believe, Mr. President, that any of the official dive operators would indiscriminately destroy fish pots. I believe that if this is being done it is perhaps being done by divers, but not necessarily those under the control of official dive operators.

I had to smile, Mr. President, when the Honourable Third Elected Member of Executive Council said it was alarming to hear the nonsense being talked in this House today, when in fact the only other speaker was the Honourable First Elected Member for Executive Council. However, I am sure he meant since the recent election.

Mr. President, the other area of this Bill which I would like to comment on is section 5 which seeks to repeal and replace section 25 of the principal Law. Section 25 of the principal Law stated:-

"Whoever contravenes any provision of this Law or any regulation is liable on summary conviction to a fine not exceeding \$500 or imprisonment for a term not exceeding six months or both."

Mr. President, it does seem rather excessive that this amount has been increased to \$5,000 even though I agree that in order for us to get the people of this country and visitors here treating our laws with respect and paying attention, we have to ensure that the penalties are severe enough.

One saving feature of this Offences and Penalties clause is that it does say "not exceeding \$5,000". The Honourable First Elected Member of Executive Council made this point very clearly. It can be up to that amount, but not exceeding it, which means it can be much less. I take it, Mr. President, that this would depend on the magnitude of the offence when our judiciary would see it fit to have to use the maximum penalty.

Mr. President, the Second Elected Member for West Bay stated that we must allow our fishermen to continue in their traditional form of fishing. Sir, I could not agree more. However, my question is, Sir, how will they be able to continue in their traditional form of fishing if the marine life is left to be destroyed? There will be no fish for them to catch.

Mr. President, it is in the interests of the people of the Cayman Islands and of the Cayman Islands as a whole. I believe, Sir, as I said in my debate on the Throne Speech that any Law or the Government must do things which can enable the people to live with them and do well. If we make the restrictions under this Bill too harsh on our people we will be forcing them to have to break the Law. I believe that any form of legislation must be in the interests of the people and the country. If we find that any section of our legislation is unduly harsh, then it is our duty to make sure that we correct it.

I believe, Sir, as I said earlier that the amendment to this amendment which would seek to put a complete prohibition on the use of spear guns and on certain other methods of catching fish or marine life may be unduly harsh and, Sir, I will have much more to say on this in Committee Stage.

Mr. President, I wish to make it clear that I support a Bill for a Law to amend the Marine Conservation Law, 1978 but I do not necessarily give my blessing to the amendment to this amendment Bill which would seek to prohibit the use of certain methods of catching fish or marine life.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Honourable Member wish to speak? Then the mover of the motion may wish to exercise his right of reply. The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON:

Mr. President, lest I forget may I invite you to recommend to the staff of this Honourable House that they apply to the Honourable Third Official Member for some money to replace these chairs. I would suggest that they re-stock durable chairs which can withstand weights of over 250 pounds. For when we recline in them we know not where we will fall at the present time. There are many collapsing from day to day.

Mr. President, I would like to thank all those Members who made contributions to the debate on this very important Bill which is before us, a Bill for a Law to amend the Marine Conservation Law, 1978. I am sure that there is not the need for me to comment very much on the substance of the Law and the proposed amendment to it in Committee Stage, for there have been many strong supporters of marine conservation who have given their blessing to the proposals here except for a few areas which I will comment on.

Mr. President, it seems that certain factions of the opposition seek freedom in all ways of life and pay little attention to the need for controls over endangered marine life round their little Islands. All the rhetoric which came from those speakers in the opposition gave no support, Mr. President, to any proposals put forward in this Bill. They were just finding fault with everything everywhere, and paid no heed to what is in the best interests of the people of these Islands. There was one Member, Mr. President, who said that he had nothing to do with this Bill, probably like what he said about the purchase of that swamp land which he had nothing to do with after the valuation came from the Lands and Survey. Mr. President, if I am the Member responsible for Lands and for the purchase of land, I must accept that responsibility until the deal is concluded. He should not abandon his responsibility half way through the game.

Mr. President, we were hammered on the head with this Bill by the Second Elected Member for Bodden Town. He declared that it is the worst Bill which has come before this House. Of course political rhetoric would say more than that if it was possible because nothing would please the Member more than to upset the public with anything which we introduce in this House. As I understand it, Mr. President, they are walking around town and inciting the public against all the measures which we are introducing in this House. They go on the platform. They walk on the streets and they mislead the public.

Mr. President, let me say this. The measures which we are bringing to this House are measures which are strongly supported by the public. The opposition said that the proposal to prohibit spear guns, seines and nets was not theirs. Mr. President, these proposals are emanating out of the proposed marine park system, and I wondered whether they would want to accept responsibility for the introduction of marine parks around the waters of these Islands. This is a matter which was put forward by the Unity Team Government as the Honourable Third Elected Member of Executive Council has just mentioned.

Mr. President, in taking around the proposal for the establishment of marine parks we canvassed the various districts on all aspects of control within those park areas. Mr. President, I have on record here the first meeting in East End

HON. VASSEL G. JOHNSON (CONTINUING): on the 21st February this year when one of the notations here requested that Government look seriously into placing a ban on seines and gill nets. This is coming from the district of East End. Of course they might not use spear guns up there that much so they did not mention spear guns here...

Mr. President, we went next to West Bay on the 26th February, and we have on record that the people requested that Government look into the possibility of preventing spear gun fishing. If this could not be done it was suggested that a special licence for special individuals in special areas be considered only. They also at that same meeting, Mr. President, requested that Government look and take early action into regulating or abolishing gill nets and seines, and if that could not be done that controls be put on the use of this type of apparatus.

Mr. President, we went to North Side on the 27th February. There was a strong plea for number one, a ban on spear guns and two, a ban on seines and gill nets.

Mr. President, in Bodden Town on the 25th February, there was a strong plea there for the Government to take early action to prohibit, not control but prohibit spear guns, gill nets and seines. I wonder sometimes, Mr. President, who the Second Elected Member for Bodden Town represents in this House, whether it is the people of Bodden Town or the people of Prospect Park.

Even coming into George Town on the 28th February, at the meeting here, Mr. President, there was also a strong plea for the limiting of the use of spear guns. So, Mr. President, although we were dealing with marine parks in these various meetings, you can see where the minds of the people ran when we talked about control of marine life here. Out there in the public, Mr. President, there is a strong desire to see control placed on this. People are aware, Mr. President, that the growth of the population and the growth of the need to feed those people are becoming greater each day. People must find food. However, Mr. President, if they are allowed to go into the waters and scrape the bottom; take all the young turtles they can find; take all the small baby lobsters they can find; take all the young conchs they can find, and go on the land and scrape out of the holes all the little crabs they can find, even those which are spawning, one can imagine in a very short time from now what will be the position when one looks into the waters around these Islands. It is bad enough now.

In my opening address on this Bill I mentioned some of the conditions now existing in certain areas on the periphery of the sea of these Islands. We need not come here and become complacent just for the sake of politics. We have a responsibility to the public and to the people of these Islands. When we go on the platform outside this House we can carry on our political gimics and say what we may. However, when we come here, Mr. President, we have a responsibility to ourselves, to the public, to the country and we should not sit here and fiddle our time away just for political reasons. We must give our best to the country. That is the reason why we are selected by the people to represent them here, not to come here and spend the whole Session trying to promote our political image we promoted at the end of the Session when our performance was being judged by the public.

Mr. President, I am sure that there is no need to pretend that there is not a case to completely ban spear guns, seines and gill nets, because apart from what you have

HON. VASSEL G. JOHNSON (CONTINUING): heard in this Honourable House you need to only walk in the streets out there and pose the question, and you will hear a lot there. However, Mr. President, we do not want to take drastic action if it is not going to please the Honourable Members here. In that case I will be quite prepared to recommend at Committee Stage that we look at the proposal to ban spear guns, seines and gill nets. At least where spear guns and seines are concerned we should place a restriction whereby only those people who can obtain a licence which must be provided by Regulations under the Law would be permitted to use those instruments for fishing purposes. I would hope, Mr. President, that if that is agreed and instead of prohibiting the use of these instruments that the licences be given to only responsible people so that we do not have little boys running all over the place with spear guns and destroying the bit of marine life which is left around the waters.

The restriction should also be for particular areas, in other words people should not be permitted to jump into George Town harbour and start using spear guns or take their seines out there and create the scene which we heard about, but that they go outside the populated area and use those things.

I know, Mr. President, that a strong plea was made for the tour operators because without the use of the spear gun to catch a lobster or two, then the tour would serve little purpose to their customers, and so it might affect the trade of those tour operators. It is for this reason that we would try to relax the prohibition on these spear guns and seines and gill nets.

Mr. President, a lot has already been said about these proposals and I am hopeful that the Honourable Members will appreciate the need to introduce these measures, and that they will be given their grateful consideration.

Mr. President, I recommend the amendment to the Marine Conservation Law, 1978.

MR. PRESIDENT: The question before the House is that a Bill for a Law to amend the Marine Conservation Law, 1978 be read a Second time.

QUESTION PUT: AYES AND NOES

HON. CAPT. CHARLES L. KIRKCONNELL: May we have a division, Mr. President.

MR. PRESIDENT: I will ask the Clerk to carry on.

<u>DIVISION</u>		
<u>AYES</u>	<u>NO. 15</u>	<u>NOES</u>
Hon. Dennis H. Foster		Mr. W. McKeever Bush
Hon. Michael J. Bradley		Mr. G. Haig Bodden
Hon. Thomas C. Jefferson		Mr. John B. McLean
Hon. Benson O. Ebanks		
Hon. W. Norman Bodden		
Hon. Capt. Charles L. Kirkconnell		
Hon. Vassel G. Johnson		
Mr. Linford A. Pierson		
Capt. Mabry S. Kirkconnell		
Mr. D. Ezzard Miller		

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MR. PRESIDENT: I declare the motion carried.

BILL GIVEN A SECOND READING AND PASSED BY MAJORITY

MR. PRESIDENT: I think perhaps rather than start on other Bills at this stage, it may be a convenient moment to take our customary morning break. I will therefore suspend proceedings for approximately fifteen minutes until 11.30 a.m.

AT 11.17 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.39 A.M.

MR. PRESIDENT: Please be seated.
Item 1(a)(2) the Interpretation
(Amendment) Bill, 1985.

FIRST READING

THE INTERPRETATION (AMENDMENT) BILL, 1985

CLERK: THE INTERPRETATION (AMENDMENT) BILL, 1985.

MR. PRESIDENT: A Bill for a Law to amend the Interpretation Law is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE INTERPRETATION (AMENDMENT) BILL, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move the Second Reading of a Bill shortly entitled the Interpretation (Amendment) Bill, 1985.

Mr. President, the system of Laws which we operate in these Islands is governed as regards general principles by our Interpretation Law. One of those general principles in the Interpretation Law concerns the power to create offences and penalties under other legislation in respect of regulations. That is to say, Mr. President, that when in any other Law there is a power given to make regulations, that Law itself may spell out in detail the fine and/or imprisonment which may be imposed by regulations made under it for breach of those regulations.

If that is not done, then when there is simply a provision giving a power to make regulations, then to determine under those regulations what can be imposed as a penalty, one has to turn to our Interpretation Law.

The particular provision of the Interpretation Law is section 27 of the Interpretation Law, Chapter 70, and that reads in relation to this particular proposed amendment:-

ON. MICHAEL J. BRADLEY (CONTINUING):

"Where a Law confers power on any authority to make or issue regulations, the following provisions shall, unless the contrary intention appears, have effect with reference to the making, issue and operation of such regulations -"

"(b) the regulations may provide in respect of a breach of any of the provisions thereof that the offender shall, unless the Law otherwise provides, be liable to such fine not exceeding twenty-five pounds, or to such term of imprisonment with hard labour not exceeding three months, or to both such fine and imprisonment, as may be therein prescribed;"

So the Legislature when passing any Law, and they have passed many Laws in the past, can if it wishes specifically spell out the penalties under regulations. If those are not spelt out, we always have to look at this section of the Interpretation Law. In our Laws, in many instances the penalties are not spelt out for breach of regulations. So that in many instances, and the last one which came to my attention was in respect of the Airport Regulations Law concerning which my colleague will also be moving the Second Reading of an amending Bill at this Session, there was no provision for breach of regulations in the Law itself. So we had to turn to this.

This at the moment provides a penalty of twenty-five pounds which by the transitional provision when our dollar system was brought in is \$50. So it provides for a fine not exceeding \$50 or three months.

This Bill before the Honourable House proposes to increase those in relation to the fine very substantially from \$50 to \$1,000, and in relation to the imprisonment from three months to twelve months. Lest Members coming after me raise their hands in horror and say that this is a terrible increase; it is a terrible thing we are doing to give such powers, let me just say that we are not doing it now, when one considers the increase in the cost of living and inflation, with any degree of severity. I have done a little research, Mr. President, and the present provision of \$50 and three months' imprisonment is contained in our Interpretation Law. That Interpretation Law in respect of this position has not been amended since the revised edition of the Laws of the Cayman Islands was published in 1963, which means that as at the 12th December, 1963, some twenty-one years ago the provision then was twenty-five pounds or \$50 or three months' imprisonment or both.

I thought should I look a little bit further back and I did. As we all know, Mr. President, the Laws which related to us during the time that we were associated with Jamaica were the Laws of Jamaica in that regard. I went back to the 1953 revised edition of the Laws of Jamaica. I went to Chapter 165 which is the Interpretation Law, and that Interpretation Law which was re-enacted in our 1963 revised edition unchanged, provided that there should be in this section penalties of twenty-five pounds or three months' imprisonment or both. However, it was not 1953 when these figures were put in. The figures went back to the 10th June, 1943 when the Interpretation Law of Jamaica, which applied to us was made.

I am sorry, Mr. President. I ran out of time then. I could not research any further back without perhaps going to Jamaica.

HON. MICHAEL J. BRADLEY (CONTINUING): However, it is interesting to note that in our Laws of the Cayman Islands somebody did research back and the margin note relates back to Law XVII of 1865. If I had researched back to there, Mr. President, I think it is at least possible that I would have found in that statute of 120 years old that the provision contained then would have been twenty-five pounds or three months' imprisonment. So if any Member after me gets up and says this is a horrifying increase, just let them think what twenty-five pounds would have bought forty-two years ago, and what twenty-five pounds would have bought 120 years ago, and see whether that would have bought much less than \$1,000 in this day and age.

Mr. President, in all the legislation which I am involved with in this House I try to achieve a consistency and a relationship between the fine imposable and the imprisonment imposable. The correlation which I have in previous legislation found which I have attempted to put in when any penalty provisions were brought up is that there should be a correlation between \$1,000 and twelve months' imprisonment. Now remember, Mr. President, that this is an attempt to bring a large number of our Laws which do not give specific powers or specific penalties by regulations because they were drafted many years ago and were drafted in a particular style at that time when the tendency was to look at the general power in the Interpretation Law, into line. The intention of this Bill is in relation to such Laws to provide that regulations be made under those Laws, and can provide fines up to but not exceeding \$1,000 or imprisonment up to but not exceeding twelve months' imprisonment or both fine and imprisonment. It does not mean that when we make regulations under another Law that we will automatically put those in as the fine or the imprisonment. By regulation we will have a sense of propriety and a sense of justice and the regulations for minor offences will be made maximums of much smaller amounts.

In relation to serious offences against regulations they could be then increased up to this maximum. My Honourable colleague, when he is introducing the Airports Regulation (Amendment) Bill, 1985 will no doubt, and I am not trying to anticipate his speech, point out to this Honourable House that in the case of that particular Bill it was thought that even the modest figures which I am proposing now were inadequate and insufficient, and after careful consideration the Government in the case of breaches of those regulations under that Law thought that it should be beyond this modest increase and should be \$5,000. Because again as he will no doubt point out, we can have regulations, the breach of which can cause horrific consequences. We need sanctions which are adequate even under subsidiary legislation to deal with the dangers and the evils which may occur. Under the Airports Regulation Law if there was an offence against regulations at the moment which caused the death of the entire passengers and crew of one of our planes, all that could be imposed as a fine would be twenty-five pounds or \$50.

That is a startling example, and a graphic example. I will not bore the House by saying what other ones we could elucidate. I am saying that what we are trying to do by this small amending Bill is to establish the principle that the Government of this country when it is making regulations under Laws which have not this specific penalty for regulations in those Laws, can in its judgement and its discretion make the offences be of such a nature that a fine of up to but not exceeding \$1,000 or imprisonment up to but not exceeding twelve months or both such fine or imprisonment be imposed.

Mr. President, I commend this Bill to the Honourable Members.

MR. PRESIDENT:

The question before the House is that a Bill entitled a Bill for a Law to amend the Interpretation Law be given a Second Reading. The motion is open for debate. The Second Elected Member for Bodden Town.

DEBATE ON SECOND READING

MR. G. HAIG BODDEN:

Mr. President, my objection to this Bill has been very ably argued for me because the illustrations given by the Honourable Official Member clearly point out that there is a strong reason why the fine and terms of imprisonment have not been changed for 120 years under this Law.

In 1865, he tells us the fine was twenty-five pounds and when the legislators revised the Law in 1943, or when there was a change, the fines still remained at twenty-five pounds and the imprisonment at three months.

Even when the Law was last revised another twenty years later in 1963 the fine remained the same although the value of money had changed and twenty-five pounds in 1963 could not buy what twenty-five pounds bought back in 1865. It is my belief that the reason why there was no increase was simply because the Interpretation Law as the Member correctly pointed out would be used to provide the penalties if there was no specific provision in the Law. So when a regulation was made which did not have a specific fine, or a Law was made in which there was an offence for which there was not a specific fine, we would then go to the Interpretation Law. This could not be changed because if it were changed to an exorbitant figure we would undermine the whole principles of our Law. Because the Law and the penalties therefor for offences should be made by the Legislative Assembly. In regulations we have the same thing. The original Law would provide the specific penalties for the regulations and this Law would only be used in those rare cases where there was not a specific provision in the Law.

What really happens in a regulation made by Executive Council in the absence of a specific penalty is that the Executive Council in making the regulation really takes on the powers of the Legislative Assembly in that they create offences by the regulations. They impose fines and they sentence people to imprisonment if a person is convicted of the offence. So I believe the reason why these penalties have been kept so low for the last 120 years is because we do not want to get into the situation where the Executive Council would really be the body sending people to prison and putting on heavy fines without the sanction of the Legislative Assembly.

I do not think we should interfere with this principle, particularly at a time where we have seen the Legislative Assembly giving to the Executive Council more powers than they ever had. We have an illustration of that in the Bill which we just debated where under the Marine Conservation Law the Government just put forward an amendment which if passed will give to the Executive Council the power to make more regulations than they could have made before. Since the Government is grasping the opportunity to make as many regulations as they can get away with, without the Assembly Members having a chance to say that the figures are too high or low, it is wrong. However, I will agree, Sir, that perhaps there is time to increase the penalties under the Interpretation Law. Although if in 120 years it has remained at twenty-five pounds I would think that we should move cautiously.

MR. G. HAIG BODDEN (CONTINUING): Perhaps an increase from \$50 to \$100 would be sufficient because we do not want to put, and the Legislative Assembly should not put into the hands of the Executive Council the authority to impose such fines. However, I am more concerned about the imprisonment side of it because under the existing Law the Executive without the authority of the Legislative Assembly, or without a specific provision in the Law, could send a person to prison for three months. If we change this to a year it will mean that the Executive Council can send a person to prison for a year for a very minor offence. Or at least they can pass the regulation under which the court could send a convicted person to prison for a year.

We could have a very simple instance. It could be parking in an area designated for somebody else, or some very trivial matter and the Executive Council, because they find that there is no specific provision in a particular Law could create an offence of a very minor nature. The end result would be that a convicted person could go to prison for up to one year. So it is very dangerous for the Legislative Assembly today to interfere with this Law and increase it by the amounts in the amending Bill. For example the fine would go up twenty times. It would go up by 2,000 per cent and the imprisonment would go from three months to twelve months.

I believe that the Executive Council should put in their regulations the penalties set out in specific Laws, and in the odd cases where there is no specific penalty they should use the Interpretation Law. However, because the Interpretation Law can be so widely used they should not be given the authority to make regulations for matters which are not specifically specified by the Law under which the penalties could be so harsh.

The new Executive Council has shown us by the amendments which they have brought and by the actions which they have carried out, that if we put this additional power into their hands they will use it. All their actions have shown that they will use whatever authority is given to them under the Law and we may get louder screams of victimisation if the Legislative Assembly allows this important matter to be shifted from the hands of the Assembly into the hands of Executive Council.

So I disagree with the increases proposed in this Bill but would be willing to support an increase of 100 per cent on the fine, leaving the three months' imprisonment term as it is. If there is a matter which the Legislative Assembly feel should carry a penalty of more than three months' imprisonment, let the Legislative Assembly make a specific Law. Let them put a specific provision in the Law whether it be the Airports Regulation Law or the Marine Conservation Law, but they should not leave it to the hands of Executive Council, because we would be passing the buck to them for doing the things which I think the Legislative Assembly should retain whatever power it now has.

We do not want a Government by regulation, we want a Government by legislation. I cannot support the increases proposed, particularly that which would result in imprisonment of twelve months for a very minor offence under a regulation.

MR. PRESIDENT:

If no other Member wishes to speak I will invite the mover to exercise his right of reply if he wishes.

HON. MICHAEL J. BRADLEY:

Mr. President, it has been a short debate on this short Bill. I have listened as I always do with fascination to the speeches made by the Honourable Second Elected Member for Bodden

HON. MICHAEL J. BRADLEY (CONTINUING): *Town.* I may inadvertently, Mr. President, have done him an injustice in a debate on a previous topic, the Marine Conservation Law, when I inferred that he was anti-conservationist. I think now he is demonstrating that he is a conservationist and that he likes to preserve the 120 years old pillars of our legislation, riddled though they may be with the death-watch beetle and wood-worm. He definitely likes to preserve them. Or perhaps, Mr. President, he is more a geologist than a conservationist because he likes to see these useless fossils embedded in our legislation.

However, be that as it may, Sir, I think that since he has indicated that he would be prepared to see some increase in the fines imposable by virtue of this section of the Interpretation Law, I take it and am confident that since that is his attitude he will vote for the Second Reading of this Bill. Having then voted for the Second Reading of this Bill, he may attempt to persuade the Honourable Members of this House in Committee Stage as he is entitled, and as it is fit and proper for him so to do, to reduce the figure \$1,000 to the figure \$100 and reduce the figure of twelve months back to the figure of three months.

However, Mr. President, there is another matter which he raised in his speech, a matter which I cannot allow to go uncorrected. That is when he is saying that what this amendment is doing is giving Executive Council the power to impose fines and the power to send people to prison. Mr. President, we all know that this Legislature passes laws but the Government makes subsidiary legislation through your name as Governor-in-Council, but that there is no power inherent in this House or in the Government or Executive Council to impose fines or to send people to prison. That is a function of the judiciary of these Islands; a function which reposes in the hands of these Islands.

This Legislative Assembly can pass laws imposing maximum fines and maximum imprisonments. Executive Council through you, as Governor-in-Council can make subsidiary legislation which provides that the maximum penalty is so much money and the maximum penalty is so many months' imprisonment. However, Sir, unless there are provisions such as the provision in the Misuse of Drugs Law where the Legislature has thought fit expressly to create mandatory minimum terms of imprisonment, then the courts of this land, whether they be the Magistrate's Court or the Grand Court can look at a Law; can see what the maximum fine is there; can see what the maximum imprisonment is there, and can impose a fine or imprisonment of any amount or tenure up to that. There is even power under the Probation of Offenders legislation that they can without imposing a fine, or without sending them to prison, place a person on probation.

So let me make it clear to everybody in these Islands that the effect of this is not to give Executive Council power or ability to send anyone to prison or to fine anyone. It is merely giving the Executive Council power to increase in a way which is appropriate the regulation making power of offences, so that when those offences are committed the judiciary in its wisdom, having considered the matter decide what fine or what imprisonment up to the limit is appropriate for the particular circumstances of that event.

Mr. President, Sir, I commend this Bill to the Honourable House. If there is a division, Mr. President, I will ask for one.

MR. PRESIDENT: *The question before the House is that a Bill for a Law to amend the Interpretation Law be given a Second Reading.*

QUESTION PUT: *AYES AND NOES.*

HON. MICHAEL J. BRADLEY: *May I have the division please?*

DIVISION
NO. 16

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. G. Haig Bodden

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MR. PRESIDENT: *I declare the motion carried.*

PASSED BY MAJORITY: BILL GIVEN A SECOND READING.

MR. PRESIDENT: *Item 1(a)(3) the Airports Regulation (Amendment) Bill, 1985.*

FIRST READING

THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985

CLERK: THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985.

MR. PRESIDENT: *The Bill entitled a Bill for a Law to amend the Airports Regulation Law (Revised) is deemed to have been read a First time and is set down for Second Reading.*

SECOND READING

CLERK: THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985.

HON. W. NORMAN BODDEN: *Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Airports Regulation Law (Revised).*

Mr. President, the object of this Bill is to amend the principal Law so as to provide that regulations made under the Law can provide maximum penalties of two years' imprisonment and \$5,000 fine for breach of such regulations.

This Bill, Mr. President, is not being put forward as a revenue earning measure, but laws and regulations must be seen to provide a definite deterrent to would be offenders.

HON. W. NORMAN BODDEN (CONTINUING): The present Airports Regulation Law sets out a long list of acts which are prohibited, and some of those can be quite serious as will be seen.

In section 3, for example, there is the obstructing or interfering with the proper use of the airport. There is the boarding or attempting to board any aircraft without the authority of the person in charge of it. There is tampering or interfering with any aircraft or anything used in connection with an aircraft which could involve the hijacking of an aircraft or the stealing of an aircraft from any of our airports. There is also any act causing or tending to cause an outbreak of fire, which could be arson for example. I think there are many serious acts which can be considered as offences.

For any of these the present fine on conviction is a maximum of \$50 or three months' imprisonment as has been said previously, and this is considered totally inadequate. These amounts, as was said previously, coincide with the Interpretation Law. Additionally, even the proposed amendment to the Interpretation Law which has been put forward and very ably explained by the Honourable Second Official Member, is considered inadequate for some of these acts which could be considered as serious offences.

Mr. President, we are presently operating a recently completed new airport terminal. We are handling an ever increasing amount of passenger traffic. Aircraft movements and public activity in and around our airport is also on the increase. All of this naturally presents a growing need and demand to exercise stronger controls for the protection of property, safety of the general public and the orderly and unhampered use of our airport facilities.

We must have laws with equitable penalties for violations so that proper respect is commanded and maintained, otherwise these will be ignored or taken lightly by the general public. Instead of law and order we could then have a chaotic situation developing which we do not want and cannot afford.

This amendment, Mr. President, sets a maximum which enables the court to use its discretion based on the gravity or seriousness of the offence committed. I am of the opinion that this must rest with the courts to see that justice is carried out.

Mr. President, I believe that this amendment is timely. I believe it is necessary and reasonable, and I ask all Members to give it their support, because respect for authority at our airports, the main gateways to our country, must be preserved and maintained.

I thank you.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Airports Regulation Law (Revised) be given a Second Reading. The motion is open for debate. The Second Elected Member for Bodden Town.

DEBATE ON SECOND READING

MR. G. HAIG BODDEN:

Mr. President, again I must object to this, another plea from the Executive Council to increase the penalties under regulations which they may make. I would like to say that I well understand the principle that the Executive Council does not send people to jail. What I said in my debate on the other

MR. G. HAIG BODDEN (CONTINUING): Bill was simply that if we allowed that they would then have the power to make a regulation, the end result which would be that if a person were convicted in court, they could be sent to jail for up to one year.

Here they are even asking for more because they are seeking to send people to jail for two years, and seeking to impose fines of \$5,000.

I agree with the Member who moved a Bill that there are some instances covered by section 3 of the old Law which are serious offences, and perhaps should have more severe penalties than now exist. For example, he mentioned anything to do with the hijacking of a plane. In the Law there is the provision for regulating aircraft, motor vehicles, the admission of persons and of animals, and stray animals within the area of the airport which could be a serious matter. However, there are also in this section some very simple offences which I would not like to see a person pay a \$5,000 fine for or go to prison for two years for.

For example in section 3 of the original Law there is provision for appointing and regulating the use of parking places for motor vehicles. It would mean that if a private person went up to the airport and parked in a taxi cab stand, that person could go to prison for two years. This has to be draconian. It has to be ridiculous. We never know what else they may put into regulations because they have shown that they have the ability to bring some strange matters into being. So while I could agree that there could be an increase in certain fines for offences under the regulations made under sub-section 1 of the revised Law, I could not agree that we should give them the authority to make a regulation whereby they can send somebody to prison, or the subsequent conviction in the court would result in two years imprisonment, and where a fine of \$5,000 could be imposed as a result of the regulation which they made.

Section 3(h) says they have the power to make regulations:-

"for any other matter appearing to the Governor to be necessary or expedient for the purpose of giving due effect to the provisions of this Law."

So under that they could make any new regulations under the original Law. It could be very simple in nature, and yet the amending Bill would give them the scope to put in the regulations these heavy fines and heavy terms of imprisonment.

Under section 3 of the revised Law they can even extend the powers to deal with motor vehicles using the public roads, and they are responsible:-

(f) for prescribing and regulating the payment and collection of fees for or in relation to services rendered or facilities provided at an airport;"

So if a lady went up there and had forgotten her purse, and was unable to pay the fifty cents parking fee, she could be put in jail for two years. This has to be ridiculous. This is not the type of penalty which should be imposed for that type of offence. However, I do agree that there are some offences which are very serious offences, and the penalties could be increased, but we would be failing in our responsibility to the public if we allowed this to happen, that a person who fails to pay the fifty cents parking fee at the airport would go to jail for two years and be fined \$5,000.

MR. G. HAIG BODDEN (CONTINUING): I wonder how many years we have gone back beyond 120 years with this Bill. Perhaps the next amendment which will come will be to hang somebody for not paying the parking fee.

So the penalties sought under this amendment are too severe and what should be done, in my opinion, is that we should take section 3 of the Airports Regulation Law (Revised) and spell out in each specific case the penalty which should be attached to each offence under each section. However, the Government is not trying to do that. They have come asking us to amend it so that:-

"Any regulations made under subsection (1) hereof may provide for contravention thereof penalties not exceeding a fine of \$5,000 or imprisonment for two years, or both such fine and imprisonment."

I understand that the court would have the authority to fine the person less than \$5,000. The court could fine the person \$1, or not impose the fine at all. The court could send the person to prison for one day, or maybe not even send him at all. However, it still exists that there is a possibility that for any offence under this Bill that the person could be asked to pay a fine of \$5,000 or asked to serve a term of imprisonment of two years, or even both of them.

I think we are going too far. I know the Executive Council, particularly the Elected Members believe that they are capable of doing all things, and perhaps they are right. However, we have a responsibility to the electorate of this country, not to delegate unreasonable actions, actions which should be by legislation. I think it is wrong to amend this Bill and pass it, and so put in their hands a tool which can be used or which could even be abused, because once we pass this Law Parliament has no control over the actions of Executive Council. There is no parliamentary control at all. The regulations could be passed without our knowledge and we have no way of having any control over the contents.

We have on our books the Traffic Law which recognises that there are many categories of offences such as careless driving, reckless driving, drunken driving, etcetera, and the Traffic Law sets out specific penalties for each offence or each category of offences. I think this should be done here in the Bill which we are discussing, the Airports Regulation (Amendment) Bill, 1985 because of the many varied offences which could be committed. We should start to make it possible to prescribe penalties suitable for each category of offence, and to regulate the conduct of people.

This can have an extremely wide range of behaviour. It might be somebody just losing his temper and cursing some employee who probably needed to be cursed, or the conduct of the person might be that of a person who is trying to burn down the airport, which would be altogether different. Here under this Bill we can send both people to prison for two years, and we can fine the person. When I say we, I mean when it reaches the court just in case I have an erudite lecture on this later on.

So, we would be wrong if we stand here today and put this exceptionally dangerous high level of power into the hands of the present Executive Council, or any other Executive Council which may follow them.

The Member touched upon the fact that this Bill is not a revenue raising Bill, but from the higher limits of the fine I would say this Bill could well be a lucrative source of revenue. Because not only is a person compelled

MR. G. HAIG BODDEN (CONTINUING): to pay the \$1 security tax at the airport, but I believe that if he failed to pay the regulations could well say that he would have to pay \$5,000 if he failed to pay the \$1. That is how ridiculous this Bill is. I would hope that since this has been such a long Meeting that the Executive Council Member responsible for this Bill will withdraw this ridiculous Bill from the House, and go home and come back with an amendment which will provide for penalties which are suitable for the offences. If there are one or two offences which are of a very grave nature and warrant the imposition of such a heavy fine, perhaps I may support it. However, looking at it now, it spells trouble to me.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. W. NORMAN BODDEN: Mr. President, I heard the Honourable Third Elected Member of Executive Council say this morning that if the Holy Book, the Bible were brought to this House by this Government, the Opposition would try to prove it wrong. I wondered why he said that but now I am convinced that he was right.

Mr. President, this Bill clearly sets out that it is a maximum penalty of two years' imprisonment and a fine of \$5,000 which we are seeking. The power and authority of Executive Council has not changed an iota since the Second Elected Member for Bodden Town was a Member of Executive Council. It has not changed, nor are we seeking to supply ourselves with any more power and authority than he had when he was there. He mentioned about bringing forward eventually something to do with hanging. I believe that we are a reasonable and considerate Government, and we certainly have demonstrated to the public of these Islands that we are against hanging. In fact, the erection of the gallows at Northward prison has been stopped. So I really think it is stretching the imagination to try to put us across to the public as any Government which would go to extremes.

We have set out the maximum there and I believe in the separation of powers. I know that the Member has pointed out that in section 3 there are many simple offences and this is quite true. However, I trust the court to see that justice is done. I think this has been done in the past, and we can continue to trust the courts to carry out justice in this country. There has been no reason for me to doubt this.

Therefore, Mr. President, I still find this Bill before the House reasonable and I would expect that it would be fully supported.

Thank you.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Airports Regulation Law (Revised) be given a Second Reading.

QUESTION PUT: AYES AND NOES

HON. MICHAEL J. BRADLEY: (SIMULTANEOUSLY) May I have a division please, Sir?
HON. W. NORMAN BODDEN:

MR. PRESIDENT: I will ask the Clerk to call a division.

DIVISION
NO. 17

AYES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeever Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Essard Miller

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NOES

Mr. G. Haig Bodden

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ABSTENTION: Elected Member for East End.

MR. PRESIDENT: I declare the motion carried.

PASSED BY MAJORITY: BILL GIVEN A SECOND READING.

MR. PRESIDENT: I think now we have reached a convenient time to take the luncheon break and I will, in consequence, suspend proceedings until approximately 2.15 p.m.

AT 12.40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.18 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
Item 1(a)(4). The Liquor Licensing
Bill, 1985.

FIRST READING

THE LIQUOR LICENSING BILL, 1985

CLERK: THE LIQUOR LICENSING BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to repeal and replace the Liquor Licensing Law (Revised) is deemed to have been read a First time, and is set down for Second Reading.

SECOND READING

CLERK: THE LIQUOR LICENSING BILL, 1985

HON. DENNIS H. FOSTER: Mr. President, I move the Second Reading of a Bill for a Law to repeal and replace the Liquor Licensing Law, 1974.

Mr. President, when I took over the chairmanship of the Liquor Licensing Board I was never so confused in all my life. In addition to the main Law there were at least eight amendments. I immediately found it very difficult to administer the Law. As a matter of fact, Mr. President, there was a Committee of this House set up last year to look into the Liquor Licensing Law with a view to bringing to the House a revised Law similar to the one I am bringing today.

However, Mr. President, the Committee had so many other Committee Meetings to attend that all they got done was an amendment to this Bill which was brought last year. This only made it worse because it was one more amendment to add to the list.

So, Mr. President, having been urged by the Board as well as other people, we decided to virtually revise the 1974 Law, and in addition we made two major changes. Those two changes were in the composition and tenure of the office of the Liquor Licensing Board, and abolished the absolute prohibition on the granting of licences in respect of premises situated within a quarter of a mile of any church, school or civic centre.

Apart from those two changes, Mr. President, the Law is almost identical to what it was before. Of course it embodies the amendments.

Mr. President, we have had plenty of representation from our local people with prime properties in George Town within a quarter of a mile of a church. They argued, Mr. President, that because the area in Seven Mile Beach was unrestricted and they were restricted, they were not given a fair opportunity to make a living. They also argued that there were existing places closer than a quarter of a mile to a church and there were no complaints whatsoever. I sympathise with them, Mr. President, because property is not cheap in George Town and it is a tourist area. They were also operating restaurants so when a tourist came in they could not even serve a beer to them.

We also had strong representation, Mr. President, from the people of the Brac about the same restriction of a quarter of a mile from a church, school or civic centre. However, Mr. President, I thought the Brac people would have been sure that I would not have sold them out, and a strong provision for all of this, Mr. President, is in section 9(1) and (2). This says:-

"9. (1) A Board shall not grant a licence unless satisfied that the premises in respect of which the application is made -

- (a) have exits plainly marked and lighted;
- (b) have an adequate fire extinguishing system;
- (c) comply with the laws and regulations affecting building, town planning and public health;"

HON. DENNIS H. FOSTER (CONTINUING):

"(d) are situated at a location where they will be of service to the public; and

(e) will not cause inconvenience to the occupiers of neighbouring property.

(2) In considering the suitability of premises for service to the public, Boards shall have regard to any representations made by or on behalf of the Commissioner, the Chief Medical Officer, the Chief Fire Officer and the Executive Secretary of the Central Planning Authority....", and this is the crux of it now, Mr. President, "...as well as members of the public who may be directly affected by the grant of a licence."

Cayman Brac and Little Cayman have their own Board and Grand Cayman has its own Board. So, Mr. President, if for instance there was an application for a licence to be granted to somebody with premises within a quarter of a mile of the church, or neighbours of any sort, or members of the public who might be directly affected could make representations to the Board.

In short, the sole discretion is placed in the Board here. So as far as the Brac is concerned, Mr. President, or even Grand Cayman, the right for them to protest has not been taken away.

I feel sure, Mr. President, that if an applicant applied for a licence and anybody, or occupiers of the neighbouring property were going to be inconvenienced, the Board would not grant such a licence. Mr. President, I trust, Sir, that the people who made representation from Cayman Brac will understand this section very clearly. The safeguard has been left there "at the full discretion of the Board".

Mr. President, the other major change was in the composition of the Board. We had thought to make the Chairman be a magistrate or a justice of the peace, and to have a Deputy Chairman and three other members, all of whom should be appointed by the Governor-in-Council at his pleasure, for such period not exceeding five years. That is the Board for Grand Cayman, Sir. The Board for Cayman Brac and Little Cayman will consist of a Chairman who will be the magistrate or justice of the peace. The District Commissioner will be Deputy Chairman, and there will be three other members all of whom will be appointed by the Governor-in-Council.

Mr. President, this change is very desirable, Sir. Firstly, it will avoid our having to remember to come to the Legislative Assembly every year for the appointment of members of the Board. Secondly, it will put the chairmanship in the hands of a more judicial person instead of it being a Member of Executive Council.

Mr. President, I think that this is a sensible change. I think we have sufficient justices of the peace. However, if it is found, Mr. President, that there are not sufficient active ones in Cayman Brac and Little Cayman we will certainly appoint one.

Mr. President, I sincerely hope that I would have the support of this House on this Bill because it will give us a piece of legislation which is workable and fair to all. There are plenty of safeguards in the Bill for inspections by the Medical Department, Police Department, Fire Department and Planning

HON. DENNIS H. FOSTER (CONTINUING): Department. With all these inspections, Mr. President, I am sure that the buildings would have to be found suitable after they were completed satisfactorily.

Apart from those two changes, Mr. President, the Bill is virtually the same as what existed before. I would once more like to emphasise that the people of Cayman Brac and Little Cayman, and those concerned here have no need to worry, because section 9(1) and (2) does provide for the issuing of a licence at the discretion of the Board, and gives members of the public and adjoining neighbours ample leeway to complain or to make representation.

Mr. President, apart from that, Sir, I feel it is a good Bill and very necessary at this time, and I commend it to Members.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to repeal and replace the Liquor Licensing Law (Revised) be read a Second time.

The motion is open for debate. The Honourable Third Elected Member of Executive Council.

DEBATE ON SECOND READING

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support a Bill for a Law to repeal and replace the Liquor Licensing Law (Revised).

Mr. President, a Bill for a Law to repeal and replace the Liquor Licensing Law (Revised) is an effort by Government to provide a new Law which will incorporate all the amendments made to the Liquor Licensing Law, 1974. Over a period of ten years from 1974 to 1984 there have been eight amendments which have made the old Law difficult and confusing to administer.

The new revised Bill, when passed into Law will remedy these problems. There have been a few changes made which will improve on the old Law and will ensure that justice is meted out to one and all in an equitable manner.

The composition of the Boards has been altered and we will now have a magistrate or a justice of the peace as their Chairman, instead of a Member of Executive Council. Or in the case of Cayman Brac and Little Cayman, the District Commissioner will not be the Chairman but will be the Deputy Chairman. We will also have a magistrate or a justice of the peace as its Chairman.

These members will no longer be nominated by the Legislative Assembly every year. They will be appointed by the Governor-in-Council to hold office at his pleasure for such periods not exceeding five years as he may determine.

The other change in this Bill is to abolish the prohibition on the granting of licences in respect of premises situated within a quarter of a mile of any church, school or civic centre. The Bill seeks to give the necessary authority to the Liquor Licensing Board to control where premises selling alcohol may be situated. It will also give the public the right to protest and prevent any such premises from being established near a church, school or civic centre.

follows:-

Section 9 in the Bill reads as

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING):

"9. (1) A Board shall not grant a licence unless satisfied that the premises in respect of which the application is made -

- (a) have exits plainly marked and lighted;
- (b) have an adequate fire extinguishing system;
- (c) comply with the laws and regulations affecting building, town planning and public health;
- (d) are situated at a location where they will be of service to the public; and
- (e) will not cause inconvenience to the occupiers of neighbouring property."

Further, Mr. President:-

"The Board shall have regard to any representations made by or on behalf of the Commissioner, the Chief Medical Officer, the Chief Fire Officer and the Executive Secretary of the Central Planning Authority as well as members of the public who may be directly affected by the grant of a licence."

The Board as stated earlier will have the authority to determine where premises selling alcohol may be situated. It will regulate the hours when any intoxicating liquor is permitted to be sold and to whom they are allowed to sell.

The owners of premises selling intoxicating liquor have to conform to the Law and abide by its many restrictions, or lose their licences.

I would like to state that I have received strong representation from the people of my constituency and I share their concern for the future of our Islands and our people. Having said that, Mr. President, I will do my utmost to see that the members of the Liquor Licensing Board understand that the control and decisions are in their hands. The Board at Cayman Brac and Little Cayman does not have to follow what the Board in Grand Cayman may or may not do. There are problems in Grand Cayman which do not exist in Cayman Brac or Little Cayman, and if the Board for Cayman Brac and Little Cayman is vigilant and careful, and administers the Law properly, we will avoid the pitfalls and difficulties which exist here in Grand Cayman.

Mr. President, I would like to assure the people of Cayman Brac and Little Cayman that this Bill when it becomes Law will not allow persons selling intoxicating liquor to do as they wish. More control and discipline will be able to be exercised over those persons permitted to sell alcoholic beverages than was allowed under the old Law.

The Liquor Licensing Board of Cayman Brac and Little Cayman will be made up of people from these two Islands just as it is at present. The Board will also have absolute control over the number of outlets and where they are allowed to be situated.

Mr. President, I feel that our people will appreciate what has been done and that when this Bill passes into Law we will have a stronger and better Law for our Islands.

Mr. President, I support the Bill.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I wish to offer my support to a Bill for a Law to repeal and replace the Liquor Licensing Law (Revised).

I believe, Sir, that this Bill is long overdue. I have heard many complaints about the difficulties of administering the old Law and the anomalies which it contained. The most glaring anomaly in the old Law was the quarter mile restriction. Some people felt that because no new licences could be granted under that restriction they were being unfairly treated when premises which had been previously licensed were re-licensed, because I do not think the old Law provided a grandfather clause for a renewal of a licence.

Once again, Sir, I would like to congratulate and compliment the new Government for their courage in bringing this Bill forward at this time. They are taking a lot of licks in this Meeting, but they appear to be sticking to their guns.

I believe that the old Law created a lot of hardship in several areas. I have heard of instances where people were paying up to \$100,000 and, Sir, that is a false economic cost, and an unnecessary cost for any Caymanian in starting up a new business, whether it was a restaurant, hotel or bar.

I think it is a pity that the former Chairman who has presided for the past eight years, has not been here since Wednesday, because I am sure he could give us much insight into the problems which he faced in trying to administer the old Law in its complex form.

Further, Sir, I hope that when the Honourable Third Elected Member of Executive Council brings the comprehensive Traffic Law the licence which is allowed under that Law will be such that it will carry the person's picture and their birth date, and it will be in the form of a credit card so it can stand the wear and tear which the little book cannot do. Because I think if the licensee is going to be given the responsibility of not selling liquor to eighteen year olds I think it would be a good thing if the driver's licence could carry the person's birth date and their picture. Then it would provide a form of identification which could be used to prove that that individual was in fact eighteen years old or older.

Mr. President, I agree with the new Board structure. I am glad to see the Board being removed from the political arena and control so to speak. I think it also enhances the performance of the Board by increasing the qualifications of the Chairman to those of a magistrate or a justice of the peace. I believe, Sir, that this is justifiable in dealing with so complex a Law. However, Mr. President, I cannot fully agree with the tenure of office of the Board members. While I realise that a tenure of five years would in practice remove the Board Members from political interference even further, because no Executive Council could re-appoint a new Board if they are appointed for five years since the life of an Executive Council is only four years. However, I believe, Sir, that with a five year tenure and the option to be eligible for re-appointment, we could have some problems in that people who serve that long on Boards might tend to develop a kind of king-of-the-land attitude, or a holier than thou attitude as we have had in some of the Boards over the past years with members having long tenures as Chairmen and members of the Boards.

MR. D. EZZARD MILLER (CONTINUING): I am also glad to see, Sir, that section 5 which states that:-

"5(1) A Board shall hear and deal with all applications and matters relevant thereto and may grant, renew, vary or revoke any licences.

(2) In hearing an application a Board shall -

(a) sit in a place open to the public;

(b) hear on oath every person who desires to be heard in any matter relevant to an application; and

(c) record a summary of the evidence given before it."

I think it is very important that the Board is going to be meeting in a place open to the public because justice will not only be done, but it will appear to be done. In saying that, Sir, I am not insinuating in any way that decisions taken by the Board before in closed meetings were not justice. I just think that if a person is in a presentation open to the public, he feels better and feels that he is being given a fairer chance. I also think that this will give those people who may object to someone getting a licence a better opportunity to have themselves heard and to air their grievances before the Board.

Sir, I am also happy with section 5(5) in that:-

"(5) A Board's decision shall be determined by vote."

Section 7, Sir, deals with the nature of the licence and I support these categories:-

"7(1) A licence is a permit to an individual person or to two individual persons jointly, who may or may not be the servants or representatives of another named person, in compliance with this Law, to dispose of -

(a) such intoxicating liquors;

(b) in such quantities;

(c) to such persons;

(d) at such times;

(e) at such premises; and

(f) subject to such general conditions,

as may be specified therein, and shall be in the form provided in the Schedule."

I think this Bill goes a long way, Sir, in making clear what the nature of licences is; what the qualifications of licences are; what the requirements for licensed premises are. It will therefore give applicants a clear perspective of what they are required to do, and they will know what criteria they have to meet.

MR. D. EZZARD MILLER (CONTINUING): I agree with section 9(1) and (2) as identified by the Member piloting the Bill, the Honourable First Official Member. I think it is very important that section 9 lays down these requirements for licensed premises. I have been in a number of licensed premises which do not presently adhere to all of these requirements, and these requirements are:-

"9. (1) A Board shall not grant a licence unless satisfied that the premises in respect of which the application is made -

- (a) have exits plainly marked and lighted;
- (b) have an adequate fire extinguishing system;
- (c) comply with the laws and regulations affecting building, town planning and public health;
- (d) are situated at a location where they will be of service to the public; and
- (e) will not cause inconvenience to the occupiers of neighbouring property."

It has also, Sir, clearly identified the categories of licences, and I am also happy to know that the hotel licence has been reintroduced. Section 10(1) says:-

"10. (1) There shall be seven categories of licences, that is to say:-

- (a) distributors;
- (b) package;
- (c) retail;
- (d) hotel;
- (e) temporary;
- (f) restaurant; and
- (g) wine and beer."

Now, Mr. President, section 11 deals with the hours for sale of alcoholic liquor. Here again, Sir, I would like to see the hours a little more liberal. I see no reason why we cannot leave the hours of opening to the discretion of the licensee. To me, Sir, it is not really consistent to say that a licensee has to close at 12.00 on Saturday nights because it is Sunday morning, and yet he is allowed to open at 10.00 on Sunday morning. Sir, if we are saying on the one hand that the licensee has to close because it is a Sunday and we have certain inherent respect for a Sunday, then I do not see why he is allowed to open at 10.00 a.m. the next day, when most churches are just beginning to conduct services. So, Sir, I would like to see the hours left to the discretion of the licensee. If that is not possible, I think that maybe the Board in establishing the hours could at the very least extend them during Monday to Friday to 2.00 a.m. and on Saturday nights to 1.00 a.m.

MR. D. EZZARD MILLER (CONTINUING): I say this, Mr. President, for several reasons. I am a non drinker, Sir, so I have no vested interest in having the hours extended. However, if I do take my wife to a dance or a night-club on a Saturday night, we do not usually get there until 9.30 p.m. to 10.00 p.m., and that does not give us much time to enjoy ourselves. Besides that, Sir, at 12.00 a.m. or at 11.50 p.m. no more alcoholic beverages are served. The night-club is closed at 12.00 a.m. and I am put on the street with the person who is intoxicated or drunk. Now, Sir, I believe that if the place was left open until 4.00 or 5.00 in the morning that person who came there to drink would stay there until 4.00 or 5.00 in the morning and drink, and I could leave at 12.00 or 12.30 a.m. with my wife and feel a little safer driving on the roads, because I knew that the drunks were there trying to get their last sip. So I would like to see, Sir, the hours of opening left to the discretion of the licensee.

The applications and what is required for an applicant to complete to be granted a licence is clearly defined under this new Bill, Sir. The steps to be taken to qualify for the granting of a licence are clearly laid out in sections 12. Section 12.(1) says:-

"12. (1) Every person desiring to obtain a new licence other than a temporary licence or to vary an existing licence shall, at least twenty-one days before a licensing session is due to be held, make application in writing in the Form provided in the Schedule to the Chairman of the appropriate Board specifying -

(a) the category of licence desired;

(b) full details of the premises in respect of which the application is made indicating a plan;

(c) the name and age of the applicant;

(d) the proposed specified hours; and

(e) such other relevant information as the applicant desires to impart to the Board."

It goes on in subsection (3), Sir, to say:-

"(3) Every applicant shall, twenty-one days before making an application, affix a copy of the proposed application to some conspicuous place upon the premises named therein and send copies thereof to -

(a) the Chief Medical Officer;

(b) the Commissioner;

(c) the Chief Fire Officer; and

(d) the Executive Secretary of the Central Planning Authority."

It goes on to lay out other requirements which the licensee knows he has to meet before he is granted a licence. I think these kinds of detailed requirements give the licensee a better opportunity to obtain a licence and removes some of the discretions or whims and fancies in the granting of licences by any Board.

MR. E. EZZARD MILLER (CONTINUING): I am also happy, Sir, to see that occasional or temporary licences have been retained. It is true to say, Sir, that the easiest way to raise money at a function in Cayman is to sell liquor. Second to that is food. The service clubs in this country are providing a very worthwhile service, and it is very important that they are allowed to have these occasional licences to raise funds to be put back into the community into social services, etcetera.

The Bill goes on, Mr. President, to provide for the control of drunken and disorderly persons. This new Bill places much responsibility on the licensee, and the onus for the respectful and lawful operation of the premises. It clearly defines the rights of the licensee although it increases his responsibility and, Sir, the Bill even provides for people through the country who may have been convicted of offences involving drunkenness. It says in section 37(1), Sir:-

"37(1) Where a person is convicted by any court of an offence involving drunkenness or to which, in the opinion of the court, the drunkenness of such person has been a contributory factor and such person has within the previous three years been convicted of not less than two other such offences, the court may, in lieu of or in addition to any other punishment imposed, declare such person to be a prohibited person for the purpose of this Law and place such person under restriction for a period not exceeding one year."

Mr. President, I support this section of the Bill and the onus it places on the licensee to assist in restricting this person from consuming alcohol. Drunkenness, Mr. President, is a social disease. It is a sickness which needs to be treated. I would like to see embodied somewhere, Sir, in naming that person a prohibited person, that that person be encouraged or maybe even made to under the Law to undergo some rehabilitative treatment, whether that means joining Alcoholics Anonymous which might be of some help to him or some other treatment. However, drunkenness is a very serious disease and I think it has to be treated as such. I believe that naming such a person as a prohibited person for the purposes of this Law may in fact help in treating that person for his disease.

Mr. President, the abolition of absolute prohibition within the quarter of a mile of a church has my full support. I do not believe that we as legislators can legislate morals, Sir, and I feel that if somebody wants a drink, it really does not matter whether the bar or restaurant is located within the quarter of a mile of a church, or whether it is fifteen miles away. If he wants that drink he is going to get it. I believe, Sir, that those people who consume alcohol should have equal rights under our Constitution to those people who do not and who go to church. I have never supported the absolute prohibition in granting licences to worthwhile establishments within the quarter mile limit, because if we are going to have that prohibition in the Law it is going to be enforced and not be the laughing stock it was under the old Law in that it applied only to those people seeking a new licence. Then, Sir, we might have to restrict the building of churches because some of the Christian fanatics could actually close down all of the alcohol dispensing facilities in the Islands by building churches within a quarter of a mile of each establishment. I think if we are going to prohibit one side we should have to prohibit the other, so I do not think any prohibition is necessary at all, Sir.

MR. D. EZZARD MILLER (CONTINUING): I have no fear of supporting this section of the Bill, Sir, because I took it to the people in my district at a public meeting. I explained what the Law was going to do, and I made it quite clear that we were going to lift the prohibition on a quarter mile zone. I even put it to a vote, Sir, amongst the people because I had one person in the crowd who objected. The vote was 22 for lifting the prohibition and one person against it. Most of those who abstained, Sir, made it a point to approach me after the meeting and tell me that they were in favour of removing it, but because of their positions in the church bodies in the district they could not publicly identify with the removal. So I have no worries about supporting this, or know of any political repercussions.

I am glad, Sir, that the new Government has had the guts as the Honourable Third Elected Member of Executive Council said this morning, to put it into the Bill. Sir, it has my full support, and if other Members find it possible to support my idea of liberalising the hours and letting them be at the discretion of the licensee, or at the very least indicating favourably staying open until 2.00 a.m. on weekdays and 1 o'clock on Sunday morning I would be very grateful, Sir.

So with those few remarks, Sir, I support the Bill. Thank you.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise....? Ah, the Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, as the Deputy Chairman of the Liquor Licensing Board for Grand Cayman I feel that I would be remiss in my duty this afternoon if I allowed the opportunity to pass without debating this Bill before us.

Mr. President, with the exception of the two principal alterations in this Bill, the balance of the Bill is merely a combination of a number of amendments made over the past nine years. So I do not see the necessity to have to go into all the details of this Bill as we have been working with it in one way or the other over a number of years.

The two principal revisions are the composition and tenure of office, and the abolishing of the quarter mile restriction. As intimated by the Honourable First Official Member of Executive Council, the mover of this Bill, I too am aware of the many representations made by certain individuals from Cayman Brac and perhaps locally. However, I believe, Sir, that our duty in this House must supercede the personal feelings of a minority. Our duty is to endeavour to legislate Laws which will be in the best interests of the majority of the people in the Cayman Islands.

I am very pleased, Mr. President, with section 4(3) and (4) of the Bill which states that the Chairmen of the Boards shall be magistrates or Justices of the Peace. Mr. President, in Grand Cayman at present we have no problem with this because our present Chairman is a Justice of the Peace and also the Deputy Chairman. I am sure, Mr. President, that the same could be true about the Lesser Islands. While I agree with the Honourable Third Elected Member of Executive Council that perhaps the people in Cayman Brac and Little Cayman could be left to do as they please, I believe that the Law should apply to all alike. I believe, Sir, that when we put the Chairmanship of the Liquor Licensing Board

MR. LINFORD A. PIERSON (CONTINUING): whether it is in Grand Cayman or Cayman Brac and Little Cayman into the hands of a Justice of the Peace or a magistrate that we are talking about honourable men. We are not talking about men who have no interest in this country and I believe that the objectors to this Bill should bear this in mind.

Mr. President, the Member for North Side raised a very important point in that he stated that under section 5(2) of the Bill the hearing of an application of the Board will be heard in a public place. The Board, Mr. President, is not attempting to hide anything from the public. Any member of the public may, with the permission of the Chairman, come in and listen to the proceedings provided as I said he gets his permission. Section 5(2)(b) states that every person who desires to be heard in any matter relevant to an application shall be heard on oath. Mr. President, I do not think that it is saying very much for our people when we have so much doubt in their ability to do what is in the best interests of this country. The only area of this Bill, Mr. President, which I feel perhaps could cause some amount of stir is the section to do with the abolishing of the absolute prohibition on the granting of licences within the quarter mile limit of a church.

Here again, Mr. President, I see no reason why there should be any anxiety on the part of the churches in this respect, because our Boards are comprised of honourable people; intelligent, reasonable and invariably, Mr. President, religious individuals. So they have an interest also, Mr. President, that nothing is done to harm the people of this country. It also states, Mr. President, in section 8(1) of the Bill that:-

"8. (1) A Board shall not grant a licence to any person unless it is satisfied that such person is -

(a) of good character, and exhibits to the Board a certificate signed by the Commissioner showing his record of criminal convictions (if any) over the preceding fifteen years;

(b) over the age of twenty-one years;"

So we are not dealing with people who are not mature, Mr. President. We dealing with mature, intelligent individuals.

Also under section 9(2) it states that objections will be given very serious consideration. Section 9(1)(e) states that:-

"A Board shall not grant a licence unless satisfied that the premises in respect of which the application is made -

(e) will not cause inconvenience to the occupiers of neighbouring property."

I think it is important, Mr. President, for the public to understand that the Board will not just sit there and grant licences right and left, but that we will take account of any objections made by members of the public and in particular members of the church. However, I think, Mr. President, that it is unreasonable for members of the church to sit back in a holier than thou attitude and see the poor businessmen in this country squeezed because they have no confidence in members whom we have appointed to man these Boards.

MR. LINFORD A. PIERSON (CONTINUING): The Elected Member for North Side raised a very important point. The churches can dictate to us where bars and other liquor establishments should be located. However, nobody suggests to them whether they are permitted to put their church next door to a liquor establishment. There seems to be some amount of inconsistency in this, Mr. President.

I realise, Mr. President, that this is a political hot potato and this is why up to this point in time nobody has had the guts; our legislators have had not had the guts to bring this forward because they are afraid that they will lose votes in the election. However, win or lose votes I am going to support this amendment because whatever I do in this House I want it to be done in the best interests of the majority of the people of this country. We cannot allow political considerations to mar our judgement and I believe that many threats have been made to Members of the House that if they support this, then they will not get the support of the churches. I believe that this is wrong and I want to compliment the Government presently in power for having the guts to put this forward; in particular a non-politician the Honourable First Official Member. He does not have to worry. He does not have any votes to get, but at least he is subjected to the same criticisms from members of the public, and in particular members of the "republic".

Mr. President, I support this Bill wholeheartedly. Again I would like to congratulate the Member for bringing this forward.

Thank you, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak?
The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, the Bill now before this Honourable House, a Bill for a Law to repeal and replace the Liquor Licensing Law (Revised) is a very necessary Bill and I support it.

I have seen the need as the Honourable mover of the Bill said for a Bill which we could all understand. With the eight or more amendments it was difficult if one was not a lawyer to really understand it properly. This coming in one edition now will certainly make it easier to understand for all the people.

I support the composition of the Boards as listed in this and I would like to say to the Honourable Second Elected Member for George Town that in Cayman Brac for many, many years we have had a Justice of the Peace as the Chairman of our Liquor Licensing Board. So it has been properly administered.

We, are law abiding citizens in Cayman Brac and are very grateful to the Honourable mover who has gone to great lengths to explain the provisions of section 9. I share the concern of my people, as voiced here by the Honourable Third Elected Member of Executive Council, my colleague from Cayman Brac. We are concerned that our country improves and does not deteriorate in its social structure. However, I am convinced, and I shall attempt to convince my people, that this gives us the necessary latitude. I, as a member of the Liquor Licensing Board for Cayman Brac and Little Cayman will certainly do all that I can to see that this Law is administered justly to all.

I would like to call the Members' attention to a provision which I think is most important in this Bill, which is section 7, subsection (4):-

CAPT. MABRY S. KIRKCONNELL (CONTINUING):

" (4) A Board may in granting or renewing a licence in respect of any premises designate the whole or any part or parts of the licensed premises as a bar but no area shall be or remain designated as a bar unless it is capable of being locked off from the rest of the premises in such a way as to deny access thereto to persons other than the licensee."

Mr. President, this is a provision which like all of the Bill which needs severe enforcement, must be enforced. In many premises one does not know when one is in the bar or restaurant area, or when one is in the lounge, and it must be seen that this section can be locked off.

Other provisions in this Bill as carried over from the previous Law, are very necessary for the proper, orderly operation of a liquor licensed premises selling intoxicating beverages. I feel the provisions in this are adequate and I look forward as a member of the Board, as I said, to administering it to the best of my ability.

With these few words, Mr. President, I support the Bill.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

MR. W. McKEEVA BUSH: Mr. President, I had....

MR. PRESIDENT: Oh, I am so sorry. Well, I think perhaps it may be convenient to take our afternoon break.

MR. W. McKEEVA BUSH: Then I had not risen then, Sir.

MR. PRESIDENT: I will give the Member his opportunity to speak once we are suitably refreshed. I will suspend proceedings for about fifteen minutes.

AT 3.22 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.52 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I support the idea of a new and comprehensive Liquor Licensing Law, not because I am a strong advocate of the sale of alcohol, but because whether I like it or not people who want to are going to use alcohol. As responsible legislators it is our duty to regulate the sale and distribution of alcohol in our society.

I am not foolish enough, Sir, to believe that this Bill, needed though it is, will cure the ills of alcohol use and alcohol abuse in our midst. Many people, including influential people in my constituency and from elsewhere in the

MR. W. McKEEVA BUSH (CONTINUING): Islands have made representation to me on this Bill. I have listened to them carefully and in many of the cases I share their concern. However, Sir, as I told them as a legislator it is my duty to do here what I believe to be in the best interests of the country. It is my firm belief that while this Honourable House can and should set a moral example for the country, we cannot and I am sure would not want to try to set ourselves up as moral judges of the country.

Mr. President, I am an avid church goer and I would love to see everyone in church on Sundays, not because I am any strong conservative Christian, neither, Sir, am I to be taken as a liberal Christian, not by any means. I like to believe that I am more a moderate. People, since I have been in this House and before, have called me a hypocrite and they call nearly all church goers hypocrites. However, that is very far from the truth. I am no hypocrite, Sir. I go to church because I am not afraid to see myself as I am, and I am reminded when I am in church of what I really am. When I am in church, I see real truths. I see genuine honesty. I see real love on a cross. So these people who might call church goers hypocrites and for this reason stay away from the church door are afraid to come in because they are afraid to see themselves as they are. They prefer to give a few dollars to charity and to get up every morning and look in the mirror and say what a "good boy am I". Yes, Sir, they live in the world of make believe, the world of sham.

Having said that, I do not believe, Mr. President, that this country would tolerate it if we come here and tried to pass a Law forbidding the sale of alcohol within the country. Further, Sir, it is my belief that if we did pass such legislation it would be ignored by the populace just as it was ignored when an attempt was made years ago to enforce such a Law in the United States. I am sure, Mr. President, that the older heads all remember those episodes. Many of them worked on the Cayman boats which ferried the illegal liquor from Cuba to the United States' coastal ports. That type of legislation, Sir, makes law breakers and criminals out of otherwise good and lawful citizens.

Some people have asked me, Mr. President, how can I be so strongly opposed to drugs such as ganja and cocaine while condoning the use of alcohol. I believe, Sir, it is fair for me to say that in the true meaning of the word I condone neither alcohol use and abuse or the use of drugs such as ganja or cocaine. However, Sir, I and the rest of this House were elected to guide the country and to pass legislation here to effect that guidance.

I was born into a world using and abusing alcohol. In fact I have read of its presence in the world since the time of Noah's flood. I feel that it was here even before that time. If no one then today has succeeded in abolishing the use of alcohol in all this time, it is unlikely that I or this Honourable House will be able to do so. However, we can and will, Sir, with this Bill if it is passed, try as far as is possible to regulate its use in our society.

Mr. President, I am very well aware of the results of alcohol abuse. I see it around me every day and everywhere I look. Maybe I am a victim of the abuse of alcohol. The abuse of alcohol often results in social problems which we must also deal with. That, Sir, is my reason for supporting most of the increases in the licensing fees we heard about in the Budget Address. I say most, Sir, because the increased fees for package licences, in my opinion, are ridiculous. I do not know whether this is the place to say it, however, although I am not disputing the

MR. W. McKEEVA BUSH (CONTINUING): fact that they should be increased, the fee in my opinion is certainly ridiculous. I have also had strong representation from people in my district. However, knowing the Government I understand that it was a mistake and that it will soon be changed and the fees will be of a different structure. So I hope the Opposition will take note.

To go on, Sir, contrary to what some people may think there are package stores which are not owned by the few monopolising wholesalers and these independent package stores have much difficulty competing with the wholesalers. In some instances the wholesalers have a package outlet in their stores. We have small package stores in the Islands which are not in the commercial and tourist related areas and there is one package store in West Bay and two in Bodden Town. These stores, Sir....

MR. PRESIDENT: I think the Member is tending to talk increasingly about levels of fees which really do not arise directly out of this Bill. They are a separate issue which has been debated separately. Unless the Member can very soon explain in what way he relates the points he is making to the Bill which is now under consideration I shall have to bring him back to the Bill itself or stop him.

MR. W. McKEEVA BUSH: Thank you very much, Sir. I was just coming to a close on what I was saying. All I want to do is make the point, Sir, that the fees which were proposed are very dramatic, and in my opinion uncalled for. I realise....

MR. PRESIDENT: It is not part of this Bill.

MR. W. McKEEVA BUSH: Yes, Sir, I am straying but I did want to get the point across. I believe I have made my point. Thank you very much, Sir. I abide by your ruling.

Mr. President, the removal of the section which prohibits the granting of a licence within the quarter mile radius of a church, school or civic centre was put into the Law and I believe I am right in saying this, after licences had already been granted to some places within that quarter mile radius. So, Sir, whatever evil it was seeking to prohibit had already been done.

I want to say, Sir, that I will agree with this section only because under the Law the Board will have to meet in the public, hear representation from individuals or groups which would include churches and other civic organisations. It would be impossible, in my opinion, under the provisions of the Law for an open bar-room where loud boisterous music and voices could disturb church services. I could never agree with that and I hope that the Board in Grand Cayman at least will take that into consideration. I do not have anything against granting a licence to an enclosed business where people can sit down decently and have a decent meal, and if they want to have a glass of wine I can agree with that, Sir. Our Caymanian people have suffered. I myself have been a victim of this and I know what they are going through so I can support the idea as I said, hoping that the Board will take the church into consideration.

Mr. President, it was last year I believe, or 1983 when we saw some retroactive legislation brought to this House concerning liquor licensing. I would trust that under this Bill we would never have to face that sort of situation.

MR. W. McKEEVA BUSH (CONTINUING): It was John Ruskin I believe who said, "A good law is one which holds whether you recognise it or not. A bad law is one that cannot, however much you ordain it. All too often the old law fails to hold".

Mr. President, the watchword of this Government is responsibility and accountability. The Liquor Licensing Boards created by this Bill will consist of reasonable and responsible persons, people who will examine every application on its merit. Mr. President, we have heard much talk about the appointment of Boards since this new Government has been elected. I myself nominated a man from my constituency....

MR. PRESIDENT: I hope we are going to keep to the present Bill.

MR. W. McKEEVA BUSH: Yes, Sir, but does the Bill not talk about Boards?

MR. PRESIDENT: Yes, but that does not give the Member licence to talk about the particular appointments to other Boards on various occasions.

MR. W. McKEEVA BUSH: I am only talking about the Liquor Licensing Boards. Mr. Mitchell Welds, Sir, is a member of the Liquor Licensing Board for Grand Cayman. With respect I am dealing with that, Sir.

MR. PRESIDENT: Well, you satisfy me but really what you should be addressing is the question of whether in principle the kind of provision in relation to the appointment and composition of a Board for which the present Bill provides, is in your view right or wrong. This is not the place to either criticise or applaud or question or comment on particular appointments.

MR. W. McKEEVA BUSH: Thank you, Sir. You may be right. Anyway, Sir, I just want to say that this man is an honest man and I believe that he knows what he is doing, and I have confidence in him to do right by this country. That is why I said that the watchwords of the Government are responsibility and accountability. That was the point I was trying to make. Anyway I still abide by your ruling.

MR. PRESIDENT: Having made your point, I quite understand.

MR. W. McKEEVA BUSH: However, Sir, even before the application is considered by the Board the Planning Department must approve the site, and the Health Department and the Fire Department must also give their approval. It does not seem to me to be a one step procedure, Mr. President, and I do not expect to find the responsible people on our Planning Board or in our Fire and Health Departments giving any such approvals where it is not merited.

Further, Mr. President, once this Bill is passed the law enforcement arm of Government, I believe, will have a clear and understandable piece of legislation, legislation, Sir, which they can, and I hope, they will enforce.

Mr. President, there are more speak-easies or unlicensed alcohol outlets in this country than there are licensed outlets. In some cases they are almost on the doorsteps of the churches, schools and civic centres. Many of them, Sir, are situated under a tree

MR. W. McKEEVA BUSH (CONTINUING): in the back yard somewhere, and all too often the sale of hard drugs goes hand in hand with the illegal sale of alcohol. These are the places, Sir, which in my opinion contribute most to our social problems in that they make alcohol available to anyone at any time irrespective of age, as long as they have the money to pay.

Mr. President, I do not care to say too much on this at this time but I cannot help but believe that the police must be aware of these places. Yet how often I would ask, do we see anyone brought before the courts. If it was a weakness in the old Law I hope they will take note now and understand that new and workable legislation is being passed by this House, and the Members of this Government, and the people of this country expect them to enforce it.

Mr. President, I repeat that it is my duty as a legislator to do here what I believe to be in the best interests of our country.

With these few words, Mr. President, I support the Bill and suggest that we now go right into Committee since the Opposition has gone. (LAUGHTER).

MR. PRESIDENT:

Order, Order.

Does any other Member wish to speak?
Does the mover wish to exercise his right of reply?

HON. DENNIS H. FOSTER: Yes, Sir, very briefly. I would just like to refer to the points made by the Elected Member for North Side, and to say to him that when the Board is considering the hours of opening at the next annual session, we will bear in mind the points which he has made on that.

Apart from that, Sir, I would just like to thank the Members very much for supporting the Bill.

MR. PRESIDENT:

The question before the House is that a Bill entitled a Bill for a Law to repeal and replace the Liquor Licensing Law (Revised) be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT:

The House will now go into Committee to study a Bill entitled a Bill for a Law to amend the Defamation Law (Revised) and other Bills.

THE DEFAMATION (AMENDMENT) BILL, 1985

COMMITTEE THEREON

MR. CHAIRMAN:

Please be seated.
The House is now in Committee. The Defamation (Amendment) Bill, 1985.

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN:

The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2 OF LAW 27 OF 1966.

MR. CHAIRMAN: Before I put the question on Clause 2, perhaps it may be convenient at this stage just to ask whether the House will agree that in accordance with the practice we have been adopting recently, the Honourable Second Official Member shall be empowered to correct any printing, typographical or similar errors which may have crept into the printed version of the Bill. That saves the Committee from the task of having to identify each one and to approve the corrections. Perhaps I can just ask those who agree with that practice continuing, to say aye.

MEMBERS: Aye.

MR. CHAIRMAN: As no one disagrees, for this Bill and for other Bills which we are considering today in Committee, the Honourable Second Official Member is so empowered.

The question now is that Clause 2 stand part of the Bill. If no Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 13 OF THE PRINCIPAL LAW.

MR. CHAIRMAN: The question is that Clause 3 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE DEFAMATION LAW (REVISED). LAW 27 OF 1966.

MR. CHAIRMAN: The question is that the Title stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes a Bill for a Law to amend the Defamation Law (Revised).

We turn next to the Legislative Assembly (Immunities Powers and Privileges) (Amendment) Bill, 1985.

THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1. stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 3 OF LAW 24 OF 1965.

MR. CHAIRMAN: The question is that Clause 2 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE LEGISLATIVE ASSEMBLY
(IMMUNITIES POWERS AND PRIVILEGES) LAW (REVISED).

MR. CHAIRMAN: The question is that the Title stand
part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes a Bill for a Law to
amend the Legislative Assembly (Immunities Powers and Privileges)
Law (Revised).

We turn next to the Marine Conservation
(Amendment) Bill, 1985. Before I invite the Clerk to start on
that perhaps it may be convenient to draw the attention of Members
to Standing Order 52(8), the effect of which is essentially that
if a new clause is proposed to a Bill, then discussion of that new
clause and the proposal, that the clause be added, come after all
the clauses in the Bill have been considered. I am bound to
confess that I had hitherto overlooked that particular provision,
and I suspect that in the past the practice has crept in of taking
a new clause in the place in the Bill in which according to its
number it would come instead of first discussing all the clauses
in the Bill and then at the end discussing the new clauses. However,
since paragraph (8) of Standing Order 52 has come to my notice, and
since it is mandatory rather than permissive, I think we should
observe it. Therefore all the amendments of which I have been given
notice, I think relate to new clauses.

Anyway, we will go through the clauses
in the present Bill to start with and then take any new ones.

THE MARINE CONSERVATION (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 stand
part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 24 OF LAW 19 OF 1978.

HON. VASSEL G. JOHNSON: Mr. Chairman, that Clause 2 is to
become valid if the amendments proposed are accepted as Clause 4.
So there are two clauses to go between Clause 1 and that one.

MR. CHAIRMAN: Am I right that in addition to it
becoming Clause 4 which is a point which will automatically get
swept up if we do add the two other new clauses later, that there
are to be some minor amendments to it? The notice of a Committee
Stage amendment which was circulated, I think yesterday, in your
name which proposes the insertion of a new Clause 2 and a new
Clause 3, not only proposes the re-numbering of the existing
Clause 2, but also proposes two changes to the existing Clause 2.
Am I right?

HON. VASSEL G. JOHNSON: No, the existing Clause 2 remains,
Mr. Chairman.

MR. CHAIRMAN: According to the note which I have got...

HON. VASSEL G. JOHNSON: Yes, Sir, there are some slight changes to it. You are quite right.

HON. MICHAEL J. BRADLEY: This with respect is why I have been turning a Nelsonian eye to Standing Orders, because the difficulty as I see it is that if we now take as we have to under the Standing Order to which you referred, Sir, any changes to this, the changes to this are done on the implicit understanding that we will in fact then go back and put in the two new clauses to the Bill. Whereas if by any....

MR. CHAIRMAN: They would not be necessary if we did not put in the two new clauses?

HON. MICHAEL J. BRADLEY: They would not be necessary if we did not put in the two new clauses. This is the point that if then, having gone back, either or both of the two new clauses are not in fact put in, then we will have to recommit this one to remove the things which we have put in before.

MR. CHAIRMAN: I am sorry. I did not realise that. Well, maybe when we have a Committee on Standing Orders it will have to look at Standing Order 52(8) and alter it.

Let us for the moment consider the two amendments which have been proposed on the assumption that we may add the clauses later. If we find we do not add the clauses, then we will have to come back to Clause 2. Would the Honourable Fourth Member of Executive Council care to confirm that he wishes to make the two amendments to the existing Clause 2 which were circulated in his name?

HON. VASSEL G. JOHNSON: Yes, Sir, if that is the procedure I agree with it.

MR. CHAIRMAN: I think according to the present Standing Orders it is, because the... So the two proposals are that the full stop should be substituted for the words "Law 19 of 1978" in the marginal note, and "principal Law" should be substituted for "Marine Conservation Law, 1978" in the first two lines.

I will put the question first that Clause 2 be amended as proposed.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: I will now put the question that Clause 2 as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

HON. MICHAEL J. BRADLEY: Perhaps the Clerk would note that there are three small typographical errors in that clause and I will consult with her and tell her what they are.

CLERK: CLAUSE 3. REPEAL AND REPLACEMENT OF SECTION 25 OF THE PRINCIPAL LAW.

MR. CHAIRMAN: Perhaps just to explain to Members so there is no misunderstanding, Clause 3 will also automatically be renumbered if we add the new clauses. However, for the moment we take it as Clause 3.

have....

If no Member wishes to speak on it, I

MR. D. EZZARD MILLER: Mr. Chairman, excuse me, Sir, but for my own clarity I believe I circulated an amendment to Clause 1 of the proposed amendment which is now replacing Clause 2. So maybe I should....

MR. CHAIRMAN: No, we come to that. After we have done these three there will be a proposal for a new clause. That is that when that is debated your amendment to that new clause will come in.

MR. D. EZZARD MILLER: Alright, Sir.

MR. CHAIRMAN: You are not missing your chance.

MR. D. EZZARD MILLER: Alright, Sir.

MR. CHAIRMAN: I was saying I have not had any proposed amendment other than the renumbering to Clause 3. So unless any Member wishes to speak I will put the question that Clause 3 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

HON. MICHAEL J. BRADLEY: Now, I think, Sir, we come back to....

MR. CHAIRMAN: To the new clauses before we....

HON. MICHAEL J. BRADLEY: Yes, Sir.

MR. CHAIRMAN: Now, I had a proposed Committee Stage amendment I was given notice of by the Honourable Fourth Elected Member of Executive Council. It was a proposal to insert a new Clause 2. Perhaps it will be helpful if I just read it so that Members are certain what we are talking about. It was a marginal note, "Amendment of section 14 of Law 19 of 1978", and then the new Clause 2:-

"Section 14 of the Marine Conservation Law, 1978, in this Law referred to as the principal Law, is amended -

(a) by deleting everything between the word "offence" in the second line and the fullstop; and

(b) by substituting "prohibited" for "restricted" in the marginal note."

I have also had and I must get this quite right, notice from the Elected Member for North Side and the Honourable Second Official Member that the amendment which I have just read out be itself amended by adding a new subparagraph which would read:-

(c) by the addition, immediately following the word "Whoever" in line one thereof, of the following words - "has a speargun in his possession in the Cayman Islands or".

MR. CHAIRMAN (CONTINUING): I have also been given notice of another amendment by the Elected Member for North Side. That amendment is to substitute for subparagraph (a) of the proposed new clause:-

"unless licensed by the Board who may in granting such licence make such conditions as to possession and use as it may think fit";

MR. D. EZZARD MILLER: Mr. President, I think if we allow the word "prohibited" in the marginal note we cannot then say that the spearguns can be licensed. Should not the word "restricted" remain as a marginal note?

HON. VASSEL G. JOHNSON: Mr. Chairman, I believe (b) in Number 1 of the proposed amendments could very well fall away if we accept the recommendations of the Elected Member for North Side, because in fact spearguns would not then be prohibited but would be restricted as they are in the Law at the present time.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. Chairman, Sir, if it were the wish of the mover of the original amendment and of the Elected Member for North Side and of the Members of the House, if I could try to take the opportunity after you have formally put the amendment to the House to show what the section of the Law would read like if both the Honourable Fourth Elected Member of Executive Council's amendment and the Elected Member for North Side's amendment to the amendment were all passed. I think the wording is rather tortuous as it has to be under Standing Orders, Mr. Chairman, and if you put the question I could then attempt to read it as it would be if everything was passed.

MR. CHAIRMAN: I think in order to comply properly with Standing Orders it is necessary for me to put the three questions separately. However, I do think it would be helpful if Members all knew what the effect would be if they voted yes both to the original new clause and to the two amendments to it. I am hoping that we can complete the business fairly soon and I am neglecting the fact that it is just after 4.30 p.m.

MR. D. EZZARD MILLER: Can we adjourn and complete the business right down the list to the Liquor Licensing Law, Sir? Could we suspend Standing Orders?

HON. VASSEL G. JOHNSON: Mr. Chairman, perhaps I could read to you what the amended section of the Bill, that is section 14 would now read?

MR. CHAIRMAN: That would be very helpful I think.

HON. VASSEL G. JOHNSON: The marginal note would remain the same, "Use of spearguns restricted". The section would read:-

"Whoever has a speargun or takes any marine life with the aid of a speargun in Cayman Waters unless licensed by the Board who may in granting such licence make such conditions as to possession and use as it may think fit";

Something is missing there.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I would like to bring your attention, Sir, to Standing Order 10(2). If we wish to continue we should put a motion....

HON. VASSEL G. JOHNSON: I have left a few words out there, Sir. It reads:-

"Whoever has a speargun or takes any marine life with the aid of a speargun in Cayman Waters is guilty of an offence unless licensed by the Board who may in granting such licence make such conditions as to possession and use as it may think fit";

HON. MICHAEL J. BRADLEY: Mr. Chairman, let us regularise things. May I formally move the suspension of Standing Orders in order to have the Committee Stage of the Bill presently before the House disposed of. That will get it that far.

MR. CHAIRMAN: I think it is perhaps as well to do that. I had been hoping that we would only take three or four minutes beyond the moment of interruption and the Standing Order 10(2) does allow me that amount of licence. However, it may be that we are going to take another five or ten minutes. Perhaps therefore we should put formally a motion that Standing Orders be suspended. Can that be done in Committee or do we have to resume the House? I think probably it has to be the House which suspends Standing Orders. I do not think a Committee can do it.

So I think I will resume the Chair.

HOUSE RESUMED

MR. PRESIDENT: Please be seated. I wonder whether the Honourable Second or First Official Member, whichever you like would like....

SUSPENSION OF STANDING ORDER 10(2)

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I should like to propose the suspension of Standing Orders to enable the Committee Stage of the Bill shortly entitled the Marine Conservation (Amendment) Bill, 1985 to be disposed of. I would say, Sir, in addition that having disposed of that, it may be possible that some other Member may wish to move a further suspension of Standing Orders for a limited purpose also. However, I think if we go that far we will see how long it takes.

MR. W. McKEEVA BUSH: I would suggest that we try to finish what we have here in Committee now.

MR. PRESIDENT: Do you mean the Committee Stage of all the Bills?

MR. W. McKEEVA BUSH: Yes, I think we should try to do that, Sir.

HON. DENNIS H. FOSTER: I agree with that, Sir.

HON. MICHAEL J. BRADLEY: I accept the amendment.

MR. PRESIDENT: The motion before the House then is that Standing Orders be suspended so as to enable the Committee Stages of all the Bills to be completed this evening.

HON. MICHAEL J. BRADLEY: Of all the Bills on today's Order Paper.

MR. PRESIDENT: Sorry, I meant on today's Order Paper.

QUESTION PUT: AGREED. STANDING ORDER 10(2) SUSPENDED TO ENABLE COMMITTEE STAGE ON ALL BILLS ON THE ORDER PAPER TO BE COMPLETED.

MR. PRESIDENT: The Committee will resume.

COMMITTEE RESUMED

MR. CHAIRMAN: Please be seated.

HON. VASSEL G. JOHNSON: Mr. Chairman, I would like to request that the Honourable Second Official Member deals with these amendments because they are somewhat complicated.

MR. CHAIRMAN: I am not sure. Have all Members understood because I think the Honourable Fourth Elected Member of Executive Committee did read out how the....? No?

HON. MICHAEL J. BRADLEY: Not exactly, Sir.

MR. CHAIRMAN: Very well. Would it be the wish of the Committee that I should invite the Honourable Second Official Member to read out how the section of the Law will read if the Committee approves the new clause proposed by the Honourable Fourth Elected Member of Executive Council, the amendment to it proposed by the Elected Member for North Side, and the amendment to it which he himself proposed? Then the Committee will understand what the section is going to look like if we agree to everything which has been proposed.

MR. D. EZZARD MILLER: Yes, Sir.

HON. MICHAEL J. BRADLEY: Mr. Chairman, if all three amendments and amendments to amendments were passed the section would read, and I will go slowly:-

"Whoever has a speargun in his possession in the Cayman Islands or takes any marine life with the aid of a speargun in Cayman Waters is guilty of an offence unless licensed by the Board who may in granting such licence make such conditions as to possession and use as it may think fit;"

MR. CHAIRMAN: Have all Members of the Committee followed that?

HON. VASSEL G. JOHNSON: Yes, Sir. That is the amendment.

MR. CHAIRMAN: I am sure that is the effect of the new clause and the amendments. Now, as I explained before, for technical reasons to comply with Standing Orders, I have to put the questions one at a time.

MR. CHAIRMAN (CONTINUING): Firstly I will put the question that the new clause be added in the form proposed by the Honourable Fourth Elected Member of Executive Council, secondly that that new clause be amended in the manner proposed by the Elected Member for North Side, and thirdly that the amended clause be further amended in the manner proposed by the Honourable Second Official Member. Then I would have to put the clause as amended. If the vote is "aye" for all those things the effect will be what has just been read out. First therefore....

MR. W. McKEEVA BUSH: May we speak on it, Sir?

MR. CHAIRMAN: Yes, you may speak. You may speak on each of the parts, on the clause, on the amendment, and on the second amendment. So the first question is that a new Clause 2 as proposed by the Honourable Fourth Elected Member of Executive Council should be added. Does any Member wish to speak on that?

MR. W. McKEEVA BUSH: Just a question, Sir. Fees are talked about here. Will the Law say what sort of fee will be charged?

MR. CHAIRMAN: I do not think we are talking about fees quite honestly.

HON. VASSEL G. JOHNSON: No, Mr. Chairman, there is nothing there about a fee, unless my eyes are bad.

MR. W. McKEEVA BUSH: No, I am sorry. They are not talking about fees, but they are talking about a licence. I guess to get a licence somebody is going to have to pay.

HON. MICHAEL J. BRADLEY: Perhaps I could assist the Member with the permission of the Honourable Fourth Elected Member of Executive Council. Under the Law as it stands at the moment the regulation making powers contained in section 24, subsection (h) says:-

"The Governor may make regulations -

(h) fees to be charged by the Board for receiving applications and granting licences under this Law;"

So there is a power at present contained in the Law to charge fees for granting licences, and I think the proper course would be for the Second Elected Member for West Bay to make representation as to the amount charged for those licences to the appropriate Portfolio.

MR. W. McKEEVA BUSH: My understanding of the Regulations is that in the Regulations a fee will be....

MR. CHAIRMAN: Well, the Law gives power for a fee to be prescribed for a licence by regulation. That is the way it would be done and the Honourable Second Official Member was suggesting that you should make representations to the Portfolio about what in your view would be a reasonable fee to charge for a licence of the kind which we are now contemplating.

HON. VASSEL G. JOHNSON: Mr. Chairman, it is very likely that a fee will be charged for the licence because no licence is much good without a fee. However, I am sure that the Executive Council will have mercy in deciding on the quantum of the fee.

MR. CHAIRMAN: I would think that perhaps this is really not a revenue raising measure and the fee would be such to cover the administrative costs of issuing the licence.

MR. W. McKEEVA BUSH: Yes, well that is really my concern, and knowing that they are not bad fellows I am hoping that they are not going to charge too much. (LAUGHTER).

MR. LINFORD A. PIERSON: Mr. Chairman, will section 14(a)(i) and (ii) remain in the Law? It is noted that the amendments deal with up to "think fit". They are part of the Elected Member for North Side's motion. The rest of that paragraph says:-

"save that the use of a speargun -

(a) (i) by any one person to take for human consumption only six fish or less per day;"

MR. CHAIRMAN: That all goes.

HON. MICHAEL J. BRADLEY: It all goes. It all goes under the Honourable Fourth Elected Member of Executive Council's original amendment.

MR. LINFORD A. PIERSON: This section of the Law will be deleted?

MR. D. EZZARD MILLER: Just section 14(a) and (b).

MR. CHAIRMAN: I did try to explain earlier but let me try again. If the Committee votes in favour of the new clause, the Elected Member for North Side's amendment to it, and the Honourable Second Official Member's amendment to it, then the eventual effect will be a new section 14, the wording of which will be as read out by the Honourable Second Official Member earlier.

MR. LINFORD A. PIERSON: I understand that, Sir, but that would in fact change the whole meaning of section 14, because as I understand it the new amendments would read:-

"Whoever has a speargun in his possession in the Cayman Islands or takes any marine life with the aid of a speargun in Cayman Waters is guilty of an offence unless licensed by the Board who may in granting such licence make such conditions as to possession and use as it may think fit;"

This really does not provide for any number of fishes which may be taken by say one person in one day.

MR. CHAIRMAN: It leaves it to the Board.

MR. LINFORD A. PIERSON: It leaves it fairly well open.

MR. CHAIRMAN: It leaves it to the Board.

MR. LINFORD A. PIERSON: *Alright.*

MR. CHAIRMAN: *The Board would have power to do that, and we would be trusting the Board to put a reasonable limit on,....*

MR. LINFORD A. PIERSON: *Alright, Sir.*

MR. CHAIRMAN: *....and only to licence those people who reasonably needed to use spearguns at all.*

MR. LINFORD A. PIERSON: *This is the section, Sir, which I was just a little afraid of, that it should be properly controlled.*

MR. CHAIRMAN: *Well, now can I put the question then that the new clause stand part of the Bill, that the new clause be agreed.*

QUESTION PUT: AGREED. CLAUSE GIVEN A SECOND READING.

MR. CHAIRMAN: *Secondly, I will put the question that the clause be amended in the sense proposed by the Elected Member for North Side. Unless any Member wishes to discuss that I will put that question.*

AMENDMENT I - *That the Clause be amended by the deletion of the semicolon at the end of sub-paragraph (a) thereof, and the substitution therefor of the following -*

"and substituting therefor "unless licensed by the Board who may in granting such licence make such conditions as to possession and use as it may think fit"."

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: *Now I will put the question that the clause as amended be further amended in the way proposed by the Honourable Second Official Member. Unless any Member wishes to debate that I will put that question.*

AMENDMENT II - *That the Clause be amended by the deletion of ".," immediately at the end thereof and the substitution therefor of the following -*

"; and

(c) by the addition immediately following the word "Whoever" in line one thereof, of the following words "has a speargun in his possession in the Cayman Islands or"."

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: *Now I will put the question that the clause as twice amended be added to the Bill. It will now be as read out by the Honourable Second Official Member.*

QUESTION PUT: AGREED. NEW CLAUSE 2 AS TWICE AMENDED ADDED TO THE BILL AND CLAUSE 2 AS AMENDED AND PASSED, RENUMBERED AS CLAUSE 4.

MR. LINFORD A. PIERSON: Mr. Chairman, I need just a bit more clarity on one point here because I want to be able to explain the Bill to my people. Am I to understand, Sir, that any time a certificate or application is granted, that that will state specifically how many fish or lobsters a person may take, because it would seem an onerous task for the Board? If it was contained in the Bill it would already be there, but for one to have to write in on each occasion for each person coming for an application would seem pretty onerous.

HON. MICHAEL J. BRADLEY: I think the Board might establish a general principle of what they would incorporate, and have a consistent policy that each licence when granted would give a standard permission for a standard number. That would be my hope and expectation, Mr. Chairman.

MR. CHAIRMAN: I do not think the Board would expect each licensee to apply every day before he went out and caught a fish for details of how many fish he could catch that. I think they would say that for instance he could catch up to ten lobsters or two fish or whatever might be the case. As the Member says I hope they would be consistent in what they would grant to different people.

HON. VASSEL G. JOHNSON: Mr. Chairman, the Board will establish a policy which they will use as a guide. It is very likely that that policy will be examined quite carefully before it is put into effect.

HON. MICHAEL J. BRADLEY: New Clause 3?

MR. CHAIRMAN: I am most grateful to the Committee for their help in guiding us through that.

We now come to a second proposed new clause. This second proposed new clause was contained in the Committee Stage amendment put forward by the Honourable Fourth Elected Member of Executive Council, and it was a proposal which sought to insert a new Clause 3 amending section 15 of the principal Law. It has not been....

HON. VASSEL G. JOHNSON: Mr. Chairman, it was just an amendment to Clause 15. It is not a new Clause 15. It is just an amendment.

MR. CHAIRMAN: No, it is a new Clause 3 amending section 15 of the principal Law.

HON. VASSEL G. JOHNSON: You are right, Sir.

MR. CHAIRMAN: If I did not say that I would trip myself up but that is what it is. I have not seen any proposals to amend it, therefore....

HON. VASSEL G. JOHNSON: Well, we were all concentrating on the spear-gun, Sir, but nobody made any specific recommendations.

MR. CHAIRMAN: I am not too sure from the....

HON. VASSEL G. JOHNSON: Nobody made any specific recommendations. I know that it was mentioned during the debate.

MR. CHAIRMAN: I wondered whether....

HON. MICHAEL J. BRADLEY: There have been discussions and I do not think there was any intention to formally move an amendment to the amendment.

MR. D. EZZARD MILLER: No, Sir, as long as it is clear that seines and gill nets do not include a casting net for catching bait I have no problems with the amendment as proposed.

HON. MICHAEL J. BRADLEY: The Member has been reassured?

MR. D. EZZARD MILLER: Yes.

MR. CHAIRMAN: In that case the question is that a new Clause 3 amending section 15 of the principal Law be inserted. Perhaps for the record I ought to read out what that new Clause 3 will read. It will have a marginal note:-

"Amendment
of s. 15 of
the principal
Law."

The clause itself reads:-

"3. Section 15 of the principal Law is amended by deleting "other than for human consumption or fish bait" in the second and third lines."

Does any Member wish to speak on the proposed addition of this clause?

MR. LINFORD A. PIERSON: Mr. Chairman, it is just that I recall that this morning the Elected Member for East End who is not here now did express concern for the welfare of the people in East End if this was a complete prohibition of the use of seines in his district. A lot of people depend on seines for a living for domestic and commercial needs. I am not trying to speak on his behalf but in view of that and the fact that I do know the situation which exists in that district, I wonder if we could not make a similar amendment for the use of seines. I am not too familiar with gill nets but we could make an amendment for the use of seines as we did with spearguns. That could also be controlled in a similar manner.

MR. W. McKEEVA BUSH: I would agree with that, Sir. I have had some people say the same thing to me and I am concerned, not that I believe there are dozens of people in my constituency using seines. However, the seine is used and I believe it does provide a livelihood for some people. Since we say that one can licence a speargun I feel that maybe the same provision should be made for the seine. I have never seen gill nets so I do not know what they would look like. I understand they are not a good thing so I have no qualms about that. However, the banning of the seine in my constituency would cause some hardship and I feel that we can make some provision for it.

MR. CHAIRMAN: If the Member was to move an amendment, or was to get leave to do so as leave would have to be sought to move an amendment to the proposed new clause on lines similar to the amendment moved by the Elected Member for North Side in respect of spearguns, would the Honourable Fourth Elected Member of Executive Council whose clause it is be prepared to accept it?

HON. VASSEL G. JOHNSON: Yes, Mr. Chairman, I will accept it.

MR. D. EZZARD MILLER: Mr. Chairman, I think that the difference here, Sir, is in the potential damage which can be done to marine life. A speargun, even when it is licensed can only take one fish at a time. I have operated seine nets and I have been one of those who has caught fish in seines. I do not think it is a method which is very widely used in the Islands today. If we allow the casting net to continue to be used I think that an amendment to this to licence seines might in fact detract from what we are trying to achieve, because of the potential damage which a seine net can do in that it is going to take everything which swims in its wake, whereas a speargun will only take one fish. That is my only reservation about licensing a seine net. We cannot have the same provision for the use of a seine net as we have for a speargun because it is going to be very difficult for somebody seining a school of fish to only take six or eight fish. The way the seine net operates is that it is pulled under the school of fish after surrounding them, and they are lifted out of the water as if in a hammock. It is going to be very difficult to restrict the quantity. What is going to happen is that whoever is seining the fish is forced almost to take the whole catch. I have seen people try at times, for instance in a school of yellow jacks because of the amount surrounded, to reduce the school so they could lift it out in the hammock. Once there is one opening, Sir, it seems that the jacks follow all the tails and one can never get it back on the ground in time to stop five or six. So one either takes all or takes none.

That is my concern and I think it is going to be difficult for the Board to put a restriction as it can on the speargun where it can say somebody can only take ten fish or five lobster. To try and work that kind of a thing into a fish pot and a seine net is going to be very difficult for the Board to establish and control.

MR. W. McKEEVA BUSH: I think, Mr. Chairman....

HON. VASSEL G. JOHNSON: Mr. Chairman....

MR. CHAIRMAN: One at a time. It was in fact the Second Elected Member for West Bay who first caught my eye.

MR. W. McKEEVA BUSH: Mr. Chairman, I do not think I or the Second Elected Member for George Town are asking that a seine net be licensed to take a few fish. I would be stupid to believe that, Sir. I have seen the seine nets in action. What I am saying is that I feel that we can licence the amount of fees - I am sorry seines, I am getting mixed up with fees - as we are doing with the spearguns. The purpose of licensing the spearguns is so that the authorities have some control on the amount of spearguns. I do not think it is the amount of fish, it is the amount of spearguns we are talking about. I am saying that there are people who have to use the seine net for a livelihood. There may not be dozens as I said before but there are people, and I feel that we have to take those people into consideration.

Now, I know I voted no on the Bill but I feel that I should have my say here on it.

MR. CHAIRMAN: The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. Chairman, I wanted to say that I should make my position clear. I said I would agree with the amendment provided the majority of the Members here agreed with it. However, you may remember that I spoke very strongly against the operation of seine nets and the destruction it had done out in the harbour here to schools of fish. If it is so that the Committee recommends a similar amendment to that done with the speargun, it is very likely that the conservation committee is going to place a little more restriction on seines so that at least they will not be able to operate in places like George Town harbour.

HON. MICHAEL J. BRADLEY: Could I, Mr. Chairman, through you ask my fisherman colleague exactly where seine nets are mostly used. The point is that there is a phrase here which says that they shall not be used in Cayman Waters and Cayman Waters are not as Members may think, our fishery limits of 300 miles. They are in fact under the Interpretation Clause only the territorial waters. So it is only a three mile limit which we are dealing with from the shore. There is no restriction whatsoever placed in this Bill on the use of any type of net within our fishery limits. I do think that the use of seine nets is a drastic method of catching fish, and if we are attempting to conserve our inland waters, the inland waters could be conserved by a ban only within the three miles. There is still the ability for fishermen to use their nets outside the three mile limit.

MR. LINFORD A. PIERSON: Mr. Chairman, I believe of the Members present here I have as much experience as the other man in the use of seines, because I grew up in an area which used seines exclusively for a living. While I agree, and as I said this morning I believe in conservation and am a conservationist, I think we have to be practical with any legislation which we attempt to pass here. The legislation should not only be something which we feel is going to satisfy a particular situation. It should be good for our people and I believe that it would be creating undue hardship if we prohibited the use of seines in the eastern areas of the Islands. The people there not only rely on the seines for domestic use or day to day eating, but the reason why they use the seine is so that they can get sufficient fish to sell and make a living.

So, while I feel that the seine nets should be closely controlled, I believe that to prohibit the use of seine nets would be a big mistake. I will bow to the ruling of the majority of the Members but I would like to point out that we should be very careful not to be too very harsh and restrictive on this.

MR. W. McKEEVA BUSH: Mr. Chairman....

MR. CHAIRMAN: No, you are going to have to wait for me to call you because I have about three people who want to speak all the time. The First Elected Member for the Lesser Islands has not had a go yet.

CAPT. MABRY S. KIRKCONNELL: Mr. Chairman, I agree with the Second Elected Member for George Town. I feel that if we licence it we can control it and they will only licence people whom they feel will deal in a proper manner. Then it will be easy to prosecute those who are doing it illegally. If we can give the person who uses a speargun a licence, I see no reason why we cannot give one to the seine operator.

MR. W. McKEEVA BUSH: Mr. Chairman, the seines which are being used in my constituency are in the West Bay anchorage. That is the only place although I guess they are used in North Sound too. However, where I see them being used most is in the West Bay anchorage. I think that we must take those people into consideration. We cannot just legislate just because we can legislate....

MR. CHAIRMAN: Despite discussing it for a long time we have not actually got the formal amendment about the matter yet. I think in order to get ourselves back on the right track we had better start with an amendment....

MR. D. EZZARD MILLER: If I could just answer this....

MR. CHAIRMAN:and come back when the time comes....

MR. D. EZZARD MILLER: Could I just answer the Honourable Second Official Member's question which he asked about seines, Sir? I think most seines have to be used in an area within the reefs and they have to be in water shallower than four feet. Most seines are only three to three and a half feet deep as they go from the surface to the bottom. So they have to be used within the reef and the depth is usually about three or four feet of water. That is why they are so destructive.

HON. MICHAEL J. BRADLEY: Mr. Chairman, if the proposed new Clause 3 is before us, would it be in order for me to move under Standing Order 27 as read with Standing Order 52(10) an amendment to that proposed new clause which would be as follows? -

"That paragraph 2 of the notice of amendment be amended by the addition immediately before the end thereof of the words -

"and by the addition at the end thereof of the following -

Unless in exceptional circumstances licensed by the Board who may in granting such licence make such conditions as to use as it may think fit".

What then would be the situation, Sir, would be that the section 15 in the Law if the new clause were passed, and my proposed amendment were passed, would then read:-

"Whoever uses or attempts to use any seine or gill net for the purpose of taking marine life in Cayman Waters is guilty of an offence unless in exceptional circumstances licensed by the Board who may in granting such licence make such conditions as to use as it may think fit."

I think this would meet the point that people may have exceptional circumstances in a certain area which would grant them, because of economic circumstances, the priority of the Board in obtaining a licence. However, the Board would still be able to make conditions as to the use.

I have suggested that, and I apologise to him for not consulting him, with the proposer of the amendment, the Honourable Fourth Elected Member of Executive Council, and I stand subject to his views on it.

MR. CHAIRMAN: Could I just make one comment. As I understood it there was no Member who spoke in favour of the licensing of the gill net.

HON. VASSEL G. JOHNSON: Yes, Sir, I was just going to move that we delete "gill net" from it.

MR. CHAIRMAN: I think include only seine nets in the exception. I think we have to retain gill net in the initial prohibition so that the section of the Bill prohibits seine and gill nets. However, it then goes on to make an exception possible in the case of licensed seine nets only. I think that is what Members were arguing for.

HON. MICHAEL J. BRADLEY: Then perhaps it would be better, Sir,....

HON. BENSON O. EBANKS: Mr. Chairman, I wonder if maybe the Honourable Second Official Member could include in that amendment something to the effect that, "For the avoidance of doubt this prohibition does not extend to cast nets and possibly....". What I am looking for is a word that means fry nets.

MR. W. McKEEVA BUSH: That is normally known as a sweeper.

MR. D. EZZARD MILLER: I think as long as they are not mentioned in the Bill they cannot be controlled. However, I agree with the Member, and I want the assurance.

HON. BENSON O. EBANKS: What worries me, Sir, is that the original Law did make reference to the taking of fish bait. I would have thought that that was somehow referring to the smaller nets which we are now referring to. If we have that assurance that the interpretation will not apply to those I am happy.

HON. VASSEL G. JOHNSON: We are only placing restrictions on seine and gill nets, nothing else.

HON. MICHAEL J. BRADLEY: Perhaps to meet the point which the Honourable Member has raised in relation to gill nets, instead of the words which I had, "unless in exceptional circumstances licensed by the Board", if those could be deleted from my original proposal and instead "as a proviso" put in. This would then read:-

"PROVIDED that the Board may in exceptional circumstances grant licences for the use of seine nets and in granting such licences may make such conditions as to possession and use as it may think fit."

That would make it quite clear by using a proviso that it would be only seine nets which the Board could in exceptional circumstances licence, but they could not do it to gill nets.

MR. CHAIRMAN: Do you have the wording of that which you can subsequently give to the Clerk so that....

HON. MICHAEL J. BRADLEY: I think the Deputy Clerk being a beautiful shorthand taker, has got it.

MR. CHAIRMAN: What I will do....

HON. MICHAEL J. BRADLEY: Perhaps she could read it out in full afterwards.

MR. CHAIRMAN: What I will do if I may is to follow the procedure which we followed in respect of the new Clause 2 which has already been added. First I will deal with the addition of Clause 3 as proposed by the Honourable Fourth Elected Member. Then, secondly, I will deal with the amendment to that clause proposed by the Honourable Second Official Member. So it will be in two stages and Members may speak on either, although in fact we have done most of the speaking before I.... So, first then the question is that a new Clause 3 be added as proposed by the Honourable Fourth Elected Member of Executive Council. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSE GIVEN A SECOND READING.

MR. CHAIRMAN: Secondly, I will put the question that that new clause be amended in the sense proposed by the Honourable Second Official Member. Unless any Member wishes to speak I will put that question.

"That the Clause be amended by the addition, immediately before the end thereof, of the words -

"and by the addition at the end thereof of the following proviso -

PROVIDED that the Board may in exceptional circumstances grant licences for the use of seine nets and in granting such licences may make such conditions as to possession and use as it may think fit."

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: I will now put the question that the clause as amended be added to the Bill.

QUESTION PUT: AGREED. NEW CLAUSE 3 AS AMENDED ADDED TO THE BILL AND CLAUSE 3 AS PASSED RENUMBERED CLAUSE 5.

HON. VASSEL G. JOHNSON: I wonder if I could have the words of that amendment?

MR. CHAIRMAN: We will ask the Deputy Clerk to let you have them after the Meeting if we may.

HON. VASSEL G. JOHNSON: That is fine, Sir.

MR. D. EZZARD MILLER: Mr. Chairman, could...

MR. CHAIRMAN: Now, my understanding of the wording of Standing Order 52(8) is that having added those two new clauses, action will automatically be taken to renumber the clauses which we discussed earlier. We do not have to recommit them or agree to vary the numbers or anything else. The process is taken care of for us.

HON. MICHAEL J. BRADLEY: My apologies. I thought you were doing Clauses 5 to 10. I am sorry. I was sleeping then.

MR. CHAIRMAN: I am afraid that we have done Clause 5 so unless you want to go through all the rigmarole of recommitting it....

HON. BENSON O. EBANKS: We both missed our chances.

HON. MICHAEL J. BRADLEY: It may be a typographical error then.
(LAUGHTER).

MR. CHAIRMAN: The question is that Clauses 6 to 10 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 6 TO 10 PASSED.

CLERK: CLAUSE 11. HOURS FOR SALE OF ALCOHOLIC LIQUOR.
CLAUSE 12. APPLICATIONS FOR LICENCES.
CLAUSE 13. VARIATION OF LICENCES.
CLAUSE 14. QUARTERLY SESSIONS OF THE BOARDS.
CLAUSE 15. TEMPORARY LICENCES.

MR. CHAIRMAN: The question is that Clauses 11 to 15 stand part of the Bill.

MR. D. EZZARD MILLER: Mr. Chairman, I would like to move an amendment to section 11(3). It says:-

"A Board may from time to time, by Notice published in the Gazette, specify such hours,"

I would like to work in there that the hours be left to the discretion of the licensee. (LAUGHTER AND SOUNDS OF DISSENT).

I withdraw that amendment, Sir. I see I am not going to get any support.

MR. CHAIRMAN: I do not think you are going to get a lot of support.

MR. D. EZZARD MILLER: No, Sir. I withdraw the amendment.
(LAUGHTER).

MR. CHAIRMAN: Moreover, normally if Members want to move amendments to Bills, two days notice should be given. It is really much more convenient for the House if that can be arranged. We cannot always I know, and I....

MR. W. McKEEVA BUSH: Two days?

MR. CHAIRMAN: I have to be flexible.

MR. W. McKEEVA BUSH: Two days?

MR. CHAIRMAN: I think it is two days for amendments.

HON. MICHAEL J. BRADLEY: Standing Order 52(2).

MR. D. EZZARD MILLER: It is alright, Sir. I withdraw the amendment.

MR. CHAIRMAN: We have now got Clauses 11 to 15.

QUESTION PUT: AGREED. CLAUSES 11 TO 15 PASSED.

CLERK: CLAUSE 16. COURT MAY MAKE RECOMMENDATIONS REGARDING LICENCES.
CLAUSE 17. OBJECTIONS BY THE PUBLIC.
CLAUSE 18. DEATH OF A LICENSEE.
CLAUSE 19. OCCASIONAL AUTHORISATIONS.
CLAUSE 20. CONDITIONS OF RETAIL SELLING.
CLAUSE 21. CONSUMPTION ETC., OF LIQUOR BY PERSONS UNDER THE AGE OF 18.

MR. CHAIRMAN: The question is that Clauses 16 to 21 stand part of the Bill. If no Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSES 16 TO 21 PASSED.

CLERK: CLAUSE 22. DISPOSAL OF INTOXICATING LIQUOR TO DRUNKEN OR DISORDERLY PERSONS IS FORBIDDEN.
CLAUSE 23. CONTROL OF DRUNKEN AND DISORDERLY PERSONS.
CLAUSE 24. RIGHTS OF LICENSEE.
CLAUSE 25. VICARIOUS RESPONSIBILITY OF LICENSEES.
CLAUSE 26. SERVICE OF PROCESS ON LICENSEES.

MR. CHAIRMAN: The question is that Clauses 22 to 26 stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSES 22 TO 26 PASSED.

CLERK: CLAUSE 27. SIGNBOARD.
CLAUSE 28. CLOSURE OF LICENSED PREMISES IN TIMES OF RIOT OR APPREHENDED DISTURBANCE.
CLAUSE 29. ALTERATIONS TO LICENSED PREMISES.
CLAUSE 30. POWER TO SEARCH PREMISES.
CLAUSE 31. DISPOSAL OF INTOXICATING LIQUOR TO HAMPER SEARCH.

MR. CHAIRMAN: The question is that Clauses 27 to 31 stand part of the Bill. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSES 27 TO 31 PASSED.

CLERK: CLAUSE 32. CUSTODY OF THINGS SEIZED - SALE OF PERISHABLES ETC.
CLAUSE 33. RELEASE OF SEIZURE ON GIVING OF BOND.
CLAUSE 34. NOTICE OF CLAIM TO GOVERNOR-PROCEDURE.
CLAUSE 35. CONDEMNATION AND FORFEITURE.
CLAUSE 36. MODE OF SALE, ETC., AND APPLICATION OF PROCEEDS.

MR. CHAIRMAN: The question is that Clauses 32 to 36 stand part of the Bill. If no Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSES 32 TO 36 PASSED.

CLERK: CLAUSE 37. PROHIBITION OF CERTAIN PERSONS FROM CONSUMING INTOXICATING LIQUOR.
CLAUSE 38. OFFENCES BY LICENSEES.
CLAUSE 39. LIQUOR NOT TO BE CONSUMED IN VEHICLES IN CERTAIN CASES.
CLAUSE 40. GENERAL PENALTY.
CLAUSE 41. INSTITUTION OF PROCEEDINGS.

MR. CHAIRMAN: The question is that Clauses 37 to 41 stand part of the Bill. If no Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSES 37 TO 41 PASSED.

CLERK: CLAUSE 42. APPROPRIATION OF PROPERTY FORFEITED.
CLAUSE 43. PRECISE DESCRIPTION OF INTOXICATING LIQUOR NOT NECESSARY IN EVIDENCE.
CLAUSE 44. PROOF OF KNOWLEDGE NOT NECESSARY.
CLAUSE 45. PROTECTION OF OFFICIALS.
CLAUSE 46. POWER TO MAKE REGULATIONS.
CLAUSE 47. REPEAL AND SAVING.

MR. CHAIRMAN: The question is that Clauses 42 to 47 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 42 TO 47 PASSED.

CLERK: SCHEDULE.

MR. CHAIRMAN: The question is that the Schedule stand part of the Bill.

QUESTION PUT: AGREED. THE SCHEDULE WAS PASSED.

CLERK: A BILL FOR A LAW TO REPEAL AND REPLACE THE LIQUOR LICENSING LAW (REVISED).

HON. MICHAEL J. BRADLEY: That should read "1974" instead of "(Revised)". It is my fault, Sir, but I think that it is a typographical error and that attention should be drawn to it.

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled a Bill for a Law to amend the Defamation Law (Revised) and other Bills. The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated. Since we have suspended Standing Orders to complete the Committee Stages of various Bills which have now been completed, I think the adjournment should follow automatically.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m., Monday, 25th March, 1985, Sir.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. on Monday.

QUESTION PUT: AGREED. AT 5.29 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., MONDAY, 25TH MARCH, 1985.

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY

MONDAY
25TH MARCH, 1985

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LL.B SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATION WORKS
& DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W MCKEEVA DUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR JOHN D McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

ORDERS OF THE DAY

STATE OPENING & BUDGET MEETING OF THE (1985) SESSION
OF THE LEGISLATIVE ASSEMBLY

MONDAY

25TH MARCH, 1985

1. QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 44: WILL THE HONOURABLE MEMBER STATE WHETHER ANY ELECTRONIC
EAVES-DROPPING DEVICES HAVE BEEN PLACED ON TELEPHONES
IN THE CAYMAN ISLANDS WITH GOVERNMENT APPROVAL?

NO. 45: WILL THE HONOURABLE MEMBER STATE WHAT LEGAL REQUIREMENTS
MUST BE MET BY OUR LAW ENFORCEMENT AGENCIES IN THE CAYMAN
ISLANDS BEFORE THEY MAY PLACE ELECTRONIC EAVES-DROPPING
DEVICES ON TELEPHONES IN THE CAYMAN ISLANDS?

2. GOVERNMENT BUSINESS

(a) BILLS:-

THE STAMP DUTY (AMENDMENT) BILL, 1985
(CONTINUATION OF SECOND READING DEBATE)

REPLY BY THE HONOURABLE THIRD OFFICIAL MEMBER

COMMITTEE THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

HOUSE RESUMES

REPORT THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1985

THIRD READING

THE STAMP DUTY (AMENDMENT) BILL, 1985

(b) MOTIONS:-

GOVERNMENT MOTION NO. 5/85
DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS 1985
TO BE MOVED BY THE HONOURABLE FOURTH ELECTED MEMBER

3. PERSONAL EXPLANATION

BY THE SECONDED ELECTED MEMBER FOR BODDEN TOWN UNDER STANDING
ORDER 31.

4. GOVERNMENT BUSINESS

(a) BILLS:-

REPORTS THEREON

- (1) THE DEFAMATION (AMENDMENT) BILL, 1985
- (2) THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985
- (3) THE MARINE CONSERVATION (AMENDMENT) BILL, 1985
- (4) THE INTERPRETATION (AMENDMENT) BILL, 1985
- (5) THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985
- (6) THE LIQUOR LICENSING BILL, 1985

THIRD READINGS

- (1) THE DEFAMATION (AMENDMENT) BILL, 1985
- (2) THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985
- (3) THE MARINE CONSERVATION (AMENDMENT) BILL, 1985
- (4) THE INTERPRETATION (AMENDMENT) BILL, 1985
- (5) THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985
- (6) THE LIQUOR LICENSING BILL, 1985

(b) MOTIONS:-

- (1) GOVERNMENT MOTION NO. 1/85 - ASSESSMENT COMMITTEE
TO BE MOVED BY THE HONOURABLE FOURTH ELECTED MEMBER
- (2) GOVERNMENT MOTION NO. 3/85 - LOANS (CARIBBEAN DEVELOPMENT BANK) LAW, 1977 (LAW 17 OF 1977)
TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER
- (3) GOVERNMENT MOTION NO. 4/8
APPOINTMENT OF STANDING SELECT COMMITTEE
TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER

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MONDAY

25TH MARCH, 1985

10.10 A.M.

MR. PRESIDENT:

for Bodden Town.

Please be seated.
Proceedings are resumed.
Questions. The Second Elected Member

QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 44: Will the Honourable Member state whether any electronic eaves-dropping devices have been placed on telephones in the Cayman Islands with Government approval?

ANSWER: No.

MR. PRESIDENT: Unless there is any supplementary I will ask the Second Elected Member for Bodden Town to ask the next question.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 45: Will the Honourable Member state what legal requirements must be met by our law enforcement agencies in the Cayman Islands before they may place electronic eaves-dropping devices on telephones in the Cayman Islands?

ANSWER: The legal position is complex and not altogether clear. The probability is that authority would at present be required from (and could be given by) the Governor under section 3(2)(b)(iii) of the Confidential Relationships (Preservation) Law. But to put the matter beyond doubt it may be desirable to impose specific legal requirements in the Telephone Law, and consideration will be given to amending it for that purpose.

MR. PRESIDENT: If there is no supplementary we can move to Item 2 on the Order Paper, Item 2(a) The Stamp Duty (Amendment) Bill, 1985, continuation of Second Reading debate. When we were last considering this Bill the Honourable Third Official Member was about to, or had just begun to reply. I invite him to continue.

BILLS

THE STAMP DUTY (AMENDMENT) BILL, 1985

CONTINUATION OF SECOND READING DEBATE

HON. THOMAS C. JEFFERSON: Thank you, Mr. President. As Honourable Members are aware, revenue Bills are not normally known to anyone other than Executive Council Members and His Excellency the Governor prior to them being brought to this House.

HON. THOMAS C. JEFFERSON (CONTINUING): As a result of presenting the Stamp Duty (Amendment) Bill, 1985 to this House we have received many representations from many different sources. Mr. President, this Stamp Duty Law is a very technical one, and in order to look at the number of points made during the representations it is our view, Mr. President, that under Standing Order 58 I should move to make a motion to withdraw the Bill from the House at this time. In order to study properly the points put forward by the people who have made representations, we need adequate time to do so.

Mr. President, it is my view that this matter be studied adequately and that an amending Bill be brought to the House in the May Meeting.

Thank you, Mr. President.

HON. DENNIS H. FOSTER: Mr. President, I second the motion, Sir.

MR. PRESIDENT: I am not sure whether the Member did formally actually move a motion. He announced his intention to do so.

The provisions of Standing Order 58 for the information of the House are that the Member in charge of a Bill may make a motion for its withdrawal, either before the commencement of Government Business, or when any stage of the Bill is reached in the order of business. It is therefore perfectly proper and acceptable for the Member to make, at this stage, such a motion and I will regard his speech as moving one.

The question before the House therefore now is that a Bill for a Law to amend the Stamp Duty Law, 1973, should be withdrawn. Does any Member wish to speak to that?

MR. G. HAIG BODDEN: Mr. President, I would only like to say that my heart has been filled with joy to see this Bill withdrawn, because as I mentioned in my debate which was lengthy, and I will not go back into that, this amendment proposed here would definitely have been the destruction of our economy. I am glad to see that the Government including the Elected Members of Executive Council have seen the light. I fully support the withdrawal of the Bill.

MR. PRESIDENT: I should not wish the Honourable Member to be misled. He may have been absent. I notice he was out of the House for a moment at the time when the Honourable Third Official Member spoke. The Bill is being withdrawn in order to be further studied and presented again. Yes, the Member does know. Very well, unless any other Member wishes to speak I will put the question.

QUESTION PUT: AGREED. IN ACCORDANCE WITH STANDING ORDER 58
THE BILL WAS WITHDRAWN

MR. PRESIDENT: Item 2(b), motions. Government Motion No. 5/85. The Honourable Fourth Elected Member of Executive Council.

MOTIONS

GOVERNMENT MOTION NO. 5/85

DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1985

HON. VASSEL G. JOHNSON: Mr. President, I beg to formally move Government Motion No. 5/85, Development and Planning (Amendment) Regulations, 1985:-

HON. VASSEL G. JOHNSON (CONTINUING):

"BE IT RESOLVED that, a draft of the Development and Planning (Amendment) Regulations, 1985, having been laid before it, this House does this day approve the same."

MR. PRESIDENT: Does the Honourable Fourth Elected Member of Executive Council wish to explain? I think it would be convenient if he would do so at this stage.

HON. VASSEL G. JOHNSON: Mr. President, attached to the motion is a draft of the amendment to the regulations of the Development and Planning Regulations.

The purpose of the motion coming to the Legislative Assembly is that regulations under the Law cannot be made by Executive Council until they have been put to the Legislative Assembly for confirmation. So the proposed amendment to the regulations is now presented by this motion and the authority of the Legislative Assembly will be sought for the recommendations put forward here.

Mr. President, I am sure that the question will be asked why are we moving this motion. We are making no secret of it, Sir, but before I explain the reason I would like to say that I am sure that the Government will be told that this is being done for special interest groups. To that, Mr. President, I would reply that that is quite correct. We do have interest groups for whom we are putting forward this piece of subsidiary legislation. First on the list, Mr. President, is the Hyatt Regency. They are building a hotel in these Islands which will be known as Hyatt Britannia Hotel and of course the owners are the Britannia Golf Course. However, also interested in that hotel are other large international companies. The one in particular which I would like to mention is Cementation International Limited of the United Kingdom. Cementation International Limited, Mr. President, is owned by Trafalgar House of the United Kingdom as well which is a very large operation in the United Kingdom. Trafalgar House of the United Kingdom, Mr. President, is a public company with worldwide turnover of the order of one thousand, six hundred million pounds per year. Mr. President, their subsidiary Cementation International Limited operating here has a turnover of approximately one hundred and twenty million pounds per annum. These are very big operators, and they will have a minority interest in the Hyatt Britannia Hotel. Also, Mr. President, they are going to do the complete financing of the Hyatt Britannia Hotel.

The financing for that particular project is in the order of \$27 to \$28 million. Also, Mr. President, Trafalgar House of the United Kingdom is the owner of about 16 large international hotels around the world. They are the owners of the Cunard Line with vessels like the Q.E. II, Cunard Princess and other large passenger liners. They are in shipbuilding. They do construction, civil engineering, steel engineering and petro-chemicals. So they are very large, Mr. President, and they have the capacity to inject quite a lot into the economy of these Islands. They are the first special interest group in this particular recommendation, because, Mr. President, in the designing of the Hyatt Britannia Hotel they have put certain flavours into it which were requested by the Hyatt Regency. When they do a first class hotel anywhere, it must be up to their standard.

Unfortunately, the elevator tower of the complex ran to 90 feet and the Law will only provide a maximum of 55 feet. Mr. President, this motion seeks to remove the restriction and place it in other forms. However, before I leave that particular subject I should say that the tower of the Hyatt Britannia Hotel will

HON. VASSEL G. JOHNSON (CONTINUING): not be the only one which will exceed the 55 foot limit under the planning regulations. We have a building, Mr. President, just behind the Legislative Assembly building which Government now owns and which is known as the Tower Building, which exceeds 55 feet in height. There are the radio station antenna masts also exceeding 55 feet. There are many other structures, masts and other forms of buildings which also exceed the 55 foot limitation. So this amendment to the regulations will not only clear the Hyatt Britannia Hotel elevator tower, but will clear a lot of things so that they will not breach the Planning Regulations.

Mr. President, another special interest group of ours is the little, poor man whom we have heard so much about in this House during this Session. We mentioned, Mr. President, that there is unemployment in the Islands at the present time. In fact we have seen this from a good way back into last year. The starting of this particular project will offer quite a lot of employment to these little, poor people.

The project is to start on the 1st May if planning permission is granted, and the plan is that it will be completed for opening in December next year. Whether this will be possible or not, Mr. President, that is the present programme or plan of the developers. So, during this period there will be a lot of people employed there. I am sure that it will attract the unemployed from the two smaller Islands and all the available workforce in this Island, that is, those who are not employed at the present time.

Mr. President, there is no doubt that this is a very attractive development for these Islands. I dare say that if the past Government had been able to attract a first class hotel like this to the Islands a little while ago, perhaps we would not have denied the budget \$17 million this year.

I am sure that a project of this magnitude will make quite a contribution to the economy of these Islands, and will make quite a contribution to the coffers of Government as well. So, Mr. President, I will recommend this motion to this Honourable House. It seeks to amend Regulation 7(2) and to add to it another subsection(2A) to make the necessary provisions which I have just mentioned.

The draft amendment is attached and I am sure that all Members have read it and understand what it intends to provide. So, Mr. President, I will recommend the motion to this Honourable House.

MR. PRESIDENT:
Motion No. 5/85 is:-

The motion before the House, Government

"BE IT RESOLVED that, a draft of the Development and Planning (Amendment) Regulations, 1985, having been laid before it, this House does this day approve the same."

The motion is open for debate. Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 5/85 PASSED.

MR. PRESIDENT: Item 3. on today's Order Paper is a personal explanation, but with the agreement of the Member concerned I propose to defer that until slightly later in today's proceedings. So I will take next Item 4, Government Business, Bills, Reports.

BILLS

THE DEFAMATION (AMENDMENT) BILL, 1985

REPORT THEREON

HON. DENNIS H. FOSTER: Mr. President, I beg to report that a Bill for a Law to amend the Defamation Law (Revised) was considered by a Committee of this whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985

REPORT THEREON

HON. DENNIS H. FOSTER: Mr. President, I beg to report that a Bill for a Law to amend the Legislative Assembly (Immunities Powers and Privileges) Law (Revised) was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. The Honourable Fourth Elected Member of Executive Council is next I think.

THE MARINE CONSERVATION (AMENDMENT) BILL, 1985

REPORT THEREON

HON. VASSEL G. JOHNSON: Mr. President, there have been quite a number of amendments to this Bill, The Marine Conservation (Amendment) Bill, 1985. I thought I would have received the amendment from the Legislative Assembly earlier so that I could have it in my possession. However, Mr. President, there were certain amendments to the Bill.

Two sections were added to the present Bill. The second section was accepted. The new Clause 2 which was the amendment to section 14 of the main Law read, Mr. President:-

"Whoever has a speargun in his possession in the Cayman Islands or takes any marine life with the aid of a speargun in Cayman Waters is guilty of an offence unless licensed by the Board who may in granting such licence make such conditions as to possession and use as it may think fit;"

MR. PRESIDENT: If I may interrupt the Member for a moment I think that what he has read out is the section of the principal Law as it will appear once the amendment has been made. He has not actually read the clause of the Bill which was passed. I do not think it matters but I think that is so.

HON. VASSEL G. JOHNSON: Yes, Mr. President, the original clause of the Bill is...

MR. PRESIDENT: What I am meaning is that the new Clause 2 of the Bill as approved in Committee I think would start, "Section 14 of the Marine Conservation Law, 1978 in this Law referred to as the principal Law, is amended -". Am I not right?

HON. VASSEL G. JOHNSON: Yes, Sir. There is another amendment as well, Mr. President, an amendment to section 15 which now becomes a new Clause 3 of the Bill. That is as I said, Mr. President, amending section 15 of the Bill by deleting from the original section 15 the words "other than for human consumption or fish bait is guilty of an offence", and replacing those words with... Mr. President, I am sorry about this, Sir, but I cannot follow what is here. (PAUSE).

HON. MICHAEL J. BRADLEY: Mr. President, I do not know whether it is the usual practice in this House, but in situations in other jurisdictions I have known the words "at Committee Stage was passed with numerous amendments" has sufficed. I think....

MR. PRESIDENT: I thought that was our practice too sometimes. I do not think that it is the invariable practice to read out the full text of every amendment made. I think it would suffice if the Member were to report that the Committee had examined the Bill and passed it with amendments, the effect of which was to introduce a new Clause 2 which amended section 14 of the principal Law, and a new Clause 3 which amended section 15 of the principal Law, and had renumbered the other clauses accordingly. If the Member was content to report in that sense, I think that that could be taken as sufficing.

HON. VASSEL G. JOHNSON: Yes, Mr. President. The Bill was amended. Clause 2 of the Bill as it stands in its original form substituted... Mr. President, I am not too sure of the wording of the various amendments. It is in the Minutes of the Legislative Assembly which have not yet been circulated, but which will be. There are certain amendments which took place in the Bill, Mr. President. Clause 2 and Clause 3 remained in the Bill with certain minor amendments. Then there were two other sections inserted which dealt with the amendments to section 14 and section 15 of the Law. Section 14 was amended, Mr. President, to place certain restrictions on the use of the speargun as I mentioned earlier. That is the substance of the amendment. In section 15 a similar amendment was made. In this case a ban was placed on gill nets and the seine was also restricted except for a licence which would be granted by the Board.

Those additions to the Bill, Mr. President, were accepted by a Committee of the whole House.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE INTERPRETATION (AMENDMENT) BILL, 1985

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled The Interpretation (Amendment) Bill, 1985 was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985

REPORT THEREON

HON. W. NORMAN BODDEN: Mr. President, I beg to report that a Bill entitled a Bill for a Law to amend the Airports Regulation Law (Revised) was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. The Honourable First Official Member.

THE LIQUOR LICENSING BILL, 1985

REPORT THEREON

HON. DENNIS H. FOSTER: Mr. President, I beg to report that a Bill for a Law to repeal and replace the Liquor Licensing Law, 1974, was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. Third Readings. The Defamation (Amendment) Bill, 1985.

THE DEFAMATION (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Defamation (Amendment) Bill, 1985.

HON. DENNIS H. FOSTER: Mr. President, I move that a Bill for a Law to amend the Defamation Law (Revised) be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill for a Law to amend the Defamation Law (Revised) be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE LEGISLATIVE ASSEMBLY (IMMUNITIES POWERS AND PRIVILEGES) (AMENDMENT) BILL, 1985

THIRD READING

HON. DENNIS H. FOSTER: Mr. President....

MR. PRESIDENT: I think that the Clerk should read the title first. I think that is the normal procedure is it not? No?

HON. DENNIS FOSTER: No, Sir, that is finished now.

MR. PRESIDENT: According to my notes the Clerk reads the title first and then the mover of the Bill moves the Third Reading. I think that that is the normal practice. Perhaps the Clerk or the Honourable Second Official Member can guide me.

HON. DENNIS H. FOSTER: I think that I am wrong.

MR. PRESIDENT: I think so. I think the Clerk should read the title next.

CLERK: *The Legislative Assembly (Immunities Powers and Privileges (Amendment) Bill, 1985.*

HON. DENNIS H. FOSTER: *Mr. President, I beg to move that a Bill for a Law to amend the Legislative Assembly (Immunities Powers and Privileges) Law (Revised) be given a Third Reading and passed.*

MR. PRESIDENT: *The question is that a Bill entitled a Bill for a Law to amend the Legislative Assembly (Immunities Powers and Privileges) Law (Revised) be given a Third Reading and passed.*

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE MARINE CONSERVATION (AMENDMENT) BILL, 1985

THIRD READING

CLERK: *The Marine Conservation (Amendment) Bill, 1985.*

HON. VASSEL G. JOHNSON: *Mr. President, I beg to move, Sir, that a Bill entitled The Marine Conservation (Amendment) Law, 1985 be given a Third Reading and passed.*

MR. PRESIDENT: *The question is that a Bill entitled a Bill for a Law to amend the Marine Conservation Law, 1978 be given a Third Reading and passed.*

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE INTERPRETATION (AMENDMENT) BILL, 1985

THIRD READING

CLERK: *The Interpretation (Amendment) Bill, 1985.*

HON. MICHAEL J. BRADLEY: *Mr. President, I beg to move that a Bill for a Law to amend the Interpretation Law (Chapter 70) be given a Third Reading and passed.*

MR. PRESIDENT: *The question is that a Bill for a Law to amend the Interpretation Law (Chapter 70) be given a Third Reading and passed.*

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: *Mr. President, I would like a division on that Bill.*

MR. PRESIDENT: *Would the Clerk please carry on.*

DIVISION
NO. 18

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. John B. McLean

Mr. G. Haig Bodden

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MR. PRESIDENT:

I declare the motion carried.

AGREED BY MAJORITY:

BILL GIVEN A THIRD READING AND PASSED.

THE AIRPORTS REGULATION (AMENDMENT) BILL, 1985

THIRD READING

CLERK: *The Airports Regulation (Amendment) Bill, 1985*

HON. W. NORMAN BODDEN: *Mr. President, I move that a Bill entitled a Bill for a Law to amend the Airports Regulation Law (Revised) be given a Third Reading and passed.*

MR. PRESIDENT: *The question is that a Bill entitled a Bill for a Law to amend the Airports Regulation Law (Revised) be given a Third Reading and passed.*

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE LIQUOR LICENSING BILL, 1985

THIRD READING

CLERK: *The Liquor Licensing Bill, 1985.*

HON. DENNIS H. FOSTER: *Mr. President, I beg to move, Sir, that a Bill for a Law to repeal and replace the Liquor Licensing Law, 1974 be given a Third Reading and passed.*

MR. PRESIDENT: *The question is that a Bill entitled a Bill for a Law to repeal and replace the Liquor Licensing Law (Revised) be given a Third Reading and passed.*

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT:
Motion No. 1 of 1985.

Item 4(b), Motions. Government

MOTIONS

GOVERNMENT MOTION NO. 1/85 - ASSESSMENT COMMITTEE

HON. VASSEL G. JOHNSON: Mr. President, I beg to move Government Motion No. 1/85, Assessment Committee. Mr. President, it is a requirement under section 7 of the Roads Law, 1974, for the Legislative Assembly to appoint two members to the Assessment Committee. This takes place every four years. The appointment should have been made in November at the first Meeting of the Legislative Assembly, but this was overlooked. This motion is now seeking to make those appointments. The motion reads:-

"BE IT RESOLVED that this Honourable House do nominate two persons to be members of the Assessment Committee under subsection (2) of section 7 of the Roads Law, 1974 (Law 18 of 1974), to hold office for four years from the date of their appointment."

MR. PRESIDENT: Perhaps before I invite Members to speak if they wish it may be helpful if I could just ask the mover to clarify one point about which I am uncertain, and Members may share my uncertainty. That is, do the two persons nominated have to be Members of the House of Assembly, or is it open to the House to nominate anyone?

HON. VASSEL G. JOHNSON: Mr. President, it has been usual in the past to appoint two Members of the Legislative Assembly to be members. I know the last appointment was in that respect. I would put forward two names unless the nomination is to take place by the whole House.

MR. PRESIDENT: However, am I right in understanding that although that has been the practice it is not a statutory requirement that the nominees be Members of the House? It is a practice but not a requirement?

HON. VASSEL G. JOHNSON: That is correct, Sir.

MR. PRESIDENT: The question before the House is that Government Motion No. 1/85 be passed. As the Member has just read it out I will not read it again. Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 1/85 PASSED.

HON. VASSEL G. JOHNSON: If the....

MR. PRESIDENT: Can the Member guide me about procedure. Do we now seek nominations?

HON. VASSEL G. JOHNSON: Yes, Sir.

MR. PRESIDENT: Has the Member anyone to nominate?

NOMINATIONS TO ASSESSMENT COMMITTEE

HON. VASSEL G. JOHNSON: Yes, Sir, I will nominate the Second Elected Member for West Bay and the Elected Member for North Side.

MR. PRESIDENT: Do you happen to know will both those Members be prepared to accept nomination? I see the Second Elected Member for West Bay is there and he can speak for himself.

MR. W. McKEEVA BUSH: Mr. President, I accept the nomination.

MR. PRESIDENT: And the Elected Member for North Side?

HON. VASSEL G. JOHNSON: Yes, Sir.

MR. PRESIDENT: Are there any other nominations? If there is no other nomination, the Resolution was that the House should nominate. So perhaps I should formally put the question that the Second Elected Member for West Bay and the Elected Member for North Side should be nominated as members of the Assessment Committee under section 7, subsection (2) of the Roads Law, 1974.

QUESTION PUT: AGREED. THE SECOND ELECTED MEMBER FOR WEST BAY AND THE ELECTED MEMBER FOR NORTH SIDE, NOMINATED TO THE ASSESSMENT COMMITTEE UNDER SECTION 7(2) OF THE ROADS LAW, 1974.

MR. PRESIDENT: The two Members are accordingly so appointed.

Government Motion No. 3/85. The Honourable Third Official Member.

GOVERNMENT MOTION NO. 3/85 - LOANS (CARIBBEAN DEVELOPMENT BANK) LAW, 1977 (LAW 17 OF 1977)

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move Government Motion No. 3/85 entitled Loans (Caribbean Development Bank) Law, 1977, (Law 17 of 1977) and it reads, Mr. President:-

"BE IT RESOLVED by the Legislative Assembly of the Cayman Islands, pursuant to subsection (1) of Section 3 of the Loans (Caribbean Development Bank) Law, 1977, that the Assembly consents to the borrowing by the Governor in Council from the Caribbean Development Bank of the sum of seven million United States Dollars, on such terms and subject to such conditions as have been agreed between the Governor in Council and the Caribbean Development Bank, for the purpose of a sanitary sewerage system to serve the Seven Mile Beach area of Grand Cayman."

The civil works of the project, Mr. President, is the construction of a sewerage collection network of approximately 4.7 miles of sewers, a sewerage pumping main of approximately 3.9 miles long, a main one mile long to supply a portion of the treated effluent to a nearby golf course, pump houses and ejector chambers to house the sewerage and effluent pumping plant, and a sewerage treatment plant with a capacity of 440,000 gallons per day.

The type of sewerage treatment plant, Mr. President, is waste stabilisation ponds. The Water Authority and the Caribbean Development Bank both agreed that this was the least cost design, as the system offers further advantages since it is easier to operate and maintain. It therefore poses less risk of the project failing because of operational and maintenance problems.

The project's capital estimated cost is US\$10.5 million, or a Cayman Islands dollar equivalent of \$8.7 million. The project will be managed and executed by the Water Authority.

HON. THOMAS C. JEFFERSON (CONTINUING): Government has agreed to contribute C.I.\$2.9 million, which would represent roughly 33 per cent of the project's cost. As mentioned in the motion, Mr. President, Caribbean Development Bank has agreed to lend an amount not exceeding U.S.\$7 million. This total of U.S.\$7 million is funded within the bank by two sources. U.S.\$5.2 million is being drawn from their ordinary capital resources, and U.S.\$1.8 million from their special fund resources.

Some of the terms and conditions are that repayment will be over fifteen years with five years moratorium, and the interest charged is a combination of soft and hard rates, 4 per cent and 10 per cent. Also, Mr. President, a condition is that this Government, or the Water Authority more specifically establishes a project management team. Honourable Members will recall that in the process of dealing with the budget in the latest Finance Committee meeting, two posts were approved which will form part of this project management team.

The main justification for the project, Mr. President, is the elimination and prevention of a sanitary and environmental hazard along Seven Mile Beach. It is an area which is well known to us as it is our tourist development area, an area which is critically important to the future development of this Island in particular.

Mr. President, a coastal monitoring programme has been carried out by the Water Authority and it has revealed that an increasing incidence of organic pollution is taking place along Seven Mile Beach. The area is also affected at times by odour problems associated with the malfunctioning of a treatment plant which is inefficient or perhaps the wrong capacity.

Mr. President, I ask Honourable Members' support of my motion.

MR. PRESIDENT: The motion before the House is Government Motion No. 3/85 dealing with loans from Caribbean Development Bank under the Loans (Caribbean Development Bank) Law, 1977 (Law 17 of 1977).

As the Member has already read out the terms of the motion I will not read them again. Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 3/85 PASSED.

MR. PRESIDENT: I think that this may be a convenient moment to take our customary morning break, so I will suspend proceedings for approximately fifteen minutes.

AT 11.15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.40 A.M.

MR. PRESIDENT:

Please be seated.
Proceedings are resumed.
Motions. Government Motion No. 4/85.

GOVERNMENT MOTION NO. 4/85

APPOINTMENT OF STANDING SELECT COMMITTEE

HON. DENNIS H. FOSTER: Mr. President, I beg to move Government Motion No. 4/85 standing in my name. Mr. President:-

"WHEREAS the Legislative Assembly's Standing Orders, which presently regulate the procedures of and other matters relating to this Honourable House, were made in 1976 and have not been amended since; and

WHEREAS it is considered appropriate that there should be established a Standing Select Committee to consider the present standing orders and to recommend to this Honourable House, having carefully considered all standing orders and all proposals for amending standing orders that have been made by Honourable Members, what amendments thereto are necessary or desirable.

BE IT THEREFORE RESOLVED, in accordance with Standing Order 75, that there be established a Standing Select Committee entitled The Committee on Standing Orders which Standing Select Committee shall consist of the whole House and shall continue as a Committee of this Honourable House until the Legislative Assembly is next dissolved in accordance with Section 47(1) of the Constitution of the Cayman Islands, and that the said Standing Select Committee meet from time to time generally to consider what changes to standing orders are necessary or desirable and particularly to consider any proposed amendments to standing orders which are referred to it in accordance with Standing Order 83(3)."

MR. PRESIDENT:

Does the Member wish to speak to the motion at all, or not?

HON. DENNIS H. FOSTER:

Not really, Sir. I think it is self-explanatory, and Members know what it is all about, Sir.

MR. PRESIDENT:

In that case, Government No. 4/85 is open for debate. Does any Member wish to speak? If no one does I shall put the question.

QUESTION PUT:

AGREED.

GOVERNMENT MOTION NO. 4/85 PASSED.

MR. PRESIDENT:

Perhaps this will be a convenient moment for me to remind the House that I said when two of the Private Members Motions considered during this Meeting were passed, namely Private Member's Motion No. 1/85 and Private Member's Motion No. 6/85, that I proposed to regard the Committee of the whole House for which the first of those two motions called, as being the Committee on Standing Orders for which Standing Order 83 provides.

MR. PRESIDENT (CONTINUING): What I then said, in my present view is now overtaken by events because we have now by accepting Government Motion No. 4/85 provided for the appointment of a specific Committee, a Standing Select Committee to deal with Standing Orders. I think that the matters which formed the subject both of Private Member's Motion No. 1/85 and Private Member's Motion No. 6/85 should both be referred to this Standing Committee which we have just appointed. So perhaps part of its initial task will be to examine those specific matters.

NOMINATION OF CHAIRMAN TO STANDING SELECT COMMITTEE

MR. PRESIDENT: It falls to me, I think, in accordance with Standing Order 69(2) to nominate a Chairman of the Standing Committee on Standing Orders, and I shall nominate the Honourable First Official Member to be Chairman of that Committee.

QUORUM
STANDING SELECT COMMITTEE

MR. PRESIDENT: I have an idea that I very often set a quorum too. Maybe the Honourable Second Official Member can refresh my memory. I cannot see anything in Standing Orders which requires me to do so. If I am wrong and if some other procedure is followed, perhaps such as Committees themselves setting their own quorums, I would be grateful to be corrected. I am not sure. I do seem to remember setting a quorum.

HON. MICHAEL J. BRADLEY: I think, Mr. President, that for a Committee of the whole House, whether a Select Committee or otherwise, I think seven is the normal number for a quorum.

MR. PRESIDENT: Seven is the quorum for Meetings of the House. I think that seven would be a reasonable quorum for a Committee of the whole House such as this new Standing Select Committee is to be. Unless any Member has any objections I will advise that seven should be the quorum for that Committee.

PRIVATE MEMBER'S MOTION NO. 2/85
LABOUR LEGISLATION
APPOINTMENT OF CHAIRMAN AND QUORUM

MR. PRESIDENT: There is one other matter which I think I forgot to deal with at the appropriate time. Private Member's Motion No. 2/85 which was passed some time ago dealt with the appointment of a Committee of the whole House to study and make recommendations with regard to labour legislation. I did not at the time at which that motion was passed make a nomination under Standing Order 69(2) of a Chairman, because I think I simply forgot so to do. I now intend to nominate the Honourable Second Official Member, having discussed the matter with him and with the Honourable Second Elected Member of Executive Council. I think that is right.

I suggest that the quorum in that case since it too is a Committee of the whole House be the same.

As far as I can discover from my notes there are not any other Committees in respect of which I should be nominating a Chairman or taking other action.

PERSONAL EXPLANATION

MR. PRESIDENT: I said earlier that by agreement with the Member concerned, the Second Elected Member for Bodden Town, I was deferring until slightly later in the Order Paper the personal explanation which appeared as Item 3 on it. I now invite him to make his explanation.

MR. G. HAIG BODDEN: Mr. President, this statement is made under Standing Order 31. On the 22nd March a Member of this House made a statement which seemed to imply that the speech which I had made in the Legislative Assembly may have been responsible for causing the ban to be put on the import of the turtle farm products into the United States of America. The true position is that the ban was imposed by the United States of America because in 1978 the CITES convention changed the status of the green turtle from a threatened to an endangered species. Trade is not generally allowed if an animal is listed as endangered. The final rule published in July, 1978, 43 Federal Regulation 3280011, July 28th, 1978, imposed a total ban on commercial trade in sea turtles and also excluded a Mariculture exemption.

The speech referred to on Wednesday, 22nd March, 1985 had been made on 6th September, 1978, two months after the imposition of the ban, and could not possibly have caused legislative action taken a couple of months earlier.

MR. PRESIDENT: The terms of Standing Order 31 are such as to preclude debate on personal statements of the kind made. However, the Second Elected Member for West Bay did show me earlier the transcript from the Hansard of exactly what was said on Friday, and I agreed that if he wished he could make plain one point as to whether he had intended to imply what the Second Elected Member for Bodden Town supposed.

MR. W. MCKEEVA BUSH: Thank you, Mr. President.
Mr. President, I will just read from a transcript of my speech made in the House on that day, and the part which I will read says:-

"The Member keeps interrupting but, Mr. President, he has to take the blame for a lot of the trouble we are in today with Cayman Turtle Farm, because one of his statements here calling the conservationists "cockeyed", Mr. President, I do not think helped us in 1978."

Mr. President, that is what I said. I did not say the Member was responsible for the ban, but in my humble opinion I still think he caused a lot of problems for us. That is my opinion. Thank you very much, Sir.

MR. PRESIDENT: Order, order.
That concludes matters on the Order Paper.
I will invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until Tuesday, 21st May, 1985.

MR. PRESIDENT: The question is that this House do adjourn until Tuesday, 21st May, 1985. I believe that the Honourable Third Official Member wishes to speak.

HON. THOMAS C. JEFFERSON: Yes, Mr. President. Having been in this House for the past 17 working days of this month I feel obliged, Mr. President, to offer our gratitude to the Clerk and her staff for the manner in which they have helped us with the proceedings. I am sure, Mr. President, that they have worked on many evenings and perhaps even weekends to make sure that the Minutes were prepared and that the Order of the Day is with us when we need it.

Mr. President, they have produced some of the most delicious snacks which we have had here, and my grateful thanks are due to the Clerk who has expeditiously seen to the repair of the two chairs which broke up under my weight.

MR. PRESIDENT: I am sure that we would all wish to thank the Clerk for taking prompt action to save the Government from collapse. (LAUGHTER).

Does any other Member wish to speak?
If not I will put the question.

QUESTION PUT: AGREED. AT 11.56 THE HOUSE ADJOURNED UNTIL
10.00 A.M., TUESDAY, 21ST MAY, 1985.

SECOND MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

TUESDAY
21ST MAY, 1985

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LLB SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MRS DAPHNE L ORRETT THIRD ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

* MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

* ABSENT

SECOND MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

(FIRST DAY)
TUESDAY - 21ST MAY, 1985

ORDER PAPER

1. PRESENTATION OF PAPERS & REPORTS

(i) FINANCE COMMITTEE REPORT

(Meeting held 2nd May, 1985)

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, CHAIRMAN OF FINANCE COMMITTEE.

(ii) ROYAL CAYMAN ISLANDS POLICE - ANNUAL REPORT 1984

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER.

2. QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 46: WOULD THE MEMBER STATE WHAT THE PRESENT POLICY IS FOR THE ADMISSION OF NON-CAYMAN ATTORNEYS-AT-LAW AND WHAT MAXIMUM NUMBER WILL BE APPROVED IN 1985?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 47: WOULD THE MEMBER STATE WHETHER THE GOVERNMENT HAS YET FORMULATED A SHORT-TERM ECONOMIC POLICY TO ENCOURAGE INVESTMENT IN THIS COUNTRY, AND, IF SO, WHEN THIS WILL BE INTRODUCED?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 48: WOULD THE MEMBER STATE WHETHER ANY IMPORT DUTY EXEMPTION WAS GRANTED TO THE PROSPECT SPORTS AND CIVIC CENTRE, GIVING THE ESTIMATED COST OF THIS DEVELOPMENT AND THE VALUE PLACED ON ESTIMATED LABOUR COSTS?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 49: IN LIGHT OF THE PROVISIONS OF THE NEW CAYMANIAN PROTECTION LAW, 1984, (LAW 24 OF 1984), WOULD THE MEMBER STATE IF THE FOREIGN SPOUSES OF CAYMANIAN WOMEN WILL BE GIVEN EQUAL RIGHTS WITH THE FOREIGN SPOUSES OF CAYMANIAN MEN, AND, IF NOT, WHY NOT?

3. GOVERNMENT BUSINESS

(i) MOTIONS:-

- (a) GOVERNMENT MOTION NO.6/85 - CAL - BANK GUARANTEE
- (b) GOVERNMENT MOTION NO.7/85 - AMENDMENT TO ELECTIONS LAW

(i) BILLS:-

FIRST AND SECOND READINGS

- (a) THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1985
- (b) THE MAINTENANCE (AMENDMENT) BILL, 1985
- (c) THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1985
- (d) THE GRAND COURT (AMENDMENT) BILL, 1985
- (e) THE CLERK OF THE COURT AND DEPUTY CLERK OF THE COURT (POWERS) BILL, 1985
- (f) THE CURRENCY (AMENDMENT) BILL, 1985
- (g) THE COMPANIES (AMENDMENT) BILL, 1985
- (h) THE REGISTERED LAND (AMENDMENT) BILL, 1985
- (i) THE PENAL CODE (AMENDMENT) BILL, 1985
- (j) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (k) THE REHABILITATION OF OFFENDERS BILL, 1985

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TUESDAY

21ST MAY, 1985

10.02 A.M.

MR. PRESIDENT:

*The Assembly is in Session.
I invite the Reverend Edgar Ogston to
say prayers.*

REV. EDGAR OGSTON:

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

*Bless our Sovereign Lady Queen
Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles
Prince of Wales, Diana Princess of Wales and all the Royal Family.
Give grace to all who exercise authority in our Commonwealth that
peace and happiness, truth and justice, religion and piety may be
established among us. Especially we pray for the Governor of our
Islands, the Members of the Executive Council and Members of the
Legislative Assembly that they may be enabled faithfully to perform
the responsible duties of their high office.*

*All this we ask for Thy great Name's
sake, Amen. The Lord's Prayer.*

*Our Father, which art in Heaven,
Hallowed be Thy Name, Thy Kingdom come, Thy will be done in earth
as it is in Heaven. Give us this day our daily bread: And forgive
us our trespasses, as we forgive them that trespass against us: And
lead us not into temptation; but deliver us from evil: For Thine
is the Kingdom, the power and the glory, for ever and ever. Amen.*

MR. PRESIDENT:

*Please be seated.
The first item of business on today's
Order Paper is the presentation of Papers and Reports. The Finance
Committee Report.*

PRESENTATION OF REPORTS

FINANCE COMMITTEE

HON. THOMAS C. JEFFERSON: *Mr. President, I beg to lay on the table
of this Honourable House the Finance Committee Report for the 2nd May,
1985.*

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON: *Mr. President, the Meeting on the 2nd
May, 1985 approved the following supplementary expenditure:-*

1. HEAD 5 LEGISLATIVE ASSEMBLY
SUB-HEAD 03-036 - PRINTING.....CI\$25,000

*To provide for the revision and printing of the Cayman Islands
Laws.*

HON. THOMAS C. JEFFERSON (CONTINUING):

2. HEAD 7 - POLICE DEPARTMENT.....CI\$108,207

Provided for the recruitment of six United Kingdom Sergeants.

3. HEAD 10 - FINANCE AND DEVELOPMENT
SUB-HEAD 07-014 - FEES CONSULTANCY.....CI\$ 76,600

These funds are to cover the costs of public relations and Government affairs counsel services in the United States by Gray and Company Public Communications International, Inc.

4. HEAD 10 - FINANCE & DEVELOPMENT
SUB-HEAD 08-039 - CAYMAN TURTLE FARM
(1983) LTD.....CI\$100,000

To meet the financial requirements of the Cayman Turtle Farm through May, 1985.

Again on the Finance, Mr. President:-

5. HEAD 10 - FINANCE & DEVELOPMENT
SUB-HEAD 01-002 - CONTRIBUTION TO
TECHNICAL CORPORATION AND OSAS STAFF.....CI\$ 5,379

Provided to cover the contribution to the United Kingdom pensions schemes for the recruitment of the six Sergeants previously mentioned.

The total supplementary expenditure approved, Mr. President is CI\$315,186.

Additionally, Mr. President, Finance Committee approved that the sum of CI\$137,000, initially granted to the Housing Development Corporation to cover 'set-up' expenses, be utilised as equity participation in the Company rather than the loan as previously granted.

For the Pines Retirement Home it was agreed that a loan agreement between the Pines Retirement Home and the Cayman Islands Government be formulated in the following terms on the principal sum of \$320,000:-

- a 2 year moratorium effective 1st January, 1985
- 10 equal annual repayments
- interest rate of 5 per cent

Thank you, Mr. President.

MR. PRESIDENT: In accordance with the provisions of Standing Order 67, paragraph (4), the House is deemed to have agreed to the motion.

Reports (ii). The Royal Cayman Islands Police Annual Report, 1984.

ROYAL CAYMAN ISLANDS POLICE - ANNUAL REPORT 1984

HON. DENNIS H. FOSTER: Mr. President, I beg to lay on the table of this Honourable House the Royal Cayman Islands Police Annual Report, 1984 which has been circulated, Sir.

MR. PRESIDENT: So ordered.
Item 3. Questions. The Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
SECOND OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 46: Would the Member state what the present policy is for the admission of non-Caymanian attorneys-at-law and what maximum number will be approved in 1985?

ANSWER: The policy of the Cayman Islands Government in relation to the admission of non-Caymanian attorneys-at-law is as follows. Non-Caymanian attorneys-at-law will be admitted to practice in the Cayman Islands at such times, in such numbers and for such periods as will best ensure a balance between the need adequately to service and develop the legal aspects of our offshore financial and other commercial enterprises and the need to protect the present and future interests, not only of Caymanians at present qualified as attorneys, but also those other Caymanians who are presently studying either at the Cayman Islands Law School or abroad for qualifications entitling them to practice here.

The Government of the Cayman Islands has not set any arbitrary maximum number upon the admission of non-Caymanians. All applications will be considered according to the above.

SUPPLEMENTARY:

MR. G. HAIG BODDEN: Mr. President, I would like to ask one supplementary. As the answer does not specifically mention criminal matters, would the Member say if attention will be given in the policy to provide for criminal lawyers and for lawyers who practice in the courts, as many times it is difficult to find such a lawyer.

HON. MICHAEL J. BRADLEY: Mr. President, the question as construed by me and the answer as given by me related to those non-Caymanian attorneys-at-law who engaged in the practice of attorneys on a resident basis here. There is a provision, Mr. President, whereby instead of a general admission to practice law here there is a special admission given. This special admission does not require the approval under the Legal Practitioners Law of the Governor-in-Council in respect of a non-Caymanian. It is an application made to be admitted for a particular case or for a particular specific limited purpose which is stated in the application. Such applications for enrolment under a special enrolment are made to the Chief Justice, and provided that the person has the necessary and appropriate qualifications such admissions are made automatically.

It is not the intention of this Government to seek arbitrarily to limit the right of an accused person to have the lawyer of his own choice.

MR. PRESIDENT: If there is no further supplementary I will invite the Second Elected Member for George Town to ask the next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 47: Would the Member state whether the Government has yet formulated a short-term economic policy to encourage investment in this country, and, if so, when this will be introduced?

ANSWER: The general economic policy of the Cayman Islands Government to encourage investment remains in effect i.e. no income tax, inheritance tax, taxes on profits, land or capital gains and work has commenced on the five-year economic development plan, which resulted from Private Member's Motion No. 4 passed in the March 1985 Meeting of this Honourable House.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Mr. President, a supplementary. Would the Member state if any plans or policies other than these which have been in existence for many, many years have been formulated recently to stimulate the economy, and why has this new Government not yet come out with a policy statement?

HON. THOMAS C. JEFFERSON: Mr. President, the motion which was passed in March of this year appeared to me in itself to be a short term economic plan. If the Member has a different interpretation of it perhaps he would clarify his point.

MR. LINFORD A. PIERSON: Mr. President, I do not think that it is me who is confused, Sir. I am talking about a short term plan. My definition of a short term plan, Sir, is not a five year plan. I am talking about a short term plan which could be construed within a period of say a year at a time. I am asking whether any economic plan or policy has been formulated for the next twelve months, not for five years, because in this day and age, Sir, it is impossible for us to forecast for five years?

HON. THOMAS C. JEFFERSON: Mr. President, the budget is an economic plan for one year. Every year we deal with it. In economic terms a short term plan is considered anywhere from three to five years.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member, with reference to his statement that the investment policy remains in effect, is it correct to say that the new Government has adopted the policies of the last two administrations with regard to economics?

HON. THOMAS C. JEFFERSON: Mr. President, I think that at least one Member of Government from the Elected side has been quoted as saying that this administration will build on the previous policies made, or achievements.

MR. G. HAIG BODDEN: Mr. President, can I also ask if it is correct that the new Government will not attempt to put forward a short term plan, and is satisfied with what they found on the shelves?

MR. PRESIDENT: I think really in effect that has been answered because the Member has explained what he regards as a short term plan and has said that the budget is an annual plan.

MR. LINFORD A. PIERSON: Mr. President, with regard to the answer given by the Member regarding the definition of a short term economic plan, I am afraid that I cannot associate myself with that definition because the budget is not an economic plan. It is a statement of revenue and expenditure for a particular period.

MR. PRESIDENT: The Member must ask a question. If there is a question coming, as long as it comes quickly I will allow it.

MR. LINFORD A. PIERSON: I just wanted to clarify the mis-information, Sir.

MR. PRESIDENT: I do not think that there has been a supplementary question asked on that because it was really a statement by the Member. I thought that it was going to be turned into a question so I allowed him to proceed for a while.

If there is no further supplementary I will invite the Second Elected Member for George Town to ask the next question standing in his name.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 48: Would the Member state whether any import duty exemption was granted to the Prospect Sports and Civic Centre, giving the estimated cost of this development and the value placed on estimated labour costs?

ANSWER: The Prospect Sports and Civic Centre comprises a bowling centre, civic centre, athletic facilities and a small hotel. The estimated cost is US\$8.4 million.

As the hotel qualifies under the Hotel Aids Law (Law 6 of 1976) for a reduction in the customs import duty on all imported materials and equipment and the athletic facilities and civic centre would be an enhancement of youth facilities, Government granted an import duty reduction to 7.5 per cent on all imported materials for the project.

No estimated cost of labour to construct the project is at hand, but the total estimated construction cost including contingency is US\$6.2 million. A rule of thumb is that the labour content is approximately one half of the project construction cost.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Could the Member state whether the 7.5 per cent on materials imported would be in excess of the amount of labour costs?

HON. THOMAS C. JEFFERSON: Mr. President, I am not sure that I can accurately answer that question, but I would assume that if the labour cost is approximately US\$3.1 million that the reduction in customs import duty would not reach that figure.

MR. LINFORD A. PIERSON: Mr. President, maybe I can just clarify why I am asking that, to help him answer me a little better. If the import duty of 7.5 per cent on the materials imported is less than the amount of labour, perhaps we are being penny wise and pound foolish to not have allowed the project to go through with an exemption of the 7.5 per cent. This is the reason why I was asking that question. Perhaps he could answer me now?

MR. PRESIDENT: I am not quite sure what you are asking him to answer.

MR. LINFORD A. PIERSON: I had better speak another language, Sir.

MR. PRESIDENT: Well, he has already answered to the effect that the 7.5 per cent is so far as can be judged very much less than the labour cost. I think that you were explaining why you had asked him that question. I was not sure whether you were asking him a further question.

MR. LINFORD A. PIERSON: The point is, Sir, from my understanding...

MR. PRESIDENT: You were making a statement about your own views about the matter, but what was your question?

MR. LINFORD A. PIERSON: I think that the purpose of asking questions in the House, if I may make a statement, is so that the questions can receive a proper answer. Unless I can clarify the questions which I am asking, it is impossible for the Member to answer. I am not just asking a question for the sake of asking it. I want a proper answer. When I am asking about the 7.5 per cent import duty the answer which I want to find out is whether the 7.5 per cent which would have accrued to Government as revenue would have been in excess of the amount of labour which the project would have provided this country?

MR. PRESIDENT: That has been answered has it not?

MR. LINFORD A. PIERSON: Mr. President, may I further my supplementary, Sir. From the answer received here it says that no estimated cost of labour to construct the project is at hand, therefore the answer that the Member has given is just a rule of thumb as he says. However, the rule of thumb is that the labour content is approximately 60 per cent of the project construction costs. The project construction cost is estimated at US\$8.4 million so....

MR. PRESIDENT: No, US\$6.2 million.

MR. LINFORD A. PIERSON:US\$6.2 million, so I take it then that 7.5 per cent import duties would have been US\$3.1 million or more.

MR. PRESIDENT: No, I do not think so at all. The estimated labour content on that arithmetic would be US\$3.1 million.

MR. LINFORD A. PIERSON: Right, and the question which I am asking is whether the 7.5 per cent which would have accrued to Government in revenue is in excess of the US\$3.1 million?

MR. PRESIDENT: Well, I am sure that you were told that it was not and I do not see how it could possibly be.

MR. LINFORD A. PIERSON: Mr. President, I wonder if it would be possible for you to allow the Member to answer, Sir?

HON. THOMAS C. JEFFERSON: I thought I had answered it, Mr. President. If we go by the rule of thumb it is basically dividing the construction cost of \$6.2 million in half, half for the materials and equipment and half for the labour content. Now if we take 7.5 per cent of \$3.1 million it is not going to equal \$3.1 million.

MR. LINFORD A. PIERSON: Mr. President, I do not want to prolong this. There is a purpose for asking this question and I will have to insist that I get the answer I am seeking, otherwise I will drop it. However, it is for the public as well as for myself. We are not talking of 7.5 per cent of \$3.1 million. I am sure that the Member knows that. It is 7.5 per cent of the total materials imported, whatever value he chooses to place on that. The \$3.1 million as he has said to us is the 50 per cent of the construction cost, which represents the labour cost by his rule of thumb.

Mr. President, he does not have to answer that but 7.5 per cent of \$6.2 million is certainly not \$3.1 million.

HON. THOMAS C. JEFFERSON: Mr. President, the total construction cost of the project is \$6.2 million. If we use the rule of thumb which says that 50 per cent of that value is the labour content, it means that the other 50 per cent, the \$3.1 million must be the cost of construction and equipment. So if we are going to take 7.5 per cent of anything, we have to take it of the \$3.1 million, not \$6.2 million, because we do not collect duty on labour content, Mr. President.

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Am I to understand, Mr. President, that there was a definite disparity in the amount of duty which would have been collected at 7.5 per cent as compared with the amount of labour which would have been provided in the community is the value?

MR. PRESIDENT: I really think that that has been answered already several times.

If there is no further supplementary I will invite the Second Elected Member for George Town to ask his next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 49: In light of the provisions of the new Caymanian Protection Law, 1984, (Law 24 of 1984), would the Member state if the foreign spouses of Caymanian women will be given equal rights with the foreign spouses of Caymanian men, and, if not, why not?

ANSWER: Under section 18(5) a spouse of either sex is treated equally.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Would the Member state Government's policy regarding the issuing of self employed permits to the foreign spouses of Caymanian women?

HON. DENNIS H. FOSTER: Mr. President, that is a matter for the Caymanian Protection Board, Sir.

MR. G. HAIG BODDEN: Mr. President, may I ask since the Law is that all foreign spouses of Caymanian people are treated equally, how it is that a Caymanian woman married to a foreign man finds it difficult for her husband to get a licence to drive a taxi, and is told by the Protection Board that she will have to form a company and employ him herself, and if this is what is meant by equal treatment?

HON. DENNIS H. FOSTER: Mr. President, perhaps the foreign male spouse had not complied with the section as yet. Once he has complied with it I see no reason why he cannot apply for status if he is an eligible person. Those particular sections which are in the regulations are unrestricted. There is no quota. However, perhaps he has not fulfilled the requirements of this section as yet.

MR. LINFORD A. PIERSON: Mr. President, Section 18(5) of the Caymanian Protection Law deals with status, the acquisition of Caymanian status by grant. My question, Sir, is dealing with self employment not with status?

MR. PRESIDENT: I think that your original question was at large. Your supplementary dealt with self employment. I think that it is perfectly true to say that your original question dealt with all rights, and if the answer was restricted to the granting of status then you are perfectly entitled to ask whether in other respects the treatment is equal.

MR. LINFORD A. PIERSON: I am sorry that that is the impression which was gained from my question, Sir. It is intended to deal specifically with work permits, or gainful occupation licences. In the supplementary it was dealing with the self employed permits of foreign spouses of Caymanian women.....

MR. PRESIDENT: Well, if you read the....

MR. LINFORD A. PIERSON: May I ask the Member if there is a policy since his answer was that the Caymanian Protection Board deals with this? He should know if there is a policy to this effect.

HON. DENNIS H. FOSTER: Mr. President, the Government issued directives to the Caymanian Protection Board which were published. I cannot recall right now which section it is, or if there is a section which deals with that particular matter. However, I am pretty sure that there is something in those directives which have been published that preference is given to spouses. However, I think the Member knows that there has always been a rift at the airport with taxi people, and it has got to the stage as everybody knows where the taxi business is being controlled by foreigners. That is why, I am sure, after many complaints from the local Caymanian taxi drivers, that the Board probably took away some of these self employed licences which the Second Elected Member for Bodden Town referred to.

MR. LINFORD A. PIERSON: Mr. President, would the Member state whether any priority in consideration will be given to work permit applications from foreign spouses of Caymanian women in the light of section 18(5) of the Caymanian Protection Law?

HON. DENNIS H. FOSTER: Mr. President, all I can say on that is that the Protection Board since it came into being this year has worked quite rapidly and they process their applications as fast as possible. They do not have long delays. I really do not interfere with the Board. We put them there to do a job and as far as I am concerned, Sir, they are doing a pretty good job.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if he will give the House his assurance that he will look into what the Board is doing? Because in the case which I mentioned, if the person had followed the advice given the person would have committed a criminal act. The person was advised and given the blue forms for a Trade and Business Licence, and told that if she took that out and paid the \$50 she could hire her husband to operate a taxi for her. This is not so. She would be guilty of hiring him without a work permit and he would be guilty of working without a work permit. So there is something wrong in asking if the Member will give the House the assurance that he will find out what is happening in the case of discrimination against the spouses of Caymanian women.

HON. DENNIS H. FOSTER: Mr. President, the Member knows exactly what is wrong, Sir, because I just told him. The taxi business at the airport was getting to a stage where it was being controlled by foreign people. This is a move the Protection Board obviously had to make to get some proper organisation up there. If the spouse complies with the provisions in section 18, the straightforward thing to do is to obtain status and then he is free to do as he likes.

MR. W. McKEEVA BUSH: A further supplementary, Mr. President. The Member spoke about taxis and I just want to let him know that it is not only taxis which are involved here. There are a lot of other people involved in other categories.

MR. PRESIDENT: The Member must not make statements. He must ask questions.

MR. LINFORD A. PIERSON: Mr. President, a supplementary. If the Caymanian Protection Board is a Government Board I would like to ask the Member whether it is fair to assume that the questions asked here should be answered in the Legislative Assembly?

HON. DENNIS H. FOSTER: Would you repeat the question?

MR. LINFORD A. PIERSON: The Caymanian Protection Board is a Government Board. Is it fair to assume that questions asked here regarding the Caymanian Protection Board should be given an answer in the Legislative Assembly?

HON. DENNIS H. FOSTER: Mr. President, this is what I have done. I have given the answer.

MR. LINFORD A. PIERSON: With respect, Mr. President, I have been told that the policies are the policies of the Caymanian Protection Board and Government runs the Board.

HON. DENNIS H. FOSTER: Mr. President, let me see if I can explain, Sir. There are a Caymanian Protection Law, Regulations and Directives all published. It is my Portfolio. I do not tell the Board what to do, Sir. Neither does Executive Council. If Executive Council has another directive to make they will make it and publish it. I do not go over there to every meeting or in fact any of the meetings. I do not interfere with them. However, Sir, the policy is, and every Member knows this, that we must try to provide for our own Caymanians first. If there is an excess of taxis at the airport they must give the Caymanians preference. This is what the Members want. I am sure that that is the objective of the Board.

MR. LINFORD A. PIERSON: Mr. President, my question was not dealing specifically with taxis. My question was a general question. I wanted to know that in light of section 18(5) of the Caymanian Protection Law which gives priority to the spouses of Caymanians, whether the foreign spouses of Caymanian women would be given priority consideration? This was my question, and also whether there was a policy to this effect? The answer is "yes" or "no there is or is not a policy".

MR. PRESIDENT: With respect your question originally is about discrimination on grounds of sex. That is my understanding of it anyway, if the foreign spouses of Caymanian women will be given equal rights with the foreign spouses of Caymanian men. In other words it is a question not about taxis or about some particular class of employment, or about some particular rights under the Law. It is neither about status nor about self employment, nor about gainful occupation licences. It is at large about discrimination on grounds of sex. I will certainly allow the Honourable First Official Member to answer whether it is the case that there is no longer any discrimination on grounds of sex, because I think that all he has answered so far has been either about status, or about specific supplementaries to do with taxis or to do with the like.

MR. LINFORD A. PIERSON: Mr. President, may I?

MR. PRESIDENT: Well, let him answer that one first.

HON. DENNIS H. FOSTER: No, Sir, there is no discrimination, no discrimination whatsoever.

MR. LINFORD A. PIERSON: Mr. President, you repeated my original question. I was dealing with the supplementary for that which had to do with priority consideration being given to foreign men who married Caymanian women. I was saying that in light of section 18(5) of the Caymanian Protection Law which gives priority consideration to these individuals for the grant of status, whether the same consideration will be given with regard to employment locally, because I am aware that there are a number of foreign spouses, namely males, who cannot get a job in this country, not even a self employed permit.

MR. PRESIDENT: I think that if you want to ask that you had better put down a specific question about it because it is straying quite a long way from the equal rights question which is what you put down.

HON. DENNIS H. FOSTER: Mr. President, I will answer it, Sir. If there are jobs available they are going to naturally try to give Caymanians priority. If there are more jobs available than the foreign spouses will get them. Everybody in this country has been screaming for the last six months since things have slowed up a little bit, about the unemployed Caymanians. We must look after those first.

MR. LINFORD A. PIERSON: Mr. President, I will end with this supplementary. I appreciate what the Member has said, Sir. I am not talking about the foreign spouses of Caymanian women as opposed to Caymanians. I am speaking about foreigners and whether foreign spouses of Caymanian women would be given priority over other foreigners coming to the country? This is what my question was all about, not as against Caymanians.

HON. DENNIS H. FOSTER: Yes, Sir, I agree. I think how it would work is the Caymanians first, the foreign spouses and then the others who come on their own.

MR. PRESIDENT: We have got you the answer you wanted now at last?

If there is no further supplementary we can pass on to Item 4. Government Business. Motions. Government Motion No. 6/85.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 6/85

CAYMAN AIRWAYS LIMITED - BANK GUARANTEE

HON. W. NORMAN BODDEN: Mr. President, I beg to move Government Motion No. 6/85 which reads as follows:-

"BE IT RESOLVED that this House does this day approve the provision of a guarantee by Government to the Royal Bank of Canada, Grand Cayman, in respect of the account with that Bank of Cayman Airways Limited, up to a maximum of two million Cayman Islands dollars."

MR. PRESIDENT: The motion before the House, Government Motion No. 6/85 is:-

"BE IT RESOLVED that this House does this day approve the provision of a guarantee by Government to the Royal Bank of Canada, Grand Cayman, in respect of the account with that Bank of Cayman Airways Limited, up to a maximum of two million Cayman Islands dollars."

The Honourable Second Elected Member
of Executive Council.

MR. W. NORMAN BODDEN: Mr. President, the financial condition of our national airline is well known to all Members of this Honourable House. It has been dealt with many times in the past, and based on the accounts which were tabled at the Meetings in March I am sure that the financial difficulties of Cayman Airways Limited are no secret to anyone.

HON. W. NORMAN BODDEN (CONTINUING): Nevertheless, in this particular case, I have to explain what prompted this motion. Cayman Airways had been using an overdraft facility at the Royal Bank of Canada which was supported by a Letter of Comfort from Executive Council in the sum of CI\$500,000. However, this amount was many times exceeded due to the need for additional working capital. Since August, 1984 the overdraft actually increased to CI\$1.5 million which amount has been fully utilised ever since that date.

At that time a written assurance was given to the Royal Bank of Canada by the former Honourable Elected Member of Executive Council responsible for Tourism Aviation and Trade and the then Chairman of Cayman Airways, which stated that if the overdraft facility of \$1.5 million was not reduced to its former level of \$500,000 by 31st December, 1984 then a Government Guarantee would be provided in early 1985 to support the overdraft facility which was made available to the airline.

The Royal Bank of Canada now expects this promise to be kept and has served notice that it requires at this time a formal Guarantee from Government in order to continue to make the overdraft facility available to Cayman Airways. Based on Cayman Airways' weekly cash flow report this overdraft of \$1.5 million at the Royal Bank of Canada is absolutely necessary in order to assist the company in meeting its debt obligations.

Additionally, the Board of Directors of Cayman Airways have recommended that the amount be increased by \$500,000 which would be used solely as a reserve against any large unexpected debt arising at short notice. This extra amount could only be used with the specific authorisation of the Board of Cayman Airways. It is intended to use this as a cushion in the event of any unforeseen debts arising.

In the past six months efforts have been made to improve the financial position of the airline and while some degree of progress has been made, the fact remains, Mr. President, that Cayman Airways still is and it will continue to be very heavily dependent on the direct and indirect financial assistance from its sole shareholder the Government of the Cayman Islands.

Mr. President, this motion to some extent involves the credibility of our Government and Cayman Airways. I see it as a commitment made by a Member of the past Executive Council which of necessity should be honoured. I recommend this motion and would ask other Members in their wisdom to do likewise by giving this motion their full support.

Thank you, Mr. President.

MR. PRESIDENT:

The motion is now open for debate. Does any Member wish to speak? The Honourable Fourth Elected Member of Executive Council.

DEBATE ON GOVERNMENT MOTION NO. 6/85

HON. VASSEL G. JOHNSON: Mr. President, I rise to support this motion for this Honourable House to provide a Guarantee so that Cayman Airways can operate an overdraft at its bankers to a limit as stated in the motion, a maximum of \$2 million.

Mr. President, I think that I would be safe in saying that Cayman Airways has become from a few years ago something near to a millstone round the neck of Government.

HON. VASSEL G. JOHNSON (CONTINUING): Cayman Airways had become political since 1977 when it was seen fit by the then Government to convert the airline into a fully owned entity of the Government. Mr. President, the Government previous to that thought that because of the size of the Cayman Islands, the size of the population and the size of the travelling public, and with many studies made on the feasibility of airline operations, it was not seen in any way that a small airline like Cayman Airways operating as an independent entity would work. Before that, Mr. President, it was linked in equity and operation with another airline which was an ideal situation. However, other Members thought differently. In everything in these Islands we like to be big and this costs money. So Cayman Airways was taken off on a ride to be converted into an independent entity owned solely by the Government of the Cayman Islands.

There were many opinions at that time, Mr. President, that the airline would have to be heavily subsidised by this Government if it were to make a success of its operations. Although the public was deceived from time to time as to the true financial status of the airline, and the public was fed with the belief that the airline would be a viable operation economically; the Government would not have to put money into the airline; everything would be fine; the airline would in time pay big dividends to the Government. It was under these misapprehensions, Mr. President, that the airline continued growing on the strength of Government's guarantees and Government's financing.

I am sure, Mr. President, that after that decision was made by the Government, that all Caymanians and this Honourable House stood by those decisions and hoped for the best as far as the airline operation was concerned. We supported it, Mr. President, because a national airline is a very prestigious thing within a country, especially a country so small as ours. I am sure that no other country our size dare go into this venture. However, we did and we are still making quite a lot of ventures into providing reliable and first class services for the country. However, Mr. President, an airline operation is always a little different from other things. We have airplanes flying in the sky transporting people from one point to another. Those aircraft have to be kept up to proper standards in maintenance and services, and so the operation becomes very expensive. If the revenue intake cannot meet its overheads costs then of course somebody must pay the bill. In this case it is the Government.

Mr. President, it was no surprise to me when I entered Government to examine Cayman Airways accounts almost immediately, and to find that the airline was in what I term a very serious financial position. I am sure that many people in these Islands understand that too. However, there are many over on the Opposition's side who believe that we took over a gold nugget. Mr. President, I must restate again that in November when we went into Government we found that the airline was carrying at that time a book deficit of \$17 million. In other words its entire equity had wasted into a deficit of some \$8 million. How in the world the airline continued operating was a miracle to me and to many others.

Besides that, Mr. President, even if the equity had been used to finance the other part of the operation it would not be so bad, but we found that there were debts owing by the airline, some of them very critical. The first check that we made indicated that those debts amounted to around \$8 million, but later on we found other things there after we sent people in there to re-check those accounts, because at that time nobody hardly knew what the position was.

HON. VASSEL G. JOHNSON (CONTINUING): I understand that they had never operated with a budget. They scarcely knew between one audited statement and another what the position was, that is to say on a current basis. So when we sent people in there to look at it they came out with a further disheartening figure of \$7 million debts.

Also, Mr. President, when we went into Government we found that the airline was operating a bank overdraft which started during the course of 1984, and it went on. The Honourable Member presenting the motion a while ago gave details of this so I need not go over that part of it. However, that bank overdraft continued and when we got in there we found that it was in excess of \$2 million.

Well, Mr. President, you can add \$17 million of deficit. You can add \$7 million in trading debts outstanding, and you can add over \$2 million in overdraft, and that will give you the total adverse position of the airline at that particular date. Mr. President, at the present time the book debt has not changed except for losses over the months since June last year. The debts outstanding, that is the trading debts of \$7 million have reduced slightly because we got a little money from Government in December to take care of some of the very urgent ones which could have toppled the airline had they not been paid at that time. From the control which we have instituted, or are instituting there has been a slight improvement in the financial position of the Company to where it can pay a bit of its debt. However, the bank overdraft, Mr. President, has not improved very much because on 10th May this year it was still \$1.961 million.

Mr. President, in asking Honourable Members to support this motion before us we as Legislators must understand and appreciate the fact that Cayman Airways is 100 per cent owned by this Government. We must understand too that the obligations of Cayman Airways are the liabilities of this Government and the people of these Islands.

Mr. President, another thing which I want to make quite clear here is that this adverse and serious financial situation in Cayman Airways was not a creation of this present Government. I am sure that it is the desire of us here in this Chamber and the people of the Cayman Islands that Cayman Airways continues flying. As I said before it is a very prestigious institution to have in any country and we must do our very best to keep it going. However, Mr. President, I must tell you that we do have a lot of difficulties other than the serious financial position of the airline. We have staff up there who seem to give little thought to the airline's financial position and in all I would say that Cayman Airways problems do not lie just in its serious financial position.

What will happen in future to the airline will depend on the decisions of this Honourable House, and if we can find the money to meet some of the urgent needs of the airline, because we are going into the summer months when traditionally this was the lean time for that operation. We have made assessments, estimates, projections and are hoping that the situation at the end of the season will not be as disastrous as in other years. However, we must bear that in mind, Mr. President. We must realise that that is an obligation which we must keep very much in mind from time to time and we will be reporting to this Honourable House at regular frequency and when there are urgent matters to bring to your attention.

I would ask Members to support this motion. The airline must continue operating this overdraft unless the Government can find itself in a position to advance some more money to cover this indebtedness. That is the only way out just now, Mr. President.

HON. VASSEL G. JOHNSON (CONTINUING): I therefore leave the motion to Members to give it their due consideration, as I believe it needs to be given.

I support the motion, Mr. President.

MR. PRESIDENT: I think that this may be a convenient moment to take our customary morning break. I will therefore suspend proceedings for approximately fifteen minutes.

AT 11.11 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.32 A.M.

MR. PRESIDENT:

Please be seated.

Does any other Member wish to speak.

If not I will put the question. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, Government Motion No. 6/85 seeks to receive the permission of this Honourable House for a Guarantee of up to a maximum of CI\$2 million for Cayman Airways. I feel, Sir, that I would be remiss in my duties today if I did not take the opportunity to speak on this very important motion especially, Sir, after the remarks which were recently made by the Honourable Fourth Elected Member of Executive Council, which if I may paraphrase appeared to me to be an obituary on Cayman Airways.

It appears, Sir, that this important Department of Government is already dead. This is the reason, Mr. President, why I felt constrained to ask the questions I did today. It was mainly because of the economic situation which prevails in this country and I believe, Sir, that the Honourable Fourth Elected Member of Executive Council aptly brought out the point which I was trying to make, which I found so difficult to do. Be that as it may, Sir, I think it is generally felt in the Cayman Islands today that the economic situation of this country has never been at a lower ebb.

This also applies particularly to Cayman Airways. It was therefore surprising to me when a Bill was brought here which had the net effect of reducing the profitability of the airline. This Bill, Sir, increased from 25 per cent to 100 per cent the liability on the consumer. As a result the airline has suffered, and suffered badly. In discussion with many of our hotel operators and our restaurant operators, and our supermarket operators they have complained bitterly of the increase in cost in bringing cargo to the Islands on Cayman Airways. One would have thought that with the economic situation as we see it today, that every effort would be made to make the airline as profitable as possible. I would have also thought, Mr. President, that we would have seen a report from the Swissair group before a motion of this nature was brought to this House.

MR. LINFORD A. PIERSON (CONTINUING): As I understand it, the purpose of this report was to give us an idea of the present situation, financial and otherwise, of the airline and also what we can expect for the future. From the gloomy report made by the Chairman of Cayman Airways I am wondering why this motion is being brought to the House.

When I recall, Sir, one of the major issues discussed in the recent campaign was that Government or any group forming the Government would find ways and means of pulling the airline out of the mess it was in. The June, 1984 accounts show something of an accumulated deficit of \$17 million. We have heard that on top of this there were trading debts in the amount of approximately \$7 million, not to speak of the overdraft at the bank.

My question, Mr. President, is what specifically is Government doing to better this situation. I am personally tired of hearing complaints about what the old Government did. I am not interested in what the old Government did. That is history. We know what the old Government did. What the people of this country want to hear is what we are planning to do for this country and for the airline.

We also hear about the links which were made with other airlines in the past. We are operating in 1985, not in 1975 or 1965 or years past. Our major concern today is what will happen to this country from here on for the next four years, and the next four years and so on. This is why, Sir, it seems so ridiculous to me when I hear people advocating a five year development plan for this country. You can hardly see beyond six months. What are we talking about? I want to know where we are going over the next year or so. How long will it take us to formulate a five year development plan? Why has this Government not already come forward with a policy statement so that investors are aware of the policies of this new Government? This is what we want to know, Mr. President.

I can see us coming here every sitting asking for supplementary appropriation or for guarantees for this and that with respect to Cayman Airways. The purpose, Mr. President, of my other query regarding our economic development and what we are doing to expand the economic base of this country, is that things are so bad today. There are many, many people out of work and Cayman Airways is perhaps one of the biggest employers. Even though we are operating at a loss, if we cease to operate Cayman Airways tomorrow we would have many, many other people out of work in this country. Cayman Airways in a way operates as a Government department.

Are we concerned with the profitable aspects of Cayman Airways, or do we see it as a service to the people of this country? If the latter is the case, Mr. President, then we must assume the responsibility of having to subsidise the airline.

The last speaker said, Mr. President, that the Opposition whoever they are believe that Government took over a gold nugget. Mr. President, I believe that I am as capable of reading a balance sheet and financial statement as any Member in this House, so I would not have associated myself with the feeling that we were taking over a gold nugget if I am indeed referred to as the Opposition. I hope not.

Mr. President, whether we want to accept it or not Cayman Airways is 100 per cent owned by this Government. We have to take the responsibility. We cannot shirk our responsibilities. We cannot abrogate our responsibilities. We cannot pass them on to other people. This Government came into power including myself and our duty is to see that things are made better. It is going to take time and I know that the people out there do not expect to see miracles overnight.

MR. LINFORD A. PIERSON (CONTINUING): However, we cannot sit like the ostrich, keep our heads in the sand and continue to blame history.

Mr. President, if we in the Legislative Assembly are to be expected to continue supporting Cayman Airways or any other non-profitable organisation in this country, or department in the Government, I feel that it is only fair that we should be given all the facts. We should be made privy to the reports which are made by the experts such as Swissair and others, so that we can see what is happening; so that we can determine for ourselves whether we can support these types of motions. They are very intelligent people in the Legislative Assembly other than those who form the Executive Council and I feel, Sir, that it is an insult for us to be asked to support things like this without giving us the type of information which the Executive Council has on Cayman Airways.

I have no choice, Mr. President, but to support this motion. I could say that I am not supporting it but then it would not give the Government time to turn the airline around as we hope to see. So I will support this motion but with reservations, Mr. President; with reservations that the airline on its present course will never be profitable. It is even worse now that we have taken away the most profitable operation of the airline which was the cargo operation. What were we thinking about when we decided to increase the cost of bringing cargo by air into this country? Again I say, Mr. President, that our policies are way out of line in my opinion. The people who suffer from these acts are the end consumers, not the supermarkets, Mr. President, because all they will do is pass the cost on to the consumer. As a result they have decided not to ship by Cayman Airways any longer and they are using the shipping lines.

If we continue, Mr. President, to make it impossible for the airline to make a profit we will have no choice but to shortly shut the airline down. We were also told, Mr. President, that the public was deceived from time to time and told that Cayman Airways would be a viable, feasible entity. Perhaps that was said, Mr. President, but I would again state that I do not in any way subscribe to that view, neither do I associate myself with any of those rantings and ravings either of past or present Governments. I deal with the facts and the fact before me today is that at 30th June, 1984 Cayman Airways had a \$17 million deficit with \$7 million in trade debts, and the equity of the airline was totally eroded. This is what I want to see us as a Government address, and desist from going back doing assassinations of past Governments. That is helping nobody. We are dealing with today. We are dealing with 400 people out of work.

Mr. President, while I can appreciate that the adverse, serious financial position of Cayman Airways may not have been caused through the present Government's operation, I am also appreciative of the fact that it is our duty to try and make this better.

Mr. President, in closing I wish to state that I more than many can fully appreciate the dilemma that the airline has been through. I am also aware of the situation which existed some time back, a lack of budgetary provisions as the Honourable Fourth Elected Member of Executive Council mentioned. However, I am none the less interested in seeing the airline become a more profitable venture. I do not think it will be totally profitable, not under its current route structure and with the present equipment which we have. However, I think that it could be made more profitable. I also believe, Sir, that we must examine very closely the situation of Cayman Airways, or sooner rather than later with the present mentality which we see today we could be in a lot of trouble with the airline.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, as I said, conditionally and with reservations I support the \$2 million which is being asked in this motion.

Thank you, Mr. President.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President. I rise to support the motion, Sir, which has been brought to us for the maximum of \$2 million overdraft with the Royal Bank of Canada. Although we are not here to castigate nor assassinate any past Government I think perhaps, Mr. President, that it is only fair that we keep before the minds of the public that this exorbitant debt with which we are faced is not of our own making. I do not wish to see this prolonged and forever being mentioned but I think now and again we might like to jog the memories or minds of our Caymanian people in that regard.

I feel, Sir, that the present Government is doing its utmost to see the airline make a turn around for the better. I am not sure that we will ever see it become a profitable venture but I would hope to see it at least become a business which can be run at least on the break even point.

I support the motion, Sir, only with these few reservations in mind that if in the near future, say within the next year or a maximum of two, if it is found that the airline is certainly not making any progress as far as profits are concerned, or being able to be run on its own rather than Government continually getting in debt in order to see it kept in the air, then I think perhaps we might be wise in trying to absorb Cayman Airways personnel into other arms of Government and using that money for a much better purpose. It would seem to me that these millions of dollars can be used and can pay a lot of salaries for a lot of people in other areas of Government. It would seem to me that one could almost create a completely new arm of Government in one area or another.

I also must say that I was disappointed to learn that there has been a decrease in the amount of cargo which has been flown over by Cayman Airways because of the increase which has just been enacted here. I feel that the shipping lines have no problems at all about getting sufficient cargo to bring over, and it would seem to me that the only alternative to our people having to pay a lot more for what we consume here is for the storekeepers and others who have used Cayman Airways to use the shipping lines to get a better deal. However, this in turn takes away from Cayman Airways and that is the last thing which we need to see happen here. It needs all the help it can get.

I know right now there is not much one can do except support this, and I think I will support the airline for some time yet. However, I would suggest that if anyone has a business which has proved not to be profitable, and in fact far from being profitable it is proving to be quite a weight around our necks here, I think we ought to look at it and although it is not of our making, and although this present Government cannot be blamed for it then why carry on something which we find continues to be a burden and we operate at a great loss.

You know it is one thing for one to own a Rolls Royce, but if one finds out that the insurance and the upkeep on it is too expensive one might as well revert to a Volkswagon. If one finds out that the Volkswagon is not what one needs then one should lease the Rolls Royce from somebody else and let them take over all the upkeep of it.

MRS. DAPHNE L. ORRETT (CONTINUING): I feel that this is what we need to do. We might as well face facts. It is no use our saying that we have to see that people are employed. That is correct but I feel that it is about time we realise that in order to keep the number of people who are working with Cayman Airways in employment, at the same time perhaps we are keeping hundreds out of employment because of what we need to contribute to the airline.

Sir, I would like to support this Bill as I mentioned but hopefully the present Government and the Board of Directors of Cayman Airways are looking at this very carefully, and will perhaps not wait for four years before they decide whether or not we get rid of it and try something else, in order to save this Government from having to continually be in debt because of it.

I would like to congratulate the Chairman and the Board of Directors of Cayman Airways. I feel that they are really spending a lot of time and effort in trying to work this thing out satisfactorily. However, on the other hand it seems as if as of now things are still not going too well.

Mr. President, I would like to support the motion and I give it my wholehearted support at this time bearing in mind what I have just said.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak? Does the mover wish to exercise his right of reply? The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I am sorry that I must oppose this Government Motion No. 6/85. I have my reasons for opposing it. Before November last year I spoke out many times about the ease with which the former Government came into this Honourable House and transferred large sums of taxpayers' money to the airline's coffers over which Members of the House had no control, and about which we can hardly get information. I was elected to this House to help monitor the use of public funds under the present relationship between this Government and Cayman Airways, often said to be a limited liability company. I am unable to exercise my mandate.

I have heard a lot over the years about the value of Cayman Airways and I appreciate, Sir, its contribution to our development and our economy. However, Sir, there has to be a limit to the amount which we can afford to pump into this thing we call national pride. It is said, Mr. President, that a rose by any other name is still a rose. Let us not make any mistake about it, whether it is called a guarantee, a loan or a gift it is taxpayers' money which is being spent by people who were not elected to guard the purse strings.

I believe that most of us have expected that Cayman Airways will always be a losing proposition but, Sir, before this Member votes another penny for it someone is going to have to show me some figures as to what the cost is expected to be.

The last penny, Mr. President, has already been spent to keep Cayman Airways flying. This motion is for taxpayers to guarantee another \$2 million in debts and those taxpayers of the future are those young people who are stumbling around on our streets without any direction, whom we could perhaps offer some hope for the future with a few low cost social programmes, programmes which we have been unable to provide because of this thing which we call national pride.

MR. W. MAKEEVA BUSH (CONTINUING): My national pride extends very far, Sir. My national pride is to see our people better housed and better trained, and until I see some progress in these areas I cannot in good conscience approve anything for Cayman Airways from the Public Treasury.

I realise, Sir, that this \$2 million is not directly from the Public Treasury and that it is only a guarantee but as I said, Sir, so far every single guarantee given by the previous Government had to be made good from the Treasury of this country. I say no, Mr. President, Government should guarantee \$2 million at this time for the Housing Corporation. I believe so that those people who are unable to approach the banking institutions in this country will be able to get a proper house to live in; will be able now that the rain is coming to sleep in a bed which has not been wet.

Mr. President, what a price for national conscience or for national pride. I realise that the Government, that the present Honourable Member responsible, that the present Chairman are doing and have done good work since they have been elected. When we took office there was no budget for a thing, for this \$26 million of debt. There was no budget, Mr. President, yet they are screaming now telling us that they are the best managers. Yet they had no budget for a national airline with \$26 million of debts. The airline needed to have some directions. We needed to know what was happening to the airline. The present Government have done a study, a study which I hope to see. I would like to see the report, Sir. I trust that the report done by the Swissair people will not be withheld like the report which we had here in 1983 which Government spent a lot of money on. This Honourable House is elected to lead and we as Members on this side must be kept up to date with what is going on here otherwise, Sir, I will stand here and always say no.

I find it hard, Sir, not to look back at the past. As far as I am concerned, Sir, we learn by our mistakes. Everything has a past, everything has a present and everything has a future. The position of Cayman's national airline today is a direct result of its red past. How can we not say do not look back at the past? We have to look back at the past lest, Mr. President, the Cayman people forget and elect those people who were such good managers that they did not have a budget for a \$26 million debt for the Caymanian people.

Mr. President, I do not intend to say any more on this motion but I am saying that I cannot support it.
Thank you.

MR. PRESIDENT:

The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise to support this motion. I have listened carefully to the debate here today and I would like to remind Honourable Members that the Cayman Islands do not end at the shores of the Island of Grand Cayman, but they include the two smaller Islands which depend entirely on air communications by our national airline Cayman Airways.

It is essential for us to get to hospital and other needs. I fully realise the financial responsibility it has placed upon this Government and will continue to place, but I feel that we must also look at the benefits which the Cayman Islands have derived from our national airline and certainly will continue to do so in the future.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): We are in an era where jet service is essential for our tourism, and if we are ever left in the hands of foreign airlines completely I think that the future of our tourist industry will be in jeopardy.

Therefore, Mr. President, I congratulate the Honourable Member responsible, and the Chairman and Directors for the efforts which they are making to help Cayman Airways to be more profitable. I feel that it is essential that every Caymanian and everyone who says that they love the Cayman Islands should patronise Cayman Airways to the fullest extent, for it is only by earning revenue that we will help to eliminate the deficit which it is incurring each day.

With these words, Mr. President, I support the motion.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, the choice is as clear today as it was back in 1977 and even much further back. We either maintain an efficient and reliable air service to the Cayman Islands or we turn the hands of the clock backwards to the days when we had no air service. All people of my vintage will remember those days when there was no air service; when we depended on a motor boat or a sailing boat to connect us to the outside world. We can boast that we had no airline, but we also did not have a lot of other things. We had no paved roads. We had no electricity. We had no telephones. We had no air-conditioning. We had no decent schools. We had no social programmes. We had nothing.

I maintained from the beginning that the airline is the most important ingredient in an island economy. There are many things in Government which cost money. We met here in March and we voted money for mosquito research, for the hospital, for the schools and I could go on and on. These departments cost Government money to run, and the airline is not unlike them. I believe that we are in the position we are in today, the position of being the best country in the Caribbean and the best country in the world that I know of, simply because we have the good sense to know that communication is the key to success in an island economy. Air service, telephone, telex, radio communication and boat services are the ingredients upon which islands will prosper or will fall.

I recall in 1978 when we had a conference here, one Member from the British Virgin Islands said that Caymanians should be proud of their air service. He said that, "We in the Virgin Islands are fooling ourselves. We believe we have an air service. Our Government owns a part of LIAT, but LIAT does not give us the service which Cayman Airways gives Cayman. When it suits them they overfly. They do not stop. Our tourists cannot depend and our business people cannot depend on this type of service".

The reason why the Cayman Islands went into the airline business was because on a dark day many years ago, several decades ago in fact, this Government was told that British Airways would no longer serve the Cayman Islands. The Government of that day did what was right. They founded an airline which still exists, although it has undergone some changes.

I would not like the people who have listened to this debate to go away with the idea that having an overdraft is something new for Cayman Airways, something which recently became necessary. I remember in 1977 the airline was having problems. In fact it was in such bad condition that Barclays Bank refused to give a \$50,000 overdraft to them, although Cayman Airways had an account which was passing over half a million dollars a month through Barclays Bank.

MR. G. HAIG BODDEN (CONTINUING): The Government had to take the account from Barclays Bank and go to another bank where they could get an overdraft, which I believe at that time was in the vicinity of \$250,000 and has since increased to \$500,000, and the motion today will further increase it.

So, to look back on the people who ran the airline a year ago or two years ago and to say that they are responsible is wrong. It is not supported by the facts. The true picture of Cayman Airways is that the debts which it now has have been accumulated over many years and are not the doing of a single year.

I wonder when the truth will ever be told about the ownership of Cayman Airways and the circumstances which forced this Government to own 100 per cent of Cayman Airways. The truth is that the Bermuda II Agreement which was entered into by this Government with the United States and other connected countries has a clause in it which says that any British carrier operating from the Cayman Islands or from any Caribbean territory into the United States must be substantially owned and effectively controlled by the nationals of the country or by the British Government. We could not continue today the relationship with LACSA and fly the Miami route or the Houston route. So whether we like it or not there is no choice. This Government or Caymanians living here must own that airline. If it was owned by LACSA or any other foreign carrier we would not have the right under the Bermuda II Agreement to enter the United States.

It is true that in 1977 there were hopes of the airline becoming a profitable venture, although at that time it was not. Here again the whole world knows what happened. When the Arab world held the Cayman Islands, the United States and all the rest of the oil consuming world at ransom for the oil which they were using, the fate of all airlines including Cayman Airways became the fate of losing money, because the price of oil had risen many times and there was no way that any aircraft using Arab fuel could ever make money again. I believe that this was the most serious problem with Cayman Airways. It was a problem felt by all the other airlines and the biggest item of expenditure of the airline became the fuel bill. The airline has not yet recovered and probably never will.

One Member touched upon the fact that the new Government has not done very much to increase the profitability of the airline, and I agree with him. I fought the Bill introduced and passed in this House in March of this year, which increased the duty payable on air freight. I fought against that Bill because I knew it was bound to send ripples through the economy. It was bound to affect the airline. However, I did not realise at the time how right I was and that shock waves would be sent through this country. We saw headlines in the newspaper. We hear people screaming on the street. They can no longer bring in an item by air because the Government was stupid enough to place the cost of bringing goods by air out of existence. I wonder when they are going to have the face and the good courage to bring that Bill back so that we can amend it so that the airline can continue to receive a portion of the air freight which is so vital for the very existence of the airline.

I could mention other areas in which the new Government has tried their hardest to put the airline into bankruptcy. Let me just touch on the service through Cayman Brac. We were losing money on the Cayman Brac run as had been done from the days of the old DC-3. With the introduction of the jet service we lost more money, but the new Government came along and doubled those losses by reversing the flights so that the flight crews had to overnight in Cayman Brac at the expense of the airline. I wonder when they are going to correct that.

MR. G. HAIG BODDEN (CONTINUING): One Member referred to the sad song; the obituary which had been sung, and I think that there is reason to sing that. Because when the new Government took over, the airline had some pressing problems. However, they were able to solve them by coming to the Finance Committee and getting the Finance Committee to agree to vote \$2.4 million out of the Reserves which the old Government had left behind. In November this year when they need money there will not be any Reserves at the rate they are going through them, because they came in March this year and took another \$2.4 million to balance Government's 1985 budget. If we are going to spend \$4 million every two months, \$11 million left behind us cannot last till November. So there is need for the eulogy to be sung now, because the day of reckoning is coming. Cayman Airways like every other business is suffering because the Government will not stimulate the economy. The Government is putting in restrictions. The Government is doing everything to increase taxes and take money out of circulation, and so depress the economy. This is the problem we are suffering from.

Some Members seem to feel that if we shut down the airline the Government would have money for necessary social programmes. I think that that is being very short sighted. We are not prospering in spite of the airline, we are prospering because of the airline. The day that we do not have a reliable service we will have no banking business, and we will have no tourists. These people want to travel and they want to travel daily. They want to travel when they choose to travel. They do not want to travel if some other airline feels like coming here once a week. So our economy has been under-pinned by the airline. We cannot shut down the airline and use the money to pay other people salaries, because without the airline there would be no money. I have said this many times and my feelings on it are just as strong as they were back in 1977, and in 1972 for that matter and in 1980 when I laid my whole political life on the table in an effort to continue the airline and to stop the madness which had started in this country to shut it down; the petitions; the letters in the press and the demonstrations. Thank God that the Government of the day was strong enough to say that they would keep the airline, because I believe that people who would shut down the airline would destroy our economy if they could do it. This is what they will do if we let them do it.

So the airline must be run, but the Government has problems because the cushion of \$11 million left by the previous administration has dwindled to about \$7 million according to my reckoning. Two withdrawals have depleted the surpluses and so there will not be any cushion for Cayman Airways to fall back on unless the Government does more in the next six months than it has done in the past six months.

The airline came to its present viability because of the backing of the Government, the backing of a Government which had cash. I mentioned when we were elected in 1977 that the airline could not even get a \$50,000 overdraft. No bank in the Islands would lend money to buy the first BAC 1-11 and that changed dramatically. By the time we were purchasing the 727s banks in the Islands were chasing after the Government to get in on the business. This is what a Government which had been transferred from bankruptcy to prosperity had brought about. It brought about a change in the hardened attitude of the bankers so that Royal Bank of Canada was ready to lend the money to buy the BAC 1-11, and this Government was able later on when we had amassed surpluses to take the cash from the surplus and pay off the bank for the BAC 1-11. However, I am afraid that the present Government is falling far behind in that every action taken since November has been to depress the economy.

MR. G. HAIG BODDEN (CONTINUING): Not only Cayman Airways but other businesses, some of them not Government owned, will be feeling the pinch of the austerity programme which the Government has put in when there was no need for it, and the airline will suffer when it needs cash because there will not be any bountiful Government to supply the funds as there had been over the eight years from 1976 to 1984. So there is need to sing the burial hymns today, because they are sore problems which exist, problems which can only be cured by cash because in the business world cash is king, and credit is only the queen.

So the airline has problems but there is no way out of the dilemma in which the present Government finds itself, but to come here and seek the approval of this Government to increase the overdraft at the bank so that the airline can continue to operate.

One Member said every guarantee made by the previous Government had to be made good, or something like that. What a credit to the Government if every guarantee made could be made good. However, I do not think that the statement is correct because to my knowledge there are many guarantees made by the Government which have not yet been made good. We guaranteed a loan for Caribbean Utilities and we have not made it good. We guaranteed all of the payments on the loans for the 727s and it is my understanding that the airline itself has met a few of them, although the Government may have put up some cash for some of them. I could go on to other guarantees and loans which the Government made. I think that this is what a Government is for. I think that we guaranteed a light plant for Cayman Brac. I know that we lent them cash at one time but this is what a Government is for. What I am worried about is a Government which is not going to be able to find the cash when there is a call for cash.

I support this motion, Mr. President, and I trust that the few remarks which I have made will have an effect on the Government and will at least get them to sit down and think about where this country is headed, and to tell us how they are going to have the cash in November this year that they found there in November, 1984.

MR. PRESIDENT:

Does any other Member wish to speak? Does the mover wish to exercise his right of reply? Do you wish to speak? Well in that case clearly we shall not get the debate on the motion finished before lunch. I think perhaps it might be convenient if we suspended proceedings for lunch now and met again about 2.15 p.m.

AT 12.39 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.20 P.M.

MR. PRESIDENT:

Please be seated.
Proceedings are resumed.
The Honourable First Elected Member

of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, in the beginning I had no intention of speaking on this motion, because as the mover said it is to a great extent the fulfilment of an obligation which had been placed on Government some time ago by the previous Chairman of the airline, in that an overdraft of half a million dollars had been sought on a Letter of Comfort with an undertaking that if the amount of the overdraft rose above that, that a guarantee would be given to cover the amount by the 31st December, 1984. The bank is now asking for the guarantee and if Government's credibility is to remain we have no alternative but to give the guarantee.

However, listening to the debate as it went on I thought that I would make a few comments. For example, Mr. President, it was said that the Bermuda II Agreement was the cause of Cayman Airways being organised in its present fashion, or in its present state. That is 100 per cent ownership by Government. The Bermuda II Agreement, Mr. President, is not something nebulous out there in left field. It is a document. I happen to have seen a copy of the Bermuda II Agreement. I have a fair memory for recalling what I have read, and there was no obligation on the part of this country to become 100 per cent owners of Cayman Airways in order to retain the right to fly into the United States. In the Bermuda II Agreement Cayman Airways was designated the British carrier between the Cayman Islands and points in the United States as it was presently constituted, that is 60 per cent owned by the Government and 40 per cent by LACSA. The one requirement in that Agreement was that that position, that is the 60/40 per cent ownership did not deteriorate during the lifetime of that Agreement.

So when the Member says that it is time that the people be told the truth about the Bermuda II Agreement, that is the truth. Those are the facts. The Member might have been led to believe otherwise but I happen to have availed myself of the opportunity to read the Bermuda II Agreement. Naturally there is always the admonition in the Bermuda II Agreement for improvements in the ownership by the Government concerned or by nationals of the Government concerned, but the one proviso was that the position did not deteriorate. It is my understanding that after the Bermuda II Agreement, or even before, during negotiations with LACSA, LACSA was prepared to reduce even further its ownership in Cayman Airways and still continue to provide the aircraft for the airline.

Whatever might be said about Cayman Airways, Mr. President, I do not believe that it was the cost of fuel which has been the problem with the airline. It is the cost of financing the aircraft under total lease or an attempted ownership, or whatever by Cayman Airways owned by the Government. Why the airline did not encounter greater debts prior to 1977 when it was reorganised was because they leased the aircraft and did not own it. Therefore they did not have that heavy debt service burden.

HON. BENSON O. EBANKS (CONTINUING): I am not saying, Mr. President, that the arrangement with LACSA was the perfect arrangement, but certainly financially as far as the country is concerned it was eminently more favourable than the situation which we have today where the airline has accumulated, as we have heard, something like \$24 to \$26 million worth of debts.

Mr. President, we also heard that the present Government was doing nothing to encourage development and the rest of it. We had made no policy statement. Well, Mr. President, in my opinion the Cayman Islands are as the Honourable Third Official Member said in response to a question this morning, by their very nature, an inviting place for people to do business. When people of any Government are required to make statements it is when the Government possibly, or the people comprising the Government lack credibility in their own right. However, this Government came in with credibility with Members possessing credibility in their own right, and when we leave office it is my belief we will go out with credibility. We do not have to make statements that we are not going to change the Constitution to go internally self-governing or independent and the rest of it. I think our position is well known on that. As for development, Mr. President, development has not just slowed down since the 14th November, 1984. Anybody who knows this economy will tell you that long before that the economy was on a decline. In fact when we were debating the budget it was proved that Government had failed to make its estimates of revenue in more than half a dozen different areas, which was proof positive of a decline in the economy.

What we can say is that there are indications of development now in progress, and within a few months this should be evident even to the most prejudiced people. We have not deliberately done anything to slow the economy, nor will we do it, but we will seek development consistent with the ability of the country to absorb it. We do not seek development which is illusory.

It was said that the present Government has used more than \$4 million of Reserves from the previous Government. Mr. President, this is not so. It is true that Government went to Finance Committee and asked for something like \$2.3 million to pay the debts of Cayman Airways which were pressing at that time. It received approval for this but to my knowledge only some \$800,000 was spent from that figure. The other \$2.4 million which was used in the exercise of the estimates to balance the budget for this year is certainly up until this time only a bookkeeping figure. No money has actually been transferred out of the Treasury nor used to the best of my knowledge in the payment of any bills. So that \$2.4 million remain there and will be used if there is not an excess of revenue over expenditure to necessitate that \$2.4 million having to be spent. It is my belief that by the 31st December we will have received sufficient revenue from increased activity to not have to touch any Reserves which the previous Government might or might not have had.

One Member, Mr. President, said that the airline was a necessity because prior to having the airline we did not have any electricity; we did not have any telephones; we did not have any air-conditioning; we did not have any running water, or the rest of it. The thing about that is, Mr. President, that to the best of my knowledge those services all came before 1977 when the airline was reorganised in its present form.

HON. BENSON O. EBANKS (CONTINUING): So what I am saying is that while it is good and possibly desirable to have an airline, the way or form in which it is owned and operated means much, because and I make no apologies for this, Mr. President, whether we like it or not there is a limit to which this country can spend on a national airline. The other factor which I think that we should bear in mind is that the bigger our tourism becomes, the less dependent we should become on our own airline. In other words when we had a few tourists coming to the country it was imperative that we should be able to jockey and manoeuvre our schedules and flights, but the more tourists that we get coming to the Islands, the more attractive the proposition becomes to an outside carrier to take on the route either by itself or in conjunction with the Government or with the national airline.

So, Mr. President, it does not follow that the country has to plough every last cent it has into a national airline for us to survive as a tourist destination.

The other point in that connection that I would like to make is that to my knowledge the greatest single yearly increase in tourism in this country took place, I believe it was in 1972. Certainly it was before 1977 and there was an increase of some 40 per cent by air. That was not with the airline in its present form.

It was said, Mr. President, that in 1977 Cayman Airways could not borrow \$50,000. I do not believe that that was the problem of the airline per se. I believe that that again gets back to some personalities which we hate to mention in debates, but since it has to be said it will have to be said.

Mr. President, I was just seeking and received confirmation of the figure which I quoted as having been used to pay Cayman Airways debts from the \$2.3 million sought. I quoted a figure of roughly \$800,000. I have been told by the Honourable Third Official Member that in December \$863,900 were spent and in January \$600,000 were spent, making a total of \$1.45 million altogether spent to pay Cayman Airways debts. That is the total of what has been spent out of the Reserves.

Having said that, Mr. President, I would go on and say that this Government is confident that development is in the offing. It is going to be meaningful development to the country and when the funds flow in to the coffers, this Government intends to see that those funds are used to the best advantage for all and sundry in these Islands.

The motion before us as I said in opening, Mr. President, is one which as I see it we have to accept. It is a commitment which was given previously, except that it is being cushioned by a further sum which the Directors have asked for in case of urgency. With the worms which I have seen coming out of the woodwork I believe that that is a wise decision and I would urge Members to support this motion, and give the assurance that it is my belief that the Honourable Member, the Chairman and the Board of Directors will not spend this money until they are satisfied that it is vital and essential that they do so.

Thank you, Sir.

MR. PRESIDENT: Unless any other Member wishes to speak I will ask the mover if he wishes to exercise his right to reply?

HON. W. NORMAN BODDEN: Yes, Sir, I would not like to miss this opportunity. Mr. President, this is my fifth year of being a Member of this Honourable House and there is no doubt that if we want to select a popular topic we can select something to do with Cayman Airways.

HON. W. NORMAN BODDEN (CONTINUING): I can assure you that it is bound to start a lively debate. To me it has never failed in the past; I doubt that it will fail in the future and for me it is an encouragement because it is a strong indication of its importance to this country. It can truly be said that, no, Cayman Airways has not made a profit but I can assure you or anyone else that since Government took the airline over in December, 1977, it has certainly produced many local airline experts. Everyone has their version of the story and the truth. I believe that I have as much knowledge as the next man in dealing with the subject.

I never thought that this simple straightforward and clear motion, more or less formalising what the previous administration had done, could have been taken so far. However, if we must dwell in the past we must all remember that it has rightly been said that those who forget mistakes of the past live to repeat them.

There has been such a wide area covered by the speakers before me that I feel that without belabouring this topic it is only right that I should comment on a few remarks. In considering Cayman Airways and the position it has arrived at today it is true to say that the time was fast approaching when it was becoming necessary and more desirable to own and operate our own airline. This is my opinion, Sir. We had many young Caymanians who took to the skies instead of the seas. They had gone to the United States and they had been trained as pilots, and they were looking for jobs. However, what was used as an excuse in 1977 should be set straight; that is regarding the requirements of the Civil Aeronautics Board of the United States. They said earlier in 1977 that substantial ownership and effective control should be exercised over Cayman Airways or any other British carrier wishing to operate to and from the United States. However, I can assure you that no percentage was set. The Civil Aeronautics Board did not say what it considered a substantial ownership; nor would the Civil Aeronautics Board have forced Government into taking on a responsibility without more careful examination.

So, Mr. President, there was no real reason why the airline had to be taken over in the disorganised ad hoc manner in which it was in December, 1977. Nobody can refute this. A feasibility study, had it been carried out by the Government of that day in 1977 would have revealed then what they have learned from the hard school of experience seven years and \$17 million later. I am referring to the amount shown as an accumulated loss in the accounts of the company up to June, 1984. That is, they would have found that Cayman Airways under its route structure and equipment lacks the economic factors to become viable. It was true then and it still remains true today.

It was mentioned earlier and this is a fact, if someone takes the time to check the Hansards of this House, that the public was told in 1978 when a similar motion for guarantees was being put through that Cayman Airways would make a contribution to the Treasury of this country rather than to take any money out of it.

It was also said here that in 1977 Barclays Bank refused to make a loan of \$50,000 to the airline. It is my recollection, Sir, that that refusal was made to the Government of the day, not to Cayman Airways as a company.

When making comparisons of which Government did what, and in tracing the history of Cayman Airways, it must be borne in mind that Government's investment in Cayman Airways in August, 1968 when this company was formed was only \$30,600.

HON. W. NORMAN BODDEN (CONTINUING): It is true that through the years Government saw fit to increase its holdings as and when necessary. It must also be remembered that the airline under its former arrangements and up to November 30th, 1977, declared a dividend to Government of \$68,850 in 1974. This was a proportionate part of the dividends which were taken from retained earnings of \$142,331. Without speaking disparagingly I think this Government has a long to go before it will realise any form of dividend being declared under the present arrangement. Nobody can shake that.

No one needs to tell me of the importance of Cayman Airways. Anybody who tries to point out its importance to me is only preaching to the converted. I grew up with Cayman Airways and I have always recognised its importance to this country. The local service was mentioned this morning. This is a very important link to always maintain and I was amused when the First Elected Member for Cayman Brac said that he wanted to remind this House that the Cayman Islands do not end in Grand Cayman. So Cayman Airways is important to maintaining our link with our Sister Islands. It is also important for the development of tourism. This is common knowledge, and it is also important for jobs for Caymanians.

No one needs to tell me either about the serious financial situation in which this company has been placed. When I tabled the accounts up to June, 1984 in this Honourable House in March this year I went into great detail to explain the situation which the accounts revealed, and expressed our concerns about the serious financial situation in which our national airline now finds itself.

A point was raised regarding the Swissair report. I can give an undertaking to this House, Sir, that the Swissair report will be tabled in this Honourable House, and before too long.

Blame was also placed on the increase in duty on air freight which took place in March this year. An assessment was made and it was my understanding that general cargo rates brought in by sea or air would experience very little increase; that they were practically the same. One Member said that cargo is the most profitable operation for the airline. I would like to differ, Sir. Cargo is important to the airline. Any means of revenue regardless of how small is important. However, it should be clearly pointed out that cargo is not the most profitable operation for Cayman Airways.

Therefore, I do not believe that the attempt by the Opposition to pin the terrible losses in Cayman Airways to a Bill which was passed in March of this year will go down well with the general public, at least those who will stop and think about it.

The question was also asked about what Government is doing. The first thing which we have done in regard to Cayman Airways is to start making decisions in the company on economic grounds rather than political. We have also removed some high salaried non-Caymanians who were not making any contribution to the airline. We have re-scheduled services to Cayman Brac, and although I do not have figures to back this up it is a fact that the losses experienced on the Cayman Brac to Miami services which were there up until April this year were much heavier than losses since we have re-scheduled. The new schedule to Cayman Brac combines the international and local services all on the same flight and this is bound to give the Islands a better service, and also bound to make this operation more reasonable.

HON. W. NORMAN BODDEN (CONTINUING): We have also reduced operating costs and expenses in other areas. Without making any commitment I am told by the Managing Director that when the accounts for June, 1985 are presented this year, we can expect an improved picture.

It is true that we have acknowledged and re-emphasised the importance of Cayman Airways but nevertheless, Sir, the fact remains that Government must at some time and place answer the question can they actually afford a national airline. If so, it must be accepted that the airline must be subsidised. Once this amount has been arrived at a decision must be taken as to how long this subsidy can be maintained.

I can assure this House that no information is withheld from Members. The accounts for June, 1984, as I said before were tabled in March, and the accounts for June, 1985 will most likely be tabled at the Meeting of this House in September. By this I do not mean in due course.

One Member spoke about the Housing Corporation. I would like to point out to him that the Housing Corporation also enjoys the benefits of Government assistance in the form of guarantees. So I hope that when it comes to voting he will change his mind.

There have been many boasts made about the Reserves of this country and much debate has arisen about these. However, Mr. President, it is a matter of fact that had the debts of Cayman Airways been paid up there would be no surplus to brag about regardless of which way it is looked at. I am not an accountant or an expert in finance, but I can add two and two as any ordinary man on the street can.

Mr. President, the overdraft facility of \$2 million with the Royal Bank of Canada is still needed. It is needed to avoid embarrassment. It is needed to preserve the reputation of the airline in dealing with its interline partners. To me this is a commitment which must be honoured for the sake of the airline. I know that there has been talk about the closing down of the airline. I do not know whoever put this forward. It is true that what was questioned was the disorganised manner in which it was taken over without a proper feasibility study, and the serious financial consequences which followed for this country. That I heard talk about, but nobody ever disputed the fact that it was good to have our own national flag carrier. I hope that I will not live to see the day when our airline has to be closed down. However, nevertheless having said that I also realise that facts must be faced.

Again it was asked what were we doing with the airline. Sir, if the previous Government has been struggling with this airline since 1st December, 1977 and a serious financial situation was found by us when we took office in November last year, how can it be expected that the new Government produce a miraculous turn around in six months. To me this is most unreasonable. Talking about burying one's head like an ostrich, that to me is a classic example.

Mr. President, I would like to thank Members who supported this motion conditionally, and those who supported it unconditionally. I again commend it to the House and would ask all Members to support it when it comes to voting.

Thank you, Sir.

MR. PRESIDENT: *The motion before the House, Government Motion No. 6/85 reads:-*

"BE IT RESOLVED that this House does this day approve the provision of a guarantee by Government to the Royal Bank of Canada, Grand Cayman, in respect of the account with that Bank of Cayman Airways Limited, up to a maximum of two million Cayman Islands dollars."

QUESTION PUT: AYES AND NO

MR. W. McKEEVA BUSH: *May I have a division, Sir.*

MR. PRESIDENT: *Very well.*

DIVISION
NO. 19

AYES

Hon. Dennis H. Foster
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassal G. Johnson
Mrs. Daphne L. Orrrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Ezzard Miller
Mr. John B. McLean

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NOES

Mr. W. McKeeva Bush

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MR. PRESIDENT: *I declare the motion carried.*

GOVERNMENT MOTION NO. 6/85 PASSED BY MAJORITY.

MR. PRESIDENT: *The next item on today's Order Paper is Item 4(b), Government Motion No. 7/85. The Honourable First Official Member.*

GOVERNMENT MOTION NO. 7/85

AMENDMENT TO ELECTIONS LAW

HON. DENNIS H. FOSTER: *Mr. President, I would like to move Government Motion No. 7/85 standing in my name which reads as follows:-*

" WHEREAS His Excellency the Governor, by memorandum dated 31st January, 1985, invited all Members of the Legislative Assembly and the Supervisor of Elections to make comments or recommendations in light of the 1984 General Elections for amendments to the Elections Law;

AND WHEREAS a number of Members, including the Supervisor of Elections, have sent in their comments and recommendations;

HON. DENNIS FOSTER (CONTINUING):

BE IT RESOLVED that this Honourable House appoint a Select Committee of the whole House to study these recommendations with a view to preparing an amending Bill."

MR. PRESIDENT: The motion before the House is Government Motion No. 7/85, the text of which has just been read. Does the Honourable First Official Member wish to speak to it?

HON. DENNIS H. FOSTER: Mr. President, there is not much more I can add to the motion, Sir. It is what Members indicated that they wanted during the last Meeting or the Meeting before, I am not sure which. This will give us a good opportunity while it is fresh in our minds to go through the Elections Law and recommend amendments. We can get it done and passed before the next elections.

It will also give Members an opportunity who have not made any recommendations to do so in Committee Stage. Hopefully, Sir, we will get an Elections Law which everybody will be pleased with.

I recommend the motion to everybody, Sir.

MR. PRESIDENT: The motion is now open for debate. Does any Member wish to speak? In that case I will put the question that Government Motion No. 7/85 be approved.

QUESTION PUT: AGREED.

MR. D. EZZARD MILLER: May I have a division, Sir?

MR. PRESIDENT: Yes, if you really want one I will ask the Clerk to....

DIVISION
NO. 20

AYES

NOES

- Hon. Dennis H. Foster
- Hon. Michael J. Bradley
- Hon. Thomas C. Jefferson
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeeva Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller
- Mr. John B. McLean

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MR. PRESIDENT: I declared the motion carried.

GOVERNMENT MOTION NO. 7/85 PASSED.

MR. PRESIDENT: In accordance with the provisions of Standing Order 69(2) I shall nominate the Honourable Second Official Member to be Chairman of the Select Committee. For the information of any Members who were not at the time Members of the House, the Honourable Second Official Member chaired the Select Committee which was responsible for drafting the present Elections Law. I think it will probably be helpful. Is that not right?

HON. MICHAEL J. BRADLEY: I was just thinking, Mr. President, that if the results of the previously chaired Select Committee by me result in another Select Committee, it might be better for another Member to chair this one.

MR. PRESIDENT: No, I think the Elections Law on the whole served very well indeed. There are, nevertheless, inevitably a few minor changes required. I am not sure. Maybe the Honourable Second Official Member can guide me. I think that I normally do lay down a quorum. I am not sure what it is in Standing Orders which gives me the right to do so. However, perhaps I can take it that it is a long-standing practice.

MR. MICHAEL J. BRADLEY: The practice has varied, Mr. President, in the past between you laying it down, the motion stating it and the Select Committee determining itself. However, in each case it has been seven.

MR. PRESIDENT: Well, in that case I think I will leave the Select Committee to determine it itself. So I will simply nominate the Honourable Second Official Member to be Chairman of the Select Committee in accordance with the provisions of Standing Order 69(2). However, we will leave the Committee to determine its own quorum.

We move on in the Order Paper to Item 4(ii), Bills First and Second Readings.

BILLS

THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1985.

MR. PRESIDENT: A Bill entitled The Health Practitioners (Amendment) Bill, 1985 is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1985.

HON. BENSON O. EBANKS: Mr. President, I beg to move the Second Reading of a Bill for a Law to amend the Health Practitioners Law, 1974 (Law 19 of 1974).

The Memorandum of Objects and Reasons, Mr. President, is that the Bill seeks to confer on the Health Practitioners Board the power of providing advice on conduct or ethics for members of the health profession.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, section 9 of the Health Practitioners Law, 1974 presently makes provisions for the Health Practitioners Board to be responsible for the professional disciplining of health practitioners registered to practice in the Islands. However, presently there is no guidance or advice locally as to what are the expected standards of conduct or ethics of members of the health profession. This has been seen as a gap in the legislation for some time, and this short amending bill seeks to remedy this deficiency by conferring on the Board authority to provide in such a manner as it thinks fit, advice for members of the health profession on standards of conduct or ethics expected of them.

It is my understanding, Mr. President, that this Bill has the full support of the medical and dental associations of the Islands. In fact, work has already been completed on a code which will undoubtedly be adopted once this legislation is in place.

I therefore beg Members' support for this short Bill.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Health Practitioners Law be given a Second Reading. The motion is open for debate. The Elected Member for North Side.

DEBATE ON SECOND READING

MR. D. EZZARD MILLER: Mr. President, I wish to support a Bill for a Law to amend the Health Practitioners Law, 1974. However, I would like to make it clear that since I am one of the professionals who might be disciplined under this Law I will abstain from voting when it is put to the vote.

However, I do believe, Sir, that it will improve and enhance the quality of care available on the Islands. I think it will be good for the medical profession to adopt a code of ethics and codes of conduct. I think that it could help in preventing malpractice and other such things in the medical profession. However, I believe, Sir, that the amendment should be further strengthened and that the Board should not just be allowed to give advice. I think that if they are going to adopt a code of ethics, it should be rules for members which can be used for disciplinary action. Unless the Regulations provide that this code of ethics, whether it is the United States code, the British code or the Canadian code if and when it is adopted, if broken will constitute an offence, then this amendment is useless. If all the Board can do, Sir, is to advise members that they have to abide by a certain code of ethics or code of conduct, I do not see where it will really help in improving the quality of care.

I think that it should be part of the licensing procedure that when one applies for a licence as a health practitioner, one agrees to adopt these rules of operation, or code of ethics as it may be. It should not just be that the Board only has the power to give advice.

So with those few words, Sir, I support the amendment. However, as I said I will abstain from voting, Sir. Thank you.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. BENSON O. EBANKS: Yes, Mr. President, I would like to thank the Member who spoke and all those others who supported it by their silence.

In respect to the point raised by the Elected Member for North Side, it was my first reaction when reading the Bill to agree with him. However, as I went a little further I realised that section 9 makes the Board responsible for disciplining professionally the registered practitioners. Section 10 sets out in detail the procedure of disciplinary proceedings and on enquiry I found that this is the way that the disciplinary procedure works in most countries. So, I am satisfied that this is a good beginning and a great step forward from where we are at the moment. The deficiency at the moment seems to be that there is nothing to say to the practitioner what is expected of him in his profession in the Cayman Islands. We are blessed in that we can draw from the experience of many other countries and embody them in a code of ethics and conduct for the Cayman Islands.

So I believe that it is a great step forward, and again I thank Members for their support.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Health Practitioners Law be given a Second Reading.

QUESTION PUT: AYES AND NOES.

MR. D. EZZARD MILLER: May I have a division please?

MR. PRESIDENT: Will the Clerk please....

DIVISION
NO. 21

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster		Mr. G. Haig Bodden
Hon. Michael J. Bradley		Mr. D. Ezzard Miller
Hon. Benson O. Ebanks		
Hon. W. Norman Bodden		
Hon. Capt. Charles L. Kirkconnell		
Hon. Vassel G. Johnson		
Mr. W. McKeever Bush		
Mrs. Daphne L. Orrett		
Mr. Linford A. Pierson		
Capt. Mabry S. Kirkconnell		
Mr. John B. McLean		
11	0	2

CLERK: Twelve ayes, no noes and two abstentions.

MR. PRESIDENT: Could you read those numbers again?

CLERK: Twelve ayes, no noes and two abstentions.

MR. PRESIDENT: I do not think that that can be right because there were two Members not present and not voting. I think it must be eleven ayes and two abstentions and no noes if I have counted correctly. I do not think that the Honourable Third Official Member was present, and certainly the First Elected Member for Bodden Town was not present.

CLERK: You are correct, Sir. The Honourable Third Official Member was not present. Yes, Sir.

MR. PRESIDENT: I think that it is eleven ayes and two abstentions as I counted it. In any event, however, the motion is carried.

BILL GIVEN A SECOND READING

MR. PRESIDENT: I think that it might be convenient if we now took our normal afternoon break. So I will suspend proceedings for approximately fifteen minutes.

AT 3.17 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.42 P.M.

MR. PRESIDENT: Please be seated.
Bills: Item 4(ii)(b).

THE MAINTENANCE (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE MAINTENANCE (AMENDMENT) BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Maintenance Law (Revised) is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE MAINTENANCE (AMENDMENT) BILL, 1985.

HON. BENSON O. EBANKS: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Maintenance Law (Revised). The Memorandum of Objects and Reasons, Mr. President, is that this Bill seeks to increase the amount which may be ordered to be paid under section 6 of the Maintenance Law (Revised).

Under the provisions of the Maintenance Law (Revised) as Members are aware, this is an all-embracing Law and there is an obligation for children to be maintained, and children to maintain other persons such as parents and grandparents in certain circumstances.

HON. BENSON O. EBANKS (CONTINUING): There is also provision within the Law, Mr. President, for persons entitled to receive such maintenance payments to seek enforcement of those payments through the courts. At the moment the maximum payment capable of being ordered through the courts is set at \$20 per week. For some time this has been considered inadequate both by the courts and the Probation and Welfare Department, especially in the light of today's cost of living. So the purpose of this short amending Bill, Mr. President, is to give to the courts power after investigating the means of the individual against whom the maintenance order has been or is about to be made, to increase such payments up to a maximum of \$50 per week in respect of each person who may be entitled to receive benefits under the order.

I would like to stress, Mr. President, that this is a maximum. It is not a mandatory maximum, and the order should only be made after careful enquiry is made into a person's ability to pay.

With those remarks, Mr. President, I commend this short amendment to the favourable consideration of Members. I would only add that the \$50 is considered a reasonable figure by those responsible for administering this type of aid or payment, or whatever one wants to call it. They consider it adequate and support the figure of \$50.

I thank you.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Maintenance Law (Revised) be given a Second Reading. The motion is now open for debate. The Third Elected Member for West Bay.

DEBATE ON SECOND READING

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. I rise in support of this Bill, Sir. In fact I stand here to represent those unfortunate women of this country who have been saddled with the responsibility of maintaining children while the fathers, many of them can use whatever they have, be it money, land or otherwise, and forget that they were as much involved in those children being here as was the woman. I feel, Sir, that this increase in the amount of money being sought here, as was outlined by the Honourable First Elected Member of Executive Council, might be a difficult sum for some men to raise if they had one, two, three or maybe four children, especially if they had children living in a home with them and then they had to be responsible for maintaining children outside the home. However, the Member has explained that the courts would look upon each person's ability to pay the maintenance charge. So perhaps there might be some who might not be able to pay the \$50. They might not be able to pay that amount of money from what they received in wages or salaries during the month. However, in today's society it is a well known fact that \$20, especially with children who are in school where one has at least \$2.50 or \$3.00 a day for lunch alone and if that child is in school five days that is \$15, leaving one five dollars. What does one do with \$5 to feed, clothe and house a child? Many of these women are staying in homes where they are paying rent.

Those men in Cayman today who have children who are not living in the home with them; children living outside the home; I feel that this Bill is fair for them. I feel that it must be recognised that children are not responsible for being here. However, once they are here then parents have to see to their love, care and maintenance.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, in today's society we must realise that a woman can only do so much and no more. She has the care of the child at home. She has to watch over it. She has to see about its welfare other than financial needs, and I feel that it is only fair that the men of this country stand up to their responsibilities and that this Bill be given a fair reckoning by the men who are sitting in this Honourable House, realising that there are many children out there today who are suffering because the mother cannot provide everything. In many instances, unfortunately, they are women who are not capable of going out and making a big salary. In fact some of them are laden down with so many children that it is almost impossible for them to leave the home.

Many times the burden falls on Government's shoulders and Social Services Department then has a burden to take care of children while we have some men out there using their money foolishly or unwisely. Children are suffering. Mothers are suffering and Government has to shoulder extra responsibility which it should not have.

With those few remarks, Sir, I wish to say that I wholly support this Bill and I hope that the other Members of the House will see fit to do likewise.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply? The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I am more than happy to see Government bring this amendment and I give it my support. In the Budget Address and Throne Speech debate I had this to say about the Bill before us, and I quote:-

"Another area of discontent to me is the Maintenance Law in this country. I would like to see this Law upgraded and strengthened to bring it more in line with the present day cost of living."

Sir, the amendment before us will do just that. It will upgrade the amount from a measly \$20 per week to \$50 per week. All of us in this country experience the high cost of living. If I look around, every one of us is a family man. We know how hard it is to get by even, Mr. President, when we budget. Needless to say those poor people, the little men out there who we know do not know the first thing about budgeting must be finding the going rough.

What could \$20 a week do for a child? This is long overdue, Sir, and will go a long way in helping those families whose fathers leave them without providing for them, leaving them to the mercy of the world and to the mercy of an already stretched Social Services Department in this country.

Many wives, Mr. President, did not even bother to try to get the \$20. It is a bad attitude but, nevertheless, they did not try. I have heard many of them say, "I cannot go through the hassle of the courts to get a measly \$20". This amendment, I believe, will make them more happy. It is a substantial increase but it is well needed and so I say yes to it. It will not only help those who have children but it will help in cases, I believe and I hope that I am not wrong here, of those wives who are not receiving anything from husbands who have left them unnecessarily.

MR. W. McKEEVA BUSH (CONTINUING): I remember well a case in court some time ago where a woman had taken her husband there for lack of maintenance. She was there, Mr. President, telling the judge that her husband only gave her \$20 a week, or it was \$25 a week if I can remember correctly. The judge told her that she had better be thankful as under the Law he was only made to give her \$20 a week. The poor woman, Mr. President, had a problem with hearing as did the judge who did not seem to be hearing what she was saying. She replied, "Yes, but I am also working in his store".

Mr. President, that is the kind of situation which exists. There she was taking him to court for maintenance. He was only paying her \$25 a week. Under the Law he should really only have been giving her \$20 a week but she was also working in a store he owned. However, that is the case of our poor people when they go to court without any kind of representation. Maybe that is another area which we need to look strongly at.

However, not to prolong the debate on this Bill I give it my support. I do not believe in taking credit where credit is not due. Not for a second would I say that my pleadings here in March alone galvanised the Honourable Members on the Government Bench into action, but I am happy that the Honourable First Elected Member of Executive Council has seen fit to bring the Bill and he knows that he has my support.

I thank you, Sir.

MR. PRESIDENT: Unless any other Member wishes to speak I will ask the mover of the motion whether he wishes to exercise his right of reply.

HON. BENSON O. EBANKS: Mr. President, only to thank those Members who supported the Bill as I said with the last Bill, both by speaking and by their silence. I crave their favourable vote when the Bill is put to the vote.

MR. PRESIDENT: In that case the question before the House is that a Bill entitled a Bill for a Law to amend the Maintenance Law (Revised) be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Item 4(ii)(c).

THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1985.

MR. PRESIDENT: A Bill entitled a Bill for a Law to amend the Summary Jurisdiction Law, 1975 is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1985

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move the Second Reading of a Bill shortly entitled the Summary Jurisdiction (Amendment) Bill, 1985. As Members will have seen from the copies of Legislation which it is hoped to pass at this Meeting of the Legislative Assembly

HON. MICHAEL J. BRADLEY (CONTINUING): this short Bill of two clauses presently before the House, and the next Bill which it is hoped to give a Second Reading to today or early tomorrow, contain similar provisions which seek to provide for the duties of persons appointed as Court Marshals under this Law and under the Grand Court Law.

It is intended, Mr. President, in due course to propose a similar short amendment to the Court of Appeal Law to provide similar powers and duties of marshals in respect of that Law.

Mr. President, at the present time there are a number of duties in and around the courts of these Islands which are presently carried out by officers in the Royal Cayman Police Force. As a result of a reorganisation of the Police Force and of the duties of police officers, it was decided as a matter of policy that instead of there being police officers in attendance, that there should be in exercise of the powers which are contained in section 10, subsection (2) of the Summary Jurisdiction Law, and similar provisions in the other Laws, appointed Civil Court Marshals to carry out those duties which the police officers formerly had in the courts when the courts were sitting.

The necessity for this short amendment to the Summary Jurisdiction Bill and for the amendments which will in due course be brought before this House to the Grand Court and the Court of Appeal Laws, is that whereas by virtue of their office police constables have got certain other powers, without the provisions and the amendment which this Bill seeks to make, the civilians appointed as marshals of the court would not have those powers. It is in order to facilitate the release of police officers to other duties and to substitute marshals with similar powers, that this and the other provisions in the other two Bills which will come shortly are necessary.

As Members can see, it seeks to add a new subsection to the Summary Jurisdiction Law to provide that a person shall have, when appointed as a marshal, in addition to the powers and duties conferred on him by the courts, or under the Summary Court Rules, specifically have the power to administer oaths to witnesses in all matters before the court or in connection with any proceedings pending before the court, and within the precincts of the court on the order or direction of the court, the power to maintain order by without warrant to take any person into custody and detain such person until the rising of the court. Thirdly these persons appointed as marshals shall have all the powers and immunities of bailiffs appointed under that subsection which gives the court the power to appoint bailiffs.

Mr. President, this, I think, is a forward step to relieve the police of the duties where they are confined so that they can be given duties in other places. I think, Mr. President, that no Member here will have any quarrel with this or the similar provisions. It enables the police to do their other duties. It gives the persons appointed as civilian marshals in the court the same powers as the policemen thus relieved, and I commend the Bill to the Members of this House. It has met with the approval of the judiciary.

Thank you, Mr. President.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Summary Jurisdiction Law, 1975 be given a Second Reading. The motion is open for debate. The Second Elected Member for West Bay.

DEBATE ON SECOND READING

MR. W. MAKEEVA BUSH: Mr. President, this Bill before us I believe is asking for the appointment, as I understand it, of new staff for the courts. If I am wrong I will give way to the Honourable Second Official Member and he can explain it to me. I find it hard to support this, Sir. I realise that we are a developing country. We have about 160 police I believe but I cannot understand it, Mr. President, why all of these years the police have been carrying out these duties with no extra cost to Government, no extra bureaucracy, yet all this will be is more bureaucracy, more money to come asking for in November. I cannot support this, Mr. President.

The police as I said have been doing this all these years, and if we had a reorganisation then I believe that they could find the time to do that. New management in the police force must manage it.

Mr. President, if these new marshals are going to be anything like some of the people we have there now, then I will vote doubly against this Bill. I well remember in November last year being passed a letter, a threatening letter by the bailiff of the court. I do not know where he got it, but you can believe that he was on Government time. This was during the campaign, Mr. President.

I cannot support it. As I said it will be calling for more money and more bureaucracy. I say no.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. MICHAEL J. BRADLEY: Mr. President, I thank the last speaker for the solitary contribution to the Second Reading debate on this Bill. I was asked to answer one specific question and that was whether this Bill sought to make more appointments to the Civil Service. The answer, Sir, is that this Bill seeks not to make appointments but seeks to give powers to persons appointed in a specific post. The idea and the rationale behind this amendment is that instead of there having to be as there is at present, trained and qualified members of the police force who could be better and more actively employed in other directions doing the duties for which they are trained, those persons could be replaced in the courts by civilians in the same manner as civilians act as marshals in other jurisdictions. Then it would be possible for law and order, procedure and decorum to be kept in the courts of this country by civil marshals, leaving the police force free to do their other duties outside.

I would think, Mr. President, that instead of there being gross increases in Civil Service personnel as has been alleged, that it would mean that if judicious appointments and if the system of appointment of marshals is as it will be properly used, that there will be a saving in manpower to the Government of this country. The persons appointed as marshals could be appointed, if they were to be appointed as fresh appointments, or if they were not that other persons could be brought in and appointed as marshals in the Civil Service in a part time capacity for the times of the day that the courts are in session.

I consider, Mr. President, that this is not a retrograde step, but a step forward leaving the police fully free to perform the duties for which they are primarily intended. Thank you.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Summary Jurisdiction Law be given a Second Reading.

QUESTION PUT: AYES AND NOES:

MR. W. McKEEVA BUSH: May I have a division please, Sir.

MR. PRESIDENT: Will the Clerk please call a division.

DIVISION
NO. 22

AYES

NOES

- Hon. Dennis H. Foster
- Hon. Michael J. Bradley
- Hon. Thomas C. Jefferson
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller
- Mr. John B. McLean

Mr. W. McKeeva Bush

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MR. PRESIDENT: I declare the motion carried.

BILL GIVEN A SECOND READING.

MR. PRESIDENT: Item 4(ii)(d).

THE GRAND COURT (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE GRAND COURT (AMENDMENT) BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Grand Court Law is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE GRAND COURT (AMENDMENT) BILL, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move the Second Reading of a Bill shortly entitled The Grand Court (Amendment) Bill, 1985.

Mr. President, this is a Bill which is another short measure having but two substantive clauses in it. The first substantive clause is one which has already been debated in the Second Reading of the Summary Jurisdiction (Amendment) Bill, 1985, and that is a provision to provide under the Grand Court Law in

HON. MICHAEL J. BRADLEY (CONTINUING): respect of matters and hearings of the Grand Court, the same provisions as have already received a Second Reading hearing in respect of the Summary Jurisdiction (Amendment) Bill, 1985, in respect of the Summary Jurisdiction Court. That is that persons appointed as marshals shall have several other powers, namely to administer oaths to witnesses, to arrest without warrant on the direction of the court, and to have the powers and immunities of a Bailiff.

In addition to this provision, the other substantive provision contained in this amending Bill is that the powers of the Rules Committee of the Grand Court, and the power to make rules of the Grand Court, and what these rules shall contain are to be enlarged and modified.

Mr. President, for the benefit of Members who are unaware of the present situation there is under the Grand Court Law a Rules Committee which consists of the Chief Justice as Chairman, the Attorney-General and two persons who are entitled to practise as legal practitioners before the court, who are appointed by the Chief Justice.

Mr. President, the function of this Rules Committee is to sit and deliberate and provide as a rule making authority, the rules of procedure in respect of the many and complicated matters which appear and are dealt with in our Grand Court. As Members of the Legislative Assembly are aware, the Grand Court and the Court of Appeal in this small territory of ours have, because of the advanced state of our offshore financial and commercial business, to deal with matters which are as complex as any matters which are dealt with in the United Kingdom.

It is for this reason that this amendment becomes necessary, because the Grand Court rules which were prepared and made a number of years ago at a time when the problems which our Grand Court were dealing with were not as complex, have been found to be inadequate and not completely suited to the needs of the court in the present day.

As a result of an appreciation of this need which was brought to the attention of the Rules Committee, both by itself and by representation from the Law Society and from other attorneys in the private sector, the Legal Advisory Council under the Legal Practitioners Law and the Rules Committee itself suggested that a complete rewriting and revision of all the rules of the Grand Court be commenced. This, Mr. President, is a job of great technical expertise and complexity which it is sought to do over this next year. When work had started in respect of this, looking at the powers of the Rules Committee it was discovered that a number of the matters which it was thought fit and proper to make rules concerning were not matters in which there was specific authority under the present provisions in the Grand Court Law. It was for this reason, Mr. President, that the new Clause 3 seeks to spell out in the proposed new section 21(3) the purposes in respect of which rules may be made.

Also, particularly in the proposed new subsection (5) it seeks to include a very important revision which could be of great use to this jurisdiction in the future. That is to provide from time to time that any rules of the Supreme Court in England which regulate the practice and procedure of the High Court, may be in such manner as they are thought fit and proper applied to this jurisdiction, having the advantage which we have with the wealth of precedents which exist in the United Kingdom as certainty and authority behind the application of any of the laws. Thus the utmost fairness may exist in respect of the rights of parties appearing before the Grand Court.

HON. MICHAEL J. BRADLEY (CONTINUING): Mr. President, Sir, once again the matters which are the substance of this amending Bill have been brought to this House with the approval and the support of the Members, not only of the Judiciary but of the legal profession. I recommend this Bill to the Honourable Members.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Grand Court Law be given a Second Reading. The motion is open for debate.

DEBATE ON SECOND READING

MR. G. HAIG BODDEN: Mr. President, I am generally in support of the Bill, with the exception of section 21 which deals with the appointment of the members of the Rules Committee. I find fault with section 21(1)(c). I agree with the Chief Justice being the Chairman and the Attorney-General being a member and "two persons who are entitled to practice as legal practitioners before the Court, who shall be appointed by the Chief Justice". However, I do not like "after consultation with the Cayman Islands Law Society", because we have in the Cayman Islands, I understand, some lawyers who are not members of the Law Society but who, nevertheless would be worthwhile people to sit on this Committee. If the appointment is made by the Chief Justice only after consultation with the Law Society we might find that anyone on the outside who is not a member of the Law Society would probably never be recommended for membership on the Committee.

I would like to see the last two lines of subsection (c) deleted from the Bill so that the appointment would be of two persons who are entitled to practice before the Court, appointed by the Chief Justice. I cannot, however, support the appointment being made after consultation with the Law Society.

MR. PRESIDENT: Does any other Member wish to speak? The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I would like to support a Bill for a Law to amend the Grand Court Law. I hope, Sir, that these rules will expedite the procedure and performance of the courts. I hope that it will help in the process of justice because I get a lot of complaints about how long it takes to get cases through the courts. I believe that justice delayed could well be justice denied.

I support most of the Bill, Sir, except that in section 21(4) I would like to see added after the words "approved by the Governor in Council", the words "and published". I think that it is only fair to let the lawyers know what the rules are before they go into court.

I support the Bill, Sir.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. MICHAEL J. BRADLEY: I think so briefly, Sir. I should like to thank the two Honourable Members who contributed to the Second Reading debate on this Bill.

In relation to the first Member who spoke, may I merely say that the subsection 21(1) contained in the Bill is a repetition as regards the membership of the Rules Committee of the present section which is contained in section 21(2) of the

HON. MICHAEL J. BRADLEY (CONTINUING): present Law which was the Grand Court Law (Law 8 of 1975). The Law provided as this Bill does that the two legal practitioners shall be appointed by the Chief Justice after consultation with the Cayman Islands Law Society.

May I make two points in relation to this. First of all the persons who are entitled to practice shall be appointed by the Chief Justice. They need not be members of the Cayman Islands Law Society to be eligible for appointment. Secondly, the Chief Justice is obliged to consult with the Cayman Islands Law Society but the process of consultation does not necessarily mean acting upon the advice of the Law Society. In fact, Mr. President, the membership of the Rules Committee at present consists of the two persons *ex officio*, the Honourable Chief Justice and the Attorney-General, and Mr. John Stafford who is not a member of the Cayman Islands Law Society, and Mr. Truman Bodden who is. I feel that the powers of appointment have been exercised fairly in the past. I feel that it is useful for consultation with the one organised body of attorneys which there is in these Islands, and I am personally of the opinion that the phrase "after consultation" should remain in the Bill.

With regard to the suggestion made by the second speaker to the debate I have certainly no objection, subject to the wishes of my colleagues in this side of the House, to accepting a Committee Stage amendment to the effect that rules of Court shall not have effect until published in the Gazette.

With those short remarks, Mr. President, I commend this Bill to Members of the House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Grand Court Law be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: I do not think that it is worthwhile starting on another Bill now. Perhaps the Honourable First Official Member may like to move the adjournment.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. tomorrow. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. AT 4.29 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., WEDNESDAY, 22ND MAY, 1985.

SECOND MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY
22ND MAY, 1985

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LLB SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MRS DAPHNE L ORRETT THIRD ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

ABSENT

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
(due to emergency operation) ELECTORAL DISTRICT OF BODDEN TOWN

ORDER PAPER

WEDNESDAY

22ND MAY, 1985

1. QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 50: WOULD THE MEMBER STATE WHAT EFFORTS ARE BEING MADE BY GOVERNMENT TO PROVIDE EMPLOYMENT FOR THE GROWING NUMBER OF UNEMPLOYED?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 51: WOULD THE MEMBER STATE WHETHER THE REPORTED CASES OF GENITAL HERPES AT THE NORTHWARD PRISON HAVE BEEN SUCCESSFULLY TREATED AND WHETHER THE PROPER ARRANGEMENTS HAVE BEEN MADE TO PROTECT OTHER PRISONERS FROM CONTRACTING THIS DISEASE?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 52: WOULD THE MEMBER STATE WHETHER ANY CONSIDERATION HAS BEEN GIVEN TO THE ADVANTAGES OF ADOPTING DAY-LIGHT SAVING TIME AND WHETHER WE CAN EXPECT THIS TO BE INTRODUCED?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 53: WOULD THE MEMBER STATE WHETHER THERE IS ANY OUTSTANDING DUTY OWED TO THE CUSTOMS DEPARTMENT FOR THE PERIOD 14TH NOVEMBER TO 31ST DECEMBER, 1984, AND 1ST JANUARY TO 30TH APRIL, 1985, AND, IF THE ANSWER IS IN THE AFFIRMATIVE, WOULD THE MEMBER STATE THE AMOUNTS DUE FOR THOSE PERIODS?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 54: WOULD THE MEMBER STATE WHAT THE POSITION IS WITH RESPECT TO THE CAYMAN TURTLE FARM NOW THAT THE BAN IN THE USA HAS NOT BEEN LIFTED?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 55: WOULD THE MEMBER STATE WHETHER THE LAVENTHAL AND HORWATH REPORT WAS ACCEPTED BY GOVERNMENT?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 56: WILL THE MEMBER STATE WHY THE DECISION WAS TAKEN TO DISCONTINUE DELIVERY OF ANIMAL FEED FROM THE DEPARTMENT OF AGRICULTURE TO FARMERS THROUGHOUT THE ISLAND?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 57: WOULD THE MEMBER STATE WHAT STEPS HAVE BEEN TAKEN AS A RESULT OF THE RECENT MEETING HELD WITH THE STAFF OF PUBLIC WORKS DEPARTMENT, AND HIMSELF, CONCERNING WORKING HOURS AND THE SUGGESTED CUT IN WAGES, AND HAVE THEY BEEN INFORMED FURTHER?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 58: WOULD THE HONOURABLE MEMBER STATE THE AMOUNT OF REVENUE COLLECTED FROM 1ST JANUARY, 1985, TO 31ST MARCH, 1985, GIVING COMPARISON FIGURES FOR THE SAME PERIOD FOR 1984?

2. GOVERNMENT BUSINESS

BILLS:-

(i) COMMITTEE THEREON

- (1) THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1985
- (2) THE MAINTENANCE (AMENDMENT) BILL, 1985
- (3) THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1985
- (4) THE GRAND COURT (AMENDMENT) BILL, 1985

(ii) REPORTS THEREON

- (1) THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1985
- (2) THE MAINTENANCE (AMENDMENT) BILL, 1985
- (3) THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1985
- (4) THE GRAND COURT (AMENDMENT) BILL, 1985

(iii) THIRD READINGS

- (1) THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1985
- (2) THE MAINTENANCE (AMENDMENT) BILL, 1985
- (3) THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1985
- (4) THE GRAND COURT (AMENDMENT) BILL, 1985

(iv) FIRST & SECOND READINGS

- (1) THE CLERK OF THE COURT AND DEPUTY CLERK OF THE COURT (POWERS) BILL, 1985
- (2) THE CURRENCY (AMENDMENT) BILL, 1985
- (3) THE COMPANIES (AMENDMENT) BILL, 1985
- (4) THE REGISTERED LAND (AMENDMENT) BILL, 1985
- (5) THE PENAL CODE (AMENDMENT) BILL, 1985
- (6) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (7) THE REHABILITATION OF OFFENDERS BILL, 1985

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WEDNESDAY

22ND MAY, 1985

10.03 A.M.

MR. PRESIDENT:

Please be seated.
Proceedings are resumed.

STATEMENT BY THE PRESIDENT

MR. PRESIDENT:

Before calling upon the Second Elected Member for George Town to ask the first question I should just like to inform Members of the House in case any of them may not have already heard it, that the First Elected Member for Bodden Town was taken seriously ill yesterday; that he collapsed in Miami; has had an operation and is, I think, still in Intensive Care in a hospital in Miami, although now in stable condition.

I am sure that all Members of the House would wish that our sympathy and our warm good wishes for a rapid and complete recovery be conveyed to him and to members of his family. I sense that that is the wish of the House and I will ask that arrangements be made for a suitable message to be sent.

George Town.

Questions. The Second Elected Member for

QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

MC. 50: Would the Member state what efforts are being made by Government to provide employment for the growing number of unemployed?

ANSWER: Recent statistics from the Labour Office reveal that there is a decreasing number of unemployed. However, it is naturally Government's policy to offer every possible consideration in order to encourage and attract development of new labour intensive projects.

The Caymanian Protection Board has taken measures to ensure that local businesses make every effort to recruit locally before considering new applications for work permits.

Efforts are continuing to attract light industries.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Would the Member state what efforts have been made recently to attract light industries, and what are the types of industries?

HON. W. NORMAN BODDEN: We have a committee, Mr. President, which is considering ways and means of attracting light industries such as pharmaceuticals and others by advertising or taking certain advertisements in magazines abroad, which will encourage outside investors to possibly set up some forms of light industries here as I have mentioned, such as pharmaceuticals and others which are non-pollutant.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. Would the Member state the number of individuals unemployed from the latest statistics available, whether that was at the 30th April or whatever?

MR. PRESIDENT: I really think that if the Member wanted detailed information of that kind it should be sought in a substantive question. However, if the Member can answer I will allow him to do so.

HON. W. NORMAN BODDEN: Yes, Sir, I anticipated that there would be some supplementaries of this nature and I am able to answer this. I think that the Member is referring to my portion of the answer which dealt with, "the Labour Office reveal that there is a decreasing number of unemployed". We did a labour survey in February of this year. At that time based on the number of unemployed persons who registered, the number was 175. The statistics according to the Labour Office on 30th April are 114, and I am told that 75 per cent of these 114 persons are in the construction field and I imagine most of these would be absorbed in the new project of the new Hyatt Hotel which has been started.

MR. G. HAIG BODDEN: Mr. President, the Member mentioned that advertisements had been put in certain publications. I would ask if the Member will tell us what publications have been used?

HON. W. NORMAN BODDEN: Mr. President, I did not say that advertisements had been made in certain publications. I said we had a committee which was considering advertising in publications abroad.

MR. G. HAIG BODDEN: In that case, Mr. President, can I ask what publications will the committee advertise in?

HON. W. NORMAN BODDEN: Those publications have not been submitted to the committee as yet. There are one or two individuals who will be making recommendations at our next meeting.

MR. PRESIDENT: As I think that there is no further supplementary I will invite the Second Elected Member for George Town to ask the next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 51: Would the Member state whether the reported cases of genital herpes at the Northward prison have been successfully treated and whether the proper arrangements have been made to protect other prisoners from contracting this disease?

ANSWER: There has been only one such case. At the present time there is no available cure for herpes, but the patient is in satisfactory condition. The medical department has advised that there should be no risk of any other prisoner contracting it from him.

SUPPLEMENTARY:

MR. G. HAIG BODDEN: Mr. President, can I ask if this afflicted person is sharing bathroom facilities with other prisoners?

HON. DENNIS H. FOSTER: The answer is no, Mr. President.

MR. PRESIDENT: As I think that there is no further supplementary, question No. 52.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 52: Would the Member state whether any consideration has been given to the advantages of adopting daylight-saving time and whether we can expect this to be introduced?

ANSWER: Consideration was given to adopting daylight-saving time in the late 70's and at that time it was considered that there were no overriding advantages to be gained by its introduction, but the position will be kept under review.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Would the Member state whether any study or survey has been carried out since those carried out in the 70's, to determine the reaction of the private sector to the introduction of daylight-saving time?

HON. DENNIS H. FOSTER: No, Mr. President, I do not think the matter has ever come up since until this question has been asked, Sir.

MR. LINFORD A. PIERSON: Mr. President, a supplementary. In view of the answer given to the primary question that the position will be kept under review, would the Member state when we can expect to get a report and a more recent review of this question?

HON. DENNIS H. FOSTER: Mr. President, what I hope to do as I think daylight-saving time in the States starts sometime in April and ends some time in October if I am not mistaken, Sir, is towards next April prior to that date as we are in the midst of it now, get our information service to put something in the newspaper where we can get a feed back. After that the Government can make a decision.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member if he will make the survey as soon as possible rather than leaving it to April? The reason for this is that if we leave it until April it will be necessary to adjust all the airline schedules and get them printed. So would he do the survey as soon as possible?

HON. DENNIS H. FOSTER: Yes, Mr. President, I will.

MR. PRESIDENT: Unless there is any further supplementary we can move on to question No. 53. The Second Elected Member for West Bay.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 53: Would the Member state whether there is any outstanding duty owed to the Customs Department for the period 14th November to 31st December, 1984, and 1st January to 30th April, 1985, and, if the answer is in the affirmative, would the Member state the amounts due for those periods?

ANSWER: The procedure for the collection of import duty is twofold:

- (1) Duty is paid when goods are cleared;
- (2) In the case of large weekly importers, a deposit is placed with the department equal to the duty on goods imported.

This latter procedure allows supermarkets and other large importers to clear their goods speedily, returning later with the documentation to formally clear the goods and pay the duty.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Would the Member say what sort of time limit is given to these people so that they can pay?

HON. THOMAS C. JEFFERSON: Mr. President, in essence we already have the money. It is just a matter of the large importer putting together the documentation to return to the Customs Department and clear that deposit against the duty payable.

MR. W. McKEEVA BUSH: Mr. President, I do not know if I am hearing right but I still do not think that my question has been answered. The question says what amounts were due for those periods. All I have been told with respect, Sir, is the procedure. My question is what is the amount due? This could be a supplementary. Are there any other people besides the large importers? I think supermarkets were mentioned.

HON. THOMAS C. JEFFERSON: To the best of my understanding, Mr. President, there is nothing due.

MR. LINFORD A. PIERSON: Supplementary, Mr. President. I wonder if the Member could specifically state the amount which was outstanding. My understanding if I may make this clarification, Mr. President, is that if the money is on deposit it is not considered as part of Government's revenue until it is paid in into Government's revenue. It is just held on deposit. Could the Member state specifically the amounts outstanding at the periods stated in the question?

HON. THOMAS C. JEFFERSON: Mr. President, it is difficult under the procedure to say at any particular time what amount is outstanding within a month, or within a period of three or four months. The procedure is such that Government is always in the favourable position because it has a deposit equal to the duty which is later cleared by documentation.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. I wonder whether the Honourable Member would give me an undertaking that he would at least supply me with information as to the amount which is due as of this period, in other words right now the 22nd May?

HON. THOMAS C. JEFFERSON: I can easily give that undertaking, Mr. President.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Would the Member state whether the amount on deposit is the actual duty, or more than the actual duty?

HON. THOMAS C. JEFFERSON: In the majority of cases, Mr. President, it is one and a half times the duty payable.

MR. W. McKEEVA BUSH: Mr. President, a further supplementary. Can the Member say how long this arrangement has been in existence?

HON. THOMAS C. JEFFERSON: Mr. President, longer than I have been in the service.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Did the Member state that there was actually no duty outstanding at the time?

HON. THOMAS C. JEFFERSON: Mr. President, given the procedure it is quite clear that it is difficult to say that there is no duty due, because even the duty which is cleared, as we are dealing with human beings they are subject to mistakes. If a mistake is made and the importer pays \$100 rather than \$150, there is \$50 due.

MR. LINFORD A. PIERSON: Mr. President, is the Member stating specifically that he does not know whether or not there is any duty which is owing?

HON. THOMAS C. JEFFERSON: No, Mr. President, that is not what I am saying. Under the procedure it is difficult to answer a question within a few days and provide all the details. That is all that I am saying.

MR. W. McKEEVA BUSH: With respect, Mr. President, this question has been in quite a few days now, and if the Member is referring to me my question was in, I think, on time. As the Member has given an undertaking that he would supply me with an answer in writing I am satisfied, Sir.

HON. THOMAS C. JEFFERSON: Mr. President, with due respect I was not referring to the Second Elected Member for West Bay. Basically what I am referring to is that the amount of time given to the department to look into detail on an answer is still insufficient.

MR. PRESIDENT: Question No. 54.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES.

NO. 54: Would the Member state what the position is with respect to the Cayman Turtle Farm now that the ban in the United States of America has not been lifted?

ANSWER: Executive Council discussed the future of the Cayman Turtle Farm early after CITES, at its meeting in Argentina a few weeks ago, rejected the farm's ranching proposal. Council's unanimous views, subject to the approval of the Legislative Assembly, were to keep the operation going and promote it wherever possible so that it may prove an economic venture in the near future.

Areas of improvement mentioned were:

- (i) Tourist attraction. Over 50,000 visitors go to the farm yearly and this at present provides the main source of income, therefore, increasing this number is a way of improving income. The Board will consider a number of areas which can provide additional attractions.
- (ii) Provide more meat for the local market. With turtle being a Caymanian staple food and a meat with the lowest cholesterol, demand would increase significantly if the product is available.
- (iii) Achieve a second generation herd. This is possible in the near future and such a development would legally require CITES member countries, including the United States of America, to lift the ban against the farm's product.

The green sea turtle is considered to be of national importance and therefore the reason to not only keep the farm alive but promote the operation largely for the benefit of the economy.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: A supplementary, Mr. President. I wonder if the Member could let us know whether there is any intention to table a report on the outcome of the CITES convention in Argentina?

HON. VASSEL G. JOHNSON: Mr. President, the report was tabled with the Executive Council on the same day I returned to office. It is entirely up to Executive Council if they would wish to table that report here.

MR. LINFORD A. PIERSON: Mr. President, with respect, Sir, on a matter as important as the Turtle Farm should not this Honourable House be privy to this report?

HON. VASSEL G. JOHNSON: Mr. President, following the tabling of that report in Executive Council press releases were made advising the public of these Islands who are very interested in the outcome and the future of the farm of the position. However, as I said before I have no prerogative over the documents of Executive Council, and it is entirely up to Council if they so wish to table the report here.

MR. LINFORD A. PIERSON: Mr. President, it is not my wish to continue this but I would have thought that with a matter as important as the Turtle Farm that the Members of this Legislative Assembly would have as much right to view that report as Members of Executive Council, since indeed it takes the twelve of us to make up the Legislative Assembly.

MR. PRESIDENT: The Member must ask a question, not make a statement. I do not think that that was a supplementary. I think it was a statement. It could have been turned into a supplementary quite easily.

MR. LINFORD A. PIERSON: Mr. President, my apologies on that. Would the Member give us the undertaking that the report will be submitted to this Legislative Assembly at the next sitting of the House?

HON. VASSEL G. JOHNSON: Mr. President, I will submit the request to the Executive Council, Sir.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Would the Member state what effort he made to enlist support among CITES members before the conference?

HON. VASSEL G. JOHNSON: Mr. President, when the new Government took office in November we reviewed among other subjects pending for necessary action, the Turtle Farm's issue before CITES. At that time we went about to appoint legal representation and this was followed by a programme of the Cayman Islands to enlist the support through lobbying of most of the African countries and the countries of the Far East. We received very good reports from those countries who were of some concern to us; countries who might not have been giving their support to our proposals. So we were fairly sure that we had gained some support from those nations. This was followed, Mr. President, by a very strong programme in Argentina. We had a very strong English team which we joined there, and this team along with our legal representative formed a working body. We worked night and day because we discovered at that time that the issue was going to be a very difficult one listening to comments and debates around the conference.

Mr. President, we even went as far as to arrange a social gathering of the delegates. We had around 150 delegates to that social. They were all very friendly to us, even the Argentinian delegate, and we thought again that we had gained some ground from that particular activity. I can assure the Members here, Mr. President, that no stones were left unturned in putting forward the Cayman Islands' case and in trying to convince those environmentalists who were strongly opposing our proposal that the Cayman Turtle Farm had met all the criteria laid down by CITES for a ranching proposal.

MR. G. HAIG BODDEN: Mr. President, as the proceedings of CITES are usually open to the press and the proceedings are usually published afterwards, can I ask the Member why the Executive Council has shielded this report in secrecy?

HON. VASSEL G. JOHNSON: Mr. President, as far as I am aware the minutes and proceedings of CITES are available only many months after the meeting.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member if the press was represented at the conference?

HON. VASSEL G. JOHNSON: Yes, Mr. President, there were many members of different magazines and newspapers at the meeting. The Argentinian newspaper carried articles about the Cayman proposal as well.

MR. LINFORD A. PIERSON: Supplementary, Mr. President. In view of the Member's apparent reluctance to make a report to the Legislative Assembly on the outcome of the Argentina CITES meeting, I wonder if the total body of this Legislative Assembly will in future be expected to approve supplementary expenditure on the Turtle Farm?

HON. VASSEL G. JOHNSON: Mr. President, as in the case of Cayman Airways the Turtle Farm is entirely the property of the Cayman Islands Government. When proposals are put forward here for financial assistance the Members of the Legislative Assembly will have to consider those proposals accordingly. It is not an outside body which we are dealing with. It is an institution of the Government and people of these Islands.

MR. LINFORD A. PIERSON: Mr. President, this is precisely why I am asking for a report to this House, because it is owned by Government.

MR. PRESIDENT: The Member must ask a question.

MR. LINFORD A. PIERSON: My question is coming, Mr. President. In view of the answer which the Member has given, how can we reasonably be asked to approve supplementary expenditure on the Turtle Farm if we cannot be privy to a report of a meeting which the Member attended in Argentina which dealt primarily with the outcome for the Turtle Farm.

HON. VASSEL G. JOHNSON: Mr. President, in the first place the report which I referred to a while ago was my own personal views of the outcome of CITES, together with our performance at that meeting. The formal report of CITES is a document which is issued by the convention itself. If my report, or what I have presented to Executive Council is required to be laid on the table of this Honourable House then I have no objection to it at all, Mr. President, because what I have said to Executive Council can be said to this Honourable House and to the entire population of these Islands.

MR. LINFORD A. PIERSON: Mr. President, would the Member state whether his personal report differs substantially from the actual happenings at the CITES meetings; the report he made to Executive Council? Will this form an integral part of the major report which we will receive?

HON. VASSEL G. JOHNSON: Mr. President, we can lay on the table of this Honourable House the report which I have made personally and whenever the formal report is received from CITES I can also lay that on the table. If that is the wish of Members I will do so with the permission of Executive Council.

MR. LINFORD A. PIERSON: Mr. President, a supplementary. As the leader of the delegation which went to Argentina, is it fair for us here in the House to assume that he would have brought back an official report of the happenings of the CITES convention?

HON. VASSEL G. JOHNSON: Mr. President, it is a matter of what we are referring to as a formal report. I said that I have submitted my own personal report as leader of the delegation, and that the formal report according to the proceedings before CITES will be documented by CITES and released at some time in the future. If that is required to be laid before the House that can also be done.

MR. PRESIDENT: I think that we had probably better pass on to the next question, otherwise we will not manage to complete the questions. The Second Elected Member for West Bay. Question No. 55.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 55: Would the Member state whether the Lavanthal and Horwath report was accepted by Government?

ANSWER: As far as I can ascertain this report was never formally accepted by Government since it was presented in 1981.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: A supplementary, Mr. President. Could the Member state if the consultants were paid the full contracted price for the report?

HON. W. NORMAN BODDEN: Mr. President,....

MR. PRESIDENT: I think that there is another question down about that. I am certainly almost sure that there is a rule against anticipation. The question is not down for today but the Second Elected Member for West Bay has submitted a question about the cost of the report.

MR. D. EZZARD MILLER: I was not aware of the question.

MR. PRESIDENT: The Second Elected Member for West Bay? I am not sure whether you are trying to catch my eye or not.

MR. W. McKEEVA BUSH: Yes, Mr. President, I believe that I have a supplementary but I am trying to check back on the Business Paper I have. A supplementary, Mr. President. Would the Member state whether Members of this House will be able to see a copy of this report?

HON. W. NORMAN BODDEN: Mr. President, I believe that this is similar to a question which has also been put in by the Member.

MR. PRESIDENT: I was trying to find my copy of... Oh, I have not had this yet. You do have another question down. "Would the Member state when the Lavanthal and Horwath report will be made public." I think that what you were just asking a moment ago would be really anticipating what you have put down for answer anyway.

MR. W. McKEEVA BUSH: Mr. President, he could answer it now. That would save us some time next time.

MR. PRESIDENT: No, I think that as you have had a question put down, and I am sure that there is a rule against anticipation although I have not looked it up, it had better wait until the question is asked. It is on Business Paper No. 2 I see, though I do not think that I have had a copy of Business Paper No. 2. Has Business Paper No. 2 been circulated to Members yet?

HON. DENNIS H. FOSTER: Mr. President, I believe so. Yes. It was circulated yesterday afternoon.

MR. PRESIDENT: Well, I was discriminated against then, because I have not had it. Have Members had Business Paper No. 2? Yes. Alright, I will consult the Clerk later. have not had the Paper.

HON. DENNIS H. FOSTER: My apologies if you have been left out, Sir. We will get you one right away.

MR. PRESIDENT: I have probably lost it but I do not seem to have one. So, is there any further supplementary? Yes, the Elected Member for North Side.

MR. D. EZZARD MILLER: Could the Member state how it is possible for Government not to accept a report which it has contracted to receive at a price?

HON. W. NORMAN BODDEN: Mr. President, I am not too sure I can reply to how is it possible for the report not to be accepted. What I envisage of a report being accepted by Government is if Government commissions a report to be made, on completion I imagine that there is a formal presentation to Government and Government at that stage decides whether they will accept the report, not necessarily meaning that they will implement all of its recommendations. However, it is my understanding that the day on which this particular report was being presented to Government only half of Executive Council which is the official side showed up at the Meeting. Consequently the report then was filed in the Portfolio of Tourism Aviation and Trade.

MR. W. McKEEVA BUSH: A supplementary, Mr. Government....

MR. PRESIDENT: Sorry? I do not think I heard you right. (LAUGHTER).

MR. W. McKEEVA BUSH: Supplementary, Mr. President. So the Government do have the report. Am I to understand that they do have a copy of the report.

HON. W. NORMAN BODDEN: Yes, Mr. President, they have several copies.

MR. W. McKEEVA BUSH: At least, Mr. President, I was not referring to you as a camel.

MR. PRESIDENT: (LAUGHTER). I think perhaps we had better move on to the next question. The Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 56: Will the Member state why the decision was taken to discontinue delivery of animal feed from the Department of Agriculture to farmers throughout the Island?

ANSWER: No decision was taken to discontinue the delivery of feed to farmers throughout the Island. This practice was done as a matter of courtesy and need in the past and is still being continued, but not with the regularity as before.

The reason being that the Department has been extremely busy during the severe drought which we have been experiencing over the past several months when feed had to be imported weekly instead of every three weeks under normal conditions.

The warehouse was being left unattended for extended periods when staff were out making deliveries. This inconvenienced farmers who had to make unnecessary visits to the Department before obtaining supplies. Warehouse staff were told not to make any commitments to deliver feed during this busy period, but to encourage farmers to collect their purchases. This was to ensure that the warehouse remained open to accommodate customers.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, it is not a supplementary but I hope that you would permit me to say that although I am pleased to hear from the Member that this has not been discontinued, this surely was not what was said to me when I called at the Department. So somebody has their lines mixed up. However, I am happy to know that this service will be continued.

MR. LINFORD A. PIERSON: Mr. President, just a supplementary for clarity, Sir. The answer states that this practice was done as a matter of courtesy and need. Would the Member state whether it was done as a matter of courtesy or as a matter of need? You cannot have both.

HON. VASSEL G. JOHNSON: Mr. President, this is one time that both applies, courtesy and need because of the long drought which affected farmers over the past period of probably four months or so. We did not have sufficient staff or warehouse accommodation to import large quantities of feed or to provide the administrative arrangement to have people in the warehouse while delivery was made. There are only two staff there as far as I understand. So, we had to do both; as a matter of courtesy to try to deliver some feed, and at the same time leave the staff in the warehouse to attend to those other farmers who were coming there to pick up their feed.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say when this practice was first started? Was it since the drought this year or when?

HON. VASSEL G. JOHNSON: Exactly what practice, Mr. President? I am not too sure.

MR. JOHN B. McLEAN: The Member's answer, Sir, states, "This practice was done as a matter of courtesy". I am talking about the practice of delivering feed to the farmers.

HON. VASSEL G. JOHNSON: Mr. President, as far as I am aware this practice was in force before my time as the Member for the Portfolio.

MR. G. HAIG BODDEN: Mr. President, according to the answer the deliveries were curtailed during the severe drought. Can I ask the Member why the deliveries were not increased rather than curtailed, since that would be the logical thing to do in a drought.

HON. VASSEL G. JOHNSON: Mr. President, if the department had staff at its disposal then deliveries would not have been curtailed. I explained that before.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Could the Member state whether this practice of delivering feed is gratis? Is it free?

HON. VASSEL G. JOHNSON: Mr. President, that is correct. It is a free service offered by the Department.

MR. LINFORD A. PIERSON: Mr. President, a supplementary. Would the Member state whether when it was weighed in the balance it was decided to sacrifice the delivery of animal feed to farmers throughout the Island, or whether it was decided that to increase the staff would have been a strain on Government?

HON. VASSEL G. JOHNSON: Mr. President, I think that Government was going overboard to provide the feed and sell it to farmers at a nominal price. The delivery of it was entirely another matter. As far as I know when we want to buy something from the store we go there and buy it. So, farmers are also required to go to the Agricultural Department and pick up their feed. We did it as a matter of courtesy in some cases, Mr. President, where it was difficult for some farmers to come and get the feed.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member would say whether he is aware that this is one of the things which was done some time ago to encourage farming in these Islands?

HON. VASSEL G. JOHNSON: Mr. President, anything which we do in the Agricultural Department is a matter to encourage farming in the Islands. The Government spends quite a lot of money in the Department to provide various facilities and supplies purely to encourage agriculture in the Islands.

MR. LINFORD A. PIERSON: Mr. President, the Member stated that it was the practice as a matter of courtesy. However, from the answer he has just given it would appear as though it was a policy of Government. Would the Member state whether this was in fact a policy of Government, or just a courtesy of the Department or the Portfolio?

HON. VASSEL G. JOHNSON: Mr. President, let me say this, Sir. I have interfered with no policy in the Agricultural Department in the six months that I have been there. Whatever the operation is today, that is what I found there.

MR. PRESIDENT: I think that we had better move on to the next question. The Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 57: Would the Member state what steps have been taken as a result of the recent meeting held with the staff of Public Works Department, and himself, concerning working hours and the suggested cut in wages, and have they been informed further?

ANSWER: There were no steps taken to reduce the working hours, as had been proposed, from 44 to 40 hours per week at the Public Works Department. Therefore, there was no cut in weekly earnings of the employees and it was not necessary to inform them further.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, as a result of the answer given, would the Member say whether he feels that it would be better to enlighten the staff of what he has just put forward to us, other than this hanging over their heads?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the Chief Engineer of public works has the duty of informing the staff when there is a change. There has been no change and I am not involved in the day to day operation of Public Works Department.

MR. JOHN B. McLEAN: Mr. President, I appreciate what the Member has said, but as he is aware this matter did go a little further than the day to day operations of the Director of Public Works Department. So is it not in his opinion better for us to have this cleared up once and for all rather than to have it hanging in the air.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think what the Member is trying to extract is what plans have we made for when the funds approved have been exhausted. If that is the question I will answer that, Sir, because we are making plans now to submit a supplementary request for funds to carry on from the 1st September. The funds which we now have will be exhausted on the 31st August. The Public Works Department are now working on a supplementary request for funds which I will have to submit to the Honourable Financial Secretary, and he in turn will have to submit to the Finance Committee for their approval.

MR. JOHN B. McLEAN: Very well, Mr. President, I am very glad to hear this. I think that this is more or less what we were hoping would happen, and I trust that as a result of this answer today that the Member will undertake to direct the Director to pass it on to the staff.

MR. PRESIDENT: Order, order. The Member must not make statements. I thought that he was going to ask a supplementary but I was caught out. He very nearly lost the time to ask his last question, but if you ask question No. 58 quickly we might just get the answer in.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 58: Would the Honourable Member state the amount of revenue collected from 1st January, 1985, to 31st March, 1985, giving comparison figures for the same period for 1984?

ANSWER: The total revenue collected from 1st January to 31st March, 1985, was CI\$18,605,406 compared to CI\$17,092,737 for the same period in 1984.

SUPPLEMENTARY:

MR. G. HAIG BODDEN: Mr. President, can I ask how the surplus revenue at the end of this period, 1985 compares with 1984?

MR. PRESIDENT: We are after 11.00 a.m. actually, but I will allow this one supplementary to be answered if the Member has the information.

HON. THOMAS C. JEFFERSON: Mr. President, surplus revenue is a different subject altogether, Sir, and I am not in a position this morning to answer that question.

MR. PRESIDENT: I do not think that it was really a supplementary, and it is after 11 o'clock.

Item 2 on today's Order Paper is Government Business, Bills, Committee Stage. The House will now go into Committee to study the Health Practitioners (Amendment) Bill, 1985, and other Bills.

GOVERNMENT BUSINESS

BILLS

THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1985

COMMITTEE THEREON

MR. CHAIRMAN: The House is now in Committee. A Bill for a Law to amend the Health Practitioners Law, 1974.

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 9 OF LAW 19 OF 1974.

MR. CHAIRMAN: Before proceeding further perhaps I should say what I should have said at the beginning that subject to the views of the Committee, I wonder whether we might agree to the practice which we normally adopt with Bills. That is that if there are clearly printing or similar errors, rather than call attention to them and have the Committee seek to correct them, we shall empower the Honourable Second Official Member to make whatever corrections may be necessary when the Bill is printed as a Law. The only amendments which therefore will be put to the Committee will be amendments of substance or significance. Is that agreeable to the Committee?

HON. DENNIS H. FOSTER: Yes, Sir.

MR. CHAIRMAN: So, let us proceed on that basis then. I think that it is the practice which we normally adopt, but I like to have the Committee's endorsement for it on each page. I assume that it applies....

HON. VASSEL G. JOHNSON: We cannot hear....

HON. CAPT. CHARLES L. KIRKCONNELL: We cannot hear, Mr. Chairman.

MR. CHAIRMAN: I am so sorry. Can you hear now.

HON. VASSEL G. JOHNSON: Yes.

MR. CHAIRMAN: I was saying that I would assume that that practice which we normally adopt will apply throughout the Committee Stages of the Bills which we will be considering today. So it is the practice that the Honourable Second Official Member is authorised by the Committee to make any necessary corrections where there have been printing errors or anything else of the like.
The question now is that Clause 2 stand part of the Bill.

QUESTION PUT: . . . AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE HEALTH PRACTITIONERS LAW, 1974. (LAW 19 OF 1974).

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill.

QUESTION PUT: . . . AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: A Bill for a Law to amend the Maintenance Law (Revised).

THE MAINTENANCE (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 stand part of the Bill.

QUESTION PUT: . . . AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 6.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: . . . AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE MAINTENANCE LAW (REVISED).

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: . . . AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: A Bill for a Law to amend the Summary Jurisdiction Law. (Law 10 of 1975).

THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 stand part of the Bill.

QUESTION PUT: . . . AGREED. CLAUSE 1 PASSED BY MAJORITY.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 10.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: Can we have that division, Sir?

DIVISION
NO. 23

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vaseel G. Johnson
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Ezzard Miller
Mr. John B. McLean

Mr. W. McKeeva Bush

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MR. CHAIRMAN: I declare that the Committee has voted that Clause 2 shall stand part of the Bill.

CLAUSE 2 PASSED BY MAJORITY.

CLERK: A BILL FOR A LAW TO AMEND THE SUMMARY JURISDICTION LAW. (LAW 10 OF 1975).

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED THE TITLE WAS PASSED.

MR. CHAIRMAN: A Bill for a Law to amend the Grand Court Law.

THE GRAND COURT (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 9.

HON. MICHAEL J. BRADLEY: Perhaps the Clerk might note that I am bringing one typographical error here to her attention.

MR. CHAIRMAN: One....

HON. MICHAEL J. BRADLEY: One typographical error.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. SUBSTITUTION OF SECTION 21.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

MR. D. EZZARD MILLER: Mr. Chairman, if I could ask leave of the Chair to put an amendment to section 3, subsection (4) to add "and published" after the "Governor in Council".

MR. CHAIRMAN: Oh, yes. You mentioned that I think during the Second Reading debate did you not? I believe, am I right that the Honourable Second Official Member said that he saw no objection to that? Or have I not remembered correctly?

HON. MICHAEL J. BRADLEY: That is correct, Mr. Chairman. I saw no objection to it and as it is reasonably non controversial I have no hesitation in endeavouring to assist the Member. In that respect, Mr. Chairman, is what he is proposing as a Committee Stage amendment what he really intends? Because if he makes it an addition to subsection (4) it provides that the only rules which do not have effect until published in the Gazette are rules which prescribe under paragraph (c) Fees of the Court. I think that it may be his intention to provide that no rules shall have effect until approved by the Governor in Council.

MR. D. EZZARD MILLER: Yes, Sir, no rules should have effect. That is what I want.

MR. CHAIRMAN: No rules should have effect until they have been published.

MR. D. EZZARD MILLER: Until they have been approved by Governor in Council and published.

MR. CHAIRMAN: Am I right that as the clause is at present worded the only rules which would go to the Governor in Council would be the rules prescribing fees?

MR. D. EZZARD MILLER: We have to amend subsection (3) then, Sir, and say that the rules do not become effective until....

MR. CHAIRMAN: I had not understood. My understanding yesterday was that you wanted rules to be published, not that you wanted all rules to go to the Governor in Council.

MR. D. EZZARD MILLER: No, Sir, I am more interested that all the rules of the Court are published so that people will have the information as to what the rules are.

MR. CHAIRMAN: Yes, that is what I had thought. You are not seeking to ask that all of them be subject to Executive Council, simply that they should be published before they take effect. I am not sure that we can do it in the way that you suggest. I think that it would have to be a new subsection, would it not?

HON. MICHAEL J. BRADLEY: A new subsection, yes.

HON. DENNIS H. FOSTER: In addition, Mr. Chairman, I do not see the sense of just publishing the fees of the Court. They might just as well publish the fees and the cost of the legal practitioners as well. That is more important.

MR. CHAIRMAN: I think that the intention is that all the rules should be published, which is reasonable.

HON. MICHAEL J. BRADLEY: Perhaps it might meet the intention of the proposer of the amendment if instead of as he suggested that the proposed new section 21 be amended by the addition immediately following subsection (5) thereof of the following new subsection:

"(6) Rules of Court made under this section shall not come into effect until they have been published in the Gazette."

Honourable Members? Would that meet the approval of the

HON. DENNIS H. FOSTER: Yes, Sir.

MR. CHAIRMAN: Where would that come?

HON. MICHAEL J. BRADLEY: Subsection (6).

HON. MICHAEL J. BRADLEY: That would have the effect, Mr. Chairman, that no Rules of Court shall have effect until published in the Gazette, which I think is what the Honourable Member wishes.

MR. D. EZZARD MILLER: Yes, that is what I am seeking, Sir.

MR. CHAIRMAN: Could the Honourable Second Official Member be kind enough to read that once more?

HON. MICHAEL J. BRADLEY: If I can remember it:

"(6) No Rules of Court made under this section shall come into force until they have been published in the Gazette."

MR. CHAIRMAN: So the question now before the Committee is that Clause 3 of the Bill be amended by adding to the proposed section 21 of the Bill a subsection (6) reading:

"(6) No Rules of Court made under this section shall come into force until they have been published in the Gazette."

MR. CHAIRMAN (CONTINUING): I will put the question that the clause be amended as proposed.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: I should perhaps formally record that in accordance with the relevant Standing Order I gave permission for the amendment to be moved, and to be moved without the normal notice due.

HON. MICHAEL J. BRADLEY: I would like the Minutes of this Meeting to record accurately that it is my understanding that that amendment was moved by the Elected Member for North Side and not by me.

MR. D. EZZARD MILLER: That is alright with me, Sir.

MR. CHAIRMAN: Yes, I think that you put the words into his mouth but he moved it. I think that that is quite right. First then the Elected Member for North Side sought and was granted permission that notwithstanding the provisions of Standing Order 52(2) an amendment be moved without the normal two days notice having been given, and that it was the Elected Member for North Side who then moved the amendment which has now been carried.

I will now put the question that Clause 3 as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 AS AMENDED PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE GRAND COURT LAW. (LAW 8 OF 1977)

HON. MICHAEL J. BRADLEY: Mr. Chairman, with respect have we moved the substantive clause as amended?

MR. CHAIRMAN: That is what I just did. The question now before the Committee is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee on Bills entitled the Health Practitioners (Amendment) Bill, 1985 and other Bills. The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated. I think that before we continue with Reports on the Bills it may be convenient if we now take our customary morning break. So I will suspend proceedings for approximately fifteen minutes.

AT 11.21 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12.12 P.M.

MR. PRESIDENT:

Please be seated.

Stage of Bills.
Council.

Item 2(ii). Reports on the Committee
The Honourable First Elected Member of Executive

THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1985

REPORT THEREON

HON. BENSON O. EBANKS:

Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Health Practitioners Law, 1974 was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT:

Third Reading.

The Bill is accordingly set down for

The Maintenance (Amendment) Bill, 1985.

THE MAINTENANCE (AMENDMENT) BILL, 1985

REPORT THEREON

HON. BENSON O. EBANKS:

Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Maintenance Law (Revised) was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT:

Third Reading.

The Bill is accordingly set down for

The Summary Jurisdiction (Amendment)

Bill, 1985.

THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1985

REPORT THEREON

HON. MICHAEL J. BRADLEY:

Mr. President, I have to report that a Bill shortly entitled The Summary Jurisdiction (Amendment) Bill, 1985 was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT:

Third Reading.

The Bill is accordingly set down for

The Grand Court (Amendment) Bill, 1985.

THE GRAND COURT (AMENDMENT) BILL, 1985

REPORT THEREON

HON. MICHAEL J. BRADLEY:

Mr. President, I beg to report that a Bill shortly entitled The Grand Court (Amendment) Bill, 1985 was considered by a Committee of the whole House and passed with one amendment, namely the insertion in Clause 3 in that part of it which deals with the newly to be inserted section, section 21, of a new subsection which reads:

"(6) No rules of Court made under this section shall come into force until they have been published in the Gazette."

MR. PRESIDENT:

The Bill is accordingly set down for

Third Reading.

Item 2(iii). Third Readings. The Clerk

I think. Does the Clerk call the Bills?

THE HEALTH PRACTITIONERS (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Health Practitioners (Amendment) Bill, 1985.

HON. BENSON O. EBANKS: Mr. President, I beg to move that a Bill entitled a Bill for a Law to amend the Health Practitioners Law, 1974 be given a Third Reading and passed.

MR. PRESIDENT: The motion before the House is that a Bill for a Law to amend the Health Practitioners Law, 1974 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

MR. D. EZZARD MILLER: May I have a division, Sir?

DIVISION
NO. 24

AYES

ABSTENTIONS

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeever Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. John B. McLean

Mr. D. Ezzard Miller

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MR. PRESIDENT:

I declare the motion carried.

BILL GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT:

The next Bill.

THE MAINTENANCE (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Maintenance (Amendment) Bill, 1985.

HON. BENSON O. EBANKS: Mr. President, I beg to move that a Bill entitled a Bill for a Law to amend the Maintenance Law (Revised) be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Maintenance Law (Revised) be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Summary Jurisdiction (Amendment) Bill, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move that a Bill shortly entitled the Summary Jurisdiction (Amendment) Bill, 1985 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Summary Jurisdiction (Amendment) Bill, 1985 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: May I have a division, Sir?

MR. PRESIDENT: Very well.

DIVISION
NO. 25

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassal G. Johnson
Mrs. Daphne L. Orrrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Esnard Miller
Mr. John B. McLean

Mr. W. McKeeva Bush

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MR. PRESIDENT: I declare the motion carried.

BILL GIVEN A THIRD READING AND PASSED.

THE GRAND COURT (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Grand Court (Amendment) Bill, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move that a Bill shortly entitled The Grand Court (Amendment) Bill, 1985 be given a Third Reading and passed.

MR. PRESIDENT: The question before the House is that a Bill for a Law to amend the Grand Court Law be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: Item 2(iv) on today's Order Paper. The First and Second Readings of further Bills.

THE CLERK OF THE COURT AND DEPUTY CLERK OF THE COURT (POWERS) BILL, 1985

FIRST READING

CLERK: THE CLERK OF THE COURT AND DEPUTY CLERK OF THE COURT (POWERS) BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to increase the powers of the Clerk of the Court and the Deputy Clerk of the Court is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE CLERK OF THE COURT AND DEPUTY CLERK OF THE COURT (POWERS) BILL, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move the Second Reading of a Bill shortly entitled the Clerk of the Court and Deputy Clerk of the Court (Powers) Bill, 1985.

As Members of this House will be aware the amount of work and the complexity of work which occurs in the courts of the Cayman Islands has increased very considerably in recent years. It was not many years ago that it was necessary for there to be only one judicial officer in these Islands. Then the Grand Court was established and one Grand Court Judge, the Chief Justice was appointed, and there was one magistrate also.

With the success story of the Cayman Islands and with the increase in our offshore finance industry, the amount of civil and commercial work has increased greatly, and a large amount of that work is in the Grand Court. At the same time there has been an increasing amount of work carried on in the Magistrate's Court so that quite frequently it is necessary because of the work there both civil and criminal, to have both the substantive magistrate and an acting magistrate working at the same time in different courts. The increased complexity and volume of this work has resulted, as in many other cases, in increased amounts of documentation which heretofore have been in our laws signable only by the Judge or the magistrate.

HON. MICHAEL J. BRADLEY (CONTINUING): The first substantive clause of the Bill before this House is to relieve the Judges and the magistrates of the burdens imposed in other laws, of personally having to sign a multitude of documents, in many cases routine documents which emanate from their offices.

Clause 2, and I will read it, Mr. President, says that:

"2. Any commitment or other warrant, subpoena, summons or other form of process of any court prescribed by any law or subsidiary legislation and requiring to be signed by a Judge of the Grand Court or a magistrate may be signed by the Clerk of the Court or the Deputy Clerk of the Court, and if so signed shall for all purposes be as valid as if signed by such Judge or magistrate."

The intent of this is, Mr. President, that the large volume of routine work in signing documents shall under the direction of the Judge or magistrate as the case may be, be signed by the Clerk or Deputy Clerk who are sufficiently legally experienced to be able to assess properly the documentation which requires to be signed. It will thus by the enactment of the first substituting clause of this short Bill take a large burden of unnecessary work directly from the magistrates and the Judges of the Grand Court.

The second provision is also intended to expedite the work of the courts here, and the second substantive clause in this Bill provides:

"3. Notwithstanding the provisions of this or any other law or of any subsidiary legislation made thereunder, the Deputy Clerk of the Court shall for all purposes have, exercise and perform all the functions, powers and duties conferred on the Clerk of the Court by any law, and any such exercise shall for all purposes be as valid as if exercised by the Clerk of the Court."

Again, not only to spread the burden of work equitably among the administrative officers of the Court there is another function for that, and that is that since there is only one person in our jurisdiction as Clerk of the Court and as frequently the substantive Clerk of the Court is called upon to act as magistrate, there is at that time in order to give powers for documents to be signed, the necessity in each case to appoint the Deputy to act. There are cases where powers exercisable in relation to the Clerk of the Court are necessary to be exercised at very short notice.

One example which Members may feel relevant to a sea-going nation like the Cayman Islands is the power to arrest a ship, which is a function which must be carried out at very short notice. The third clause of this Bill which is the second substantive one which I have been referring to would give the Deputy Clerk powers of the Clerk to carry out such functions.

Mr. President, the intention of this Bill is to expedite and smooth not only the workings of the courts here, but the process of justice in these Islands. It has been motivated by the judiciary. It has met with the approval of Government, and I commend this to Honourable Members of this House.

MR. PRESIDENT: The question before the House is that a Bill entitled a Bill for a Law to increase the Powers of the Clerk of the Court and the Deputy Clerk of the Court be given a Second Reading.

The motion is now open for debate. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Item 2(iv)(2).

THE CURRENCY (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE CURRENCY (AMENDMENT) BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Currency Law (Revised) is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE CURRENCY (AMENDMENT) BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Currency Law (Revised).

Mr. President, this is a small amendment but quite important. Section 28 of the Currency Law deals with the mutilation of coins, and under section 15 of the Forgery Law which was repealed, it dealt with the mutilation of notes. This small amendment, Mr. President, brings into section 28 the mutilation of coins and notes.

I think that that is basically all that I want to say at this time, Mr. President.

MR. PRESIDENT: The question before the House is that a Bill for a Law to amend the Currency Law (Revised) be given a Second Reading. The motion is open for debate. The Elected Member for North Side.

QUESTION PUT:

MR. D. EZZARD MILLER: Mr. President, I support the motion but I would just like to have the Member clarify that the defacement of coins is not going to include the ornamental mounting of coins for jewellery, etcetera.

MR. PRESIDENT: If no other Member wishes to speak I will ask the mover of the motion whether he wishes to exercise his right of reply?

HON. THOMAS C. JEFFERSON: Only to rise, Mr. President, and thank Honourable Members for their support, whether verbally or by their silence, and to assure the Elected Member for North Side that with the defacement of Cayman Islands currency coins will depend at the time what the individual does.

MR. PRESIDENT: The motion is that a Bill entitled a Bill for a Law to amend the Currency Law (Revised) be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Item 2(iv)(3).

THE COMPANIES (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE COMPANIES (AMENDMENT) BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Companies Law is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE COMPANIES (AMENDMENT) BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Companies Law (Chapter 22).

This amendment to the Law is being put forward in connection with another Bill which is coming forward, the Registered Land (Amendment) Bill, 1985. In the past the Registrar of Lands has taken advice from the Legal Department that alien companies could not own land. That decision, Mr. President, was recently set aside by the present Chief Justice and the attempt here, Mr. President, is to ensure that an alien company meaning any foreign company not registered in the Cayman Islands should not own land. If we have a foreign company, Mr. President, which is registered in the Cayman Islands, then this amendment does not apply to that company. It is only a foreign company such as I.B.M. wanting to purchase land in the Cayman Islands when it is not registered here which will not be allowed to do so under the name I.B.M.

Of course, Mr. President, they could set up an Ordinary, non-resident company and own that land. The reason for this, Mr. President, is that if we allow the alien company to own land or to hold land, there would be no possible way that the Registrar of Lands could police or monitor the effect for stamp duty. In other words, a company such as I.B.M. or any other foreign company registered in any part of the world whether it is the United States, Canada or the United Kingdom, if it is not registered in the Cayman Islands, then we have very little jurisdiction over it. It could change its shareholders every day, and the net effect is that no stamp duty would be collectable. This is the reason for this amendment, Mr. President. However, if the foreign company registers in the Cayman Islands then this amendment does not apply and it can hold land.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Companies Law (Chapter 22) be given a Second Reading.

The motion is open for debate. The Second Elected Member for Bodden Town.

DEBATE ON SECOND READING

MR. G. HAIG BODDEN: Mr. President, the Bill before the House states in the Memorandum that it is complimentary to the Registered Land (Amendment) Bill, 1985. This is to follow on the Order Paper. From what I heard in the introduction of the Bill I cannot see why we are not dealing with the principal Law first. I would rather be debating the Registered Land (Amendment) Bill, 1985 before the Bill which is here, as that Bill has some very draconian provisions which I think that we should deal with before attempting to pass a complimentary Bill. It seems an unusual way to present these Bills and perhaps brings us clearly the dangerous path which we are beginning to tread.

I understand the remarks of the Member who introduced the Bill but I cannot agree with the comments. I can see no reason why a foreign company without having registered here could not own land, because if the foreign company bought the land it could not sell the land; it could not transfer the title without going through the Land office here. It is true that shareholders in the company could change but the only reason I can see why we must have this absolute control is that if in the future we plan to tax land, then if we are going to introduce land tax we must have absolute control. This is the great fear which exists in the business community today, and this may be the thin edge of the wedge. Also, the fact that we are putting prohibition on the ownership of land by foreign investment could drive away the investment which this country needs. I cannot understand what has happened to the Government. I cannot understand what the present Government which has been elected to restore the economy and to do away with victimisation is doing and why they have not been able to make one forward step. Every step has been retrograde as far as investment; as far as giving confidence to the investor; every step they have made has boomeranged against them. This amendment to the Company Law is a dangerous amendment and only in Russia would they have a provision like Clause 2 of this Bill.

However, I am being very kind because I am saving my anger for the Bill which is to come, because that is the main Bill.

In Clause 2 it reads:

"that if a foreign company ceases to carry on or have a place of business in the Islands or otherwise ceases to be a foreign company or fails to comply with any of the provisions of this Part, any lands held by, vested in or belonging to it shall thereupon and without notice vest in the Financial Secretary for the benefit of the Islands."

This is confiscation without notice, a communist action. It is confiscation without notice not even having the good manners to give them ninety days notice. We are starting a dangerous precedent. We are galloping far to the left. More will come on the Registered Land (Amendment) Bill, 1985.

MR. PRESIDENT:

Does any other Member wish to speak?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise, Sir, to support a Bill for a Law to amend the Companies Law (Chapter 22). I had no intention, Sir, of rising to debate this Bill but I think that a few things which have just been said need some correction.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): I do not see this Bill, Sir, as driving away people, or the first step towards introducing a land tax. As a Caymanian, what are we going to run this country with if we allow foreign companies to own our land, sell our land in these foreign countries, avoid paying the 7.5 per cent tax. This is a loophole which the Government has found necessary to plug, and I would have thought that this Member could have seen this as a matter of getting more money for the Cayman Islands and its people, rather than to slant it and say that we are headed for a land tax and that we are prohibiting ownership, or driving away foreign capital from our country. I can assure the Member, Sir, that his remark about every step taken being a retrograde step in the development of the Cayman Islands is wrong and we hope, Sir, that in the not too distant future he will have had to swallow these words many, many times.

Mr. President, with those few remarks

I support the Bill.

MR. PRESIDENT:

Does the mover wish to...

HON. THOMAS C. JEFFERSON: Thank you, Mr. President. I wish to thank Members once again for their support of the Bill. In reply to the Second Elected Member for Bodden Town, particularly on the point of confiscation without notice when he went on to say that we did not even give ninety days notice, Mr. President, the short title indicates that this Bill does not come into effect until the 30th September. If my numbers are right I would have expected that to be around 131 days. In realising the fact that this Bill has been spoken about on Radio Cayman and in the press, I would have thought that certainly adequate notice had been given.

One other point, Mr. President. The Member said that he saw no reason for an alien not to hold land. I am also sure that he is realising the fact that if it does own land stamp duty would not be collected. In my view, Mr. President, any law which we have on our books should be equal to all. Why should we allow anyone, a foreigner or a Caymanian the right not to pay stamp duty, when other Caymanians have to pay.

Thank you, Mr. President.

MR. PRESIDENT:

The question before the House is that a Bill entitled a Bill for a Law to amend the Companies Law be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. LINFORD A. PIERSON:

May I have a division, Mr. President?

DIVISION
NO. 26

AYES

NOES

ABSTENTION

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeever Bush

DIVISION
NO. 26
(CONTINUED)

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTION</u>
Mrs. Daphne L. Orrett Capt. Mabry S. Kirkconnell Mr. D. Eazard Miller Mr. John B. McLean	Mr. G. Haig Bodden	Mr. Linford A. Pierson
12	1	1

MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: BILL GIVEN A SECOND READING.

MR. PRESIDENT: I think that it will probably be convenient if we now suspend proceedings for lunch until approximately 2.15 p.m.

AT 12.50 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.17 P.M.

MR. PRESIDENT: Please be seated.
Item 2(iv)(4).

THE REGISTERED LAND (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE REGISTERED LAND (AMENDMENT) BILL, 1985.

MR. PRESIDENT: A Bill entitled a Bill for a Law to amend the Registered Land Law (Revised) is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE REGISTERED LAND (AMENDMENT) BILL, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, on behalf of my colleague the Honourable Third Official Member who I understand was down to move this Bill, may I in his absence propose the Second Reading of a Bill shortly entitled The Registered Land (Amendment) Bill, 1985.

Mr. President, as the Honourable Third Official Member said when he presented the last Bill, the Second Reading of which took place earlier this morning, namely the Companies (Amendment) Bill, 1985, the very short provisions in this Bill which seeks to incorporate into the Registered Land Law a new section 154A stems out of a recent judgement in the Grand Court.

HON. MICHAEL J. BRADLEY (CONTINUING): Mr. President, in the judgement of the Grand Court which was given by the Chief Justice in the month of February this year, the Honourable Chief Justice held that when there was an appeal made by a foreign unregistered company against a decision of the Registrar of Lands, under the Companies Law the mere fact of owning land could not come within the scheme of carrying on business in the Cayman Islands by virtue merely of such. Therefore, such a company had power, even though not registered as a foreign company under the Companies Law, to hold such land here.

Mr. President, the historical background to this case, I think is necessary to be set out in order that it can be clearly understood by Members of this House and by the general public that there is no basic or fundamental change in what administratively has been carried out heretofore by reason of this Bill. What happened in this case, Mr. President, was that a Panamanian registered company which did not have a place of business here and had not commenced to carry on business here, and which had no connection with these Islands except that it intended to be registered as a proprietor of a parcel of land, sought to register that parcel.

It had been the policy of the Registrar of Lands not to register such instruments from such companies, and in doing so the Registrar in refusing relied on advice which had been tendered by the Legal Department as long ago as 1979. It had been a constant policy in accordance with that advice of the Land Registry to refuse to register land transfers in the name of alien companies unless such companies were registered as a foreign company under section 196 of the Companies Law.

In his judgement the Honourable Chief Justice said and I quote:

"The position therefore is that at common law an alien company not registered or registerable as a foreign company under Part 8 of the Companies Law has power to hold land in these Islands if it has capacity to do so under the Law of the country in which it was incorporated, unless any Law provides otherwise."

I continue quoting from the judgement of the Chief Justice:

"There can be no doubt that the prevailing view has been that such company could not hold land here. That is evident from a Memorandum of Objects and Reasons to the Bill for the Land Holding Companies Equity Transfer Stamp Duty Law, 1971 and the practice which grew up in the Department of the Registrar of Lands."

I continue quoting from the judgement, Sir.

"With regard to an alien corporation which is not a foreign company as defined there would appear to be no restriction preventing it from owning land in these Islands. The appellant is an alien corporation which is not a foreign company as defined."

I would like to quote very briefly from a final paragraph of that judgement:

HON. MICHAEL J. BRADLEY (CONTINUING):

"If it is desired to preclude an alien corporation which is not a foreign company from owning land here a simple amendment to the Companies Law would achieve this."

It was, Mr. President, merely to bring the Law into line with what had been understood to be the legal position and the accepted administrative practice that the previous Bill and this present Bill is being brought. There is no intention whatsoever to restrict the power of any foreign company either to form a subsidiary here and register the subsidiary here to hold land here or acquire land here, or to prevent a foreign company from registering as a foreign company under the provisions of our Companies Law and again owning land here.

What it was sought to do by these two sister Bills, Mr. President, was to prevent the danger which could arise and I think would arise by virtue of the fact that if the Law were not changed unregistered foreign companies having no business here; having no connection here; having no place for service of summonses here could purchase land and by a simple transfer from one foreigner to another of the shares of those companies, manage to avoid the stamp duty which any other transaction effectively transferring land would attract under our Laws.

It is for this reason, Mr. President, that this Bill is brought as well. What this very brief Bill to amend the Registered Land Law seeks to do, and I read, Sir, is:

"154A. (1) Notwithstanding that it may be empowered to do so under the law of any other jurisdiction or by its memorandum of association (by whatsoever name so called) a body corporate (by whatsoever name so called) which is not -

- (a) an existing company as defined in subsection (1) of section 2 of the Companies Law;
- (b) formed and registered under the Companies Law; or
- (c) registered as a foreign company under Part VIII of the Companies Law,

has no power to be registered as a proprietor or in any other manner to hold land in the Islands."

A second provision goes on to say that after the 30th September if such companies have failed to register as a foreign company here, or failed to transfer the land to a local company or to some foreign company registered here, or failed in fact to take any steps whatsoever to bring themselves into compliance with this Law, that then the property which they have chosen not to comply with the Law shall vest in the Honourable Financial Secretary for the benefit of the Islands.

May I, Mr. President, make it absolutely clear that it is not the intention in any way to restrict the ability of foreign companies to acquire land here; to own land here; to transfer land here. It merely seeks to make it quite sure that we know who these companies are; that they are registered here; that they have a place of business here, and that they are amenable to the Stamp Duty Law which provides for stamp duty on transfer of shares.

HON. MICHAEL J. BRADLEY (CONTINUING): I think that this as the previous Bill was, is merely seeking to bring into Law the administrative practice which has heretofore existed.

Mr. President, Sir, I commend this Bill to the House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Registered Land Law (Revised) be given a Second Reading. The motion is open for debate.

DEBATE ON SECOND READING

MR. G. HAIG BODDEN: Mr. President, with the Bill which we dealt with before the lunch interval I am still not convinced that the foreign principals incorporated in this Bill are in the best interests of this country. I am totally against the manner in which the Executive Council has handled this whole matter.

This is an important Bill and it came to us, that is the white copy came on the 13th May which is sufficient time for Members to receive the Bill and study it. However, the green copy, or the Gazetted copy which is the publication to the public came out on the 17th May which was a Friday of last week. Saturday, Sunday and Monday were holidays so the public had no opportunity at all to study this Bill.

The lawyers or the business people had no opportunity at all to consult with anyone during normal working hours to even enquire what this Bill means, and I would like to know why there is this undue haste. Every other matter which Government is putting up, whether it is the banning of spearguns or the catching of conchs can be aired on Open Line and the public can and does receive many broadsides from the newspapers and the radio trying to sugar coat the unpalatable aspirin which they are stuffing down the throats of the public.

However, here in an important matter like this it is held back until the last minute, because certainly everybody knows that the Meeting for the 21st May was fixed a long time ago by you, Sir. It was the duty of the Government to give the public time to study such an important Bill. It says on the green copy of the Bill that it was printed on Friday, 17th May and everybody knows that if this has to be distributed by mail there may be some people to whom this has been mailed who may not yet have received it. So it has been very subtly covered up so that the public knows nothing about it.

The Bill seeks amongst other things to confiscate land owned by an alien company or a foreign company which is not registered here. It seeks to nationalise the land. It seeks to confiscate it. It seeks to take for our own use and advantage without any notice at all to the landowner. Now, I know that the Bill will not come into effect until the 30th day of September, 1985 just the same as the Companies Law amending Bill will not come into effect until 30th September, 1985. However, this is not notice to the landowner. That magic date is only the day upon which the law comes into operation. The owner of the land in Australia or New Zealand or the United States may still not know that our Government has passed such a Law, because he will never hear it from our newspapers or our radio. I think that there is an obligation on this Government to send a notice in writing to the owner of any parcels of Land which may be involved and subject to confiscation on the 30th day of September, 1985.

MR. G. HAIG BODDEN (CONTINUING): This is the point which I wanted to make in the Companies Law (Amendment) Bill debate, although my debate was brief, that these people who are not resident in the Islands may not know and would never ever suspect, or could never ever dream that the Government would pass such a Law.

This Bill if it goes into Law, and I know that it will, also will prevent foreign companies from owning land unless they do special things. They would have to set up a subsidiary company, or register as a foreign company here, or perhaps show some other visible signs of being here. We do not need this at this time. This country is now suffering from lack of investor confidence and the Government must take actions which will restore their confidence, and not take actions which will frighten the investor away.

This will have a psychological effect of driving away would be investors. What happens is that if a company, say the Coca Cola Bottling Company wanted to do business here they may first want to purchase land, and afterwards seek to establish a factory. Under this new Law they would not be able to purchase the land unless they had registered the company here or set up a subsidiary company. So investor-wise this Bill hurts us. Investment wise it does us no good.

I mentioned the other fear which crept into my mind in dealing with the Companies (Amendment) Bill, 1985 and that was that the action seems to be unnecessary unless this action is a prelude to the institution of land taxes, because in that instance we would need absolute control. I understand what has been said about making sure that Government collects its stamp duty. Everyone knows that Government will collect its stamp duty because if the title of the land is to be transferred, that title can only be changed in the George Town office of the Land Registry. It is true that shareholders of the company could change but the title would remain with the company and could only be changed at the office in George Town. So if the title was transferred Government would then collect the new stamp duty.

Taking away land already owned by foreign people, because I believe that individuals would be caught up in this as well, without any notice in writing to the owners cannot help us. We know that this has been done in the past. People have lost their investments in Cuba. People have lost their investments in many other communist lands and they will lose it in communist Cayman when this Bill goes into effect. They will lose it without notice and they will fly in here one day and see a big sign reading "Confiscated by the Government of the Cayman Islands - Trespassers keep out". Can this do the image of this country any good? I am calling upon the Elected Members of Executive Council to withdraw this Bill and so maintain the good name which has been built up of these Islands being an investment paradise over the last two decades.

I have said many times that the provisions in the Development Plan, 1975 regarding land use are being implemented bit by bit by the new Government ever since November. Under that plan land would be confiscated for certain reasons. There would be white areas; there would be open spaces; there would be land which could not be developed, which literally means that the people would lose their ownership. Here we have an instance where people who own land will lose the ownership so the loss is just the same. It does not matter whether they lost it under the 1975 Development Plan or whether they are going to lose it under the 1985 plan, or the scraps of it which are gently being sugar coated and swallowed.

MR. G. HAIG BODDEN (CONTINUING): This is a bad Bill in all respects and I will close by reminding the Government that the worse part of it is the confiscation without notice. The fact that the operation of the Law coming into effect is delayed until September does not give notice to a landowner who lives abroad. These people who now own land and who live abroad have their names and addresses inscribed in the Land Registry in George Town, and they should if there are any, be given notice that this will happen and that the land should not be confiscated on the 30th September, 1985.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINEFORD A. PIERSON: Mr. President, the Bill before us seeks to mitigate for the future the effect of a recent judgement in the Grand Court which was related to us by the mover of the Bill. From that point, Mr. President, my first question would be do we put in jeopardy the future of this country because of the sad experience of one Panamanian company.

Mr. President, it is not a habit of mine to jump to my feet and object to every Bill which is brought to this House. As a matter of fact, I believe that this is the seventh Bill which we are dealing with in this Session and this is the first one which I am going to debate.

Another point, Mr. President, is that opposing certain Members in this House would appear to place one in the position of being the target of vindictiveness. Be this as it may I believe that we were elected here to represent the people of this country, not merely the people of our respective constituency but the people of the Cayman Islands. Good democracy, Mr. President, as I understand it depends to a large extent on good sound opposition regardless of where that opposition emanates. I would further say, Mr. President, that as in my first speech in this House I still maintain that I will support the Government Bench on whatever issues are brought to this House which in my opinion appear to be in the best interests of the people.

This Bill, Mr. President, in my opinion lacks a lot. It leaves a lot to be desired, Sir. The mover of the Bill did a tremendous job in explaining the intent and the objects and reasons for this Bill. However, I ask the question, with the exception of those who may be privy to the explanation given by him, take a foreigner picking up this Bill once it has been passed into Law, would he really be able to tell from this Bill the type of explanation which was given to us and that that was indeed the intention of the Bill. We have heard, Mr. President, that the purpose of this Bill is to protect the Cayman Islands and to protect the revenue that we are so badly in need of. This is very good, Mr. President, but my knowledge of the Companies Law would suggest to me that there are other types of companies which would be in a similar position.

What is the position of an ordinary or local company which transfers shares from one shareholder to another? Is that company expected to pay stamp duty or that transferee? The other question is if this is the case, is it being done? What is also the position with a non-resident company? Is it being done with regard to a non-resident company? What is also the position with an exempt company which is exempted from several filing requirements of the Law? Mr. President, the purpose of this Bill as we have heard is to ensure that our revenue is protected. Are we indeed protecting revenue when we through our acts in this House intentionally or unintentionally scare away potential investors and also those who have already invested in this country?

MR. LINFORD A. PIERSON (CONTINUING): Another point, Mr. President, is that with matters of importance such as we have before us, perhaps more time should be given to Members to study these Bills. I know Sir, that under the Standing Orders seven days is required. However, perhaps now that we have a Select Committee on Standing Orders we should consider fourteen days or more, because many of these matters should be taken to the public. We are deciding on a number of issues in this House which should be brought to the members of the public, and we find ourselves in the disadvantaged position of having to inform them after the fact. We go to our people and we tell them what we have done, whether they like it or not, forgetting that we are not their masters. We are their servants.

Mr. President, if 'ABC' company is registered in these Islands with 100 shares does the transfer of 10 per cent of that company affect adversely the sub-stratum of that company? The definition of a foreign body corporate is sadly lacking in this Bill. The Memorandum of Objects and Reasons gives no definition of what is meant by a foreign body corporate.

Section 154A.(1) on prohibition on certain bodies corporate holding land states:

"Notwithstanding that it may be empowered to do so under the law of any other jurisdiction or by its memorandum of association (by whatsoever name so called) a body corporate (by whatsoever name so called) which is not -"

and it names the various types of companies. By the way a foreign company registered under the Laws of the Cayman Islands is provided for under Part VIII of the Companies Law.

However, no definition is given to what I have heard other than alien company. How will the layman; the person who is not legally trained; the person who is not a Government servant and one who is not privy to our discussion here, picking up this Bill know what we are talking about? For the information of many of us here, not all investors coming to this country are legally trained people but they are nonetheless the people who bring funds to this country.

Mr. President, I will not prolong my debate on this Bill. I regard this Bill as I said earlier as lacking in many respects. I feel that the whole idea as explained by the mover of this Bill is a good one. My objection is to the content of the Bill. I feel that any Memoranda of Objects and Reasons given to a Bill should be sufficiently clear so that there is no doubt remaining in the minds of people reading a Bill such as this. In the present form, Mr. President, regretfully I am unable to support this Bill. The reason for this, or for my action earlier with regard to the Companies Law (Amendment) Bill, 1985 was the same when I abstained. It was because both of these are complimentary and I felt that one hinges on the other. However, of the two Bills this is the more damaging.

I should hope, Sir, that the Members on the Government Bench would see fit to make the Memorandum of Objects and Reasons somewhat clearer so that those reading will know exactly the intention of the Government in putting this Bill forward.

Thank you, Mr. President.

MR. PRESIDENT:

The Third Elected Member for West Bay?

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. I do not have too much to say regarding this Bill but I rise to support the Bill. I think that the mover has adequately explained it and I think that it should be noted that this Bill is not one which affects Caymanians directly such as say, for instance, the Marine Conservation Bill or the upcoming Labour legislation. This is something else which directly affects Caymanians and so having put it forward to the public for so many months in order that they can make their suggestions and recommendations, or whatever, then I can see the point in having this published far in advance. However, this particular Bill which is before the House today affects foreign companies. It is clearly outlined here. Now maybe there might need to be some further explanation of it. However, I am not sure that it is necessary.

So the Bill before us as I see it is not one which really requires a lot of input from the public as such. Certainly any foreign company not registered here, especially if we have had an experience which was certainly not for the good of this country and we seek to rectify such a situation so that it does not repeat itself - who knows how many times that land has been transferred from one company to another because of directors changing and our not knowing about it - then I feel that it is time that we have it rectified.

However, seeing that we have until the 30th September at which time this Bill will go into effect, then it would seem to me that any foreign company which owns land here and is not registered here should have at least a local representative, be it a firm of lawyers or otherwise. Those people would certainly have known that this Bill is going to be in effect at that time. I would think that they would get in touch with whichever foreign company owns the land, and they would certainly be aware of it by the 30th September. I cannot see that they would not have sufficient time to rectify the situation and so comply with the Law.

I cannot see why there is any major reason why I would disagree with this if it is clearly explained, as I said local representatives of those foreign companies are aware of this. Now we are not talking about foreign companies registered here if I understand this thing clearly. We are talking about foreign companies not registered in the Cayman Islands. So those are companies which we would have absolutely no control over what is or is not done as far as directors changing hands. So I suppose that if there is a loophole here we need to get it rectified, Mr. President, and so I would like to support this Bill.

MR. PRESIDENT: The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I rise to support this Bill, the amendment to the Registered Land Law. We have heard a lot of criticism from the Opposition. One said that this was confiscation without notice, a communist act. Mr. President, this Bill seems to be an easy prey for the opposition, so no time is wasted in their putting forward the negative side of the Bill.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, it was also said that there was no public input and the press was again lambasted along with Members of Executive Council for not properly airing the Bill before it was presented here.

If my memory serves me well, I read about these Bills in the press from last week and I also heard it on the radio. Furthermore, Mr. President, the people who are most interested in these Bills, members of the public and the lawyers have contacted Members on the Government Bench to query any areas of the new proposal which seem ambiguous to them; parts which perhaps need clarification or even amendments. I dare say that we had the same opportunity of coming forward and speaking on these two Bills. The other one was the amendment to the Companies Law which is complimentary to this one.

Mr. President, this present Government always endeavours to get these matters to the public because we do not feel that it is right to put forward any measures here without public input. I do not believe that we have a case for compromise. I am satisfied that the Bill was published and that there was sufficient time for these matters to be dealt with by the public.

Mr. President, before the court's ruling was made that a foreign corporation could own land or land owned by a foreign corporation could be registered, the Registrar of Land had ceased to register these lands and there was apparently no complaint. People understood the position. There was a test case in court and the court ruled that under the present Laws of the country a foreign corporation could own land here.

The mover of the Bill already mentioned and so did the Honourable Third Official Member the reason why these amendments were brought here. It is feared that if lands get into the hands of foreign corporations they will be transferred one to the other and the stamp duty aspect of it will not reach the Treasury of these Islands.

Mr. President, the Bill is not referring to individuals. It is not dealing with foreign persons. It is dealing with the foreign corporation. The interpretation of a foreign corporation is contained in the Companies Law and I do not think that it was necessary to spell it out in this Bill again.

Mr. President, it was said that if this Bill becomes Law that investors' confidence would be lost in the Cayman Islands. I do not accept that, Mr. President. One thing I do know is that on the 15th November, 1984 investors' confidence was strengthened in this country, and I have not heard anything to the contrary until now. In fact a lot of investors are coming in to the Islands and we have seen a large first class hotel starting construction. Mr. President, that is investors' confidence. So I think that we can forget about this Government introducing any measures which would damage that particular aspect of our economy.

It was said too, Mr. President, that this might be the beginning of a system to introduce land taxes. Well, of course the Opposition can say anything since they do not know all that operates in the minds of the Government Bench. Perhaps this is the same suggestion as was made not so long ago in these Chambers that the proposed poll tax of many years ago was supposed to be income tax which would have destroyed the financial industry. It is quite a joke that the one who was tagged with this was the one who had the responsibility to build the financial industry here.

HON. VASSEL G. JOHNSON (CONTINUING): Anyway, the events of the past years have borne out what was best for these Islands.

Mr. President, the Bill clearly states that if a foreign corporation owns land in the country that they will be given a moratorium period to the 30th September, 1985, to declare their interest. I do not think that the Government could have been fairer in these considerations. Mr. President, it also says that if no claim is made, that at the end of that period the property will vest in the Financial Secretary, and be subject to disposition by the Executive Council. Having dealt for many years with the assets of defunct companies which were also vested in the Financial Secretary and subject to disposition by the Legislative Assembly, and later by the Executive Council, many of these assets included land.

The Government, Mr. President, was in no haste and had no desire to take the land or assets of these companies. The Government would always say, "pay up all the outstanding fees which you owe and we will return the assets to you". Some of those assets amounted to large amounts of money and land, as I said. So the Government really had no intention of confiscating anything from anybody. The same attitude, Mr. President, I am sure, will be maintained as far as these Bills are concerned.

We have one important duty to perform in this country and that is to ensure that the attitude of the Cayman Islands and the acceptability of the Cayman Islands as a financial centre remain and strengthen. So it beholds this Government to do everything in its power to promote investors' attitude and acceptance here. I cannot see us doing something to damage our own position.

So I am not condemning the Opposition for putting forward their case. However, I would like in my presentation to put forward the positive side of what we try to do in this Government.

Mr. President, if this Bill goes through I will be writing to the Registrar of Lands to request of him that he serve adequate notice on any foreign company owning lands in the Cayman Islands of the provisions of these Bills so that they will have sufficient time to make proper arrangements for owning these properties, if there are any owned by foreign corporations at this time.

Mr. President, we must also be looking at the position of foreign ownership of land in these Islands and the measure which is going forward is exactly one of those. Mr. President, when foreign corporations own land here they go off and you never hear anything from them again. The property is tied up and as I said perhaps you never hear any more from them. This is something which we should guard against. There is no objection to foreign companies owning land, that is foreign companies registered in the Cayman Islands or foreign nationals. This Bill is seeking only to deal with what is interpreted under the Companies Law as a foreign corporation.

Mr. President, I support this Bill and I have no fear of it damaging the Cayman Islands' image in any way. The Bill is quite normal and I support it.

HON. BENSON O. EBANKS: Mr. President, I have no hesitation in supporting this Bill, Sir. Over the years I have learned to appreciate the richness of the imagination of some people's minds. However, I must say that in today's debate they have even surpassed my wildest imagination of their ability to read things into a Bill which are not there.

RON. BENSON O. EBANKS (CONTINUING): This to my mind, Mr. President, is a very simple Bill and I thought that the mover had made it clear why the Bill was being presented. There is nothing communistic about this Bill. It might be that it is so simple that it is going over the heads of some people since they are looking for much more sinister motives behind the Bill. It beats me to see how anyone could read into this Bill any attempt or desire by Government to impose a land tax, when in fact what the Bill is seeking to do is to discourage the ownership of land by a particular type of company. It should be made very clear here, Mr. President, that this refers to corporations or companies, not to individuals. If a foreign national wants to own land in the Cayman Islands there is no restriction on that being done. They simply register the land the same as any Caymanian would do.

However, having said that, even if there was provision in our laws for foreign nationals not to be easily registered as owners of lands in this country it would not be any novel provision. What I am really saying is that we are one of the few countries where foreign nationals can purchase land unrestricted and without permission. Maybe that is something that people with good imaginations would want to think about the effects of it in years to come. I am not here advocating any change but I am merely saying that other countries have found it necessary to introduce such legislation. This is not the intent of this Bill. As explained, this Bill will only affect one type of company. That is a company registered or incorporated elsewhere than in the Cayman Islands and then not registered to do business in the Cayman Islands under the provisions of our Law; under Part VIII of our Companies Law.

One Member said that it would make no difference if the owners changed but, Mr. President, that is the whole reason why some years ago after the Registered Land Law came into effect and our Companies Law was in being, and much activity was taking place in real estate, the Land Holding Companies Equity Share Transfer Tax was introduced. This was to prevent people from holding land in the name of a company, transferring the shares in the company thereby transferring the land and circumventing the payment of the stamp duty.

So, if someone is suggesting that John Doe be allowed to incorporate a company in Panama and that company be allowed to own land in the Cayman Islands, and then John Doe can transfer the shares in that company to Tom Jones thereby transferring the ownership of the land without paying the stamp duty, then he is asking for problems, and he is asking Government to deprive itself of revenue and to make blood out of one and stone out of another. It is very clear here what this Bill is seeking to do and it should be made very clear that this does not really apply to foreign companies who are registered to do business in Cayman. To the best of my knowledge the case cited by the mover of the Bill was the one solitary case where a foreign company did not register in the Cayman Islands and sought to own land in the Cayman Islands. In fact, they had obviously paid the money, fought the issue and it was found that in the strict interpretation of our Law the company could in fact own the land. This legislation is seeking to plug that loophole.

One Member said that there was no definition of a foreign company. Mr. President, section 194 of the Companies Law makes it very clear what a foreign company is, and there is no similarity between a local company and a foreign company and all the others.

HON. BENSON O. EBANKS (CONTINUING): A foreign company is simply as defined in section 194 of the Companies Law, a company who is incorporated elsewhere which registers its Memorandum and Articles of Association here with the intention of doing business. We have many of them around the place. All of the major banks would be regarded as foreign companies since they are incorporated elsewhere. In fact we see that little notice on the door, I believe, "Registered in the United Kingdom" or "Canada" as the case may be. It is on all their letterheads and all the rest of it. It is required under the Law.

This Bill is making it, as I said, impossible for alien companies as the Honourable Third Official Member referred to them this morning, and alien is not used in the Law because it is a word really not used in our Companies Law but it is the only definition I suppose which could have been used - alien in this sense means that it has not registered here. It has no legal right in the country so I would say that alien is a good definition. It should be made clear, Mr. President, that this does not prohibit as I see it a foreign company from owning land in the Cayman Islands. It is not confiscating the land of any foreign company registered in the Cayman Islands.

What it says is that any foreign company which ceases to be registered in the Cayman Islands and the rest of it, will forfeit its land to the Treasury. This is no different to a company being struck off the Register or becoming defunct. So there is nothing sinister or unusual about this, Mr. President. It is not seeking to take any land which I would suggest is known to be registered in this country. This is why if perchance some other alien company might have got through and registered a piece of land, I would imagine this is why the notice is being given. However, in actual practice I would dare say that really no notice need be given, because to my knowledge it has been the custom of the Registrar of Lands not to register as the proprietor of any plot of land any company which is not incorporated or registered in the Cayman Islands. In fact it was his refusal to so register the land on which the judgement was given. This now seeks to regularise the position which has been practised all along.

So, Mr. President, people should not run scared or become disquieted by believing that all of a sudden Government is out on a land grabbing spree and is going to confiscate all of the land owned by foreign companies or foreign individuals in the country. I am amazed to have heard one Member question the difference between this type of company and any other company and wonder what happened to land owned by those other companies. If it is a land holding company, it pays stamp duty if the shares are transferred. There is an obligation on every company to make a return once they fall within the description of a land holding company. So there is no doubt in my mind, Mr. President, that there is a world of difference between ordinary companies and the company, the animal which is the subject of this Bill.

Section 2 of this Bill makes it very clear what is being talked about. If I may be permitted to read the whole thing, Mr. President, maybe it will become very clear:

"154A. (1) Notwithstanding that it may be empowered to do so under the law of any other jurisdiction or by its memorandum of association (by whatsoever name so called) a body corporate (by whatsoever name so called) which is not - "

It is significant that the Bill carries here "memorandum of association (by whatsoever name so called)" and "body corporate (by whatsoever name so called)" because it indicates that these are bodies corporate likely

HON. BENSON O. EBANKS (CONTINUING): to be established in countries where we even have different terminology for the memorandum of association and the body corporate. However, to go on it says it is only those companies which are not:

"(a) an existing company, as defined in subsection (1) of section 2 of the Companies Law;"

Briefly that means that at the coming into effect of the Bill, if that foreign company did not register its memorandum and articles of association with the Local Registrar it would not be regarded as an existing company, or if it was not:

(b) formed and registered under the Companies Law; or

(c) registered as a foreign company under Part VIII of the Companies Law,"

It then:

"has no power to be registered as a proprietor or in any other manner to hold land in the Islands."

So once the foreign company complies with the existing Companies Law and registers itself, then we have no problem. It can own land. It is only in the case of a company incorporated somewhere in Timbuktu which thinks that it can come and buy up half of the Cayman Islands without being registered here, and keep transferring the land in New York or somewhere else by transferring the shares of the company without paying any stamp duty, that that company has to worry about this Bill.

I say that we would not be doing our duty if we did not pass the legislation which is before us, which will plug that loophole of giving to that type of company the ability to buy and sell land in the Cayman Islands without the payment of stamp duty. In fact we might not want that type of person to own land in the Cayman Islands anyway. It might be drug money.

So, Mr. President, I have no doubt that persons who would want to do bona fide business in the Cayman Islands will understand what this Bill means, and I am sure that this Bill is not going to cause any loss of investor confidence in the country. In fact, I think that it will enhance the confidence in the Government of the country.

With those remarks, Mr. President, I support this Bill wholeheartedly.

MR. PRESIDENT: We are already rather later than usual for taking our customary afternoon break. I kept on thinking that the Member was getting to the end of his speech and found that I was mistaken. I think perhaps we might suspend proceedings for a rather shorter time than usual, and suggest that we try to get back in ten minutes.

AT 3.39 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.53 P.M.

MR. PRESIDENT:

Please be seated.

Does any other Member wish to speak?

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I have opposed the Government on many occasions in this Meeting but I must in all good conscience support this Bill. I should say that not being a lawyer I would like to have these Bills for a longer period to be able to study them properly. However, I give my support to this Bill.

Mr. President, I have listened to the Opposition and I have listened to the Government Bench. I cannot see where anyone in their right state of mind can say that the Bill is a communist Bill or a communist act. I see where it can help the country. I do not see where it could hurt any of those companies registered here. It is only allowing those companies who are not registered here in this country but own property in this country to register; pay the company's fee to the Treasury; pay to the Treasury the 7.5 per cent stamp duty when it wants to sell its property and therefore become a duly registered company in this country controlled, Mr. President, by our Companies Law. It would prohibit those unscrupulous people who want to use the Cayman Islands as a laundering ground for their dirty money. They could not under this Bill buy up a little piece of land and then launder the money through here.

I do not believe, Mr. President, that this Government is on any course towards becoming communist. I do not believe that they have any plans for any sort of land tax. Why, Mr. President, they know that they could not survive. I believe that the Members of the Government Bench have better sense. I look over there, Mr. President, and all I see are capitalists straight down. Try hurting them. There are only capitalists, no communists. I do not feel, Mr. President, that we today in this country are suffering from the lack of any investor confidence. I have every hope that within a few months this country is going to take off again. Yes, Mr. President, right now we are suffering a little slow period but this did not occur just overnight. The economy of this country has been down for about the last two to three years. We have seen it on the decline. We suffered the loss of investor confidence when investors in the past bought land here but found out that they had no land. We suffered the loss of investor confidence when investors bought beach land and when they found out that they had swamp land. We suffered the loss of investor confidence when foreign investors bought condominiums in this country, but when they got here they were told that they had none and had to go to court to get them.

Mr. President, those are the reasons why our economy took the downward trend. How can the Opposition get up and say that this new Government is causing the investor to lose confidence? Mr. President, some of them have a track record. They have been in Government for eight years and we have just taken over from their mal-administration.

Mr. President, we do not like to look at the past but we must look at the past. We learn by our mistakes, Mr. President. Mr. President, the Opposition has talked about nationalisation. The only time nationalisation began in this country was during the previous administration. They nationalised

MR. W. McKEEVA BUSH (CONTINUING): our national airline as we call it now, our national pride. That was nationalisation. The only time that nationalisation was mooted in this country was when the First Elected Member for Bodden Town passed around a memorandum to Members of this Honourable House in the previous Government suggesting the nationalisation of Caribbean Utilities Company. Mr. President, just like the Indians say, some white men speak with forked tongues. However, the Caymanian people are aware, Mr. President. They realise what is happening and I am sure that our people realise that their Government which they have elected by a landslide victory is doing its best. When they slip from the straight and narrow way "Bush" will help to kick them back on the track again.

I support the Bill, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak?
The Honourable Third Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, what a difference five minutes makes. First I am the mover and now I am supporting the Bill. However, I am very grateful to my learned friend for moving into the spot of moving the Bill.

The Bill before us, Mr. President, is a Bill for a Law to amend the Registered Land Law. I have no worry whatsoever that this Bill will ever affect the financial industry in any way. It will cause no damage at all, Mr. President, in my view.

The Registrar of Lands principally operates on the three main Laws when he deals with stamp duty, the Registered Land Law, The Stamp Duty Law and the Land Holding Share Transfer Tax Law. In this case we are dealing with a company. There are a number of categories of companies on the books, Mr. President. There is the ordinary resident company. There is the Ordinary Non-Resident company. There is the exempt company and there is the foreign company. The reason for this Bill, Mr. President, and the effects of it will cause none of these companies any danger whatsoever.

As the mover of the Bill clearly outlined the Registrar of Lands, administratively for many years has refused to register any company wishing to purchase land in the Cayman Islands which had no registered office here, or was not registered in the Cayman Islands. While carrying out his duties, Mr. President, when a company requests him to register a parcel of land in its name, the Registrar requests documentation from that company that it is registered in the Cayman Islands, be it a certificate of incorporation or what have you. If it does not have this documentation he refuses to register the land in the company's name.

Prior to February, 1985 this was the operation. The Registrar refused to register any parcel of land in the name of a company which was registered elsewhere and had no registered office or what have you in the Cayman Islands. In February of this year the learned Chief Justice ruled that that company could hold land in the Cayman Islands. Therefore, Mr. President, there cannot be many companies of this kind with registered land unless one or two slipped through. Knowing the diligence of the Registrar of Lands and his methodology of dealing with the registration of land by companies or by individuals, I would assume that we are dealing with only the one case which came before the learned Chief Justice.

HON. THOMAS C. JEFFERSON (CONTINUING): The Bill which is before the House today is seeking to re-establish the position prior to the learned Chief Justice's decision. That is that a company, let us call it an alien company and let us define an alien company as a company which is not registered in the Cayman Islands, that company shall not own land in the Cayman Islands. The main reason for this, Mr. President, is that we have no way of collecting stamp duty from a company which has no obligation to report anything whatsoever to the Registrar of Lands. Therefore, we will have no knowledge when the company changes shareholders.

Moving on to the confiscation as we put it, I would prefer to use the words that the land will be vested in the Financial Secretary for the Cayman Islands Government. Mr. President, if we examine the Companies Law, Chapter 22 which has been on the books since 1961 or 1962, and look at section 178, if you would permit me, Mr. President, it reads:

"Any property vested in or belonging to any company,"

I am relating all of this to a company which is struck off:

"struck off the register under this Law shall thereupon vest in the Treasurer of the Islands for the benefit of the Islands, and shall be subject to the disposition of the Legislature."

Since that time, Mr. President, the word Treasurer was changed to Financial Secretary and the disposition was changed to the Governor in Council.

Therefore, Mr. President, there is nothing new about vesting of property in the Financial Secretary. I can think of no instance, Mr. President, during my time in the Department of Finance and Development that Government has ever taken any property from any company struck off the Register. What generally happens as explained by the Honourable Fourth Elected Member is that the Government requests the directors or shareholders of the company to make good the fees which were due Government, and depending on what type of company we are talking about there are penalties also involved, penalties of nominal nature, Mr. President. Once those fees are paid Government makes the decision to return the property to the rightful owners.

The reason for the Bill as I said before, Mr. President, is basically to close what we see as a very dangerous loophole in the payment of stamp duty and the collection of duty.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak?

Does the mover wish to reply?

HON. MICHAEL J. BRADLEY: I think, Mr. President, I would be doing less than fulfilling my Portfolio responsibility to this Bill if I failed to reply to the debate which has taken place so far.

Mr. President, I have listened long and earnestly to the many speeches which have been made in relation to this short Bill. I have in my opening speech endeavoured to make it quite clear that this Bill is merely seeking to ensure that there is no system allowed in this jurisdiction whereby the responsibility for the payment of stamp duty upon the effective change of ownership of land can take place.

HON. MICHAEL J. BRADLEY (CONTINUING): Members on this side of the House have explained and illustrated so amply the present situation and the past situation that there is no need for me to do anything further in closing the debate than to emphasise that basically this Bill and its companion Bill the Companies (Amendment) Bill, 1985 were made necessary because the firmly held belief for many years in this jurisdiction that a company which is a foreign unregistered company which purchases land in the Cayman Islands is by the act of doing so carrying on business in the Cayman Islands was not held to be so by the Grand Court, who held that the mere bare fact of purchasing land and registering it did not involve such a foreign unregistered company in carrying on business. That being so, until this decision and until this Panamanian company successfully appealed against the administrative decision of the Registrar of Lands not to register its interest in the land, no such foreign unregistered companies were entitled and registered as owners of land in this jurisdiction. This company now has been the first and it may be that it is the only one. However, in order that this company and any others that there may be have adequate time to take such minimal legal steps as are necessary to comply with these two new amendments to the Companies Law and the Registered Land Law, both Bills have provided that the provisions newly being enacted here shall not bite until some four months time on the 30th September.

If by that time wilfully and contemptuously such foreign unregistered companies choose, after having given us the assurance that they will and after having it communicated to them the intent and the effect of these two Bills, or seek to put at risk their own property then, if they seek so to do, that is a matter for them.

What this Government by this legislation seeks to ensure is, Mr. President, that revenue raising measures which are necessary for the economy are not evaded in a manner contrary to the will and spirit of the legislation.

Mr. President, one other Member raised a matter which before closing I feel is worthy of comment. The Honourable Second Elected Member for Bodden Town has stated that one difficulty in presentation of this Bill to the general public is that the Memorandum of Objects and Reasons did not make it sufficiently clear what the effect as explained by me in my opening address would be. Mr. President, it is always a matter of balance in trying succinctly to explain in layman's language in a Memorandum of Objects and Reasons the effect of legislation without having to go so far and find oneself in the situation that the Memorandum of Objects and Reasons in fact in many cases is far longer than the Bill. However, I do take note of the point and in so much as the responsibility for drafting instructions from Portfolios is within the Attorney-General's Chambers I assure the House that I will in the future endeavour to ensure that when a Memorandum of Objects and Reasons appears with a Bill that persons reading the objects and reasons will have as far as possible a clear understanding of the basic principles underlying the Bill which it accompanies.

I feel that if we set out in a Memorandum of Objects and Reasons to cross every "t" and dot every "i" that the effect of such a memorandum would be defeated. However, I have taken the point and I will endeavour to do so.

Mr. President, Sir, I commend this Bill to the House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Registered Land Law be given a Second Reading.

QUESTION PUT: AYES AND NO.

MR. W. McKEEVA BUSH: May we have a division, Sir?

DIVISION
NO. 26

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster	Mr. G. Haig Bodden	Mr. Linford A. Pierson
Hon. Michael J. Bradley		
Hon. Thomas C. Jefferson		
Hon. Benson O. Ebanke		
Hon. W. Norman Bodden		
Hon. Capt. Charlee L. Kirkconnell		
Hon. Vassel G. Johnson		
Mr. W. McKeeva Bush		
Mrs. Daphne L. Orrett		
Capt. Mabry S. Kirkconnell		
Mr. D. Eazard Miller		
11	1	1

MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: BILL GIVEN A SECOND READING.

MR. PRESIDENT: We have approximately ten minutes before the normal time for ending business. That may be rather a short time to start a Second Reading debate on the Penal Code (Amendment) Bill, 1985 which would normally be the next one. I am wondering whether though it might be helpful if we took the First Readings of the three Bills which are down on the Order Paper. This would enable us without having to suspend Standing Orders to take the Second and Third Readings on the same day at a later stage in this Session if it chanced to be convenient so to do. It will not take us very long to deal with the three First Readings if we do them in succession. So if that is convenient to Members?

HON. MICHAEL J. BRADLEY: Mr. President, perhaps when you take the First Reading, just immediately after the First Reading of the Penal Code (Amendment) Bill if I could with your permission mention to Members a typographical transposition of several lines which has appeared in the green copy, otherwise it will be unintelligible to Members?

THE PENAL CODE (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE PENAL CODE (AMENDMENT) BILL, 1985.

MR. PRESIDENT: Perhaps the Honourable Second Official Member would like to direct the House's attention to the printing error which has occurred.

HON. MICHAEL J. BRADLEY: I am very grateful, Mr. President, Sir, because I thought that if Honourable Members were doing their homework tonight and came upon this transposition, as I am sure that they all will be doing their homework tonight, that it would cause a certain amount of confusion.

If Members would turn to the first, second, third, fourth, fifth, sixth, seventh page of the actual text of the Penal Code in the green copy they will come to a page which starts "(8) This section does not apply to a sentence for any offence against". Those two lines should not appear there, but should appear on top of the third page of the green copy which now starts, "(a) section 167".

Perhaps I can do it another way, Mr. President, that if Members turn to the third page which is "(a) section 167". That is the third page on the right hand side right at the top. Immediately before that if they would put right out to the margin "(8) This section does not apply to a sentence for any offence against". On the seventh page those words which I have read out, "(8) This section does not apply to a sentence for any offence against" should be deleted. The top two lines were transposed in composition I presume.

If any Member is still in doubt I will show it to them afterwards.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Penal Code is deemed to have been read a First time and is set down for Second Reading.

If we could now take the First Reading of the next Bill.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Misuse of Drugs Law (Revised) is deemed to have been read a First time and is set down for Second Reading.

THE REHABILITATION OF OFFENDERS BILL, 1985

FIRST READING

CLERK: THE REHABILITATION OF OFFENDERS BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to rehabilitate Offenders who have not been reconvicted of any serious offence for periods of years to penalise the unauthorised disclosures of their previous convictions, to amend the Law of Defamation and for purposes connected therewith is deemed to have been read a first time and is set down for Second Reading.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow.

MR. PRESIDENT: The motion before the House is that this House do now adjourn until 10.00 a.m. tomorrow.

Perhaps before I put the question I could just say to Members in case any of them have not heard that having taken soundings of a number I have formed the impression that it may be convenient, at least to many Members, if tomorrow we plan to break for lunch at 12.00 p.m., because a number of people including I admit, myself have commitments. So I give notice of that so that Members may make their plans accordingly.

I will now put the question that this House do now adjourn until 10.00 a.m. tomorrow.

QUESTION PUT: ... AGREED. AT 4.27 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., THURSDAY, 23RD MAY, 1985.

SECOND MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

THURSDAY
23RD MAY, 1985

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LLB SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MRS DAPHNE L ORRETT THIRD ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

APOLOGIES

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF BODDEN TOWN

ORDER PAPER

THURSDAY
23RD MAY, 1985

1. QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 59: WOULD THE MEMBER STATE WHAT THE COST WAS PER SQUARE
FOOT OF CARPETING THE TOWER BUILDING, THE COURTS
BUILDING (LAST RENOVATION) AND THE ADMINISTRATION
BUILDING (LAST RENOVATION).

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
SECOND OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 60: WOULD THE MEMBER STATE WHAT STEPS HAVE BEEN TAKEN TO
INVESTIGATE THE ALLEGATIONS OF TREASON MADE BY THE
HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL
DURING THE BUDGET AND THRONE SPEECH DEBATE IN MARCH,
1985?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
SECOND OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 61: WOULD THE MEMBER STATE WHAT ACTS OF TREASON HAVE BEEN
COMMITTED BY THE COMMITTEE OF 44 REFERRED TO BY THE
HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL
DURING THE BUDGET AND THRONE SPEECH DEBATE IN MARCH,
1985?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND
DISTRICT ADMINISTRATION

NO. 62: WOULD THE MEMBER STATE WHETHER THE LEVEL OF TESTS
CARRIED OUT AT THE PUBLIC WORKS DEPARTMENT WERE
SUFFICIENT TO ESTABLISH BEYOND ANY DOUBT THAT THE
RECENT DEATH OF AN EMPLOYEE IN THAT DEPARTMENT WAS
NOT CAUSED FROM TOXIC SUBSTANCES OR FUMES IN THE
IMMEDIATE WORKING ENVIRONMENT OF THAT EMPLOYEE, AND
THE NAMES OF THE INDIVIDUALS OR INSTITUTIONS THAT
CARRIED OUT THESE TESTS?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 63: WOULD THE MEMBER STATE WHETHER ANY EFFORTS HAVE BEEN
MADE TO INVESTIGATE COMPLAINTS WHICH HAVE BEEN MADE
BY VISITORS TO THESE ISLANDS REGARDING THE VERY HIGH
COSTS OF ACCOMMODATION AND THE HIGH COSTS OF AIR FARE
TO AND FROM THE ISLANDS?

NO. 64: WOULD THE MEMBER STATE WHAT EFFORTS ARE BEING MADE TO
ENCOURAGE AND PROMOTE MORE CHARTERS AND PACKAGE TOURS
TO AND FROM THE CAYMAN ISLANDS?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE
SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 66: WOULD THE MEMBER STATE WHAT THE COST OF THE
LAVENTHAL AND HORWATH REPORT WAS?

NO. 66: WOULD THE MEMBER STATE WHEN THE LAVENTHAL AND HORWATH
REPORT WILL BE MADE PUBLIC?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH
ELECTED MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 67: WILL THE MEMBER STATE WHETHER ANY INVESTIGATIONS OR
TESTS HAVE BEEN CARRIED OUT IN AREAS (SUCH AS THE
LOWER VALLEY LENS AREA) WHERE DOMESTIC WELLS AND
WELLS USED FOR CATTLE HAVE GONE SALTY?

NO. 68: WILL THE MEMBER STATE WHAT PLANS GOVERNMENT HAS TO
ENSURE THAT ANOTHER MEANS OF WATER SUPPLY IS IDENTIFIED
RATHER THAN DEPLETING OUR UNDERGROUND SUPPLY, AND HOW
SOON WILL THIS BE IDENTIFIED?

2. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

(a) PRIVATE MEMBER'S MOTION NO. 8/85
TREATY BETWEEN COUNTRIES OF FOREIGN PRISONERS

(b) PRIVATE MEMBER'S MOTION NO. 9/85
DOCTORS' ROTATION AT HOSPITAL

(c) PRIVATE MEMBER'S MOTION NO. 10/85
OPENING OF GOVERNMENT OFFICES DURING LUNCH HOURS.

(d) PRIVATE MEMBER'S MOTION NO. 11/85
PROHIBITION OF LIQUOR AND CIGARETTE ADVERTISING
IN THE CAYMAN ISLANDS

(e) PRIVATE MEMBER'S MOTION NO. 12/85
LIQUOR LICENSING LAW

3. GOVERNMENT BUSINESS

BILLS:-

(i) COMMITTEE STAGE

- (1) THE CLERK OF THE COURT AND DEPUTY CLERK OF THE
COURT (POWERS) BILL, 1985
- (2) THE CURRENCY (AMENDMENT) BILL, 1985
- (3) THE COMPANIES (AMENDMENT) BILL, 1985
- (4) THE REGISTERED LAND (AMENDMENT) BILL, 1985

(ii) REPORTS THEREON

- (1) THE CLERK OF THE COURT AND DEPUTY CLERK OF THE COURT (POWERS) BILL, 1985
- (2) THE CURRENCY (AMENDMENT) BILL, 1985
- (3) THE COMPANIES (AMENDMENT) BILL, 1985
- (4) THE REGISTERED LAND (AMENDMENT) BILL, 1985

(iii) THIRD READINGS

- (1) THE CLERK OF THE COURT AND DEPUTY CLERK OF THE COURT (POWERS) BILL, 1985
- (2) THE CURRENCY (AMENDMENT) BILL, 1985
- (3) THE COMPANIES (AMENDMENT) BILL, 1985
- (4) THE REGISTERED LAND (AMENDMENT) BILL, 1985

(iv) SECOND READINGS

- (1) THE PENAL CODE (AMENDMENT) BILL, 1985
- (2) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (3) THE REHABILITATION OF OFFENDERS BILL, 1985

(v) COMMITTEE STAGE

- (1) THE PENAL CODE (AMENDMENT) BILL, 1985
- (2) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (3) THE REHABILITATION OF OFFENDERS BILL, 1985

(vi) REPORTS THEREON

- (1) THE PENAL CODE (AMENDMENT) BILL, 1985
- (2) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (3) THE REHABILITATION OF OFFENDERS BILL, 1985

(vii) THIRD READINGS

- (1) THE PENAL CODE (AMENDMENT) BILL, 1985
- (2) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (3) THE REHABILITATION OF OFFENDERS BILL, 1985

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THURSDAY

23RD MAY, 1985

10.09 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Questions. The Second Elected Member

for Bodden Town.

QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 59: Would the Member state what the cost was per square foot of carpeting the Tower Building, the Courts Building (last renovation) and the Administration Building (last renovation).

ANSWER: The cost per square foot of carpeting the following buildings was as follows:-

- | | |
|------------------------|------------------|
| (a) The Tower | CI\$1.24 sq. ft. |
| (b) The Courts | CI\$1.44 sq. ft. |
| (c) The Administration | CI\$1.68 sq. ft. |

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Could the Member say whether Public Works Department carried out this renovation, or whether it was a private company?

MR. PRESIDENT: By "this renovation" do you mean provided the carpet, because if you are asking about something quite different then it is....

MR. W. McKEEVA BUSH: The carpeting, yes, Sir.

HON. THOMAS C. JEFFERSON: Mr. President, the answer is that the carpet was supplied by a private company.

MR. W. McKEEVA BUSH: A further supplementary, Mr. President. Can the Member say what private company it was? Is that possible?

HON. THOMAS C. JEFFERSON: Yes, Mr. President, it was Paramount Carpeting.

MR. PRESIDENT: If there is no further supplementary I will ask the Second Elected Member for Bodden Town to ask the next question.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
SECOND OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 60: Would the Member state what steps have been taken to investigate the allegations of treason made by the Honourable Fourth Elected Member of Executive Council during the Budget and Throne Speech debate in March, 1985?

ANSWER: *In order that investigations may commence regarding allegations that any criminal offence has been committed, a complaint should be made to the police authorities. Once such investigation has been completed, if the matter is sufficiently serious, a police file is forwarded to the Attorney-General for directions as to prosecution. No such police report has been received by the Attorney-General and no complaints regarding alleged offences of treason have been received by the police.*

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: *Mr. President, may I ask a supplementary. Can the Member say if Honourable Members of Executive Council will make sworn statements to the police on any information they may have regarding this matter?*

MR. PRESIDENT: *I do not think that that is a question which can be properly addressed to the Honourable Second Official Member. It is not something within his responsibility. If I understood the supplementary right you were asking whether Members of Executive Council would make sworn statements. Am I correct?*

MR. G. HAIG BODDEN: *Yes, Sir, because this is such a serious matter. If they have information they should make statements under oath to the police.*

MR. LINFORD A. PIERSON: *Mr. President, a supplementary. In view of the answer would the Member state whether the allegations made by the Honourable Fourth Elected Member in the Budget and Throne Speech debate were without foundation?*

MR. PRESIDENT: *That is not a question the Member can possibly be expected to answer, that is the Honourable Second Official Member.*

MR. G. HAIG BODDEN: *Mr. President, can I ask the Member if he will ask the Police Department to investigate this matter?*

HON. MICHAEL J. BRADLEY: *Mr. President, as previously stated the procedure is that if any individual believes that a criminal offence has been committed a complaint should be made to the police. If the Honourable Member has knowledge of any such offence I am sure that he will as a good citizen make a report to the police like any other citizen.*

MR. G. HAIG BODDEN: *Mr. President, my question was asked simply to get some knowledge. I heard something in the Assembly which I take it that the Member was making statements responsible for the voracity of the statements.*

MR. PRESIDENT: *I think that the Member has probably made his point. Would he like to move on to the next question?*

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
SECOND OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 61: Would the Member state what acts of treason have been committed by the Committee of 44 referred to by the Honourable Fourth Elected Member of Executive Council during the Budget and Throne Speech debate in March, 1986?

ANSWER: No complaints have been received by the Royal Cayman Islands Police Force concerning allegations of treason alleged to have been committed by any person or persons.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if he can state whether Government has a list of the members of the Committee of 44 or has any idea of its composition?

HON. MICHAEL J. BRADLEY: To the best of my own personal knowledge I do not have a list of the members of the Committee of 44, but I would be very interested to receive one from the Honourable Member if he wished to give me one.

MR. G. HAIG BODDEN: Mr. President, since this matter was started by Executive Council they are the ones who should give the list. I am asking the Member if since Executive Council of which he is a part started this rumour, will he give us the names? Or is it that no Committee exists? I think he has a duty to the public to tell them and not try to dodge the issue.

MR. PRESIDENT: I am not quite sure whether there was a question in all that. It sounded more like a statement to me.

MR. G. HAIG BODDEN: Mr. President, there was a question concealed in it.

MR. PRESIDENT: It was well concealed.

MR. G. HAIG BODDEN: My question is that since the talk about the Committee of 44 was started by the Executive Council will he tell the Assembly whether a Committee in fact exists, or whether it was just a statement of the imagination of Executive Council?

MR. PRESIDENT: I think with respect that the supplementary is itself misleading. It says that talk was started by Executive Council. Talk was started by one Member of the House and I think that the substantive question which you have put down makes clear that it was one particular Member of Executive Council who in the course of a speech referred to the Committee of 44. It was not Executive Council as such, so the supplementary I think would have to be rephrased.

MR. LINFORD A. PIERSON: A supplementary, Mr. President, and it will be a supplementary, Sir. With something as serious as an act of treason in this country, certainly the Royal Cayman Islands Police Force would have known of this. In view of the importance placed on the deliberations of this House, should any Honourable Member be allowed to make statements without foundation?

HON. MICHAEL J. BRADLEY: Hypothetical. Mr. President, Sir, is that not a hypothetical question?

MR. PRESIDENT: Well, I think that it is a question which can be answered by reference to...I am not quite sure who is being asked the question. Perhaps I was being asked the question. However, Standing Order 22(1)(b) says that if a question...Sorry that is if a question contains a statement of fact the Member shall make himself responsible for the accuracy of the statement. I think that there is probably something else. I cannot find it at the moment but I think possibly there is something....

HON. MICHAEL J. BRADLEY: Standing Order 22(1)(g) soliciting....

MR. PRESIDENT: That relates to questions. That is what I had found first. Oh, Standing Order 22(1)(g) "expression of opinion". Yes.

MR. LINFORD A. PIERSON: Mr. President,....

MR. PRESIDENT: Standing Order 22(1)(g) says that a question shall not solicit an expression of opinion.

HON. MICHAEL J. BRADLEY: I think, Mr. President, that the supplementary questions of the two Honourable Members appear to be as well concealed as the identity of the Committee of 44. (LAUGHTER).

MR. G. HAIG BODDEN: Mr. President, can I ask the Member if the Committee of 44 helped the Elected Members of Executive Council to be elected to the House?

MR. PRESIDENT: I think that the short answer is, no you cannot. (LAUGHTER).

MR. LINFORD A. PIERSON: Mr. President, the point that I was making, Sir, and I can see where this could be dealt with under Standing Order (22)(1)(g) as hypothetical, but the statement which was made in the Budget debate by the Honourable Fourth Elected Member of Executive Council was certainly more factual. My question was soliciting whether such statements as serious as treason should be just glibly made in the House, because we have a public out there who are listening to the deliberations of this House?

MR. PRESIDENT: If there is no further supplementary I will invite the Second Elected Member for George Town to ask question no. 62.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 62: Would the Member state whether the levels of tests carried out at the Public Works Department were sufficient to establish beyond any doubt that the recent death of an employee in that Department was not caused from toxic substances or fumes in the immediate working environment of that employee, and the names of the individuals or institutions that carried out these tests?

ANSWER: The matter is presently under investigation by experts from the United States obtained for us by the Pan American Health Organization, and the results of their findings will be submitted to the coroner when received.

It is anticipated that as soon as the coroner has received their report, a release will be made. However, the matter is one which is sub judice at the present time.

MR. PRESIDENT: If there is no supplementary let us move on to the next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 63: Would the Member state whether any efforts have been made to investigate complaints which have been made by visitors to these Islands regarding the very high costs of accommodation and the high costs of air fares to and from the Islands?

ANSWER: No formal complaints have been received by Government from visitors on these matters. However, discussions have been held with hoteliers and the airlines regarding the cost of accommodation and air fares which have resulted in very attractively priced package tours being made available to the travelling public.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: A supplementary, Mr. President, Perhaps this supplementary might have needed some time for the Member. If so I will bow to your ruling, Sir. Would the Member state the number of arrivals of tourists by air for the first quarter of 1985, and how this compares with the corresponding period in 1984?

MR. PRESIDENT: I do not truly think that that is a supplementary. I dare say that the Member will be prepared to get that information for you. However, I cannot allow it as a supplementary. It does not arise out of the answer.

HON. W. NORMAN BODDEN: Mr. President, that is the subject of another question which is put forward by the Elected Member for East End, which will be dealt with on another day.

MR. PRESIDENT: To be truthful I had forgotten that.

MR. LINFORD A. PIERSON: Thank you, Mr. President, I have another supplementary which perhaps the Member could supply the information on to me if he does not have that information readily available. Would the Member state the average time spent by tourists using hotel accommodation during the first quarter of 1985?

HON. W. NORMAN BODDEN: Mr. President, if the Member is referring to the average length of stay, it is between four and five days.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. I would like to ask a supplementary here. Could the Member state whether or not he was able to carefully read and observe what was printed in a recent issue of Time Magazine regarding the American travelling public and the type of destination they are looking at now price-wise?

MR. PRESIDENT: I am not sure that that is really a supplementary which arises out of this, though not having seen the article I do not know. If it was an article about complaints perhaps.

MR. LINFORD A. PIERSON: I think that it does arise out of the question, Mr. President.

MR. PRESIDENT: How so?

MR. LINFORD A. PIERSON: If I may, Sir, the article which was in the Time Magazine, and this sort of spurred my question, referred to the attitudes which had been adopted now by the American public in travelling to Europe because of the bargains and the cheap air fare and accommodation which they are getting there. This is why I was putting the question, Sir.

MR. PRESIDENT: I see. Well I will....

HON. W. NORMAN BODDEN: Yes, Mr. President, I read the article. In fact it was actually brought to my attention by the Second Elected Member for George Town originally. We are aware in Tourism Department that we are dealing with a highly competitive, cost conscious market. This is the reason why we have met with hoteliers and airlines in an effort to make our package tours to the Cayman Islands more attractively priced.

MR. PRESIDENT: Question no. 64?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 64: Would the Member state what efforts are being made to encourage and promote more charters and package tours to and from the Cayman Islands?

ANSWER: Cayman Airways has been negotiating with charter operators for charters to operate to and from points in the USA and Canada and the Cayman Islands. Additionally, approval has been granted for a number of charters from the USA and Canada. Such approvals were granted after careful consideration of their effects on the scheduled carriers serving these Islands, having due regard to the fact that it is not desirable to have the Cayman Islands become just another charter destination in the Caribbean.

Attractively priced package tours are currently in the marketplace and are closely monitored and reviewed as necessary.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, the answer reveals that Cayman Airways is seeking to have charters into Canada and the United States. Can the Member say if the present equipment, that is the 727 jets, will be able to handle the Canadian charters?

HON. W. NORMAN BODDEN: Yes, Mr. President, the 727 aircraft can handle additional charters, and as to the stage length it certainly can service Canada with no problem.

MR. LINFORD A. PIERSON: Mr. President, without asking for exact figures, would the Member state whether the Turks and Caicos and New York charter routes have been successful for Cayman Airways?

MR. PRESIDENT: I really do not think that that is a supplementary, because your first question was "what efforts are being made to encourage and promote more charters and package tours". I think that if you want specific information about past performance on a route you will need to put down a question about it.

MR. LINFORD A. PIERSON: Thank you, Mr. President. The nature of the supplementary related directly to the primary question in that if the Turks and Caicos and New York charter routes were successful, it would be assumed that there would be an expansion in this service. If they were not, then perhaps further consideration would be given. This is the reason for the supplementary, Sir.

MR. PRESIDENT: I can understand the reason, but it still does not mean that it arises out of the answer given. If you read Standing Orders you will find that it has to. It is a perfectly proper question but it needs putting down as a substantive question. The reason really is that Members who answer questions cannot be expected to be ready to supply information which does not directly arise out of the answers they give. Anyway, I dare say that the Member will be prepared to arrange to make that information available to you in due course. I am not sure.

HON. W. NORMAN BODDEN: Yes, Mr. President, I can make that information available, but the original question does in fact deal with charters and package tours to and from the Cayman Islands, so I think that you are quite right as regards a supplementary in connection with Turks and Caicos and New York charters. However, if the Member is desirous of having that information I can supply it.

MR. PRESIDENT: Question no. 65.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 65: Would the Member state what the cost of the Laventhal and Horwath Report was?

ANSWER: The cost of the Laventhal and Horwath Report was US\$137,455.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Could the Member say whether the report was accepted by Government?

MR. PRESIDENT: I do not think that that is a supplementary. In any case I think that that question was asked yesterday was it not, and answered yesterday?

MR. W. McKEEVA BUSH: I was just trying to get him to repeat it to make certain, Sir. Anyway, Mr. President...

MR. PRESIDENT: Are you asking...

MR. W. McKEEVA BUSH: Could the Member say whether Government still have the report?

MR. PRESIDENT: I thought that you asked that question yesterday and had an answer to it. Let us try the Elected Member for North Side now.

MR. D. EZZARD MILLER: Yes, Mr. President, in light of the answer given yesterday, could the Member...

MR. PRESIDENT: Given yesterday, or given today.

MR. D. EZZARD MILLER: No, yesterday.

HON. MICHAEL J. BRADLEY: That is not a supplementary.

MR. PRESIDENT: Well, continue but make sure that it is a supplementary which arises out of the answer to today's question.

MR. D. EZZARD MILLER: Yes, Sir. Since this report cost US\$137,455 are there any more reports which Government might have costing this amount of money which are not going to be accepted?

MR. PRESIDENT: I do not think that the Member can be expected to answer that question. It is not really a supplementary. You could ask a substantive question to that effect if you wanted.

MR. W. McKEEVA BUSH: Mr. President, another supplementary. I am not certain if it is permitted as a supplementary, but let me try to....

MR. PRESIDENT: You may try.

MR. W. McKEEVA BUSH: Could the... Alright, Mr. President, I will wait until question no. 66 comes around.

MR. PRESIDENT: Well, if nobody else is going to ask another supplementary you may ask question no. 66 now.

MR. W. McKEEVA BUSH: Mr. President, you see, if I may say so, this is when we get our questions split up.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 66: Would the Member state when the Lavanthal and Horwath Report will be made public?

ANSWER: Government is studying this report which was a ten year tourism development plan completed in 1981.

This report will most likely be tabled at the next Meeting of the House in September this year.

SUPPLEMENTARIES:

MR. W. MOKEEVA BUSH: Supplementary, Mr. President. I wonder whether the Member could let us on this side of the House see this report before September?

HON. W. NORMAN BODDEN: Mr. President, if approval is given by Executive Council I have no objection.

MR. PRESIDENT: If there is no further supplementary, question no. 67, the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 67: Will the Member state whether any investigations or tests have been carried out in areas (such as the Lower Valley lens area) where domestic wells and wells used for cattle have gone salty?

ANSWER: Ground water quality is being monitored continuously in the water lenses throughout the Island at a three monthly interval.

Since October, 1983, 34 domestic wells have been monitored in the Lower Valley area. This programme was started at the end of the wet season just before the development of the well field commenced and the most recent tests were carried out in March of this year, 4 months into the dry season.

During this period, October, 1983 to March, 1985, the salinity of these domestic wells has risen by an average of only 9 per cent, from 168 parts per million (chlorides) to 183 parts per million, well within the 600 parts per million level recommended by the Food and Agriculture Organisation (FAO).

This change occurs normally during the dry season and returns to normal during the end of the wet season. The Water Authority is not aware of any domestic wells in the Lower Valley area increasing in salinity to the extent that they can be considered to have gone salty, that is, above 600 parts per million. Low water tables usually occur at this time of the year, the dry season, as a result of tidal influence on the ground water level.

The situation with regard to some cattle wells in the area is somewhat different. There has been some concern over a number of these wells to the North of the lens and just South of the perimeter of the swamp. These are shallow wells that can be affected by the lowering of the water table.

SUPPLEMENTARY:

MR. PRESIDENT: If there is no supplementary. Oh, yes the Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: It was such a long answer, Mr. President it took me some time to read it. The question which I would like to ask is with regard to the shallow cattle wells. Could the Member say if there is any evidence that the salinity has increased because of the canals, or is it because of extraction of ground water?

HON. VASSEL G. JOHNSON: Mr. President, the answer is that there has been no indication from the tests carried out that these wells have gone salty because of the extraction from the lens. In 1983 before the development of the Lower Valley lens the Water Authority expressed its concern as to the effects of canalisation on the integrity of the lens. Hydrologists were brought in to study the situation and the initial report indicated the canals might have some detrimental effect. A moratorium was placed on the canalisation in the area and data is still being collected. It is hoped that enough data will be available by the end of this year for a more conclusive report.

MR. PRESIDENT: If there is no further supplementary the Elected Member for East End may ask question no. 68.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 68: Will the Member state what plans Government has to ensure that another means of water supply is identified rather than depleting our underground supply, and how soon will this be identified?

ANSWER: Government is investigating the possibility of providing desalinated water as an alternative to ground water to supply the most densely populated areas of the Island, George Town and West Bay.

One of the most promising sources is the waste heat from Caribbean Utilities Company's generators. Government and Caribbean Utilities Company have entered into a joint venture to fund a consultative study to investigate this proposal. Full proposals are expected to be prepared within the next two months.

SUPPLEMENTARY:

MR. G. HAIG BODDEN: May I ask, Mr. President, if the new source of desalinated water is adopted by Government, would it be an alternative to the ground water supply, or would it complement it?

HON. VASSEL G. JOHNSON: Mr. President, if it is possible to supplement water from the source I have just mentioned, namely the waste heat of Caribbean Utilities Company's generators, this will be in addition to the well water resources being used at the present time.

MR. PRESIDENT: If there is no further supplementary we can move to Item 2 on today's Agenda, Private Members' Motions, Private Member's Motion No. 8/85. Before the Member moves it, however, I think that I should bring one point to his notice and that of the House. I found awaiting me this morning an amended version of the motion. The Member had told me that he would wish if it were possible to amend it, but the Standing Orders do lay down that five days notice of motions has to be given. I think, therefore, that the procedure that the Member has to follow is to move initially the motion as it was first worded and as it was circulated to Members five days ago, and then seek leave to move an amendment to it to bring it into line with the version which he circulated this morning.

Let me put it another way. I do not think that it is right or would be in the interests of the House to allow a practice that a motion gets circulated to Members, and then on the very morning on which it is going to be debated a revised version of it which might be materially different is presented to the House.

HON. MICHAEL J. BRADLEY: Is that a....

MR. PRESIDENT: Yes?

HON. MICHAEL J. BRADLEY: I was wondering, Sir, whether that meant that you were interpreting Standing Order 24(7) as that the amended motion materially alters the scope or principle of the original motion?

MR. PRESIDENT: Oh, thank you, I am not sure that I had seen Standing Order 24(7). Is there anything that says how long notice he must give?

HON. MICHAEL J. BRADLEY: It runs from the original.

MR. PRESIDENT: Sorry? It says notice shall run from the time that the original notice was given. I see, yes. Alright. Well, in that case I think that I am allowed to allow the Member to vary his motion.

MR. LINFORD A. PIERSON: Mr. President, it states that Standing Order 25(2) shall apply in that case, which says that not less than two days' notice shall be given of an amendment.

MR. PRESIDENT: Standing Order 24(7) says that Standing Order 25(2) shall not apply.

MR. LINFORD A. PIERSON: Oh, "shall not apply". Sorry, Mr. President.

MR. PRESIDENT: Yes. So, provided that I am satisfied that the amended motion does not materially alter the scope or principle of the original motion, I may allow it. I think that on that basis, yes, the amended version that you have had circulated today can be allowed. Contrary to what I started saying, you are entitled to move the version which was distributed this morning.

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 8/85

TREATY BETWEEN COUNTRIES OF FOREIGN PRISONERS

MR. W. McKEEVA BUSH: Mr. President, I beg to move Private Member's Motion No. 8/85 standing in my name.

MRS. DAPHNE L. ORRETT: Mr. President, I beg to second that motion.

MR. PRESIDENT: Thank you.

MR. W. McKEEVA BUSH: Mr. President....

HON. MICHAEL J. BRADLEY: Perhaps it would be helpful if it was read out for the benefit of the....

MR. PRESIDENT: I think that he is probably going to read it out now.

MR. W. McKEEVA BUSH: Yes, Mr. President:

"WHEREAS the limited facilities at the Northward Prison are becoming overcrowded;

AND WHEREAS the prison has become a financial burden on the Government of these Islands;

AND WHEREAS the prison population carries a large number of foreign in-mates at times;

BE IT RESOLVED that the United Kingdom Government be requested to take immediate steps to negotiate treaties with the countries of origin of the said in-mates for the purpose of repatriating them to serve their sentences in their native countries; and that, pending the negotiation of such treaties, all possible steps be taken to ensure that as far as possible non-Caymanians are not kept in our prison;

AND BE IT FURTHER RESOLVED that the United Kingdom Government be asked to give such negotiations top priority, and that a progress report be made to this Honourable House at its next regular Meeting by the Honourable Member under whose portfolio this subject falls."

Mr. President, the intention of the motion before us I am sure must be obvious to all Members of this Honourable House and to all Caymanians as well.

A few years ago Government embarked on the project of providing prison facilities on this Island. The project entailed a large expenditure, as I understand it somewhere in the vicinity of \$5 million to date. At that time Caymanians convicted and sentenced to more than six months were being sent to Jamaica to serve their time. One of their given reasons for the prison was to prevent Caymanians serving time overseas from becoming exposed to hardened criminal elements. Concern was expressed particularly about our youthful offenders. At the time the prison facilities in this country could only accommodate 12 offenders.

MR. W. McKEEVA BUSH (CONTINUING): The present facility at Northward was intended to comfortably accommodate 84 inmates. Earlier this year at one point there were 117 inmates incarcerated. A great proportion of these are from outside this Colony, convicted of offences ranging from murder to rape, including drug trafficking and burglary.

Many of these convicts, in my opinion, are a hardened criminal type from which we sought to protect our own youthful offenders. For it is a fact that the vast majority of the Caymanians presently serving time at Northward are there for minor drug offences such as consuming a stick or less of ganja, or for some other drug related crime, in my opinion, such as theft in an obvious attempt to secure the drugs to satisfy their growing habit.

One of my campaign pledges last year was to search for a different and more effective approach to the drug problems among our young people. Until now Government seems to be only concerned about convicting these young people, handing them a mandatory prison sentence prescribed by this Honourable House, and taking them to Northward to join the growing number of hardened international criminals, filling up the limited facilities at Northward.

In my mind's eye, Mr. President, I see our young people coming out from prison at the end of their two or three year sentences better educated in criminal ways by these hardened international criminals. Nothing else, Sir, could be expected when these youths are locked in with these people day after day, week after week, month after month, and so on with no rehabilitation programme. Then we hear, Sir, that they have to mix with those who carry diseases.

Had the last Government, Mr. President, not left the Treasury on the verge of bankruptcy my motion today perhaps would have been to build separate facilities for these international criminals to pay their debt to our society. However, we all know that there is no money now for that. Nor is there any money it seems for the rehabilitation programme which is desperately needed in order to return our youthful offenders to a useful place in our society.

I am not only going to blame history for these things, Mr. President, but the responsibility rests squarely on the shoulders of the new Government to provide these things and to stop these things from happening. Beyond all of this it is my opinion, Sir, that rehabilitation of any prisoner can be better accomplished in his own environment where he can have visits from family and friends with whom he can communicate.

The purpose of this motion, Sir, is to urge Government through the mother country, with all speed to seek some agreement whereby these prisoners will be returned to their native lands to serve their sentence. In the meantime this Government might examine the possibility of deporting some of the prisoners serving time for minor offences, whether it would be after they have served a part of their sentence or whatever. However, that is left up to the Government. They must find a solution.

Mr. President, in the Estimates for this year there is an amount of \$1,303,220 allocated for the prison service of this country. That is a large expenditure. If the figures which I have been supplied with are anywhere near correct we are spending something like \$10,000 per month to maintain these foreign prisoners. This, Sir, is a very substantial sum; a very substantial part of the prison budget; something in the region of \$120,000 per year.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, it is my feeling that this money could be much better used in rehabilitating our own people up there. On our visit to Northward prison last week, Sir, I saw some sorrowful sights there and I am not such a big man that I will not tell you that tears did not come to my eyes when I saw the situation; not the material conditions, Mr. President, because some people have named it a hotel and you could term it that to a certain extent. However, Sir, when we look around our community of 18,000 and we see the situations we see there; we see a father for manslaughter; we see a son for cocaine and we see another son for ganja, Mr. President, this touches the soul of this little country.

I trust, Sir, that I have made my thoughts clear to all Members and I beg their support in accomplishing the aims of the motion. The motion is very clear. It is asking Government to ensure as far as possible that non-Caymanians are not kept in our prisons. I think that it is reasonable, Sir. I want to make it abundantly clear that it is not my intention to deprive our society of their pound of flesh from foreign offenders, so I do not want to hear anyone saying that I am trying to turn them away free. However, we have to do something and as I say it is left up to the Government to do it. I do not want to deprive society of their pound of flesh which is rightfully theirs. When these people have transgressed against us they should pay. However, today I am more than concerned about the number of foreign prisoners. I am more than concerned about our limited financial resources. However, most of all, most importantly, I am concerned about our growing need to protect and to rehabilitate our own offenders.

Mr. President, just in case some of the Honourable Members today might be thinking and saying no, let me say in closing that human progress is neither automatic nor inevitable even, Sir, a look at history reveals that no social advance rolls in on the wheels of inevitability. Every step towards the goals of justice requires sacrifice and struggle, the tireless exertion and passionate concern of dedicated individuals. Without persistent effort time itself becomes an ally of the insurgent and primitive forces of irrational emotionalism and social destruction. This time in our history, Sir, is no time for apathy; no time for complacency. This is a time for vigorous and positive action. All I am asking Government is to step up their speed. I know that they will be saying that they are trying. They are doing something. All I am asking is for more speed, move faster and faster.

I am asking Honourable Members to say yes to this motion. Thank you, Mr. President.

MR. PRESIDENT:

The motion before the House is Private Member's Motion No. 8/85. It is now open for debate but before we start the debate on it I think it may be convenient to take our customary morning break. I would like to suggest that the break be fairly short today, because I believe that a number of Members would like to break for lunch at 12.00 p.m. So I suggest that we suspend proceedings for not more than ten minutes.

AT 11.13 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.28 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The Honourable First Official Member.

DEBATE ON PRIVATE MEMBER'S MOTION NO. 8/85

HON. DENNIS H. FOSTER: Mr. President, I rise to support the motion in its amended form. Perhaps instead of waiting until the next sitting to give a progress report I can give it this morning. Mr. President, Members are aware of the long-standing arrangement which we have had with Jamaica whereby our prisoners, that is to say Jamaican prisoners may be sent back to Jamaica and they accept them willingly. However, this has not been a reciprocal agreement, and we have been negotiating with Jamaica for the last four to five months to see if we can get them to provide legislation whereby Caymanians sentenced in Jamaica could serve their term here. We are still negotiating with them and we await their reply in due course. As far as the United Kingdom is concerned there is provision there in their laws for British citizens convicted, say here, to be sent under certain circumstances to serve prison sentences in the United Kingdom. We have never had an opportunity to test this out before, but I am sure that it is workable if the need ever becomes necessary.

In about January this year through our British Embassy in Tegucigalpa which is the capital of Honduras we asked them to approach the Government there for the purpose of exploring whether they would agree to make arrangements for the exchange of prisoners. At that time we had a few here. We await a response from that Government.

Other countries, Mr. President. We were informed in late 1983 by the Foreign Office that the Council of European Convention on the transfer of sentenced persons had been signed by the United Kingdom. This Convention provides a framework for transfers of the kind which we contemplate. Signatories to this Convention include the United States and Canada, as well as many other European countries. Others may sign it in due course. We were asked whether we wanted the United Kingdom to sign on our behalf and we have replied saying yes. As a result this act would enable the United Kingdom to ratify the Convention and to enter into similar bilateral arrangements. Our understanding is that the ratification is due about now. In fact it may have already taken place and is to cover the Cayman Islands. The United States is expected to ratify this Convention some time later this year.

So, Mr. President, much has been done already. As to the timing this is not up to us. We cannot control that. We have to wait until these things have been ratified and the necessary action taken by other Governments. It is inevitable that there will be unavoidable delays but we have gone a long way towards what the motion is seeking to do.

Mr. President, that as I said is a short progress report on what has been done already. However, I would like to comment on a few other remarks which the mover made. I would like to comment on his plea for rehabilitation for our own offenders. Mr. President, this is a hard, long, drawn out task and I, Sir, think that we will need the input from many experts to know how to tackle this. Reducing their sentence or letting them out on licence is not the answer, Sir. Recently the courts let one out on bail and while he was on bail he committed another offence.

HON. DENNIS H. FOSTER (CONTINUING): I am sorry if I said something which legally I should not have said, Sir. Most of our inmates in there for drugs, Sir, are not there just for smoking a joint of ganja, Sir. It is more serious than that. The majority of them are heavily involved and it is going to take a lot of effort to rehabilitate them. Not only that, Sir, most of them there will try to make you believe that this is their first offence and if they get out they will change and all of this. Most of them there on drug charges have convictions as long as your arm. Those people need a very definite type of help which I do not know if we can provide here right now

I agree, Sir, that we should try to be easy with a poor chap who is caught just smoking a stick of ganja for his own pleasure. However, Sir, I think that if the mover made a proper check he would find that most of our own Caymanians who are in there for drugs are not in there for just smoking a stick, Sir. There were caught in possession of it. They were pushing it and making money out of it instead of going out and making an honest living by giving an honest day's work for honest pay.

It is my opinion, Sir, that the great majority of our own people in there are too lazy to work. They want to make money by trafficking drugs, easy money. However, this is not an easy problem to tackle.

Mr. President, as I said, Sir, I support the motion and I recommend it to the other Members.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I too rise in support of Private Member's Motion No. 8/85 which seeks to establish a treaty between countries of foreign prisoners. The main point raised today, Mr. President, and one which was raised by the previous speaker solicits the question of what is the purpose of imprisonment? The Member mentioned that it is very little use trying with some of the inmates at the Northward Prison and while I partly agree with the Member I nonetheless feel that this is somewhat of a shortsighted view of the problems which are being experienced by our people who are sent to Northward Prison. The problem as I see it, Mr. President, is a twofold one. When a prisoner is sent to Northward Prison there should be two basic reasons in mind, one to punish him for his wrongful acts; for his offences, and the most important to assist in rehabilitating that prisoner or reforming him so that he can be adjusted back into society.

On the substance of the motion, Mr. President, I am also happy to hear the short progress report from the Honourable Official Member that a reciprocal arrangement is indeed being made with foreign countries and that we hope to be a party to such a Convention, and that we will be able to have a bilateral agreement under the underlying Convention.

The Private Member's Motion No. 8/85, Mr. President, suggests that the limited facilities at the Northward Prison are being overcrowded. This is one of the basic reasons for the motion before us which seeks to send foreign inmates back to their foreign land.

Also, Mr. President, it is true that because of the high percentage of foreign inmates at the prison Government's limited funds are being stretched to the limit.

MR. LINFORD A. PIERSON (CONTINUING): However, Mr. President, I wonder what would be the position of the Cayman Islands today if Jamaica took the attitude of sending back to us all our children in approved schools. I believe, Sir, that before we take any action in this matter it must be handled at the very highest level and this is why I am pleased to hear that this matter is being given consideration by Government at the very top level. This cannot be followed by just emotions. We must take a very sensible approach to this matter.

We have expressed the view that what is happening at Northward Prison is indeed the best service we can give. However, my question, Mr. President, is that is it indeed the best we can give? There are no rehabilitation programmes at Northward Prison, or very limited rehabilitation programmes. Why did not our Government in March allocate a part of the funds set aside for the Northward Prison to be utilised for developing the rehabilitative programmes there? Why were our interests more in expanding the prison cells? Mr. President, in my view this is a very retrograde step. We are saying to our people, "We will build bigger and better prisons to lock you up in". We are dealing with the matter after the fact. Our primary focus should be on trying to deal with these offenders or potential offenders at the home level. We should be providing more funds for our social services, so that social workers could go and work with these people, but no, we are saying to them "We will show you who is bigger. We will show you that if you offend you will be pushed in prison and left to rot". Mr. President, instead of taking a positive approach to the problem we are taking a negative approach. Unless we offer the type of programmes which will indeed rehabilitate our people they become institutionalised. They come out into society and as a Member said they find themselves getting back into trouble. This should not be any surprise. They come back into society, and how many of us here would be prepared to offer them employment. They find themselves not wanted by society and inevitably they find themselves back in the bosom of Northward Prison.

A week ago, Mr. President, a number of the Members of this Legislature visited the Northward Prison and while there is much praise to give to the Director of the prison for the work he is doing with the limited facilities available to him, much more can be done, Mr. President. He is somewhat impotent to expand without the needed financial support from this Government. We visited prisoners. We had the opportunity to sit and listen to them as they expressed their views, and the most important message which came to us forcefully was their crying need and want to do something. Most of them realise that they have done wrong and that they must be punished for their wrongs but, Mr. President, they were crying out for some form of rehabilitative programmes. They even suggested to us, Mr. President, that the little limited woodwork which they were doing they were deprived of doing. When will the madness stop, Mr. President? Will we continue to expand and expand our prison accommodation or will we take the the positive and realistic approach that it is important for us to deal with this matter at the preventative level?

It was sad, Mr. President, and I support what the Second Elected Member for West Bay said and the feelings which he got when he walked around. We are not talking about dumb animals, Mr. President. We are talking about human beings in that prison. We are talking about a facility in which any of us here might find ourselves in the future, especially if the Misuse of Drugs Law goes through.

MR. LINFORD A. PIERSON (CONTINUING): Prisoners told us, Mr. President, that the very letters which they wrote to their families were being thrown in the garbage bin. Other prisoners went there and found the letters in the garbage bins; a bad reflection, Mr. President, on our prison system. Other prisoners, Mr. President, said to us that because of the lack of facilities, the shortage of staff or whatever, they were being locked up in their cells for up to 20 hours.

I was happy, Mr. President, to recently learn that the Government has taken in hand the problem of remand prisoners. I think that this is a positive step forward. It was wrong, Mr. President, for remand prisoners to be held in Northward for weeks on end without being heard in our courts. A man is presumed to be innocent until proven guilty, but the reverse is the situation where a man is held on remand without even being told when he will be heard. So as I said, I am happy to hear that this matter is being taken into hand.

At least 50 per cent of our prison population covers the age group of under 30 years of age, and these people who are kept in Northward prison will be back into society after spending their terms. However, what will be their attitude when they come back into society? The reason, Mr. President, why I bring these points up is that in my opinion the greatest problem at Northward prison is not overcrowding caused by foreign inmates. The biggest problem at Northward Prison is the lack of rehabilitative facilities for our people so that they can be rehabilitated to come back into our society and not find themselves institutionalised and back into prison after two or three weeks out of prison.

Mr. President, we continue to provide supplementary expenditure, to provide budgetary provision in our Finance Committee and in this House to expand facilities, but nowhere are we focusing attention on the most needed area which is preparing our young people for the future.

I was talking to an ex-convict or whatever we want to call him, who spent about ten years in Jamaica. The trade which he is involved in today he learnt while he was in prison in Jamaica. He thanks the Jamaican Government for allowing him the opportunity to learn a trade while he was incarcerated.

Mr. President, another vexing problem at the Northward Prison is the visitation rights of these prisoners. Their families are not all wealthy capitalists like we hear exist in the Cayman Islands. A lot of these prisoners are people who are environmentally deprived people; who are victims of a society, and people who do not have Cadillacs and Mercedes Bens to drive up to Northward Prison. Some of them walk to the prison to see their sons, and their daughters, and their husbands and whatever. Many times when it is raining those poor people have to stand in the rain and get wet because they have no car or bus or vehicle to sit in, the reason being, Mr. President, that there is no facility in which they can sit, even out of the rain.

A recent circular, Mr. President, even attempts to deprive the Members of the Legislature the right to visit the prisoners when they feel it is necessary. We have now been told that the prisoners have to request that we come and visit them. My question, Mr. President, is although I have no fault with this procedure, will the prison authorities religiously adopt this proviso or this rule? Will they see to it that Members are promptly advised when a prisoner requests to see them? Mr. President, this is a subject about which I feel very strongly but I know, Mr. President, that it is the wish of the House to leave here at 12.00 p.m.

MR. LINFORD A. PIERSON (CONTINUING): So before closing I would again say, Mr. President, that I do not see the major problem as that of overcrowding because of foreign inmates. I see the major problem of a lack of rehabilitative facilities at the Northward Prison.

Mr. President, I support the motion, Private Member's Motion No. 8/85. Thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak to the motion? The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I wish to support Private Member's Motion No. 8/85. I would like to congratulate the mover of the motion. I think that he is continuing to express to us his baptism roots which he told us about in the budget Session. It seems as though the Second Elected Member for George Town is getting on very rapidly. I would also like to congratulate Government on the action they have taken in this regard. If they can continue to be successful in their attempts for repatriation of foreign prisoners at Northward Prison, I think that it will go a long way to alleviating some of the problems which exist at Northward Prison.

However, Sir, I would not like to see deportation alone adopted as a method of punishment for foreign criminals who come to these Islands, because in the international drug trade that would be a very minor form of punishment indeed, and we could have the international traffickers flocking to our shores if their only form of punishment was going to be deportation. I believe that they should be punished for their crimes but I support the motion in that they can be repatriated to serve their sentences in their homeland, there are many advantages in this to our society.

So, I support the motion, Sir.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right to reply?

MR. W. McKEEVA BUSH: Mr. President, I knew that some of the Honourable Members have commitments at 12.00 p.m., and I might be a little longer than five minutes as my watch says 11.55 a.m.

MR. PRESIDENT: Well, you try.

MR. W. McKEEVA BUSH: Mr. President, I wish to thank those Members who have expressed support for this motion by speaking and in anticipation let me say thank you to those who sat down and kept quiet, and hope that they will be moved to support the motion. I also want to especially thank the Honourable First Official Member under whose Portfolio this subject falls for his progress report this morning. However, the motion does ask that a progress report be given at the next regular Meeting of this House, so I am expecting that one too.

I realise, Mr. President, that as far as the treaty is concerned it is not left up to this Government. I realise that when I first thought about the motion with your help, Sir, that what I was seeking to do would not be an easy task, especially since we are not a self-governing country. External Affairs are under the Queen's representative in this country and that is his task. The treaty will fall under him. However, let me say, Sir, that I am expecting that all possible stones be moved so that we can get somewhere on this issue.

MR. W. MCKEEVA BUSH (CONTINUING): Government, as I said is not responsible, that is our Government, for the treaty but Government must take whatever steps necessary to do what the motion asks if Government is going to support it. The motion says that pending the negotiation of such a treaty, that all possible steps be taken to ensure that as far as possible non-Caymanians are not kept in our prison.

Mr. President, I do not want one single Member on the Government side to support this motion if what the motion asks is not going to be carried out. Let us not fool ourselves. I do not want to be patted on the back and told I have done a good job in presenting it. Action is what we want and action we must get.

Mr. President, I am really sick and tired of hearing about trying, and trying and trying. Mr. President, I am not asking Government to just let out anyone. I know full well that when a person is incarcerated in prison for something as dangerous as drug trafficking that if we are going to rehabilitate, if this is what this country really wants, instead of wanting a prison to say that we have a prison or to spend money on every year, I realise that with those kind of people, letting them out is not the answer. I realise that when they go there they must pay their pound of flesh and I thought that I had said that. I know that there are many there for many different reasons. I believe one matter was raised about somebody leaving prison before his case was up, and he was - I see the Honourable Second Official Member looking but I am not going to be sub judice - he was taken up for something else before his case even finished. However, I am not going to say that he was guilty either. It was wrong of the Member to do that. That man comes from my constituency and he must be found guilty by the courts before we say that he was guilty.

Mr. President, as I said the motion asks that Government must take all possible steps to ensure that as far as possible non-Caymanians are not kept in our prisons. I do not care whether they are from Jamaica. I do not care whether they are from Timbuktu. I do not care where they are from, but if they are here and we are spending \$10,000 a month, \$120,000 a year, we must do something about that situation, because we want more and more. Our people want more and more, and \$120,000 could go a long way in alleviating many of our problems which we face and which we as Representatives are called on to provide.

I think that I have made my point very clear. Government must move faster, faster and faster on this occasion. I do not want to hear, "I am trying, I am trying". They must move faster, and faster, and faster. I hope that all Members are going to say yes.

MR. PRESIDENT: I will put the motion to the vote.

QUESTION PUT: AGREED. PRIVATE MEMBER'S MOTION NO. 8/85 PASSED.

MR. PRESIDENT: It is now just after 12.00 p.m. and as I mentioned earlier I will suspend proceedings until approximately 2.15 p.m.

AT 12.04 P.M. THE HOUSE SUSPENDED.

HOUSE RESUMED AT 2.20 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. Private Member's

Motion No. 9/85.

PRIVATE MEMBER'S MOTION NO. 9/85

DOCTORS' ROTATION AT HOSPITAL

MR. D. EZZARD MILLER:

Mr. President, I wish to move Private Member's Motion No. 9/85 entitled "Doctors' rotation at Hospital", which reads as follows:-

"WHEREAS the present arrangement for coverage of emergency and casualty at the Hospital by doctors, i.e., a doctor being on call, appears to be unsatisfactory to the public;

AND WHEREAS as indicated in answers to questions during the State Opening Meeting of the 1985 Session of the Legislative Assembly, all doctors employed by Government share general duties and attend out-patients section daily;

BE IT RESOLVED that the doctors be rotated in such a way as to provide at least one doctor on the compound of the Hospital at all times;

AND BE IT FURTHER RESOLVED that Government take such action as early as possible."

MR. W. McKEEVA BUSH:

Mr. President, I beg to second the motion.

MR. PRESIDENT:

Thank you.

MR. D. EZZARD MILLER:

Mr. President, the fact that a doctor is not physically present at the hospital 24 hours a day, and especially at night, has been a bone of contention in this country for as long as I can remember.

The service as it exists today with a doctor being on call at night is no better than it was in the 1960s when there was only one doctor on the Island, because at least that doctor lived on the hospital compound.

In March this year, in answer to a question which I tabled, I was told that there are presently ten doctors employed full-time at the hospital. According to the estimates, that represents a salary figure of \$299,688. I was further informed in March that the average daily clinic attendance at the hospital is 98 patients, and that it was broken down that each doctor would see approximately twelve patients.

Now, Mr. President, taking into consideration the advances and the new forms of technology which are available at our hospital to assist the doctors in their diagnosis and treatment of patients, I believe that seeing twelve people per day is no great work load. In fact, Sir, at what the doctors are being paid, my personal opinion is that it is a great under-utilisation of a very expensive resource.

I can remember, Sir, working in that institution when one doctor saw as many as 98 patients per day, and he did not have the technological facilities which are available today.

MR. D. EZZARD MILLER (CONTINUING): That is, he had to spend much more time than a doctor does today in ascertaining what the complaints of the patient were, because his diagnosis was largely symptomatic.

I can remember when there were three doctors at the hospital, and when we asked for 24 hour coverage they said that they needed five doctors to provide the service. When there were six doctors and the service was asked for they said that they needed nine doctors. Now, Sir, they have ten doctors and I expect them to say that they are going to need fifteen doctors to provide the service. However, I do not believe, Sir, that they need any more than the ten that they have. Nor do I believe that it is any great logistical problem to rotate them so as to provide an adequate service to a patient, and to not work each doctor for more than 37½ hours per week, because, Sir, in 1976 the then hospital administrator and myself worked out such a rota with only six physicians. Each doctor was required to work no more than 37½ hours per week, and the day immediately following his coverage of casualty at night he was free to stay home and sleep or go to the beach, or whatever he needed to do.

So, Mr. President, I believe that the time has come for action. I also believe that the jolly giant now in charge of that Portfolio is going to deliver on these goods. However, like my colleague the Second Elected Member for West Bay, I get a bit impatient at times, and I think that the time for delivery on this service is at hand. I believe that the resources are there to deliver the service. I can see no reasonable reason why this service cannot be delivered. I am seeking in this motion, Sir, for Government to do this as early as possible, Sir, and as early as possible to me, Sir, would be preferably the 1st June. We are starting a new month so it is a good time to start a new rota.

So, I am asking fellow Members of this Assembly to support this motion. I believe that with their support the Honourable Member responsible will find a way to deliver this service which is very badly needed in our community, Sir.

Thank you.

MR. PRESIDENT:
of Executive Council.

The Honourable First Elected Member

DEBATE ON PRIVATE MEMBER'S MOTION NO. 9/85

HON. BENSON O. EBANKS: Mr. President, I accept and I agree that it is desirable and it would be nice to have 24 hours a day coverage by doctors at the hospital, and I have no problem with the spirit of this motion. However, I am not sure that I can say that I support the motion in its entirety because of the way in which one of the first resolved sections is worded. That is:-

" BE IT RESOLVED that the doctors be rotated in such a way as to provide at least one doctor on the compound of the Hospital at all times."

As the mover of the motion has said the question of a doctor being on the hospital compound 24 hours a day has been a bone of contention for many years. I have seen submissions by at least three medical officers which indicate that it is not possible or desirable to attempt to roster the present number of doctors in such a fashion. The argument given is that existing services would of necessity suffer because while it is true that in the answer given to the Member he was told that all doctors share common duties and do stints at the Outpatients' Department, the answer to the question also said that doctors worked in their sub-specialities.

HON. BENSON O. EBANKS (CONTINUING): In a few areas, these special areas of competence or interest or whatever name one wants to give to it, are developing to the point where those doctors are just about fully utilised within that area of practice. I personally would like some more opportunity to study the situation to ensure that to rotate the doctors in the fashion sought in the resolution, would not work adversely on the service.

I am fully in agreement with providing a doctor 24 hours a day and in fact, Mr. President, can assure this House that the doctors at the hospital all agree that it would be desirable as well. However, it might be that in order to achieve this we might have to get another doctor or two, especially for the Casualty area.

I believe the Member moving the motion will appreciate that over the years the demands on the doctors have in fact increased. One cannot look at the hospital in the same fashion that one can look at the running of a private doctors' clinic, because at that clinic the doctor is only basically responsible for running that clinic. However, the entire health services of this country are directed and run from our hospital, and this includes, Mr. President the operation of the district clinics. So, one cannot compare the running of the hospital with the running of a private clinic.

I am told that the average number of hours worked by each doctor, for example, is something like 60 hours per week. I also, Mr. President, would like to see rather than curtailing service at the hospital or at the district clinic, the number of visits paid by doctors to the district clinics increased. I believe that the interests of the country can best be served if the mover of this motion will accept my assurance on behalf of Government that it is my desire to see as quickly as possible 24 hours' coverage at the hospital; increases in district visits, but that the motion should not be pressed in the present form, which if accepted would mean that we are saying that we are going to provide this service by merely rotating existing doctors. Mr. President, this might result in rather than improving the service, a much depleted and inferior service.

I am sure that what the mover, Honourable Members and Caymanians in general wish is to have an improved service. This has been under consideration prior to this motion, but the matter has not been fully resolved, Mr. President, and I would ask that in the interests of all concerned, and in the spirit of cooperation that the Member, having made his point and having shown his concern, and I am sure that other Members would want to do the same, would not seek to tie the Government's hands as to the way in which our objectives would be achieved.

In closing, Mr. President, I would like to say that I give the Member my assurance that it is my wish and it is my intention to see a doctor on the hospital compound 24 hours a day, but as to how that is to be achieved I would resist that being embodied in this motion lest within some short time I be accused of bad faith by not achieving our result in the way in which the motion seeks to achieve it.

Thank you, Mr. President.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, as seconder of this motion I rise to give my support to it. Mr. President, the Second Elected Member for West Bay and the Elected Member for North Side made one mistake with this motion. We should have brought this motion in the March Meeting.

MR. W. McKEEVA BUSH (CONTINUING): That is a mistake, Mr. President, because our health care in this country is sick, sick I say unto death. Now, Mr. President, I am not expecting that every word I say here is going to be right, but I am put here to do a duty and I will not shirk my responsibilities regardless of how many faces are made up on the Government Bench.

Proper health care, in my opinion, is the single most important ingredient in any developing country. I would say that the health care in this country today, while we are paying millions of dollars is as such that it has become a trap to our people. One only needs to talk with his constituents; to talk to his people to see our situation and to hear the horror stories about our hospital. Personally, Sir, I am scared to attend the hospital. I cannot tell people to go there because I myself do not have confidence in it. That is not to say that there are not some good doctors there, but let me say that there are some who are hasty in their approach.

The trouble in our hospitals did not begin today; did not begin with the present Honourable Member; did not begin yesterday. It began a long time ago, but finding the solution to the problems lies clearly on the shoulders of this present administration if we are going to be a caring Government; if we are going to be a Government for the people.

I have had my bad experiences with the hospital going back to 1978 but above and beyond that fact is the fact that many of our people may have suffered and are suffering because of carelessness and indiscretions at the hospital.

Mr. President, there are those in our society who are able to go overseas and they go for medical assistance, and out of fear, fear I say, many of us who cannot afford to go overseas make much sacrifice to go, rather than to risk our Government hospitals. Many times after the condition of our people has worsened after treatment at the hospitals, and their health and their lives are endangered if they do not get better treatment, they are blatantly told by doctors that Government will not help them with overseas medical expenses.

Mr. President, last year the Government spent something in the region of \$800,000 on overseas medical expenses.

MR. PRESIDENT: I think that I should remind the Member that we are talking about emergency coverage. It was not really a motion about hospital services generally and I must ask the Member to ensure that his speech is relevant. I am sure that he will show me the relevance of what he is saying to the motion, but I hope that he will show it quickly.

MR. W. McKEEVA BUSH: I was just going to say, Mr. President, that the \$800,000 we spent last year, in my opinion was caused by human failure at the hospitals. I realise, Sir, that we are discussing emergency treatment and I could give you some horror stories if that is what the people want. If that is what we want to hear in here, I can do that, Sir, because as I said I have had my bad experiences at the hospital, but I felt that this was a good time to bring out some of what needs to be brought out about the hospitals. I feel that I would shirk my responsibilities, as I said before, if I do not say the things which I have said. Now, I may be wrong and if you say that I must desist, I will do so.

MR. PRESIDENT: What I am saying to the Member is that if he wishes to introduce a motion in respect of which a general debate about the quality of medical services here can take place, he is certainly at liberty to do so. However, what we are debating now is a motion the purpose of which is limited to providing coverage 24 hours a day, seven days a week by a doctor actually on the hospital compound. This is a much more limited question and really during the debate on this motion the Member's contribution should be relevant to that particular motion and should not cover at large everything to do with the quality of medical services and care here.

MR. LINFORD A. PIERSON: Mr. President, just on a matter of clarification, if the motion before us is seeking to expand the services at the hospital so that we have 24 hours a day service, mainly because it is considered that the service is inadequate, is it out of order for the Member speaking to make reference to the situation which now exists at the hospital which would warrant this expansion?

MR. PRESIDENT: I think that if the Member would tie his criticism to the fact that there is on occasions no doctor immediately available, what he was saying would be relevant. However, he has not been doing that and it did not appear to me that he was planning to do that.

HON. DENNIS H. FOSTER: Mr. President, I think that Standing Order 36 covers it.

MR. W. McKEEVA BUSH: Mr. President, they might as well hear it now, because they are going to hear it.

MR. PRESIDENT: I am afraid that I did not hear that. I was reading Standing Order 36.

MR. W. McKEEVA BUSH: Yes, Sir, I will get back to the debate. Mr. President, we are asking for a doctor to be on the hospital compound at all times. I cannot agree that if we put one there 24 hours a day, we can get much worse service than what we are getting now.

Anyway, Sir, I have had people go to the hospital at 4 o'clock in the morning with all the indications of a heart condition. When he gets there the man is suffering and in pain and there is no doctor there. The nurses call but no doctor shows up on the compound until 8 o'clock when he comes to do his round. Mr. President, it was a good thing that that man had a good constitution or he would have been dead today.

Mr. President, I think the Honourable First Elected Member of Executive Council said that the demand is not what it used to be and they have a lot more work than they used to get before. However, we are only talking about 18,000 people and not hundreds of thousands of people. Some of the doctors here have come from larger hospitals in other countries and have had larger work loads. So it is not that they are used to small hospitals and they should be able to cope quite well with a 24 hour shift.

It looks as if I am not going to be able to say too much of what I wanted to say but let me say this, Mr. President. We are fooling ourselves if we believe that this country is receiving the worth of \$5,700,000 a year roughly for health care. Whether we put a doctor there 24 hours a day which will help the situation, yes, or whether we rectify the situation at the hospital completely, then we are only fooling ourselves.

Thank you very much, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak?

HON. DENNIS H. FOSTER: Mr. President, I really did not intend to speak on this, Sir, but after listening to the amount of garbage which has been spoken there I cannot resist it, Sir.

MR. W. McKEEVA BUSH: On a point of order, Mr. President....

HON. DENNIS H. FOSTER: Now, Mr. President I did not disturb him at all, Sir.

MR. PRESIDENT: No, if he is rising on a point of order...
Are you rising on a point of order?

MR. W. McKEEVA BUSH: Yes, Sir, on a point of order.

MR. PRESIDENT: Under what section?

MR. W. McKEEVA BUSH: I guess that it is section 34. Should he be able to refer to what was said here as garbage?

MR. PRESIDENT: I do not think that garbage is the....

MR. W. McKEEVA BUSH: I just wish that I had sat down a little longer, Mr. President, and waited him out.

MR. PRESIDENT: It is out of order to use offensive or insulting language about other Members or to impute improper motives to them. However, I think that you are allowed to say that what they said is rubbish or garbage and I would not regard that as unparliamentary.

MR. W. McKEEVA BUSH: Thank you very much, Mr. President. I will bear it in mind.

HON. DENNIS H. FOSTER: Perhaps a more appropriate word, Sir, would be hogwash. This has been used in this Parliament for many years, Sir.

The problem is, Sir, that although sometimes people on this side make up their faces, when their faces are made down they are good looking people, but the speaker is always ugly, Sir.

Mr. President, I think that it is unfair for statements to be made like, "no confidence in the hospital and doctors"; "carelessness and indiscretion at the hospital"; "human failure at the hospital". Mr. President, I would like to invite this Member to go down to any of the other Caribbean islands such as Belize, Anguilla and all those places, and let him see the medical services that they get there. I think our hospital, Sir, is a unique little place. It gives good service; good attention, and although I agree with the mover of this motion that there should be a doctor there 24 hours a day, this still is a good service. At present what happens is that the doctor stays there until midnight. If at midnight nothing has come in he goes home but he is still on call, and in most cases it takes him ten minutes at the longest to get to the hospital.

Mr. President, we should be grateful for what we have, Sir. We should not take this ungrateful attitude and condemn everything. I think that it is nothing short of a disgrace, Sir, for Members of this Parliament to be condemning every service that there is in this country.

HON. DENNIS H. FOSTER (CONTINUING): This morning we heard about the prison. I wish sometimes that I could give him the opportunity to go and do better.

MR. LINFORD A. PIERSON: Mr. President, I too did not intend to speak on this motion, even though I intended to support it in the voting stage. However, I too regard it as an insult when a senior Member of the Government Bench, an Official Member would refer to the remarks of a Member of this Assembly as garbage, rubbish or hogwash. That is strictly his opinion and he is entitled to his opinions, but we were elected by the people of this country and we are not subjected to the views of the Member of the Government Bench who is an Official Member of this Government. He was not elected by this country or by the people of this country. It is our right to bring to the attention of this House things which we see going wrong, and I take it as a gross insult, such bad behaviour. My interpretation of these general orders would seem to prove or to suggest that he was out of order even though it may not be regarded so by the Chair.

We are not talking about Anguilla. If he is satisfied with what is happening in Anguilla then he may go there and reside. This is Grand Cayman in the Cayman Islands. We are talking about Grand Cayman. I was a Principal Secretary for Health and Education for two years in this service and I too know that there is a lot needed to be done in that hospital. I am not here to cry down the hospital, but we as Assembly Members are here to make things better, not to have some Member because he is hurt by the remarks of a Member on this side try to cry down the Member on this side. As far as my remarks went this morning about the prison, I am sorry that I hurt his feelings, but what I am stating are facts. If he wants me to desist from finding criticisms about what happens at the prison, then he should make the conditions better and I will have no reason to make my remarks on the prison.

However, we are not debating the prison now. We are debating bettering the conditions at the hospital. I would be the first one to suggest or to accept that we have good doctors at the hospital, but the Member was also a Principal Secretary for Health, Education and Social Services and I believe that he would be telling less than the truth if he said that things were as good as he is trying to make them out to be. Perhaps he has got some friends in the hospital whose feelings he would hate to hurt.

We are here to represent the interests of our people and I congratulate the Second Elected Member for West Bay for having the guts to mention the points which he did, and also the Elected Member for North Side for bringing this motion up.

We are not grateful. It is a disgrace. Those are the adjectives used by the Honourable Member. I wonder if he really understands the meaning of the words. It is not a disgrace when we try to protect the interests of our people. It is not being ungrateful when we try to provide for our people in this country. Let the Member tell you about the little boy who was about to have his leg cut off at the hospital, but when he got a second opinion he found that all that was needed was a slight operation on the bone marrow and he can walk with the leg again. Let him tell you about that, and the struggle that the mother had to even get a letter from that doctor to get a referral.

Such language, rubbish. We are not here to pamper the pride or the feelings of the Honourable Members of the Government Bench. We are here to represent our people and any time in this House that I see such unnecessary attacks, I am going to be the first one to get up in defence of a speaker and in defence of myself.

MR. LINFORD A. PIERSON (CONTINUING): The Honourable First Elected Member of this House is not a representative of the people. He is a Civil Servant.

HON. BENSON O. EBANKS: On a point of order, Mr. President, the Member must mean the Honourable First Official Member.

MR. PRESIDENT: I think that he means the Honourable First Official Member, yes.

MR. LINFORD A. PIERSON: I apologise to the Honourable First Elected Member of Executive Council. I do mean the Honourable First Official Member. The point of order is taken. My apologies.

The Honourable First Official Member stated that the Second Elected Member for West Bay was talking rubbish, and also referred to the Second Elected Member for George Town, because we dared to criticise things we see wrong in this country. Whenever he is ready to have the nerve to go out there and fight an election campaign, then it will be time for him to get up in this House and criticise the Elected Representatives.

Mr. President, I support the motion before this House.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. I had no intention of speaking regarding the motion before us. I would like to go straight down the middle here. I am not taking sides with anyone. I support the motion wholeheartedly. I also agree with some of what my colleague from West Bay said. However, I think that I would be unfair if I sat there and did not speak what I found to be my experience.

That is that the services which I have received at the Cayman Islands Hospital over many years have been good. There have been times when I have gone to the hospital and I have complained that a doctor was not there, because I felt that the case which I wanted to bring to the doctor was serious enough in my opinion as to warrant his being there. This is one of the reasons why I wholeheartedly support that a doctor should be there, and I feel that this must be stipulated and understood fully by anyone who is employed at that hospital when they take up such employment.

If one works at any 24 hour institution be it Caribbean Utilities, Cable and Wireless or wherever, if one has to be there at a certain time one has to be there. I feel that when it comes to a matter of someone's health, and it could be a matter of life and death, it is no more than giving the patient or the parent or husband, wife or relative of the patient the secure feeling of security that a doctor is there. If for no more than that, that doctor should be on that compound. So that particular part of the debate here, Sir, I wholeheartedly support.

To say that the services at the hospital are no good or whatever terms might have been used, I cannot support it. I said that there is room for improvement but I have lived in the United States for some six years, and if you think the services at the Cayman Islands Hospital are the worst, then live in a foreign country for a while. Not because one can pay for a plane ticket and get to Florida should it indicate that one is going to get the best service available. In fact, because of the size of the hospitals, more quacks, more spicks can be in there and one not know it until something tragic occurs.

MRS. DAPHNE L. ORRETT (CONTINUING): I have known this to happen. I have read about it. One thing I have to say is that we in the Cayman Islands need to be thankful for what we have. It is one thing to come here to represent our people, but to destroy what we already have is wrong.

I rise in support of the motion but on the other hand, Sir, I do not agree with anyone destroying what we already have. I hope that the Members of this House will understand what I am saying. I am not taking sides with anyone but I am saying here that I represent those people at the hospital as well as I do anywhere else here in this country.

Thank you, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak?
Does the mover wish to exercise his right of reply?

MR. D. EZZARD MILLER: Yes, Sir. Mr. President, it seems as if no one can stir up a hornets' nest within these four walls like I can. On two occasions its sense has been puritanical in nature. I have simply tried to seek improvements in what we have. It has been misconstrued by certain individuals and I have taken some lashing for it. However, Mr. President, I do not believe that at any time you will ever have the sad experience of me rising in this Chamber to talk garbage or hogwash. That, Mr. President, is an insult to my intelligence. It is an insult to the people I represent, and it is an insult to my own integrity.

Now, Sir, I did not want to get into all of the faults of the hospital, but since it is such a good service we should all be grateful and enter that place with humility and beg for service and seek the greatness of God which works within the confines of that institution. It is time that somebody told it the way it is, and I believe, Sir, that I am as qualified as any individual in this country to criticise, whether constructively or destructively, any health care institution in this world.

We have some good people at the hospital, Sir, but the hospital has some serious problems. It is unfortunate, Sir, that within the past year regrettably I have had some personal experiences in that place which have led to, in one instance, the loss of life to a member of my family. They will tell you, Sir, that the doctor gets there in ten minutes. I have been to that hospital as a patient, Sir, and I have sat in that Casualty Department for two hours waiting for a doctor to come and see me. He has not shown up yet, Sir. So the nurse told me to take two Panadol and go home and come back the next day.

Now, Mr. President, I am not a doctor and would never want to be one. However, I believe that I know something about my own health. I am not going to get out of my bed at 2.00 a.m. in the morning and drive 25 miles to see a doctor if I believe that two Panadols can hold me until 8.00 the next morning. Mr. President, the horror stories about that hospital are as frequent as the fishermen's stories in my district are about the big catch which got away. I can take you to any grape tree any afternoon in North Side and hear a hundred such stories. Every time we hear them they are bigger and every time I hear a horror story about that place it is worse than the one before. That hospital needs to be straightened out, Sir.

I cannot, Sir, accept the Member's contention that doctors are presently working 60 hours per week because, Sir, if they are working 60 hours per week and seeing the number of patients which has been indicated to me, they are spending an hour and a half with each patient.

MR. D. EZZARD MILLER (CONTINUING): That is a waste of time. I have been to that hospital at 11 o'clock in the day and could not find a doctor to talk to.

Mr. President, the emergency for medical care is created to a large extent in the mind of the patient, not always in the diagnosis of the doctor. The patient would feel infinitely better if a doctor was in that compound when he arrived. Mr. President, for \$5.7 million a year there are no more excuses. I have heard excuses as I told you in my opening remarks. When there were three doctors they needed five. When there were six they needed nine. Now they have ten and the Member tells me he thinks they still need more.

Mr. President, I do not believe that rotating the existing physicians in such a way as to provide a doctor on that compound 24 hours a day is going to detract from any of the specialty clinics. To the best of my knowledge, and I speak subject to correction on this, most of the specialty clinics at that hospital are held once a week. Obstetrics, I think are held on Wednesdays and things like that, but what is the doctor doing the other four days of the week? They gave me all these things in March to justify their salary, ten things. I agree with the Honourable Member, Sir. I would like to see the doctors' visits to the districts increase. However, Sir, that will not affect the rota at the hospital. If a doctor is seeing the patients in the districts he is not seeing them at the hospital. So the work load at the hospital is going to be reduced by increasing the work load at the clinics. That is no excuse not to put them on a rota. If these people are A.B.s, put them on shifts.

The mechanics of getting this done, Sir, are not my problem. I can work it out. I have worked it out. We have expert management at the hospital; expert management in the Civil Service. We should be grateful for what the Civil Servants do for us. I am saying, Sir, that it is time for the experts to work this rota out because I am telling you today, Sir, that it can be done. If it is not done in the very near future I will do it and publicise it for the people of this country.

I am always willing to cooperate, Mr. President. I do not get up on the floor of this Assembly to seek Brownie points. There is a need at that institution for a doctor to be in the hospital 24 hours a day and the need must be delivered. That is what we are in the confines of this Chamber for. We have given them their request in the budget. If they recruit the wrong doctors, that is not my problem, Sir. There are three flights leaving a day. Send the wrong ones back. Let us get the right ones. We want a doctor on that compound 24 hours a day, and I do not think that is garbage, Sir. I think that is a serious need in this country which needs to be addressed, not on the 1st June, immediately. It should start tonight, but you know, Sir, everybody can live with this thing until they arrive in Casualty with a pain in their chest which they believe is a heart attack, and the doctor tells the nurse over the phone, "give him a dose of Melox and send him home. It is nothing but a hangover and heartburn". That is when, Sir, we will get action.

I do not think that any of us can afford to wait for that time. I regard myself as being in reasonable health but it can happen to the best of us, Sir. One minute can mean a lifetime in this place. Mr. President, you know I have been here since 15th November and if there is one thing which gets my ire up, Sir, it is the ability of some people in this House to change their comparative values to suit themselves, when they are talking about how good our standard of living is compared to the United States, and when they are talking about how good a hospital it is compared to Anguilla and St. Kitts.

MR. D. EZZARD MILLER (CONTINUING): Do you know that I read a report some weeks ago that they had brought in people from Jamaica to evaluate the health services, to tell us what good health services we had; how modern the equipment was; how modern the X-ray machines were. "Ultra sound? You have ultra sound? We do not have ultra sound in Jamaica". Of course they do not. We know what their economic problems are. They cannot afford to buy it. Why not bring somebody from the North American market which has equal equipment to tell us how the equipment is being utilised, Sir.

We have good people at the hospital. The problem is pulling that thing together as a team to deliver the quality health care which this country needs. You know, Sir, I was a bit inclined to accept the Honourable Member's undertaking that he was going to provide the service. However, after the reaction of the leader of Government business, I cannot take that you know, Sir.

Either, Sir, they are going to defeat this motion as it stands, or they are going to accept it as it stands. Therefore they are going to provide that service to the people of this country.

Thank you, Sir.

MR. PRESIDENT: I think that we have reached the customary time for the afternoon break, and I will therefore suspend proceedings for approximately ten minutes.

AT 3.18 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.31 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
Private Member's Motion No. 9/85. Will those in favour please say aye.

QUESTION PUT: AYES AND NOES:

MR. D. EZZARD MILLER: May we have a division, Sir?

MR. PRESIDENT: I think that it would be best if we have a division, yes.

DIVISION
NO. 28

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Mr. W. McKeeva Bush	Hon. Dennis H. Foster	Mr. G. Haig Bodden
Mrs. Daphne L. Orrett	Hon. Michael J. Bradley	
Mr. Linford A. Pierson	Hon. Thomas C. Jefferson	
Mr. D. Ezzard Miller	Hon. Benson O. Ebanke	
	Hon. W. Norman Bodden	
	Hon. Capt. Charles L. Kirkconnell	
	Hon. Vasael G. Johnson	
	Capt. Mabry S. Kirkconnell	

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MR. PRESIDENT: Did the Second Elected Member for Bodden Town abstain? I did not hear I am afraid.

CLERK: He abstained, Sir.

MR. PRESIDENT: I declare the motion lost.

PRIVATE MEMBER'S MOTION NO. 9/85 DEFEATED BY MAJORITY.

NOTICE OF STATEMENT

HON. BENSON O. EBANKS: Mr. President, before you move on to the next item on the Agenda, Sir, may I under Standing Order 30(1) give notice of my intention to make a statement tomorrow. The substance of this statement, Mr. President, is basically the reason for the vote which Government has just cast on this motion. The statement will indicate that we support the 24 hour a day doctor service but could not accept the restrictions imposed by the motion.

MR. PRESIDENT: Very well. I do not think that the Member should make his statement now, which is what he is almost trying to do. However, it is perfectly true that if he gives me notice, and I have looked up Standing Order 30(1) and he is required to give me notice, he may make a statement. So he may make a statement tomorrow. That is in order.

MR. W. McKEEVA BUSH: How can he say he supports it if he did not just vote for it?

MR. PRESIDENT: That will be something for him to explain tomorrow.

MR. W. McKEEVA BUSH: I am very interested in hearing the explanation, Sir.

MR. PRESIDENT: Well, I am afraid that you will have to wait until tomorrow. He has given me the notice and he can make his statement, and it will be on tomorrow's Order Paper no doubt. Private Member's Motion No. 10/85. The Elected Member for North Side.

PRIVATE MEMBER'S MOTION NO. 10/85

OPENING OF GOVERNMENT OFFICES DURING LUNCH HOURS

MR. D. EZZARD MILLER: Mr. President, I beg to move Private Member's Motion No. 10/85 entitled "Opening of Government Offices During Lunch Hours". It reads as follows:-

"WHEREAS there are certain Government offices which serve the public that are closed to the public during lunch time and this can cause undue hardship to members of the public;

BE IT RESOLVED that Government take steps to have these offices open continuously to the public during lunch time to enhance the service rendered to the public."

MR. W. McKEEVA BUSH: Mr. President, I beg to second Private Member's Motion No. 10/85.

MR. D. EZZARD MILLER: Mr. President, I think the last one was a hornet's nest; this one is going to be a beehive.

Mr. President, there are certain offices in Government which serve the public, for example Lands and Survey, the warehouse facility at the port, the Licensing Department, the Traffic Department, and I believe Immigration Department as well. These offices, Sir, are presently closed to the public for the luncheon hour. Some are closed for longer than one hour. In fact the Lands and Survey office is open for only four hours per day to the public.

Now, Mr. President, the Lands and Survey office is the central hub to a lot of development; to a lot of the business transactions which take place in this country, and to only be open for four hours a day, I believe limits the service which it can offer to the public.

Other places like the Port, Sir, are closed from 12 o'clock to 1 o'clock, and in many instances, Sir, there are many people in this town who the only opportunity they can get to pick something up from the Port or to get their car licensed as it may be, is during their luncheon break from their regular working hours.

Now, Mr. President, I know that I am going to be told that I do not like the Civil Service and that the Civil Service is doing a good job, and that I should be grateful and be satisfied with what we get. They are really not getting anything for what they are doing you know, Sir. They are putting in long hours and they "ain't getting no pay". We are trying to take away their fringe benefits, their telephone, and the Elected Member for North Side wants to take away their mileage. You have to believe I do, Sir, and I am preparing those motions for November.

However, Sir, be that as it may I believe that when the administration section of Government is consuming approximately 80 per cent of the national budget, I believe that provides the necessary resources to have these offices open during the luncheon period to better serve the public. I keep my shop open during the luncheon break with only two members of staff, Sir. So I know that it can be done on a very tight schedule. I believe, Sir, that although Government Bench has taken a dislike to the word rotate, they can rotate the staff within these offices so that they can stay open for the luncheon period. I believe that the public at large in this country will be appreciative of the service which they are given during lunch-time.

So, without further ado at this time, Sir, I would induce and I would beg, Sir, the Members of Government to support this motion in order to render a better service to the people of this country.

Thank you.

MR. PRESIDENT: Private Member's Motion No. 10/85 is now open for debate. Does any Member wish to speak? The Honourable First Official Member.

DEBATE ON PRIVATE MEMBER'S MOTION NO. 10/85

HON. DENNIS H. FOSTER: Mr. President, I can go along with the spirit of the motion, but I would like to point out a few facts for the Member's benefit. Of course I am pretty sure that he knows these already. However, I will take them in the order in which he mentioned them.

HON. DENNIS H. FOSTER (CONTINUING): Lands and Survey. Mr. President, these hours are laid down in the Registered Land Rules, Section 10:-

"The Registry will be open for the transaction of business with the public between 10 a.m. to 12 noon and 2 p.m. to 4 p.m. on Mondays to Fridays inclusive."

Mr. President, I would like to point out that there is a reason behind this, Sir. A person or persons going there between 10 a.m. and 12 noon and requesting transactions creates a lot of after-work to be done. The time is spent by that staff doing that work so that they can return the transactions to them possibly the next day or the day after.

Similarly in the private sector, banks close at a certain time, 2.30 in the afternoon. This does not mean that the staff goes home but there is plenty of work to be done, balancing and accounting and everything else. I doubt if any of them go home before 5 o'clock.

If we are to open Lands and Survey Department from 8.30 a.m. to 5.00 p.m., what time then does the staff get to do the back work? Nevertheless, Mr. President, I will look into that one and see what can be done. If anything can be done the Rules will have to be changed.

The Port Authority is a Statutory Authority, Mr. President. We really do not have anything to do with it, but I think that the problem there is insufficient manpower on that midday hour. Past experience showed that during that time plenty of pilferage was done. So to make sure about that they close for lunch-time.

Similarly with the Traffic Department, Mr. President, there is a lot of after-work. All the work is now on a computer and has to be punched in there, and the computer records have got to be made. I think, Mr. President, if offices are open good hours during the day, people who have other jobs want to use their lunch hour to come and get their business done in Government. Government civil servants cannot go to certain offices at lunch-time to do their business. They are closed.

However, be that as it may, I think that one must learn to understand that there are reasons behind this. Mr. President, I will support the motion in the spirit in which it is presented, Sir, and I will attempt to look into this and see what can be done. However, I cannot make any promises as to results, Sir.

I am not sure that I can confirm about the 50 per cent of the national budget going to civil servants, Sir, but I feel, as the mover said, they work for what money they are paid, Sir.

MR. PRESIDENT:

Does any other Member wish to speak? Does the mover of the motion wish to... Is the Second Elected Member for West Bay trying to catch my eye or not? I am not sure. No. Does the Elected Member for North Side wish to exercise his right of reply?

MR. D. EZZARD MILLER:

Yes, Sir, I would not miss an opportunity for the world, Sir.

Now, Mr. President, I seem to have a problem here with motions. In March I brought one about the Elections Law. I brought one a while ago about the hospital and I have just brought one about the Government offices.

MR. D. EZZARD MILLER (CONTINUING): It seems that if I could get the spirit separated from the body I would have no problem. Everybody can support the spirit of all of these motions, but they cannot support the body of the motion. Now, I have a little problem understanding that, Sir, but I guess that we had better let sleeping dogs lie.

I know, Sir, that the hours for Lands and Survey Department are laid down in some Rules, but I believe that those Rules can be changed. I do not fully accept that they need all of that time to complete the transactions, because there is more than one person in most of those offices. Usually it is not the ones out front who deal with the public who do the transactions in the back.

Another thing which I have a little problem with, Sir, is these computers in Government. Now, Sir, I put a computer in my business for one reason; to cut staff; to make work easier. However, it seems that the computers in Government are requiring more staff than the manual processes. As for the Port Authority, if it is a Statutory body then maybe the Member responsible would give me an undertaking that he will see that it is open for lunch, because my observations there indicate that they have two receiving clerks and they have two issuing clerks on the other side of the warehouse. So it is quite easy for them to send one receiving clerk and one issuing clerk for lunch 12.00 to 1.00 and the other two 1.00 to 2.00 to keep the facility open. As far as the pilferage is concerned, I think that that is a problem with their management. If the people are stealing they should replace them, not send them for lunch.

However, Sir, I guess that we live by the sword and we die by the sword, Sir. So, once again let us put it to the vote and see what happens.

MR. PRESIDENT: Let us indeed put it to the vote.

QUESTION PUT: AGREED. PRIVATE MEMBER'S MOTION NO. 10/85 PASSED.

MR. PRESIDENT: I declare the motion passed, spiritually passed anyway. (LAUGHTER).
Private Member's Motion No. 11/85

PRIVATE MEMBER'S MOTION NO. 11/85

PROHIBITION OF LIQUOR AND CIGARETTE ADVERTISING IN THE CAYMAN ISLANDS

MRS. DAPHNE L. ORRETT: Mr. President, I would like to present Private Member's Motion No. 11/85 regarding the prohibition of liquor and cigarette advertising in the Cayman Islands. I am not sure whether I should do this now, but I would like to change, if possible, the wording of this slightly, which I shall do now and....

MR. PRESIDENT: Well, now we had this this morning and in accordance with Standing Order 24(7), a Member who desires to vary the terms of a motion standing in his name may give an amended notice of motion if such an amendment does not, in my opinion, materially alter the scope of or any principle embodied in the original motion. However, the amended notice shall run from the time at which the original notice was given.

If you tell me what the amendment was, I would tell you whether in my opinion it is admissible.

MRS. DAPHNE L. ORRETT: Alright. It should read:-

" WHEREAS medical and scientific evidence has proven that the use of liquor and cigarettes is highly dangerous to one's health;

BE IT RESOLVED that this Honourable House take immediate steps to appoint a select committee to study the possibility and practicability of either introducing legislation or by some other means preventing the advertising of liquor or cigarettes by local radio and billboards."

MR. PRESIDENT: Has that been typed up, and are there copies of it or not?

MRS. DAPHNE L. ORRETT: No, Sir.

MR. PRESIDENT: Could you in that case read it again, the resolved section, more slowly so that Members could take it down and so that I could take it down:-

" BE IT RESOLVED that this Honourable House take immediate steps to appoint....?"

MRS. DAPHNE L. ORRETT: "appoint a select committee to study the possibility and practicability of either introducing legislation or by some other means preventing the advertising of liquor or cigarettes by local radio and billboards."

MR. PRESIDENT: Perhaps I may read it out now just to be certain that I have got it right. The preamble will be the same. That is the clause starting, "WHEREAS". It would continue:-

" BE IT RESOLVED that this Honourable House take immediate steps to appoint a select committee to study the possibility and practicability of either introducing legislation or by some other means preventing the advertising of liquor or cigarettes by local radio and billboards."

MRS. DAPHNE L. ORRETT: Yes, Sir.

MR. PRESIDENT: Is it "liquor or cigarettes" or "liquor and cigarettes"?

MRS. DAPHNE L. ORRETT: It is "liquor and/or"....

MR. PRESIDENT: "Liquor and/or cigarettes"?

MRS. DAPHNE L. ORRETT: Yes.

HON. MICHAEL J. BRADLEY: No cigars?

MR. PRESIDENT: Well, in that case the effect of the change which you wish to make is that the House, instead of introducing legislation is to appoint a Select Committee. That is essentially it, and I think that is perfectly acceptable in terms of Standing Order 24(7). In other words, therefore, you may move the motion as now read out and taken down. I will regard you as having formally moved it now you have in fact read it out. If the Seconder will second it you can then speak to it.

MRS. DAPHNE L. ORRETT:

Thank you.

MR. W. McKEEVA BUSH:
seconded of the first motion.

Mr. President, I was set down as

MR. PRESIDENT:

Ah.

MR. W. McKEEVA BUSH:

I think that I am right.

MR. PRESIDENT:

It is quite true. I mean if you have not agreed to second the amended motion, then the mover must find another seconder.

MR. W. McKEEVA BUSH:

Mr. President, I wish you had given me a chance to explain myself, Sir. Yes, I was set down as the seconder of this motion, but I was not informed that this change would take place. Seeing as I am beginning to weary a little bit of Committees in this House now and I am scared that I might destroy something, I therefore cannot second the motion as it is now.

MR. PRESIDENT:

Can the mover find another seconder?

MR. LINFORD A. PIERSON:

Mr. President, I second the motion.

MR. PRESIDENT:

In that case, I declare the motion in its amended form moved and seconded, and the Third Elected Member for West Bay may speak to it.

MRS. DAPHNE L. ORRETT:

Thank you, Sir. Mr. President, the destruction and the death caused through the use of liquor and cigarettes is really well known to the Members of this Honourable House. However, our awareness of the problem should be seen to trigger some action on our part. I think that in order to curtail their effects by discouraging their use one of the first areas which we need to tackle would be advertising.

I have noticed, Sir, that on local radio and on billboards in certain parts of the Islands, these drugs, and that is what they are - drugs, are being advertised. Especially on Radio Cayman the way in which advertisements are put forward, for instance this one on cigarettes where a sweet, calm, seductive voice of a young woman encourages us to use cigarettes because it is a cool thing to do. I do not see how anything can be cool with fire on the other end.

Then again we have all the advertisements for liquor which is as damnable as any drug there is on the market today, and I feel that it is time that we do all in our power to discourage the use of cigarettes, especially amongst young people.

Mr. President, it is a well known fact that when advertising was permitted in the United States on radio and television and in many periodicals for both liquor and cigarettes, it was found that on television between the hours of 2.00 and 8.30 in the evening, that was the time that most of the advertising took place. The aim behind the liquor and cigarette companies was to grasp the attention of the young person, the child, knowing that once one gets a child or a young person hooked on the habit of either smoking or drinking, one probably has a customer for a lifetime, although in most instances that lifetime can be rather short.

I feel, Sir, that it is not only highly detrimental to the user, but as most of us know, cigarettes affect the people whom one comes in contact with who smoke.

MRS. DAPHNE L. ORRETT (CONTINUING): I have quite a few facts and figures here on this. I notice that in the Caymanian Compass in January this year, even a big country like Canada is trying to phase out tobacco sponsorship in amateur sports. It is noted here that in the Cayman Islands there is also a means of advertising cigarettes and liquor through certain sporting groups being named, or their title being termed by this. I feel that any such areas should be discouraged. I am not sure how we go about it. I think that the people of this country need to be educated on the dangers attributed to cigarette smoking and the use of alcohol.

Also, Sir, I am concerned that cigarettes are made available to small children as it is. A child can go into a store and there is a vending machine plain to be seen there. They can pull them out and get them easily. Hearing the advertisement on the radio or seeing it on a billboard they are tempted to try to use them. It is destructive to their health and if one notices carefully in the Cayman Islands today, there has been a steady increase in the use of both liquor and cigarettes amongst our young people.

Now I notice here that even in a large city like Gloucester in the United Kingdom, it is the view of an influential Councillor who is mounting a campaign for stiffer penalties for anyone who breaks the law and sells cigarettes to children. I think that this is something which we need to bear in mind. We are encouraging them to use it when we allow advertising on the radio and on billboards.

I have been told that some years ago the cinema had refrained from advertising cigarettes or liquor, but because Radio Cayman started it, there was hardly any sense in the cinema turning down the money they received for advertising, because it was going over the air anyway. I am not sure that I support that particular theory, but nevertheless it was done.

Also, it is found that smoking is now the number one public health problem. It is responsible in the United States for almost 350,000 premature deaths a year. We live here in the Cayman Islands and our population is a lot smaller. However, what I am trying to say is that the same effects will take place amongst our people.

Now, the Surgeon General here is saying that it is not just a nasty habit, Mr. President, it is an addictive drug. Nicotine is an addictive drug. In fact the National Institute on Drug Abuse has said that it is the most addictive drug in our society. All the things which have happened to cut down smoking in public places came about largely through grass roots action, and I feel that the concern of citizens in our country today should appeal to us who sit in this House to do what we can to curtail the advertising of liquor and cigarettes. There are many large organisations over the world today who are trying to see if they can institute in public places a smoking and a non smoking section. I feel, Sir, that I would hope anyway that the other Members of this Honourable House will see to it that we do our best to keep this from the ears and from the sight of our young people, because they are using it; it is readily available, and we need to take steps to see that no advertising of it is done.

What I would like to remind Members of here today is that we not only need to see about the banning of advertising, but there needs to be some proper steps taken to see that our young people and children are educated to the dangers of cigarettes, so that they will realise that in today's society it is sometimes a means of being accepted in one's peer group. It is sometimes a means of one feeling grown up, but the dangers of this need to be brought to the attention of our children.

MRS. DAPHNE L. ORRETT (CONTINUING): I would like to read here just something which came from a certain newsagent in London who was writing to a magazine there. He went on to say:-

"As a long cancer sufferer I must question the real benefits of introducing yet another cigarette to an already saturated market. Tobacco manufacturers may dispute the researchers' findings, but I personally am in no doubt as to the suffering caused by the smoking habit. I know I am sticking my neck out when I say this but I would ask newsagents in the name of humanity to think of diversifying into other product areas before they forge ahead with any more cigarettes."

This particular writer died shortly after he wrote this letter to this magazine.

I also came across an article in the Readers' Digest just a short time ago. It was entitled "The death of a Surgeon", a very prominent surgeon in the United States. He had an interview with a writer from Readers' Digest. He gave a long story. He was a family man with children; he had a good career and had contributed much to his country, but the last sentence he quoted to that writer was, "I wish I had quit smoking twenty years ago".

Mr. President, the evils of smoking are played down too much in our country. Someone mentioned that to see someone die of a heart attack because of the results of smoking is one thing, but to see a sufferer live for years with emphysema should discourage anyone from smoking. These are the things which we need to advertise. We need to advertise what is caused to an unborn child when his or her parents smoke, and the danger it causes. What we need to see is advertised on our radio the fact that it is a nasty habit; that it is something which is certainly not welcome by the non-smoker, and it is something which we in these Islands need to arrest now, because in larger countries all-out campaigns are being brought about for the discouragement of both the advertising of liquor and cigarettes.

Mr. President, the aim of this motion today is to see that this Government does everything possible to discourage the advertising of them, and in addition to that, to do everything possible to encourage the education of our children and young people from kindergarten on up, of the dangers of cigarettes and alcohol.

I would like to get the support of this House on this motion. I had quite a few publications and materials here. For instance, in Glasgow they have a campaign out that by the year 2000 they want a smokeless town. They would like to get people to stop smoking. I understand that this is something which is legalised as in many other parts of the world. However, what I am saying is that we know the dangers of it and I would like to have the support of the Members of the House on this motion.

Thank you.

MR. PRESIDENT:

The motion before the House is Private Member's Motion No. 11/85 in the amended form read out by the Third Elected Member for West Bay at the time at which it was moved.

The motion is now open for debate.
The Second Elected Member for George Town.

DEBATE ON PRIVATE MEMBER'S MOTION NO. 11/85

MR. LINEFORD A. PIERSON: Mr. President, as seconder of this motion I feel that I would be remiss in my duties if I did not support the motion brought by the lady Member, the Third Elected Member for West Bay.

The motion seeks to appoint a Select Committee to study the possibility and practicability of introducing legislation or by some other means preventing the advertising of liquor and/or cigarettes by the local radio and billboards.

I would have wished, Mr. President, that the motion was somewhat wider; not to only include cigarettes but tobacco products. I feel, Mr. President, that while we cannot legislate for the morals of people, that as a Government it is our duty to set the right example for the people of the country.

Mr. President, many of the Members may see this as a religious move. Some might feel that it is a motion brought by a religious individual but, Mr. President, I would hope that we would view this much more seriously, and see this as a matter of much deeper concern. We have made a lot of provision in our laws for preventing the use of drugs. Mr. President, alcohol and tobacco are perhaps the most glamourised form of drugs there is.

I am not here to say, Mr. President, that we must ban the use of alcohol and cigarettes, because I feel that that would be taking away the rights of the individual to act as he so desired. I think that the Hansard of this House will show me as one supporting the liberalisation of liquor licences in this country, because I fully appreciate the type of our economy, and I also recognise the rights of the individual. So I am not here advocating, Mr. President, that we should ban this totally, in case I am misunderstood. I am saying, Mr. President, that as a Government we should not be the ones to support the advertising of alcohol and cigarettes or, as far as I am concerned, tobacco products. We are very closely associated with the United States of America and for those of us who do read Time Magazine or other important literature, we will note that the trend in the United States today is to do away with the "Happy Hour"; to do away with the alcohol; to do away with the cocktail parties. People today are having soda and lime, and perrier water instead of scotch on the rocks, not only because it gives them a more level head but because it is much more healthy. I am not suggesting that I do not perhaps have a little wine sometimes; I am human like any of us, but I am suggesting that the excesses practised are very, very damaging to one's health.

I am suggesting that any form of smoking is extremely damaging to one's health, but that is up to some of the people if they wish to have an early demise. Passive smokers, Mr. President, are defined as people who have to suffer from another person smoking within their immediate vicinity; people who have to suffer from the inconsideration of other smokers. That is why today in the United States, Mr. President, in many States there are other places in the world they have smoking and non-smoking areas, even on public transport, the planes, the buses, you name it, because they realise that we can get as much damage from the carcinogens as a passive smoker as we can by smoking.

I would like to see the day in the Cayman Islands, Mr. President, when public places are divided into smoking and non-smoking. I have talked a lot with a number of chronic smokers; people who are reformed smokers; people who are reformed drinkers of alcohol, and they have never had anything good to say about it.

MR. LINFORD A. PIERSON (CONTINUING): Some people believe that the only way that one can get cancer from smoking or from tobacco is through smoking. This is a fallacy, Mr. President. The carcinogens which are in the tobacco can cause mouth cancer from chewing, and the use of tobacco in any form can cause cancer.

We glamorise; we see all the posters. A lot of children are led to believe that smoking is a sign of maturity. As soon as they reach thirteen or fourteen, they feel that if they can hold a cigarette in their hand they are big men or women. I have even seen in the market recently where candies for children are packaged in such a way as to give the psychological effect to the child that he is smoking a cigarette. That is wrong, Mr. President.

Statistics also show, Mr. President, that 90 per cent of road fatalities are caused through the abusive use of alcohol. So, for those of us here who feel that this is a fanatical religious motion, we are fooling ourselves. It is very important to this country and to the people of this country that we do all in our power to discourage the use of alcohol and tobacco.

Mr. President, I give this motion my full support.

MR. PRESIDENT:
of Executive Council.

The Honourable Third Elected Member

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I have no difficulty, Sir, in supporting the motion as amended, and I am very grateful that it will be going to a Select Committee where we can all sit down and discuss this matter openly and frankly.

I realise like the mover of the motion said, the damage which cigarettes and alcohol have done throughout the world, and in our own Islands. I for one, Mr. President, became addicted to cigarettes, and I know what I am speaking about. I am not speaking about what somebody else did. I am speaking from experience and it is one horrible addiction for one to have. I would not wish anyone, not even my biggest enemy, to become addicted to cigarettes.

Most of this glittering and glamorous advertising which we are hearing on the radio and seeing put on billboards, cannot attract me again or deceive me, but it can deceive the young and innocent people in our society. They are experimenters. We have all been through that stage, and as one Member said previously, they believe that smoking or holding a cigarette in their hand makes them a grown person immediately. Nothing is further from the truth.

I have been told of a young child going to the Prep School who is now singing a song advertising Bacardi rum on Radio Cayman, and this parent said to me, "This is when it is becoming dangerous to our society, and something which Government should take steps on to stop this type of advertising on the radio".

In the United States every pack of cigarettes carries a warning to the people that it is dangerous to their health. In the United Kingdom, radio and television have been banned from advertising cigarettes, and I think the press too. We should do all that is within our power to help to educate our children about the dangers of using tobacco and alcohol. I realise, Mr. President, that we cannot legislate morals, but we can stop assisting those who are selling harmful products to our children. We must face the problems of today and we must do our utmost to find solutions which elevate and uplift our people, and stop assisting others who are selling drugs to the young and innocent people in our Islands.

I thank you, Mr. President.

MR. PRESIDENT:
of Executive Council.

The Honourable First Elected Member

HON. W. NORMAN BODDEN:

The Second, Sir.

MR. PRESIDENT:

I am so sorry. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, I rise to support this motion and I would like to congratulate the mover of the motion on coming so well armed to make her presentation.

I am pleased also that it will be sent to a Select Committee where an in-depth study can be carried out, and it can be looked at from every angle so that we can produce some form of legislation which will bring about the desired result.

Many years ago, Pan American World Airways had a slogan "It pays to advertise", and I believe, Sir, that that slogan is still true today, because the tobacco and liquor companies spend millions of dollars every year in advertisements to convince the public that they should indulge, and to promote their products.

The point has been made that other countries with sophisticated means of keeping statistical data, are taking measures to prevent the spread of this and to curtail it in order for their people to have better health, on which there can be placed no monetary value, but which as a Government in the end pays off in the amount which is saved in health services. Many times we like to adopt what we see in other countries. We have adopted some of the bad things. We have followed some of the architecture. I feel, Sir, that it is time that we adopt some of the good things which can help to improve the quality of life in these Islands as well.

With those few words, I support the motion and look forward to making a contribution when it goes to Select Committee.

HON. DENNIS H. FOSTER:

Mr. President, I promise you that I will be very short, Sir. I would like to support the motion, Mr. President. I only hope that when we are in the Committee Stage of this thing, that the newspapers and press will be added, and not only Radio Cayman and the billboards. Just for information, Radio Cayman holds contracts up to the tune of \$20,023.90 a year. I am quite willing to accept that loss, but if only I could convince myself, Sir, by non-advertising of tobacco products and liquor that it would stop anybody from indulging in either one of the two.

I think that we have got to be realistic. It is just like the illustration given about Cayman Airways upping the freight a few days ago. They are the loser. The only loser in this whole deal will be Radio Cayman. However, if all the rest lose too, I am quite agreeable.

Mr. President, having said those few words, I support the motion, Sir.

MR. PRESIDENT:

Does any other Member wish to speak?

MR. W. MCKEEVA BUSH:

Mr. President, I had no intention of speaking. However, listening to the leader of Government business, who is suggesting, Mr. President, that we include newspapers in this, I would like to give a brief history of this motion as I understand it.

MR. W. MAKEEVA BUSH (CONTINUING): When the mover spoke to me about seconding the motion, newspapers and private enterprise were included. Mr. President, I told the mover that I would second the motion if private enterprise was not included in the motion. If this is going to be the attitude of the Committee when we get to Committee Stage that we include private enterprise I will have to vote no.

Mr. President, we must help private enterprise in this country. We as Government cannot tell a newspaper or any advertising firm what to do. Just because Government is losing a little bit of money it does not mean that private enterprise must lose it.

I think that it is wrong. It is a bad precedent to be setting, and I think that Members here should make up their minds whether they are going to Select Committee to support a motion which is asking private enterprise to stop doing what they rightfully should do if they want to. I know that the mover has the prerogative to wind up and I hope that she can explain to me whether she will be asking to include private enterprise or not. I will then be able to make a vote according to my conscience.

Thank you, Mr. President.

MR. PRESIDENT: Actually the Honourable Second Official Member was the first to catch my eye. I have noted the....

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I agree with the motion that this matter should be referred to Select Committee, but I think my Honourable colleague has raised in this debate a very valuable point. Why should it objectively be a bad thing for Government to do something but perfectly acceptable for the private sphere to do it?

I think, Mr. President, that if the advertising of cigarettes and intoxicating liquor is bad, it is bad per se. Government cannot absolve themselves from the duty, if they see it as a duty, to protect the public from their own weakness or foolishness, merely by saying that "we are not going to do it, but it is alright for anybody else to do it".

I would strongly support my colleague in saying that if a Select Committee is to be fruitful and is to be of use, that it should examine all forms of advertising of tobacco products and alcohol products; examine the practice and procedure in other jurisdictions to see the rules which have been applied there and to see what needs to be done generally as regards advertising of these drugs.

Thank you.

MR. PRESIDENT: Yes, the Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I support this motion, Sir, and I too am pleased to know that it is going the Committee route. The one aspect of the motion as originally presented which gave me some concern was partially answered by the Honourable First Official Member when he mentioned the amount of contracts which Radio Cayman has for this type of advertising. It is not that I am concerned about the loss of this revenue per se. However, the revenue has obviously been taken into consideration in our estimates, and I would hate to know that we did anything which would have upset those estimates without knowing exactly the amount involved.

Furthermore, Mr. President, I do not know; I have not got the slightest idea and time did not permit me to investigate, what revenue is brought into the Cayman Islands Corporation from the use of the billboards along the approaches to the airport.

HON. BENSON O. EBANKS (CONTINUING): I have noticed in the few times that I have used the new terminal building that there are a lot of advertising billboards within the building. I am not sure whether any of these even relate to alcohol or tobacco, but if they do they would have an impact on the amount of revenue derived. So, when we get into Committee on this motion, Mr. President, we can now with certainty determine the amount of revenue which will be lost, and what arrangements we will have to make for this during the next year. Or, if revenue improves to the extent that we can do it earlier, we could possibly get rid of it this year, providing that we are not bound by long term contracts.

It is a fact, Mr. President....

MR. PRESIDENT: Does the Member expect to be some time? My watch had gone a little slow and I had been deferring the moment of interruption. However, if you are going to be a long time then clearly we cannot finish tonight.

HON. BENSON O. EBANKS: Not more than about two minutes, Sir.

MR. PRESIDENT: Alright.

HON. BENSON O. EBANKS: It is a fact, Mr. President, that the advertising of tobacco and alcohol seeks to glamorise its effect and as another Member said, cause young people to believe that it is the "in" thing to use it. I think that as a Government, if we are going to take the interests of our young people totally into consideration, Government should be seen not to encourage the advertising of these drugs.

I support the motion.

MR. PRESIDENT: If no other Member wishes to speak, perhaps I could.... You wish to speak? Well, in that case we cannot finish tonight.

HON. VASSEL G. JOHNSON: Mr. President, I would like to speak on the motion, but not this evening, Sir.

MR. PRESIDENT: I had hoped that we might be able to finish this motion tonight but plainly we shall not be able to.

SUSPENSION OF STANDING ORDER 10 (2)

MRS. DAPHNE L. ORRETT: Could I ask for a suspension of Standing Orders, Sir, so that we can complete this, or is that going to interfere with....?

MR. PRESIDENT: There is no harm in asking. I do not know whether Members will wish to stay in order to complete this particular motion this evening, but if one or two other Members may wish to speak, it may mean quite a long deferment.

MR. W. McKEEVA BUSH: I feel that we could suspend the Standing Orders, Mr. President, so that we can complete Private Members' business. I do not think that it will be that long.

MR. PRESIDENT: It is perfectly in order for the Third Elected Member for West Bay, if she wishes, to move in accordance with the provision of Standing Order 82, that Standing Order 10(2) be suspended in order to enable the debate on this motion to be concluded today. Is that what the Member had in mind?

MRS. DAPHNE L. ORRETT: Yes, I did. I....

MR. PRESIDENT: I thought it was.

HON. MICHAEL J. BRADLEY: All I can say, Mr. President, in fairness to other Members who made a very brief contribution, that if it had been the intention of the mover to suspend Standing Orders, perhaps a prior indication could have been given to Members who only spoke very briefly.

MR. PRESIDENT: Well, I do not think that the Member could have reasonably foreseen that the debate was going to be very near to ending this evening. The Honourable Fourth Elected Member of Executive Council wished to speak, briefly or at some length?

HON. VASSEL G. JOHNSON: Briefly, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak, and will the mover of the motion wish to exercise her right of reply?

MRS. DAPHNE L. ORRETT: Sir....

MR. PRESIDENT: Briefly or at some length?

MRS. DAPHNE L. ORRETT: I will make it brief.

MR. PRESIDENT: So, in other words I am just trying to allow Members to know when they vote on your motion for the suspension how long they may expect to be kept here if they vote in favour. The answer is perhaps ten minutes or a quarter of an hour if what you and the Honourable Fourth Elected Member of Executive Council have told us is correct.

MRS. DAPHNE L. ORRETT: Not more than a quarter of an hour? Mr. President, could you explain that to me again please? I am not sure that I understood exactly what you were trying to tell me.

MR. PRESIDENT: My understanding was that you told me that you would like to move that Standing Orders be suspended in order to enable the debate on your motion to be completed.

MRS. DAPHNE L. ORRETT: Yes.

MR. PRESIDENT: Members will have to vote on your motion to suspend Standing Orders. Before they vote, I thought that it might be helpful to them all to have some indication of how long we should be staying here if they voted in favour of your motion. The Honourable Fourth Elected Member of Executive Council says that he wishes to speak. Nobody else apparently wishes to speak. You wish to exercise your right of reply. You have each said that you will be about five minutes. That means that we should not be here for more than another fifteen minutes if people vote in favour of suspending Standing Orders.

MRS. DAPHNE L. ORRETT: Yes.

MR. PRESIDENT: Has that made it clear?

MRS. DAPHNE L. ORRETT: Yes, you have.

MR. PRESIDENT: So....

MR. W. McKEEVA BUSH: In addition to that motion, Mr. President, there was another motion to continue so that we could finish Private Members' business today. I think we can. We have one more motion left which should be short also and we could finish it today.

MR. PRESIDENT: It is perfectly feasible to move a motion that we should stay for the debate on Private Member's Motion No. 12 as well, but I doubt that you would find the same support for that. I think let us vote first on the Third Elected Member for West Bay's motion. If later anybody wishes to move another motion, to suspend Standing Orders we can consider the position. So, I will put the motion by the Third Elected Member for West Bay that Standing Orders be suspended in order to enable the conclusion of the debate on Private Member's Motion No. 11/85.

QUESTION PUT: AGREED.

STANDING ORDER 10(2) SUSPENDED TO
ENABLE THE COMPLETION OF PRIVATE
MEMBER'S MOTION NO. 11/85.

MR. PRESIDENT: In that case I will ask the Honourable Fourth Elected Member of Executive Council to speak.

HON. VASSEL G. JOHNSON: Mr. President, I too rise to support this Private Member's Motion No. 11/85 as amended. Mr. President, I have no difficulty in supporting this motion which deals with two dangerous drugs, regardless of who may use them. I think that what the motion is asking for is reasonable and that as right thinking citizens we should always be ready to remove from societies anything which is harmful to them.

Mr. President, this motion is not going to affect the dealers in these items to any great extent because those few people who still smoke in our midst can find their way to the stores to buy their cigarettes. Those who take a drink can still find a way of obtaining it. They do not have to listen to the radio or look in the newspaper or elsewhere to see who is selling cigarettes and where they can find the drink. Therefore, as far as advertising is concerned I cannot see that it will affect any of them if that is discontinued.

Mr. President, I too believe that Government should take the lead in setting an example in cases like this. However, I too believe that if that example is to be set by a law to be legislated by this Honourable House, then there should be no limitation as far as its provisions are concerned, to say that it must only affect Government and nobody else. I think that it should spread right across the board because what is not good for Government is also not wholesome for the rest of the society.

As far as Government's institutions are concerned it could be loss of revenue to some extent but, Mr. President, if we are doing something which is good and something which is beneficial to the society, especially removing from the society habits which are very dangerous to individuals and to homes, then the little revenue should be the least consideration in the recommendations which are being made.

Government's radio station does make some money from this form of advertising but, Mr. President, if the radio station is not allowed to take on advertising of cigarettes or liquor I do not think that that is going to hurt it, because I think at the present time the station has a lot of advertising.

HON. VASSEL G. JOHNSON (CONTINUING): The fact is that they are making fairly good revenue from this source to the extent that the institution has now become a self financing one. So, if they have to forgo this form of advertising, I am sure that it can be replaced with other things.

Mr. President, liquor has been very destructive to the individuals, and in turn to many homes. Cigarettes have been destructive to the individuals and have brought a lot of heartache to the homes. I am sure that what is being proposed in this motion, and I want to congratulate the mover, is in my opinion a move in the right direction.

I therefore support the motion, Mr.

President.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. I would like to thank those Members who gave their support, and in doing so brought to the forefront many of the reasons why this motion should get the support of the whole House.

I am glad that it is going to Committee Stage because, Mr. President, I can assure you that any area in which pressure can be brought to bear to curtail advertising of liquor and cigarettes, I will do my utmost to see that this is done. I had one parent tell me that she had a child who said that what she remembers most from Radio Cayman is the song about the Bacardi rum. I have had other parents complain to me and say, "You know, that is one of the things which should not be on radio". One of Radio Cayman's disc jockeys has a quip where he says, "If it feels good, do it". Well, I do not necessarily subscribe to that because many things which feel good, for instance where one takes a drink to feel good, it is the after effects which matter.

I realise that this will be a loss of revenue to Government, but from what I can grasp from Radio Cayman, they have so many advertisements to put on there that many times they do not have too much programming after all.

As far as the newspapers are concerned I really honestly cannot see how they should be exempted from this, because there is not that much competition. So all advertising by newspaper is done by one or two on the Islands, possibly three. I feel sure that the Lions Club hopefully, and other organisations which want to see these drugs stamped out on the Islands, would be able to lend their support and perhaps take up some of the slack in Radio Cayman and the newspapers as far as advertising is concerned.

We want to ensure, Mr. President, that we do our best to bring about in these Islands what is good for our people. This is not really something new. This is being done in many countries. For instance in the United States in the state of Virginia, right now there is amongst, let us see, I think it is the police and fire service and another service in that state, a ruling that to get a job there one has to sign a paper to the effect in those Departments. They do not hire anyone unless they can sign their application form to the effect that they know if they smoke they lose their jobs. This is simply because they have found out that it is costing them so much in health care, etcetera, etcetera.

Mr. President, it is my desire to do my best for this country. As far as private enterprise is concerned or any other body, I will do nothing to interfere. However, where I see that it hurts our people, especially children and young people, I campaigned on that issue, and regardless of who else votes for this motion I would like to say that it is my intention to seek to stop in every way possible any advertising of liquor or cigarettes locally.

MRS. DAPHNE L. ORRETT (CONTINUING): Thank you, Mr. President, and I thank every Member of this House for their support. I hope that those who did not might have seen otherwise within the last few minutes.

Thank you.

MR. PRESIDENT: The motion before the House is Private Member's Motion No. 11/85 as amended with my permission by the mover at the time she moved it.

Before I ask Members to vote on it there is one point which perhaps I should have thought earlier to make clear. That is that the motion as now amended reads:-

"BE IT RESOLVED that this Honourable House take immediate steps to appoint a Select Committee",

and so on. Standing Order 69(1) says that the House may appoint any of its Members to be Members of a Select Committee, and so on. However, neither in this motion on which we are being asked to vote, nor in that Standing Order does it say how the House shall go about the task of choosing who it is appointing. My impression during the debate on this motion was that a majority of the speakers were assuming that if a Select Committee were appointed in the terms of the motion, it would be a Select Committee of the whole House, of all Members. I was going to invite the House to vote on the motion on the assumption that it is intended to be a Select Committee of the whole House, if that is agreeable to the mover of the motion.

MRS. DAPHNE L. ORRETT: Yes.

MR. PRESIDENT: I think let us do it in that way then. In that case I will put the question.

QUESTION PUT: AYES AND NOES:

MR. W. McKEEVA BUSH: May I have a division, Sir?

MR. PRESIDENT: Yes.

DIVISION
NO. 29

AYES

NOES

- Hon. Dennis H. Foster
- Hon. Michael J. Bradley
- Hon. Thomas C. Jefferson
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. D. Ezzard Miller

Mr. W. McKeeva Bush

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MR. PRESIDENT: I declare the motion carried.

PRIVATE MEMBER'S MOTION NO. 11/85 PASSED BY MAJORITY.

MR. PRESIDENT: One final point. Standing Order 69(2) provides that I may nominate a Chairman of the Select Committee. If I do not make a nomination the Committee shall elect one of its own Members.

Since, like I think most Members of the House, I was slightly taken by surprise to find that this motion was going to call for the appointment of a Select Committee, I have not had an opportunity to give thought to the question of who might best Chair it. I do not therefore propose to nominate a Chairman. However, what perhaps by leave of the House I may do, is to invite the Honourable First Elected Member of Executive Council to be responsible for summoning the first Meeting of the Select Committee at which a Chairman can be appointed by the Select Committee. This does not make him Chairman, but it does mean that the thing gets off the ground. Otherwise the danger with no Chairman is of nothing ever happening.

HON. MICHAEL J. BRADLEY: Mr. President, Standing Order 70(7) says that if you have not appointed a Chairman, "the Member with the longest, continuous membership of the House, shall appoint".

MR. PRESIDENT: Oh, well that too may make difficulties. Sorry, which Standing Order? Standing Order 70....?

HON. MICHAEL J. BRADLEY: Standing Order 70(7):-

"The first sitting of a select committee shall be held at such time and place as the chairman or, if the Presiding Officer has not appointed a chairman, the Member with the longest, continuous membership of the House, shall appoint."

MR. PRESIDENT: One difficulty there is the Member with the longest continuous membership of the House is I think now regarded as being the First Elected Member for Bodden Town. In view of his present illness it will probably make for great difficulty.

HON. MICHAEL J. BRADLEY: Why do you not appoint Mr. Pierson?

HON. DENNIS H. FOSTER: I second that. He is a good leader, Sir.

MR. LINFORD A. PIERSON: No, I think that the Honourable First Elected Member of Executive Council would be the proper person.

MR. PRESIDENT: If the Honourable First Elected Member of Executive Council was anxious to Chair the Select Committee, I would be quite happy to appoint him. If he is....

HON. BENSON O. EBANKS: I am not anxious, Mr. President.

MR. PRESIDENT: Willing? (LAUGHTER).

HON. BENSON O. EBANKS: I am not anxious, but if it is felt that I should do it, then I will be happy to do it.

MR. PRESIDENT: Well, I think perhaps in that case it will.... I thought I had found a neat solution until the Honourable Second Official Member tripped me up.

MR. W. McKEEVA BUSH: One more question, Mr. President.
Under Standing Order 70(8)...

MR. PRESIDENT: Standing Order 76, or 70(8)?

MR. W. McKEEVA BUSH: Standing Order 70, subsection (6),
I guess.

MR. PRESIDENT: Yes?

MR. W. McKEEVA BUSH: Am I to understand that the Select
Committee; it says:-

"shall be confined to the matters referred to it by the
House, and to any extension or limitation thereof made by
the House".

Am I to understand that the motion as it is passed, the Committee
can only work according to the wording of the motion?

MR. PRESIDENT: That would be my interpretation of
the Standing Order. You will have to ask the Chairman of the
Committee to rule exactly what the Committee can do. However, that
seems....

MR. W. McKEEVA BUSH: But this seems to be the place when
you are appointing the Committee.

MR. PRESIDENT: Well, the Standing Order is there is
it not?

MR. W. McKEEVA BUSH: But the House. I do not know whether
the Standing Order would have any power in a Committee.

MR. PRESIDENT: If you are asking me whether the
Standing Order applies, then the answer quite clearly is yes, the
Standing Order does apply and the deliberations of the Select
Committee are limited to the matters referred to.

MR. W. McKEEVA BUSH: To the motion? To the motion?

HON. MICHAEL J. BRADLEY: No, Mr. President....

MR. W. McKEEVA BUSH: Am I clear in understanding it is the
motion, Sir?

HON. MICHAEL J. BRADLEY: No, Mr. President, Sir, it is at this
moment in time the motion because as it stands, the motion having been
passed is the only matter referred to by the House. However, I think
it is the feeling at least of certain Members that now that the Select
Committee has been appointed, that the House may think it fit and proper
to widen its terms of reference which it can do.

MR. PRESIDENT: Oh yes, but until the House had widened
the terms of reference, the Select Committee cannot unilaterally widen
its own terms of reference. I think that that perhaps answers the
point which the Second Elected Member for West Bay was seeking to make,
and he is quite right.

MR. W. McKEEVA BUSH: Yes, that is what I was trying to find out. Whether actually they can....

MR. PRESIDENT: The House has charged a Select Committee with a certain task. The Select Committee cannot shoot off and undertake a quite separate or additional task of its own motion.

MR. W. McKEEVA BUSH: Thank you very much, Sir. I was just wondering whether we were going to try to curtail the freedom of the press here by saying that they cannot advertise.

MR. PRESIDENT: I think that if you labour the point you may find that the House is invited to do exactly that tomorrow. The adjournment.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10 o'clock tomorrow morning, Sir.

MR. PRESIDENT: The question is that this House do now adjourn until 10 o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4.59 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., FRIDAY, 24TH MAY, 1985.

SECOND MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

FRIDAY
24TH MAY, 1985

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H. FOSTER, CVO, CBE, JP. FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LLB SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MRS DAPHNE L ORRETT THIRD ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

APOLOGIES

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

ORDER PAPER

FRIDAY

24TH MAY, 1985

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THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

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NO. 70: WOULD THE MEMBER STATE THE COST PER SQUARE FOOT FOR RENTING SPACE AT THE AIRPORT AND THE NUMBER OF BUSINESSES WHICH HAVE RECENTLY DISCONTINUED OPERATIONS IN THE NEW TERMINAL PREMISES?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 71: WOULD THE MEMBER STATE HOW LONG AN INDIVIDUAL GRANTED PERMISSION TO REMAIN PERMANENTLY IN THE ISLANDS MUST SPEND IN THEM EACH YEAR IN ORDER NOT TO LOSE THAT PERMISSION AND WHETHER ANY SUCH PERIOD HAS TO BE CONTINUOUS?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

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- (2) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
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FRIDAY

24TH MAY, 1985

10:00 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed. Questions.

The Second Elected Member for George Town. Question number 69.

QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 69: Would the Member state the amount which has been collected from the newly instituted airport parking fees?

ANSWER: Up to 14th May, 1985, the sum of \$12,928.00 had been collected from car parking fees at the new terminal building.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: A supplementary, Mr. President, Would the Honourable Member state how this amount compares with the budgeted revenue for that particular period?

MR. PRESIDENT: I really think that that ought to be something the Member himself could find out by looking at the Estimates, and you are not allowed to ask questions (let me get this right) to which the answers are available in published material. If it is not in the Estimates, then you are entitled to ask it. If it is in the Estimates, then you are expected to look the answer up yourself.

HON. W. NORMAN BODDEN: Mr. President, I can say that it compares favourably with the amount that has been estimated to be derived from this area of revenue.

MR. LINFORD A. PIERSON: Mr. President, if I may, Sir. The purpose of this question is to solicit certain information from the Honourable Member, and that is the relevance of asking the supplementary. I can appreciate what you have said, Sir, but I do not think it is very helpful if I am to go and search for a budget to try and find this information. The supplementary follows on the primary question.

MR. PRESIDENT: What Standing Order 22 - I have been trying to find the Standing Order; I was relying on memory - (1)(f) (x) says is that a question shall not be asked, the answer to which can be found by reference to available official publications. And the point I was seeking to make was that if the printed Estimates give the information for which your supplementary asked, then the supplementary was itself out of order. If they are not (the printed Estimates) broken down in such a way as to give that information, then you are certainly entitled to ask the question.

MR. PRESIDENT (CONTINUING): I truthfully do not know whether the printed Estimates are broken down in that way, but perhaps I could help both you and the Honourable Second Elected Member of Executive Council, by asking whether the Honourable Second Elected Member of Executive Council would provide you in writing with the information your supplementary sought, if that information is not already available in the printed Estimates.

HON. W. NORMAN BODDEN: I can provide that information to the Member, Sir, if that satisfies him.

MR. PRESIDENT: Would that be satisfactory?

MRS. DAPHNE L. ORRETT: A supplementary, Mr. President. Would the Honourable Member be able to say here whether airport parking fees are payable by employees at the airport as well as others who go there occasionally?

MR. PRESIDENT: I think that is a fair supplementary.

HON. W. NORMAN BODDEN: Mr. President, I presume that the Member is referring to employees who work at the terminal building, and if it is so, fees are payable by those employees. However, the Cayman Islands Corporation has set a special rate, which, if my memory serves me correctly, is \$5 per month for employees who work at the terminal building.

MR. PRESIDENT: If there is no further supplementary, question number 70.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 70: Would the Member state the cost per square foot for renting space at the airport and the number of businesses which have recently discontinued operations in the new terminal premises?

ANSWER: The cost for renting shop space at the new terminal building is as follows -

1. First Floor

- (a) Departure Lounge - \$25 per sq. ft. per annum
- (b) Main Concourse - \$25 per sq. ft. per annum

2. Second Floor

- (a) Frontal Shops - \$22 per sq. ft. per annum
- (b) Other Shops - \$20 per sq. ft. per annum

One business has discontinued operations in the new terminal building.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if he is aware that this rate of rental at the airport is much higher than many of the prime office and shop areas in downtown George Town?

HON. W. NORMAN BODDEN: Mr. President, no I am not aware that this is much higher because I think the average square foot rental for shops in main areas in downtown George Town would average between \$20 and \$25 per square foot. However, I would point out to the Member that these rates were set prior to 14th November, 1984.

MR. G. HAIG BODDEN: Mr. President, is the Honourable Member telling the House that they have blindly put in rates that were estimated even before the terminal was complete?

HON. W. NORMAN BODDEN: Mr. President, no I am not telling the House that we blindly took any decisions, because, as the Member will recall, supposedly the terminal was completed and opened before 14th November. The rates which we have applied were carefully examined by the Cayman Islands Corporation and considered to be fair and reasonable.

MR. G. HAIG BODDEN: Mr. President, I wonder if the Honourable Member could tell us when he had the operational opening of the terminal.

HON. W. NORMAN BODDEN: It is not in relation to the original question, but it was on 28th January, 1985. The reason I made that point was because the Member asking the question in previous meetings had indicated that it was opened prior to that in November some time.

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if he is talking about the first baptism or the second baptism of the building? (Laughter)

MR. PRESIDENT: I am not really sure that you can ask that. No, we will have the Elected Member for North Side. (Laughter)

MR. D. EZZARD MILLER: Could the Honourable Member state whether the space vacated by the one business which has closed, has been filled?

HON. W. NORMAN BODDEN: Mr. President, I am not certain whether it has been filled or not.

MR. LINFORD A. PIERSON: Mr. President, a supplementary. Would the Honourable Member state if any of the tenants in the terminal have complained to him or his Portfolio of hardships as a result of the high rental costs?

HON. W. NORMAN BODDEN: I cannot say, Mr. President, that any formal complaints were made to the Director of Civil Aviation. I have not received any myself. I do know that there have been decisions taken, by some of the shop owners, to relocate to different positions within the terminal in order, probably, to give them better business opportunities. However, no formal complaints have been received by me.

MR. PRESIDENT: The Elected Member for North Side I saw first.

MR. D. EZZARD MILLER: Could the Honourable Member state if there is a waiting list of businesses to go into the terminal? Are there a number of applications on record?

HON. W. NORMAN BODDEN: Yes, Mr. President, we have several companies which are still interested in renting at the terminal, and there is a list.

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Would the Honourable Member give his undertaking to examine the situation, and if it is found necessary, also, to consider abolishing the airport parking fees and reducing the rentals.

MR. PRESIDENT: I do not think the part about airport parking fees can be a supplementary question to this, but the reduction in the rentals can.

HON. W. NORMAN BODDEN: Mr. President, we can look at it from every angle, but the fact remains that we have a very nice terminal. We brag about this and it has to be paid for. This is a matter for the Corporation to deal with. I can say to the Member that we will look at it again, but I could not make any commitment here that we would be willing to reduce the rates as they are at the present time, because as I have said before, we have a very expensive terminal to operate and it has to be paid for. I am certain that the original calculation must have been made on estimated costs.

MR. PRESIDENT: Question number 71.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS:

NO. 71: Would the Member state how long an individual granted permission to remain permanently in the Islands must spend in them each year in order not to lose that permission and whether any such period has to be continuous?

ANSWER: The provisions of the Caymanian Protection Law, 1984, relating to loss of permanent residence by virtue of absence from the territory, is contained in section 44 of that Law at paragraph (a).

Mr. President, I realise that Members may not have that Law in front of them so for their benefit I will just read it -

"44. The Board shall declare that any person who has been granted permission to remain permanently in the Islands has ceased to enjoy such permission in any of the following circumstances, that is to say -

(a) he has been ordinarily resident outside the Islands continuously for a period of one year;"

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Mr. President, a supplementary. Would the Honourable Member state the minimum period required to be spent in the Islands in order not to lose this residence?

HON. DENNIS H. FOSTER: Mr. President, the Law says if a person stays out of the Islands continuously for a period of one year, it shall be lost. It does not say the minimum time. So I can only suppose if a person was here for one week out of each year, he would not lose it.

MR. LINFORD A. PIERSON: Am I to understand, Mr. President, that if someone receiving permanent residence under section 42 and 43 of the Caymanian Protection Law, was out of the Islands for 364 days a year that he would still be considered to have permanent residence?

HON. DENNIS H. FOSTER: It would seem that way to me, Mr. President. It says if he is continuously outside of the Islands for a period of one year. If he is in the Islands for a few days a year, he will not lose it.

MR. LINFORD A. PIERSON: Mr. President, my questioning is really to get information which I consider useful, because I have been asked this question before. Am I to understand that an individual receiving permanent residence need only spend one day in the Islands per year?

MR. PRESIDENT: That question has been answered already; has it not?

MR. LINFORD A. PIERSON: Mr. President, I am seeking a specific answer.

MR. PRESIDENT: If there is no

HON. DENNIS H. FOSTER: Mr. President, it seems to be a matter of legal interpretation. My thoughts on it are this. If I am ordinarily resident here and choose to go away for two or three weeks a year, that is fine. However, if I am resident somewhere else and only choose to come here for a day or two, I think it could be well considered that I am not ordinarily resident here.

MR. PRESIDENT: I do not think the questioner is going to be able to obtain free legal advice (laughter) or interpretations of the Law from the Government bench. It is for the courts to interpret the Law ultimately.

MR. LINFORD A. PIERSON: Mr. President,

MR. PRESIDENT: If you know clients or others seek advice on complex legal points of this kind, I think they should be referred to their own lawyers.

MR. LINFORD A. PIERSON: Mr. President, I am not seeking advice for my clients. I usually go to my lawyers for that. The purpose in asking questions in this House is to get factual answers. If we cannot get it in this House, where are we going to get it? And this is why we have an Honourable Second Official Member who is well versed in the law.

MR. PRESIDENT: Yes, I do not think though that it is his function to give legal opinions, and indeed Standing Order 22(1) (g) says questions shall not solicit expressions of opinion or the solution of an abstract legal question. Well, I am not certain quite what an abstract legal question is, but I do not really think that interpretations of the law, which is really what you are seeking, can properly be sought.

MR. LINFORD A. PIERSON: One last supplementary question, Mr. President, how then can the Caymanian Protection Board grant permanent residence to an individual if it has no idea of what period it is granting?

MR. PRESIDENT: I am not quite sure to whom you are addressing that to. Are you addressing it to the Honourable First Official Member?

MR. LINFORD A. PIERSON: To the Honourable First Official Member. That is to whom my substantive question was asked.

HON. DENNIS H. FOSTER: Mr. President, the Board is not going to grant permanent residence to a person who has not fulfilled the qualifications of the Law. The qualifications are set out in the Law that, I think, one must be resident here for six months first and then after you may apply, and so on and so forth. The qualifications are set out here and I do not think it is going to be granted unless a person qualifies under the Law.

MR. LINFORD A. PIERSON: Mr. President, in view of the answers I have received, I wonder if the Honourable Member would give his undertaking to check this section of the Law as there obviously appears to be a loophole there?

HON. DENNIS H. FOSTER: I cannot give that undertaking, Sir. The Law is there and I do not see any loophole in it.

MR. LINFORD A. PIERSON: Mr. President, without wanting to continue this useless exercise, I wonder if the Honourable Member would then state why he could not tell me the specific period that an individual would have to spend in these Islands other than guessing that it may be two or three weeks at a time, when in fact the Law states that to lose it one would have to be away for one year, but it does not give any period in which one has to spend in the Islands. It could be one, two or three days.

HON. DENNIS H. FOSTER: Mr. President, the answer is in the Law, Sir. If the Member asking the question wants a better interpretation than I can give, then he can get it somewhere else.

MR. PRESIDENT: Question number 72. The Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 72: Will the Member give this Honourable House a breakdown of tourist arrivals to these Islands for the period 1st December, 1984, to 31st March, 1985.

ANSWER: The breakdown of tourist arrivals to these Islands for the period 1st December, 1984, to 31st March, 1985 is -

	<u>AIR</u>	<u>CRUISE</u>	<u>TOTAL</u>
Dec 84	14,402	21,837	36,239
Jan 85	10,788	27,206	37,994
Feb 85	14,342	23,840	38,182
Mar 85	17,070	25,674	42,744
<u>TOTALS:</u>	<u>56,602</u>	<u>98,557</u>	<u>155,159</u>

SUPPLEMENTARY:

MR. JOHN B. McLEAN: Mr. President, a supplementary. I wonder if the Member could say how do these figures compare with the same period for last year?

HON. W. NORMAN BODDEN: Mr. President, for the four month period December, 1984 to March, 1985 compared with December, 1983 to March, 1984, arrivals by air are up 7.3 per cent. Cruise ship arrivals are up by 29.8 per cent for a total of 20.6 per cent.

MR. PRESIDENT: Question No. 73?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

(ANSWERED BY THE HONOURABLE THIRD OFFICIAL MEMBER)

NO. 73: Will the Member state whether there has been a decline in freight brought in by Cayman Airways as a result of the recent tax increase?

ANSWER: Freight being imported by Cayman Airways has declined, but it cannot necessarily be said that it is a result of the recent tax increase because the following data of freight does not support such an inference.

	<u>1984 (lbs)</u>	<u>US\$ Value</u>
January	435,340	136,839
February	541,620	166,851
March	529,990	167,094
April	468,574	153,251
	<u>1,975,524</u>	<u>624,035</u>
	<u>1985 (lbs)</u>	<u>US\$ Value</u>
January	433,988	157,860
February	361,861	131,650
March	401,983	145,510
April	302,903	118,306
	<u>1,500,735</u>	<u>553,326</u>

We have carried out a small exercise after the Customs (Amendment) Law was passed, comparing the cost of importing general cargo by air and sea (including Port Authority charges).

This exercise (see attached appendix for information) indicates the difference was negligible based on the nature of the goods imported.

APPENDIX

COMPARISONS OF AIR AND SEA FREIGHT CARGO COST

I.E. 1406 - AIRPORT

29.3.85 - WAREHOUSE

AIR
(REPUBLIC)

3 ctns. Auto parts	Cost	1,353.95
300 lbs @ .38¢ per lb (16 cu.ft.)	Freight	76.44
	Insurance	13.54

US\$1,443.93
CI\$1,212.90

Duty	242.58
Package Tax	1.50
Warehouse Fee	<u>.30</u>
	CI\$244.38

SEA
(THOMPSON SHIPPING)

3 ctns. Auto parts	Cost	1,353.95
Wgt. 200 lbs	Freight	54.75
Vol. 16 cu.ft.	Insurance	13.54

US\$1,422.24
CI\$1,194.68

Duty	238.94
Port Charges	<u>9.48</u>
	CI\$248.42

Port charges CI\$8.50 per 40 cu.ft. + \$2 minimum heavy lift.

AIR
(CAYMAN AIRWAYS LIMITED)

I.E. 1402

29.3.85

2 pieces bldg material	Cost	977.85
Act. wgt. 977 lbs	Insurance	9.78
Chg. Wgt. 1,801 lbs @ .32¢ per lb	Freight	576.32
173 cu.ft.		

US\$1,563.95
CI\$1,313.72

Duty	262.75
Package Tax	5.00
Warehouse Fee	<u>1.00</u>
	CI\$268.75

SEA
(THOMPSON SHIPPING)

2 pieces bldg material	Cost	977.85
Wgt. 977 lbs	Insurance	14.40
173 cu.ft.	Freight hd. wfg.	<u>307.32</u>

US\$1,299.57
CI\$1,091.64

Duty	218.33
Port Charges	<u>38.81</u>
	CI\$257.14

AIR
(CAYMAN AIRWAYS LIMITED)

I.E. 1399

29.3.85

1 roll carpet	Cost	1,619.86	Duty	322.08
	Insurance	16.20	Package Tax	4.00
Fr. 720 lbs. @	Freight	273.60	(50¢ per hd 16)	
.38¢ per lb.			Warehouse Fee	.80
(60 cu. ft.)	Doc.	7.50		
				CI\$326.08
		US\$1,917.16		
		CI\$1,610.41		

SEA
(THOMPSON SHIPPING)

Carpet: 40 cu. ft.
= \$54. Min. wgt. up
to 925 lbs

1 roll carpet	Cost	1,619.86	Duty	292.80
720 lbs			Port Charges	14.75
60 cu. ft. (@	Freight hrd.	106.80		CI\$307.55
\$1.78 cu. ft.)	Insurance	16.20		
		US\$1,742.86		
		CI\$1,464.00		

AIR
(CAYMAN AIRWAYS)

9 pieces furniture	Cost	3,952.00	Duty	761.40
Net.wgt. 600 lbs	Freight	533.12	Package Tax	4.50
@ .32¢ per lb	Doc.	7.50	Warehouse Fee	4.50
(160 cu. ft.) 8 x 5'	Insurance	39.52		CI\$770.40
x 4'		US\$4,532.14		
		CI\$3,807.00		

SEA
(THOMPSON SHIPPING)

9 pieces furniture	Cost	3,952.00	Duty	718.42
(600 lbs) 160 cu. ft.	Freight	284.80	Port Charges	36.00
(@ 1.78 cu. ft.)	Insurance	39.52		CI\$754.42
		US\$4,276.32		
		CI\$3,592.11		

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Mr. President, I have a question to you, Sir, for clarification. Could you advise whether this question would fall under the definition of Section 22.(1)(f) of the Standing Orders?

MR. PRESIDENT: In considering the question I took it that it was seeking information. It was not really raising an issue already decided. In other words, the issue which had been decided was that there should be a change in certain charges. If somebody had asked a question saying was it right that there should be a change then I think Standing Order 22.(1)(f)(i) would have had to render that question inadmissible. However if somebody asked what was the effect of the change I think that would be perfectly proper. Do you follow the distinction? It seems quite proper to seek information about the effect of the change which has been approved by the House. I can quite understand that some Members may argue as a result of the information which they thus get that the change should not have been made. However, a supplementary is designed to say that that may not be in order.

MR. JOHN B. McLEAN: Mr. President, a supplementary. As a result of the answer given would the Member say whether it is correct that Cayman Airways Limited appealed to Government some time ago to reconsider the amended Law due to the fact that it did show a decline in the freight rate?

HON. THOMAS C. JEFFERSON: Mr. President, no formal request has been made to me, Sir.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Could the Member state if Cayman Airways increased their freight rates in December, 1984 or not?

HON. THOMAS C. JEFFERSON: The freight rates for Cayman Airways were increased on the 16th December, 1984.

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Could the Member say whether he has any information as to why this was seen to be necessary?

MR. PRESIDENT: As to why?

MR. LINFORD A. PIERSON: As to why it was seen to be necessary to increase the freight rates in December, 1984.

MR. PRESIDENT: I will let the Member answer but I think that that is getting a bit remote from the original question.

HON. THOMAS C. JEFFERSON: Mr. President, I really do not have any first hand information but I would assume that when the Board was dealing with the matter of increasing the rates or leaving them as they were, it was an attempt by the Board to run a commercial airline, and at the time it was a means of attracting more revenue.

MR. G. HAIG BODDEN: Mr. President, it seems from a rough look at the answer that the decrease in freight arriving over that period is something in the vicinity of close to half a million pounds. I am wondering if the Member can say if the rate increase would compensate for the reduction in volume?

MR. PRESIDENT: I think that we are really getting to....

HON. THOMAS C. JEFFERSON: I would just like to answer him, Sir. The Member is basing it on the weight. If he looks at the United States Dollars received, the difference is \$70,709.00. Granted that Cayman Airways cannot afford to lose any money at all or to make any differences of this type. However, when we take into consideration the cargo we must look at the expenditure as well, not just the revenue side, Mr. President. We have a warehouse which we have to pay rent on. We have to pay for the loading of the cargo. We have to pay for staff on the Miami side as well as other charges such as landing fees, etcetera.

MR. LINFORD A. PIERSON: Mr. President, in view of the approximately 20 per cent reduction in the value of cargo between January and April, 1984 as compared to January and April, 1985 would the Member state whether he has any information as to whether or not the supermarkets in the Islands have taken away their business as a result of the tax increase?

HON. THOMAS C. JEFFERSON: Mr. President, no formal information has been sent to me of that type.

MR. PRESIDENT: Question No. 74.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 74: Will the Member state what the estimated number of tourist arrivals for the year 1985 is?

ANSWER: The visitor arrival forecast for 1985 by the Department of Tourism is as follows -

Air arrivals 167,582 or 12.8 per cent over 1984

Cruise arrivals 218,847 or 7.5 per cent over 1984

SUPPLEMENTARY:

MR. PRESIDENT: Unless any Member wishes to ask a supplementary. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Yes, Mr. President. The answer shows that the forecast is for a 12.8 per cent increase for air arrivals. Can the Member say whether this is being met?

HON. W. NORMAN BODDEN: Mr. President, I am told by the experts that this forecast of the increase is reasonable. I would say that the progress which we have made so far this year seems favourable. The reply which I gave previously to the Honourable Elected Member for East End included December, 1984. However, the estimates are calculated on a calendar year basis. If we take January, February and March, 1984 and compare them with January, February and March for 1985 it can be established that so far for the first three months of 1985 we have at least 2,000 tourist arrivals by air over the same three month period for 1984. So that I would say that we are making fairly good progress and it is anticipated that we will be on target.

MR. PRESIDENT: If there is no further supplementary, question number 75. The Elected Member for North Side.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 75: Would the Member state why Government is advertising in the local media for Senior Customs Officers?

ANSWER: Government is advertising for Senior Customs Officers because there are a number of vacancies at that level.

Three of these vacancies are the result of an increase in the establishment, approved by the Legislative Assembly in the 1985 estimates. One Senior Customs Officer was recently promoted to Assistant Collector, thereby creating another vacancy.

Incumbent Officers in the Department will be considered for promotion and serving Officers in other Government Departments are free to apply for the advertised posts. If applications are received from non-serving Caymanians with better qualifications and experience than serving Officers, it is possible for a vacancy to be filled that way rather than by promotion. In considering the claims of persons in the service for promotion, merit and ability are taken into account as well as seniority, experience and qualifications.

Interviews will be held shortly and new appointments will be made if all the vacancies cannot be filled by promotions or transfers.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask since this application is for Senior Customs Officers does the Government really expect to find qualified people here other than perhaps Customs Officers who have retired?

HON. DENNIS H. FOSTER: Mr. President, it is quite possible that persons in another Department such as Immigration or even Police might apply for these jobs. It makes it sound as if it were a senior position in Customs but the structure of that Department is Customs Officers and then Senior Customs Officers. It is not really right up to the top. I think that we will probably get a lot of applications from other Departments.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Could the Member state whether or not it would have been a better procedure to have considered all of the Junior Customs Officers before advertising for Senior Customs Officers?

HON. DENNIS H. FOSTER: Mr. President, this is going to be done, Sir.

MR. D. EZZARD MILLER: Mr. President, if that is going to be done then why is it necessary to advertise for Senior Customs Officers? Why did the advertisement not simply read Junior Customs Officers to fill the posts of Junior Officers who were promoted?

HON. DENNIS H. FOSTER: Mr. President, there are a number of these posts, Sir, and I think that the Public Service Commission on some occasions insist that it be advertised locally to give other Civil Servants in other Departments an opportunity to apply.

MR. PRESIDENT: I think that it should be made clear to the House that statutorily decisions whether to advertise or not are taken by the Public Service Commission and that no Member of Government, including the Honourable First Official Member, is responsible for them.

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Could the Member say whether he believes that he will be able to find these officers locally?

HON. DENNIS H. FOSTER: Most certainly so, Mr. President.

MR. PRESIDENT: If there is no further supplementary, question number 76.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 76: Would the Member state what was the total cost of the teacher recruiting trip to London and what were the responsibilities and duties of each member of the team?

ANSWER: The total cost of the teacher recruiting trip to London was CI\$7,295.00. The team had joint responsibilities, namely to select the most suitable applicant for each advertised post.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: A supplementary, Mr. President. Could the Member state if the Principal of the school was a member of this team?

MR. PRESIDENT: Could you say the Principal of what school?

MR. D. EZZARD MILLER: Of the High School.

HON. DENNIS H. FOSTER: Mr. President, the Public Service Commission has authorised a selection panel composed of the Principal Secretary of Personnel, the Principal Secretary of the Portfolio and the Head of the Department to interview candidates for those positions. Sir.

MR. D. EZZARD MILLER: A supplementary, Mr. President. In view of the cost of CI\$7,295.00 can the Member state whether the quality of teachers has improved?

HON. DENNIS H. FOSTER: Well, Mr. President, these teachers have not come yet, but judging by the recruitment which was done last year, we certainly seem to have got a good selection then.

Mr. President, just for the asker's benefit, since he is not giving me his supplementary I am going to volunteer it, Sir. Last year we saved \$74,327 by the same type of recruitment. I am sure that this year it will be probably around \$57,000 saving, Sir.

MR. PRESIDENT: The Elected Member for North Side was first.

MR. D. EZZARD MILLER: Would the Member care to give a breakdown as to how that money was saved? Is the Member saying that we are sending a team to London rather than letting people come out here and thereby saving money?

HON. DENNIS H. FOSTER: No, Mr. President, because in the past we used to recruit through the Crown Agents and we have to pay them about 19 per cent of the annual salary for recruitment. It would never be possible to bring all of the applicants whom we interviewed there, who numbered 72 to the Cayman Islands to interview them. It is much cheaper to send three people, the Head of the Department being a qualified teacher herself. The saving really comes through the commission paid to the Crown Agents in the past.

MR. PRESIDENT: Earlier the Second Elected Member for West Bay caught my eye, if he still wants to ask a question.

MR. W. McKEEVA BUSH: Yes, Mr. President, I did rise before the Member but he got the answer on what I was going to ask.

MR. PRESIDENT: Well, then the Elected Member for North Side again.

MR. D. EZZARD MILLER: I know that we should not make statements, Sir, but since everybody has had their turn at it I think that I will try mine. I was not suggesting that we bring them out here, Sir. I think that if we are offering the kind of jobs which we offer locally, they should be made to fly out here at their own expense.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the recruitment for the last two years is co-ordinated through Mr. Russell's office in London.

HON. DENNIS H. FOSTER: The answer is yes, Sir. He and his small staff have done a very good job in helping out the Department recruiting.

MR. D. EZZARD MILLER: Could the Member state whether his office is doing it free of charge, without commission?

HON. DENNIS H. FOSTER: Most definitely so, Sir. They are salaried people of this Government.

MR. D. EZZARD MILLER: Could the Member say what their salaries are?

MR. PRESIDENT: Is that information in the estimates?

HON. DENNIS H. FOSTER: I would think so, Sir, but I cannot remember them offhand.

MR. W. McKEEVA BUSH: They are not in the estimates.

HON. THOMAS C. JEFFERSON: They are in the estimates but they are under Other Charges. They are not specifically broken down.

MR. PRESIDENT: Well, I think that if the Member would like that information I dare say that the Honourable First Official Member will provide it to him. It is not really a supplementary from the original question here.

I am not sure whether the Second Elected Member for West Bay was still trying to catch my eye, or whether he was looking away after all. Perhaps he was not trying to catch my eye. If there is no further supplementary, question... Are you trying to catch my eye or not? No. Question number 77.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 77: Would the Member state why it is necessary for Members of the Legislative Assembly to have a request from in-mates to visit the prison, and does the same apply to members of the clergy?

ANSWER: Prisoners are allowed only two visitors each week and they are given the opportunity of choosing their visitors. The procedure is considered necessary to ensure that a prisoner is not denied a visit from someone he genuinely wishes to see, simply because someone else wished to see him and was allowed to do so. The procedure applies to all visitors whether they be family members or Members of the Legislative Assembly.

Weekly church services are held on a rotation basis, however, if an in-mate requests a pastoral visit, this would be allowed and it would be outside the quota of the two visits.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: A supplementary, Mr. President, is it possible to have the Members of the Legislative Assembly's visits re-classified similar to the clergy so that they will be outside the quota?

HON. DENNIS H. FOSTER: Mr. President, I would not say that it is impossible, Sir. However, I would just like to read from the Prison Guide used in the United Kingdom. It says:-

"An M.P. including a Member of the House of Lords can visit you if you want to see him. You mention this in a letter to him. This will not use up any of your visiting orders."

He gets a special visiting order.

"You may also be visited by a member of...."

So in short, Mr. President, if a Member of the Legislative Assembly is requested by the prisoner to visit him, I would say that there would be no problem in letting that be outside the two visits. If the Member made a request to see the prisoner I think that we should have to ask the prisoner if he wanted to see him or not. If he wanted to see him, permission would be granted, Sir.

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Will the Member give the undertaking that requests from inmates at Northward Prison for Members of the Legislature to visit them will be given prompt attention?

HON. DENNIS H. FOSTER: Yes, Sir, I will give that undertaking. The Prison Director is right behind me so he got the message as well.

MR. PRESIDENT: If there is no further supplementary we can move on to the next item on the Order Paper, Item 2, Statements. The Honourable First Elected Member of Executive Council.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

HON. BENSON O. EBANKS: Mr. President, yesterday the Government Bench voted against Private Member's Motion No. 9/85, which if accepted as written would have required *inter alia* that doctors at the hospital be rotated in such a way as to provide at least one doctor on the compound of the hospital at all times. Although in speaking on that motion I made it clear that it was Government's intention to provide 24 hours per day coverage by a doctor on the hospital compound, perhaps that undertaking may have been lost in the debate which followed.

Since this matter is of such public importance I would not like any misunderstanding to arise concerning it. I therefore wish to make it abundantly clear that it is Government's intention to have a doctor on duty at the hospital compound 24 hours per day at the very earliest opportunity. What could not be accepted in the motion yesterday was that it pre-determined without any in-depth study that the desired objective could be achieved simply by the doctors at the hospital being rotated in a manner differently from what is being done at present.

MR. PRESIDENT: Item 3(1) Committee Stage various....

MR. D. EZZARD: May we have a chance to look at the answer in case I might want to ask the Member a question under Standing Order 30(2)?

STANDING ORDER 30(2)

MR. PRESIDENT: Yes, certainly.
For the information of Members, Standing Order 30(2) provides that there cannot, at this stage anyway, be a debate on the statement just made, but that I may in my discretion allow a short question to be put to the Member who made the statement for the purpose of seeking clarification. So if any Member does have a question of that kind, I am quite prepared to consider it.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member why he made the statement since the statement was simply a repetition of the argument which he had put up yesterday?

MR. PRESIDENT: I think that the statement itself, I do not know whether you have a copy of it, did explain that. You may not agree with the explanation but it did cover the point.

MR. D. EZZARD MILLER: On a point of clarification, Sir, could the Member state at this time how the objective of having a doctor in the hospital 24 hours a day is going to be achieved without rotating the doctors?

MR. PRESIDENT: Well, again I think that the Member's statement made it clear that he wanted to examine the position. In other words, he had not sorted out how his objective was going to be achieved. So, I do not think really....

MR. D. EZZARD MILLER: With respect, Sir, this question has been examined by a previous Member for eight years and the Member before for four years, so it has had a lot of examination.

MR. W. McKEEVA BUSH: May we have some answers, Sir? I think that there was a question.

MR. PRESIDENT: No, I did not allow the question. In other words I do not think that it really was a question seeking clarification because I think that it was clear enough from the statement.

MR. W. McKEEVA BUSH: Am I allowed to make a statement?

MR. LINFORD A. PIERSON: Mr. President, a short question. Could the Member give this House the undertaking that a report of the in-depth study will be brought to this House at its next Sitting or before?

HON. BENSON O. EBANKS: Mr. President, I believe that the next Sitting would be Monday morning so I could not undertake to do that.

MR. LINFORD A. PIERSON: Mr. President, I believe that the Member is being somewhat frivolous. He knows that I mean September.

MR. PRESIDENT: With respect, the Member is being accurate. If you meant September you should have said Meeting, not Sitting.

MR. LINFORD A. PIERSON: Mr. President, I believe that most of us here are intelligent enough to know that he could not do an in-depth study and get it here tomorrow morning.

HON. BENSON O. EBANKS: Mr. President, tomorrow is Saturday but if the Member means at the next Meeting in September, I think that it is possible for me to say that I will have an answer for the House by then.

MR. W. McKEEVA BUSH: Is the Member giving an undertaking that he will have an answer for us on Monday or in September? I did not quite understand.

MR. PRESIDENT: September.

NOTICE OF STATEMENT

MR. W. McKEEVA BUSH: In that case then, Mr. President, if I cannot make a statement now, I want to put you on notice, Sir, that I want to make one at the adjournment this afternoon.

MR. D. EZZARD MILLER: If I could be of help to the Member, Sir, I have the in-depth study right here in my briefcase. He could bring it on Monday.

MR. PRESIDENT: If the Second Elected Member for West Bay wants to raise a matter on the adjournment I draw his attention to Standing Order 11(7) so that he shall not suppose that what he said a moment ago gives me the notice which is required. I would not wish him to be under any misunderstanding.

MR. W. McKEEVA BUSH: Yes, Sir, I quite understand what it says that you support the Government Bench, Sir.

MR. PRESIDENT: No, that is not what it says. I think that you should read what it says a bit more carefully. It puts you under an obligation to follow a certain procedure. If you follow that procedure then certainly you may raise the matter. I think that we have probably exhausted the possibilities of the statement now, in which case the House will now go into Committee to study a Bill entitled the Clerk of the Court and Deputy Clerk of the Court (Powers) Bill, 1985 and certain other Bills.

THE CLERK OF THE COURT AND DEPUTY CLERK OF THE COURT
(POWERS) BILL, 1985

COMMITTEE THEREON

MR. CHAIRMAN: The House is now in Committee. A Bill for a Law to increase the powers of the Clerk of the Court and the Deputy Clerk of the Court.

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. POWER OF CLERK AND DEPUTY CLERK.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. POWERS OF DEPUTY CLERK.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A BILL FOR A LAW TO INCREASE THE POWERS OF THE CLERK OF THE COURT AND THE DEPUTY CLERK OF THE COURT.

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: A Bill for a Law to amend the Currency Law (Revised).

THE CURRENCY (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 28.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

MR. D. EZZARD MILLER: Mr. Chairman, it is quite a common practice here that numismatic coins are mounted for jewellery, etcetera. In the strict interpretation of defacing that could probably be interpreted as defacing. So I wonder if we need to make some concession for the numismatic coins. I would hate to break the Law by wearing my \$50 gold piece around my neck.

MR. CHAIRMAN: Did you mention this during the Second Reading Debate?

MR. D. EZZARD MILLER: Yes, Sir.

MR. CHAIRMAN: I thought that you were given an assurance that all was well but perhaps the assurance was not satisfactory?

HON. THOMAS C. JEFFERSON: Maybe the learned Attorney-General will help us.

HON. MICHAEL J. BRADLEY: I think, Mr. Chairman, that the Honourable Member need not worry himself unduly. The great majority of numismatic coins, and we are here talking only about coins which are legal tender and part of the coinage of the realm here, and such coins presumably are the \$100 and \$50 gold coins of that type issued, and my understanding is that with these for jewellery purposes most of them are not defaced but mounted in a surround. Defacing is to alter and destroy part of the actual surface and texture of the coin itself. However, if there was an extreme case and for some reasons best known to themselves for jewellery purposes the jewellery firms decided as a matter of active policy that they would seek to obliterate the face of the sovereign from the front of these gold coins, I think that the appropriate step which would be taken first would be to warn them that this would be considered defacement. If they in fact persisted in such conduct they would be guilty of an offence and dealt with. However, I think that that is an extreme case. I do not think the Honourable Member needs to worry about the normal process of mounting for jewellery.

MR. D. EZZARD MILLER: Are you including in that when they cover them with a clear acrylic? You would not interpret that as defacement? Alright, Mr. Chairman.

MR. CHAIRMAN: Does that meet your point satisfactorily?

MR. D. EZZARD MILLER: Yes, Mr. Chairman.

MR. CHAIRMAN: If there is no further debate on Clause 2 I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE CURRENCY LAW (REVISED).

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: A Bill for a Law to amend the Companies Law (Chapter 22).

THE COMPANIES (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE AND DATE OF COMMENCEMENT.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 196.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

MR. G. HAIG BODDEN: Mr. Chairman, in the debate on this Bill I questioned the forfeiture or the confiscation of property without notice both in the Companies Law and in the Registered Land Law. I would think that ninety days' notice would be a reasonable time before the lands would be vested in the Honourable Financial Secretary. I am not going to propose an amendment because I know that it will only have one or two votes for it, or even two or three maybe. However, I think that it is unfair to investors who have bought property here or who may have been doing business to have what I call a communistic confiscation of their property, even without notice.

I hope that Members are aware of what they are doing to the economy and to foreign investors if they pass this Bill in this form.

HON. THOMAS C. JEFFERSON: Mr. Chairman, we are aware of what we are doing and it is my view that what we are doing is quite satisfactory for the private sector. During my support of the Bill I did indicate that sufficient notice will be given because the Law does not come into effect until the 30th September, 1985. Certainly that is much longer than ninety days. If it is a company which is not registered in the Cayman Islands, all it has to do is register and this particular provision will not affect it at all.

MR. G. HAIG BODDEN: Mr. Chairman, I know that the Law will come into effect on the 30th September, 1985. However, property owners abroad may not know this. So I do not consider this notice. I consider this simply the coming into effect of the Law. What I consider notice is where the Law says that the Government must give notice in writing to the landowner that unless he takes action the property will be confiscated.

MR. G. HAIG BODDEN (CONTINUING): This is a safeguard which I would like to see in the Bill. The Law may come into effect next year but it does not mean that somebody in Australia would know that we had passed such a Law.

HON. THOMAS C. JEFFERSON: Mr. Chairman, there is only one case which we know about. As I mentioned during the support of the Bill the Registrar of Lands has been operating for many years under the legal ruling by the Attorney-General that a company which is not registered in the Cayman Islands, which let us call an alien company, cannot own land. He has been refusing to register such companies when they were seeking to purchase a piece of land. Therefore, there cannot be that many companies to have notice given to, perhaps just this one or those who have bought land since the Chief Justice's ruling in February, 1985.

HON. MICHAEL J. BRADLEY: As I see it, Mr. Chairman, there are even more serious disadvantages to the amendment being suggested by the Honourable Second Elected Member for Bodden Town. He is suggesting that a company who acquires land which is unregistered, has got ninety days before which that land has these provisions bite concerning it, namely that it vests in the Financial Secretary. I consider that to be an extremely dangerous provision to put into the Bill because it would mean that from now on any foreign company would have a space of ninety days to acquire land, to deal with it by share transfer or otherwise as many times as it liked within the ninety day period, and only then at the end of that ninety day period to comply with the Law by registering.

MR. CHAIRMAN: Unless there is any further debate I will put the question that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED BY MAJORITY. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE COMPANIES LAW.

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: A Bill for a Law to amend the Registered Land Law (Revised).

THE REGISTERED LAND (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE AND DATE OF COMMENCEMENT.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INSERTION OF NEW SECTION 154A.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

MR. G. HAIG BODDEN: Mr. Chairman, I must raise the same objection. This clause will confiscate land which is owned by a foreign company after the 30th September, 1985, unless the foreign company does certain things. My contention is that the foreign company may not know that we have passed such a Law. In fairness to the investor he should be given notice before the actual confiscation takes place. I understand what the Member has said about there maybe not being many cases involved. However, certainly if there is even one, that person who bought his land here in good faith and believed that he owned the land, should know that Government is about to nationalise the land or to confiscate it, or to propitiate and take it for its own use and advantage. It is just not fair and it can do the country no good for the Government to just step in and take this simply because it has passed a Law and the person may not be aware that such a Law exists. I maintain that in this Bill we should give notice that the confiscation is about to take place, and notice of a reasonable time which allows the person to correct any disadvantage which he may suffer.

Of course, I am not going to move an amendment because it will have only two or three votes, and there is therefore no use in my doing it. However, I certainly feel strongly about this, that it is a communistic act to confiscate without notice property which belongs to anyone.

HON. THOMAS C. JEFFERSON: Mr. Chairman, the procedure which will follow from this amendment is no different from the procedure which has been in place since 1962. In Section 178 of The Companies Law it says that when a company is struck from the Register of Companies the property is vested in the Financial Secretary for this Government. Now, I have been in this chair for a very short time but I have known of many cases where shareholders or their legal representatives have come back to Government and made application to have whatever property there was returned to them.

Government has always taken the view that if the company which was struck off the Register because it did not pay its annual fees once those fees were paid and whatever penalties were necessary under the Companies Law were paid, the property was returned to the shareholders. I see no difference with this one, Mr. Chairman, except that we are probably talking about one or two cases.

HON. VASSEL G. JOHNSON: Mr. Chairman....

MR. CHAIRMAN: The Third Elected Member for West Bay had caught my eye earlier.

MRS. DAPHNE L. ORRETT: Mr. Chairman, the Second Elected Member for Bodden Town, I think mentioned something about people being given notice. However, my understanding of this Bill is that this would apply only to corporations or companies, and not to individuals who came and purchased property here. I do not think that it was intended to include individuals as such.

HON. THOMAS C. JEFFERSON: It does not affect individuals, Mr. Chairman. Individuals are dealt with under the Stamp Duty Law. This is a company, a corporation or some corporate body.

MR. G. HAIG BODDEN: Yes, Mr. Chairman, I understand that but I do not think that we need to quibble over semantics because a company is a person created by statute.

MR. G. HAIG BODDEN (CONTINUING): So, whether it is a person or a company it really does not matter. What I would like to speak on is the Honourable Third Official Member saying that what is happening under this is no different from what would happen under a situation where a company had been struck off the Register. This is altogether different because if the company had been registered and is struck off the person who registered the company knows at the time of registration what will happen if he does not pay his fees and if the company is struck off. Here, when he bought this land, not having been registered this did not exist. This was something which is coming in after the act of purchase.

In the case of a company which is struck off the company struck off already knew that the company would be struck off if it did not meet certain requirements. However, this is imposing new requirements which did not exist at the time of purchase of the land. I feel that it is necessary to give notice.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I thank the Honourable Second Elected Member for Bodden Town for his legal clarification of the legal entity aspect of it. However, I would like to point out to him and to other Members that the first part of this proposed new Clause 154A. (1) is in fact a protection to foreign bodies corporate unregistered coming in here, because it is a provision which once this Section 154A. (1) comes into force gives no power for such companies to be registered as proprietors or in any other manner to hold land in the Islands. That being so, if an unregistered alien corporation comes in here and seeks to acquire land, it will be advised by its legal advisors that it has got no power so to do. If it is injudicious enough not to have sought legal advice before signing what purports to be a purchase agreement, it will then become aware when it attempts to register the property in the Registry of Lands. So, it is a positive protection to the foreign corporation so that it cannot in any way in the future put itself at peril, because after the 30th September such a provision will prevent it being registered.

MR. G. HAIG BODDEN: Mr. Chairman, my concern is not with those people who may attempt to purchase land after the Bill has come into Law. My concern is with those innocent people who may have purchased it before this Bill.

MR. LINFORD A. PIERSON: Mr. Chairman, I expressed during debate certain reservations also on this Bill. My reservation was mainly to do with the Objects and Reasons for the presentation of this Bill. I felt that it was somewhat inadequate. We have in the first part of the Bill that it seeks to mitigate for future the effects of a recent judgement. In fact, we have no details of that recent judgement except for what we were told here. The second part states, that is in Clause 2, a prohibition of such bodies corporate to hold land without any reason. The reason we were given here in the Assembly was that this was to ensure that Government would lose no revenue through the transfer of shares by the changing of shareholders. So, there is no explanation on this.

The only thing which seems somewhat inconsistent and perhaps this section is not relevant, but when we look at the Statute of Law we are going to see that the loophole which we are trying to close here is again opened under the new section to do with assignment of property. However, we will deal with that when we come to it.

MR. LINFORD A. PIERSON (CONTINUING): My point, Mr. President, is that I feel that the Memorandum of Objects and Reasons should be clear enough so that anybody purchasing this Law will be left in no doubt as to what the Bill proposes, or the intent of the Bill.

HON. DENNIS H. FOSTER: Mr. Chairman, when it becomes Law, Sir, the Memorandum of Objects and Reasons is not stated on it.

MR. CHAIRMAN: Perhaps I could put the question now that Clause 2....

MR. LINFORD A. PIERSON: Mr. Chairman, I am not sure that I am satisfied with the answer on this. Whether the Memorandum of Objects and Reasons are stated on the Law or not I feel that the Law itself should be clear enough so that anybody purchasing the Law will know exactly what the Law is all about. We have a definition here of foreign bodies corporate which states that they are anybody other than "A, B and C". However, for the layman taking up this Bill, and I would like to make the point again that everybody buying a Law from the Legislative Assembly is not necessarily a lawyer, I feel that the Bill should be clear enough for him to understand what it is all about.

MR. CHAIRMAN: Well, I think that you have made your point. I will put the question that Clause 2 do stand part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: Mr. Chairman, may we have a division on that?

MR. CHAIRMAN: Certainly.

DIVISION
NO. 30

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Essard Miller
Mr. John B. McLean

Mr. Linford A. Pierson
Mr. G. Haig Bodden

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CLAUSE 2 PASSED BY MAJORITY.

CLERK: A BILL FOR A LAW TO AMEND THE REGISTERED LAND LAW (REVISED).

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee. The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Before we resume I think that it may be convenient to take now our customary morning break. I will suspend proceedings for approximately ten minutes.

AT 11.34 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.50 A.M.

MR. PRESIDENT: Please be seated. Item 2(2). Reports. The Clerk of the Court and Deputy Clerk of the Court (Powers) Bill, 1985.

THE CLERK OF THE COURT AND DEPUTY CLERK OF THE COURT (POWERS) BILL, 1985

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled "The Clerk of the Court and Deputy Clerk of the Court (Powers) Bill, 1985" was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE CURRENCY (AMENDMENT) BILL, 1985

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I beg to report that a Bill entitled a Bill for a Law to amend the Currency Law (Revised) was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE COMPANIES (AMENDMENT) BILL, 1985

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Companies Law (Chapter 22) was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE REGISTERED LAND (AMENDMENT) BILL, 1985

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I beg to report that a Bill entitled a Bill for a Law to amend the Registered Land Law (Revised) was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.
Third Readings.

THE CLERK OF THE COURT AND DEPUTY CLERK OF THE COURT (POWERS) BILL, 1985

THIRD READING

CLERK: The Clerk of the Court and Deputy Clerk of the Court (Powers) Bill, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled "The Clerk of the Court and Deputy Clerk of the Court (Powers) Bill, 1985" be read a Third time and passed.

MR. PRESIDENT: The motion before the House is that a Bill entitled The Clerk of the Court and Deputy Clerk of the Court (Powers) Bill, 1985 be given a Third Reading and passed. I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE CURRENCY (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Currency (Amendment) Bill, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled "The Currency (Amendment) Bill, 1985" be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Currency Law (Revised) be given a Third Reading and passed. I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE COMPANIES (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Companies (Amendment) Bill, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly entitled "The Companies (Amendment) Bill, 1985" be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill for a Law to amend the Companies Law (Chapter 22) be given a Third Reading and passed. I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE REGISTERED LAND (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Registered Land (Amendment) Bill, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move that a Bill shortly entitled "The Registered Land (Amendment) Bill, 1985" be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Registered Land Law (Revised) be given a Third Reading and passed. I will put the question.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: Mr. President, may I have a division, please?

MR. PRESIDENT: I will ask the Clerk.

DIVISION
NO. 31

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezaard Miller
Mr. John B. McLean

Mr. Linford A. Pierson
Mr. G. Haig Bodden

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BILL GIVEN A SECOND READING AND PASSED.

MR. PRESIDENT: Item 3(iv). First Reading the Stamp Duty (Amendment Bill, 1985.

THE STAMP DUTY (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE STAMP DUTY (AMENDMENT) BILL, 1985.

MR. PRESIDENT: A Bill entitled a Bill for a Law to amend the Stamp Duty Law, 1973 is deemed to have been read a First time and is set down for Second Reading.

THE STAMP DUTY (AMENDMENT) BILL, 1985

SECOND READING

CLERK: THE STAMP DUTY (AMENDMENT) BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Stamp Duty Law, 1973, Law 5 of 1973.

The Objects and Reasons of this Bill, Mr. President, are set out in Clauses, 2, 3, 4, 5, 6, 7 and 8. In Clause 2, Mr. President, it seeks to allow persons who have bought land by an agreement and wish to pay the stamp duty on the value stated in that agreement not to have to wait until the expiration of the period for paying the sum agreed. That period may be five years or it may be ten years. However, Mr. President, the difference here is that it allows the person an option. The person may wait until five years later and pay the stamp duty but we have all heard, Mr. President, of the difficulties that this sometimes causes the local person in particular because five years later the person is not paying on the agreed value but rather the current market value at that particular time of payment. The small amendment in Clause 2 allows stamp duty to be paid at the time the agreement is signed, which is of benefit, Mr. President, to local people and to others who seek to do business in this manner.

Clause 3, Mr. President, is seeking to increase the interest charged on late stamping or non-stamping of documents. It is placed there merely, Mr. President, to encourage those who purchase land to stamp their agreement within the stipulated time set down in Section 18 of the Stamp Duty Law which is 30 days. However, Mr. President, we are aware that there are businesses and, or individuals from overseas who come to this country and purchase land, and sometimes the documentation to be completed takes a longer period than 30 days. This is the main reason, Mr. President, why although we have increased the percentages of interest to be paid from 5 per cent to 10 per cent, and then from 10 per cent to 20 per cent in Section 20 of the Stamp Duty Law which reads, Mr. President, if I may:-

"In addition to any penalty imposed by this Law for late stamping or non-stamping of any instrument which is required to be stamped, there shall be charged interest at five per cent per annum",

the amendment is raising it to ten per cent:-

"for the first month or part of a month and thereafter at the rate of ten per cent",

HON. THOMAS C. JEFFERSON (CONTINUING): and we are increasing that figure to twenty per cent:-

"per annum upon the total amount of the duty so remaining unpaid."

For those individuals and non-resident companies who purchase land and take longer than 30 days, with a justifiable case, Mr. President, there is a proviso in Section 20 which reads:-

"Provided that the Commissioner may at his discretion for good cause waive payment of the whole or any part of such interest."

Therefore, Mr. President, I feel that Clause 3 of the Bill is fair and reasonable to all.

We have come across many situations in the past where documents are stamped twice in error. However, there is no section of the present Stamp Duty Law which gives any power to anyone, Mr. President, to refund such stamp duty. Clause 4 is being put forward to make this possible. In this day and age, Mr. President, the volume of business is so large and the demands on each one of us are so large, and it is not necessarily Government I am talking about, Mr. President, I am talking about the private sector, that it is becoming easier and easier to make an error and stamp a document twice. Therefore, there is justification for the provision of the commissioner being able to make a refund.

Clause 5, Mr. President, is seeking to delete the reference in Section 26 to the issuing of a receipt and is a consequence of the proposed removal of Clause 8, later to be mentioned, of the Bill of the liability to pay stamp duty on a receipt.

Clause 6, Mr. President, is complimentary to Clause 3. The aim is really the same, to encourage all people dealing with land documents to stamp them early and to carry out the legal sections of the Stamp Duty Bill. It provides for an increase in the offences under Section 26 and is substituting \$500 for \$50 as a fine and six months instead of three months as a sentence, \$5,000 for \$500 and, Mr. President, if you will allow me to read the respective section in the Stamp Duty Law, it says:-

"(1) Whoever commits an offence under section 26 or attempts to commit or aids or abets any other person to commit such an offence is, if the offence is committed contrary to paragraphs (a), (b), (c) or (d) of that section liable upon summary conviction to a fine not exceeding \$50",

and the clause is increasing that sum to \$500:-

"or to imprisonment for a term not exceeding three months",

and the clause is seeking to increase it to six months:-

"or both, and if the offence is committed contrary to paragraphs (e), (f), (g) or (h) of that section, liable on summary conviction to a fine not exceeding \$500",

which the clause is increasing to \$5,000:-

HON. THOMAS C. JEFFERSON (CONTINUING):

"or to imprisonment for a term not exceeding one year or both."

The clause is increasing one year to two years.

The sections which I have read, Mr. President, such as (a), (b), (c), (d), (e), (f) or (g) are all found in Section 26 which deals with certain offences under the Stamp Duty Law.

Section 28 is being amended by Clause 7 and this basically inserts anyone who fails to stamp an instrument and places that under Section 28 which deals with the contravention of this Law. It deals, Mr. President, with attorneys-at-law, bankers, trust company officers and many other people involved in the private sector. Those who commit any offence under these subsections may have their licence removed. It goes on and makes other statements, Mr. President.

In Clause 8 we are seeking to charge \$20 on an agreement and, Mr. President, I give notice that I wish to amend Clause 8 which is a result of representation and comments from the Law Society as we have, with Government's approval allowed comments to come back to us on the Bill being proposed.

The amendment would make in Clause 8(a) the \$20 apply to whether the agreement is assignable or not, so that the charge is still \$20. When the agreement is assigned, Mr. President, the fee to be paid is \$100.

The Bill also seeks to increase the stamp duty on a cheque from 5 cents to 10 cents. We have found, Mr. President, that a common approach in recent times is to have a lease agreement with a rental of office space where that agreement is less than one year. Under the present Stamp Duty Law duty cannot be collected because it relates to the average annual rent paid. If one is less than one year there is no average annual sum. Therefore, Mr. President, we are seeking to collect 5 per cent on leases whether they are twelve months or six months or whatever. Additionally, Mr. President, this Bill seeks to delete from the schedule of the Stamp Duty Law the requirement for businesses to give a receipt and pay five cents on every \$100.

In this day and age, Mr. President, that provision in practice is cumbersome and perhaps a bit archaic. The majority of people operating in this country today, Mr. President, are paid by cheque and the usual response is, "I do not need a receipt because my cancelled cheque serves that purpose".

Another part of Section 8, Mr. President, is that when leases on property or office accommodation are for long periods, let us say five years, there is generally an agreed sum to be paid for the first, second and third year. Inserted in the agreement are the words that in the fourth and fifth year that sum will be mutually agreed. It shall not be less than 10 per cent. Under the present Stamp Duty Law, Mr. President, we cannot collect on that 10 per cent. The Bill being put forward here is seeking to collect for the first, second and third years on the sums in the agreement and for the fourth and fifth year 10 per cent. When the sum is mutually agreed for the fourth and fifth year the document will have to be up-stamped with that appropriate sum.

Mr. President, I think that the proposals in this Bill are reasonable and I recommend it to Honourable Members.

MR. PRESIDENT: The question before the House is that a Bill entitled a Bill for a Law to amend the Stamp Duty Law, 1973 be given a Second Reading. The motion is open for debate. The Second Elected Member for Bodden Town.

DEBATE ON SECOND READING

MR. G. HAIG BODDEN: Mr. President, the Bill before the House is a Bill which was found to be so obnoxious during the March Meeting that it had to be withdrawn. It has come back in a worse form, only that it has been sugar coated to make the baby aspirin more palatable. That sugar coating is seen easily by provisions such as allowing a document to be stamped if the person wants, at the time of purchase rather than when the land or other property is finally paid for.

However, we must not be deceived by the sugar coating of some sections. We know that the Government has a severe problem, having put forward in March what I call an unbalanced budget. When we came to the House on the final day in March we received a report on the Appropriation Bill, 1985 and we passed into Law a budget which had a small surplus of about \$15,000. However, the next item on the Agenda was the withdrawal of the Stamp Duty Bill. The budget which we had passed had contained estimated revenue from the Stamp Duty Law, revenue which would have been had it been passed, something around \$300,000, so that while at 10:30 in the morning we passed the balanced budget, within three minutes we had made the budget turn into a deficit by withdrawing the Stamp Duty Bill which would have given us \$300,000. So, there is still that deficit to be filled in this year's estimates. I believe that is why this Bill has come back so quickly with a request for increased taxation in the same areas which will hurt the small man who we had squeezed out of existence during the Budget Meeting.

I commend the Member for Clauses 2 and probably 5 of the Bill. However, I am in disagreement with the rest of it. For example, the penalties for late payment in Clause 3 of the Bill increase the interest which can be charged from 5 per cent to 10 per cent, and in one instance from 10 per cent to 20 per cent. Now, there may be people who make it a practice to delay the payment of stamp duty or any other tax. However, there are genuine cases where the duty is not paid simply because there is a shortage of cash. We need to be reasonable and I would have thought that if it is now necessary to increase the percentage of the penalty, it should have gone from 5 per cent to 7.5 per cent rather than 10 per cent, and the other one should have gone from 10 per cent probably to 12.5 per cent rather than 20 per cent, because when we are getting into an area where one has to pay 20 per cent interest on an unpaid debt, we are getting into an area of exorbitant interest rates. One must remember that Government revenue from late penalties increases every year on properties because the value of most lands increases. So, while at one time 10 per cent interest may not have been very much on a house plot, today it is quite a substantial amount of dollars. I feel that the increases are out of line and that they are exorbitant.

In Section 6 we see some very large penalties put in. For example, Section 6(e) changes the figure \$500 as a fine which could be imposed for a fine of \$5,000. I know that this is the maximum fine. These are fines impossible in a summary court by the magistrate without a jury and they are excessive.

MR. G. HAIG BODDEN (CONTINUING): Subsection (a) of Clause 6 also increases the penalties tenfold.

Clause 7 is a clause which seems to discriminate against certain classes of people in that the penalties for attorneys-at-law and other people involved in the banking business seem to be worse than for those in other occupations. Carried with it is the revocation of the attorney's licence or whatever he may have. It seems really bad to me.

The Bill also seeks to impose a charge of \$100 for the assignment of a debt, policy of life insurance and other agreements for the purchase of land, strata title or other immovable property. One of the bones of contention in the Bill which was retracted in March was that of paying stamp duty when a person signed an agreement or made an agreement to purchase a property. It has come back in a worse form because now the person must pay a token stamp duty of \$100 on the agreement and must also continue to pay the 7.5 per cent later on if he finally makes the purchase. So, for say a little man trying to get a house lot, he must only pay the 7.5 per cent stamp duty when he purchases but he must pay \$100 when he thinks about it initially and enters into the first conversation or agreement to buy it.

I am wondering whether the policy of this Government is, as we have seen since November, only a policy which will tax the small man in every area in which he can be taxed. I see the provision for a tax of \$100 on assigning a policy of life insurance. Now, any person going to get a mortgage will require if the mortgage extends for any length of time, a life insurance policy to cover that mortgage. In order for these policies to be assigned now the person must pay \$100 just to have the bank hold the policy. This is not right. The mortgage of which I am speaking is the ordinary \$40,000 or \$60,000 that the poor man is getting to build a house. In many instances these people will have \$60,000 of life insurance made up of three or four small policies purchased over a number of years. It will now cost \$100 to have each policy assigned. This is unfair to the man trying to get a house. In the old Law the assignment was, I think, six dollars. Here it is going up to \$100. I wonder if the Elected Members understand what a life insurance policy is and why it is used, and that it means meals for widows and orphans? I wonder if they understand that? I also wonder if they understand that it is a vital ingredient in the mortgage process and it is compulsory with most of the lenders to have this? Yet here this benevolent Government is asking the little man to pay \$100 just to pass his policy over to the bank so that the bank can hold it, and if the man should die the bank can use the proceeds to clear off the mortgage. This is ridiculous and could never be thought of by any other group of people than the present Executive Council.

We see that they have also got back that obnoxious section of increasing the cost to the little man of writing his cheques from five cents per cheque to ten cents per cheque, a 100 per cent increase. However, what is over my head as wide as my imagination is, is how they could have the heart to put in a 5 per cent tax on rent. When many people are screaming for the money which they have to pay to rent a bedroom or an apartment or a cottage, now they are asked to pay a tax on the rental of an apartment. Here, the way it is written I do not think that one needs a written lease because this is making provision for rentals which are for less than twelve months. Most of these rentals are usually without a written lease. So every time one rents now under this new Bill, it is my understanding that he will be asked to pay a tax to the Government, a tax of 5 per cent.

MR. G. HAIG BODDEN (CONTINUING): It does not matter whether it is office space or shop space, or a dwelling house or an apartment, many of these businesses owned by Caymanians are owned by poor people. We may see a little lady out there trying to make a living managing or operating a boutique but she might be struggling to make ends meet and in many cases struggling each month to pay the rent. Yet this all caring Government is taxing these poor people out of existence.

So, this Bill which we thought had gone where Bills like this should go, into the land of no return, has been resurrected and has been sugar coated and presented to this House in a worse form than the original Bill because it has embraced new areas to apply the pressure to destroy the poor man in this country. When I say poor man, I am talking about the little businessman who runs his boutique or his other store. I am talking about the young couple who have to rent an apartment. I am talking about the person who does not have a home and is prevented by the Government from getting one because the charges of putting that mortgage into operation have now gone up, a \$100 fee for the assignment of a life insurance policy. I am not surprised at this when this Government told us here in the Budget Meeting in March that the Housing Authority had no money, was making no loans and was making no policy. I can see why. I can see why they can come in this reckless fashion and impose taxes on rents and leases; taxes on the assignment of debts or insurance policies.

If the Elected Members of Executive Council have not kept any promise they made during the campaign they have certainly kept one. They promised to help the small man and they are helping him out of existence. I must also mention that it is an injustice to this country to put forward the type of legislation this Government is putting forward in the manner in which they have put it forward. They held back this Bill until the last minute. Of course, the Members were sent the white copy in the seven days prescribed by the Standing Orders. However, people on the outside have not seen and have not heard what is in these Bills. I have spoken to three attorneys recently, one on Wednesday, one on Thursday and one on Tuesday of this week, and neither of the three of these attorneys had received the green copy with his Gazette. This is why there is no public outcry against this Bill and the other Bills which are to follow.

So, the Government whether intentionally or not have manoeuvred the passage of these Bills so that they are being passed without any public input. When there is a simple matter upon which nothing has happened it is exposed. The radio will have Open Line on it. They will have well engineered broadcasts. The newspapers will spread the propaganda and the public will be informed the way the Government wants it informed. For the first time in our history we see Bills and motions coming to the Assembly politically exploited on Radio Cayman and this is unfair to the public. No householder has been called in on a forum on Radio Cayman to discuss the effect of this Bill. No housewife has been asked how she will like it when the rent she is paying goes up, whether it be in her boutique or in her bedroom. She has not been asked to comment on it and it will go up because if the real estate agent is not clear who has to pay this tax and he finds out he has to pay it, he is certainly going to pass it on to the consumer.

I will close by asking as I did in March that this Bill be withdrawn from this House; buried in an iron sculpture never to rise again until the resurrection morning. We have passed in this Meeting Laws which were bad; Laws which affect foreign corporations; Laws which can damage our investment image.

MR. G. HAIG BODDEN (CONTINUING): However, here today we are passing a Bill which will crucify the poor man. We will hear probably from the Executive Council that people can pay. What is five cents on a cheque? However, they have been saying this from November when they made the mistake of withdrawing a Bill, or a Law which was on the books, rescinding a Law which could have given them this year a lot of duty from a foreign source. Now they must make it up by what was called here in March the penny ante system, where they must pick a little bit here and pick a little bit there until they get enough to balance their budget.

This Stamp Duty (Amendment) Bill is a Bill which if passed will cause great hardship, particularly amongst those family people who are trying to get out of paying rent and are trying to get a home. I am wondering if this is Government's answer to the dilemma which they pinpointed in March when the Housing Authority which was set up to help people get homes had no money, no loans and no policy.

I feel that it would not have been necessary to bring this Bill to this House if the Government had not done away with the condominium tax. Having done away with it they have not yet found a replacement and they have gone to the penny ante stuff in this Bill.

The very Memorandum of this Bill has been so subtly written that when I read it first I did not realise that they had imposed the \$100 tax on the assignment of a life insurance policy. That seems to have been left out even if it had been done inadvertently from the Memorandum. I believe that the passage of this Bill will further depress our already shaky economy. The history of the Caribbean countries has been that it is easy for many of the evils to take hold when one gets a country where the people are starving and where they are taxed out of existence by the Government, because when the Government takes the money, it cannot do as well with the money as private industry.

I oppose this Bill, Mr. President, and I can assure the House that I will be voting against the entire Bill as well as voting with alacrity against particular sections; the sections which I feel are so detrimental to the livelihood of our local people.

MR. PRESIDENT:

I think that it is time for the luncheon break and I will suspend proceedings until approximately 2.15 p.m.

AT 12.49 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:18 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Second Reading Debate on the Stamp Duty (Amendment) Bill, 1985.

THE STAMP DUTY (AMENDMENT) BILL, 1985

CONTINUATION OF SECOND READING DEBATE

MR. LINFORD A. PIERSON: Mr. President, unlike my good friend from Bodden Town, the Second Elected Member, I have mixed reaction on this Bill. I find some improvements and I also see some areas which could be improved.

The Bill seeks to amend the Stamp Duty Law, 1973. There is a major improvement on the Bill which was brought to us in March. I feel, Sir, that with reservations I will be able to support this Bill.

Clause 2 seeks to enable stamp duty to be paid at the time a document is signed. This is a good idea, but I think that this is somewhat nullified - the effect of this by clause 8(b)(a). I will come to this as I go along.

Clause 3 of the Bill seeks to increase the interest to be charged on stamp duty. This, Mr. President, is an amendment to section 20 of the Stamp Duty Law, 1973, which reads: "In addition to any penalty imposed by this Law for late stamping or non-stamping of any instrument which is required to be stamped, there shall be charged interest at five per cent per annum for the first month or part of a month and thereafter at the rate of ten per cent per annum.....".

Mr. President, it would appear that those responsible for these amendments decided to arbitrarily double the interest that is now provided under the Law without due consideration to the effect that a twenty per cent interest could have on an offender. I think, Mr. President that twenty per cent interest is unreasonable and this is one section which I feel should be given further consideration. Perhaps fifteen per cent would be more reasonable.

In clause 4, this clause seeks to protect the individual as the provision is sought to be made for the Commissioner to make a refund of stamp duty in the circumstances as described by the Honourable mover of the Bill earlier.

I tend to agree with the Honourable mover of the Bill that there is no longer a necessity to have to issue receipts for certain payments, even though I would say here that there are many people who do not make payments by cheque. I still feel that it is not necessary for those paying by cash to have to stamp a receipt. Those paying by cheque, as was rightly stated by the Honourable mover of the Bill, will find that the cancelled cheque will serve the purpose of a receipt.

I will congratulate the Honourable mover of this Bill, Mr. President, for the very good job in presenting this Bill earlier. It was presented with clarity and it was very carefully thought out. I feel that he is to be commended for a very good job done in the presentation.

MR. LINFORD A. PIERSON (CONTINUING): Clause 6, Mr. President, makes provision for penalties for offences against the Law to be substantially increased. This, Mr. President, brings about an amendment of section 27 of the Law. Mr. President, I feel, unlike my good colleague and of the previous speakers, that is indeed a good move because as I read this Law it states specifically in section 26 of the principal Law that the offences would have to be done with intention

Section 26(1)(a) of the Law states: "with intention to defraud". Subsection (1)(b) reads "with intent to defraud", and subsection (1)(c) reads: "with intent to defraud". So it shows throughout the Law that the person causing the offence would have had knowledge of what he was doing. So, Mr. President, I feel that the provisions made under clause 6 are most reasonable.

Mr. President, of particular importance, as I said, to me (and I will be making my debate on this Bill relatively short) is clause 8(b) dealing with assignment. Mr. President, it would appear that this clause has the same practical effect of an agreement of conveyance, but there seems to be still a loophole in this Law where an agreement for the purchase of any land, strata title or other immovable property where stamp duty at seven and a half per cent could still be avoided, and that transfers through assignment could be made from individual to individual. Perhaps the Honourable mover will clarify this point in his summary?

There is also no information as to how long, or the life of the assignment. Would the assignment last, for instance, six months, one year, two years? Would it be possible for the assignee of a property to be able to assign this to any number of persons?

Mr. President, today I gave my objections to certain areas of a Bill which I felt would harm this country and was confusing to investors coming to this country. The very loophole that this Bill which we passed earlier, the Registered Land (Amendment) Bill, 1985, is trying to close, it would seem, this Bill amending the Stamp Duty Law, 1978.

I understand from the Honourable mover of the Bill that the \$100 does not in fact apply to clause 8(b)(b) which deals with a debt or policy of life insurance. I trust, Mr. President, that the Honourable mover will make this abundantly clear.

As I said, Mr. President, if the \$100 would indeed apply to a policy of life insurance, it could be very dangerous and damaging to the little people in this country, even though I know that there are some amongst us who marvel that there are little people in this country. There are, Mr. President, many, many little people in this country and when I say little people I do not say this in a derogatory manner.

As I said, I have mixed reactions on this Bill and I trust that the Honourable mover of the Bill will be able to clarify the points raised by me and in particular the points with regard to assignment.

Thank you, Mr. President.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I am going to treat this Bill how the Government bench treat my motions, Sir. I can agree with the spirit, but not with the body of the Bill.

I agree with clause 2 which gives individuals the option of paying the stamp duty up front on a higher purchase of property. This has been a sore point with many people for some time because the value of the property at the end of the purchase agreement, in some cases, may have quadrupled or even increased greater than the original purchase price.

MR. D. EZZARD MILLER (CONTINUING): I can support clause 2 of the Bill. I can also support clause 3 because I believe the penalties charged should be increased and at least they should be above what the person could get by putting his money in the bank rather than paying stamp duty for the period of time, so as to discourage them from holding back the stamp duty and putting it on a fixed deposit and making a profit on it while they deprive Government of it. We may even need to increase that a little higher.

Now, Sir, clause 8. I agree again with the spirit of it, but I think there is something wrong with the spirit of this clause too, Sir, because if I, as a Caymanian, have to pay five per cent on a lease agreement or seven and a half per cent on a purchase..... I believe that this clause 8(b) is going to effect things like time-sharing occupancy and things like that, and strata titles and condominiums; and I intend to move an amendment to this clause that they should pay, at the very least, five per cent which everybody else pays on a lease because it could be argued that these people are leasing the space for one week or a year rather than outright purchase

I am also glad to see, Sir, that the loophole of the 364 day lease is being plugged. This has been common practice here for a long time. I have personally been advised in many cases by attorneys and quite rightly so, Sir, the attorney was doing his job not to make the lease 365 days so as to avoid paying Government 5 per cent, but to make it 364 days. However, Sir, I believe that even though the practice in the community may be that leases are not normally registered or written concerning dwelling properties or living quarters for persons, I would like to see, Sir, an amendment written somewhere in here so that nothing in this section would apply to dwelling houses or living quarters in order to protect the little people which my good colleague Bodden, Town in his eloquent way has said whom we are taxing out of existence. I would not want them to go completely out of existence, Sir. We have to leave them a little room to complain.

I believe, Sir, that if we can make those amendments to the Bill, I will be able to support it, both in body and soul, Sir.

Thank you.

MR. PRESIDENT:

If no other Member wishes to speak ...
..... I call upon the Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON:

Mr. President, I rise, Sir, to support this Bill, a Bill to amend the Stamp Duty Law, 1973 - a Bill which was introduced in this Honourable House during the March Meeting and was withdrawn for further consideration.

Mr. President, rhetoric in the opposition raged again today over this Bill. However, we heard that in essence it was going to cause hardship to the public and it was going to further depress the shaky economy. This, Mr. President, to my mind is another attempt to mislead the public.

As far as the reference to a shaky economy is concerned, that is what this Government found upon taking office in November last year, and every attempt is being made to strengthen the activities within the country. If that is the attitude of this Government, Mr. President, I cannot see how we are going to bring legislation or any proposal to this Honourable House that would do such harm. That is not the policy or the modus operandi of this Government. We are here to present reasonable proposals to this House and the small bit of revenue which the Government would perhaps receive from the provisions contained in this Bill is what I would call peanuts.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, this Stamp Duty Law was introduced in 1973 - 12 years ago, and the provisions to increase the duty on cheques from five cents to ten cents is not altogether unreasonable for the length of time that the present rate of duty has been in effect. So I cannot see where this will bring hardship to anyone.

The banks increase their charge from time to time and nothing is heard about that. The minute poor Government dare to mention increase of any of these facilities, then it is taking advantage of the public.

Mr. President, mention was also made that the public knew nothing about this Bill until it was presented here. I would like to remind Honourable Members that this is a tax Bill and I am sure that we are aware of how tax Bills are treated here. It is confidential until it is presented here. So I do not think there can be any lacking on the part of this Government to have had this Bill well presented to the public before bringing it here, although I will say this, Mr. President, that a lot of discussion took place and even with the Law Society in very confidential terms. So what is being presented here is generally accepted by the public.

Mr. President, the Housing Authority was even brought into this. The economy is so depressed that in March there was stated here that we had no money to grant mortgages in the Housing Authority. May I remind the opposition that that was exactly the position we found on the 15th of November.

The Housing Authority had disposed of all its money during the hot political campaign, so that at the end of the year all the money that was provided by the institutions here had been shared up.

Mr. President, there is only one area of this Bill that I would say looked a bit confusing and that is clause 8 of the Bill which I will mention. Also, Mr. President, Honourable Members want to be reminded that the tax that was proposed in the original draft Bill in March against timesharing is no longer in this Bill. It is the subject of a new consideration which is being examined at the present time because there are many implications and there are parameters that need to be examined in that particular proposal. At that time the tax aspect will also be dealt with.

Mr. President, clause 8 of this new Bill, under assignment in the (b) section, says just under the sub-paragraph dealing with the right of an agreement or memorandum of agreement ".....the purchase of any land, strata title or other immovable property....." to be taxed \$100. The following sub-paragraph (b) says, "a debt policy of life assurance or" for the first line of the item headed "ASSIGNMENT"; and that was a bit confusing, Mr. President. It appears to me that what was really meant there was that after (a), which read "of any rights under an agreement or memorandum of agreement for the purchase of any land, strata title or other immovable property..." .."\$100", (b) should have read "of a debt, policy of life assurance or other thing in action where no other duty is specified under other head of charge\$6". It is a bit confusing how the amendment is presented in this new draft Bill under clause 8. That, I am sure, the Honourable Third Official Member will clarify in his summing up.

The other part of clause 8, Mr. President, where it says "for the sale or purchase of any land or strata title \$20" - that is a small fee and the reason why this is being revised and a bit more duty being placed on it is because of the importance which was placed and what we debated at the March Meeting of an agreement for sale being assigned from one person to the other - assigned many times without stamp duty being paid on it and so it was thought that under this section that the duty should be a bit more in order to indicate the significance of this particular head of charge for stamp duty.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, as I said in my opening remarks, the Bill is just a matter of tidying up a few areas of the Stamp Duty Law which has been in operation for over 12 years, and any law whether it is a revenue law or other laws should really be reviewed over such a lengthy period of time.

Mr. President, we heard too about the 4 per cent condominium tax which was repealed in December of 1984 that the provision under that particular Law would have helped to have balanced the budget instead of having to now introduce this amendment to the Stamp Duty Law to tax poor people. Mr. President, the repeal of that 4 per cent condominium tax is water under the bridge.

We had our specific reason for repealing that tax and I am sure that the advantage of doing so is being experience at the present time with the number of new interests coming into the country. But, in any case, Mr. President, the amount of tax which we found owing under the 4 per cent amounted to something over \$600,000, and the Treasury up to the end of last year had collected only \$160,000; and that was for a period from 1981 to 1984. So if this was such a brilliant Law where revenue is concerned then somebody should have seen to it that the tax, that it should have provided to the Treasury, was collected. That was not the reason why the tax was repealed because had it been that then we would have not repealed the Law, but would have ensured that the debt owing would be collected.

Mr. President, I support the Bill as I have said before and to be quite honest with you, apart from the other clauses which provide useful amendments to the present Stamp Duty Law, I do not see that what is being recommended in clause 8 or amendment of the Schedule is going to impose any financial difficulties on the poor people of these Islands. What the amendment sought to do in the first instance, Mr. President, was to check on all those big dealers who are always attempting to find means and ways of depriving the Crown of its rightful share of duty under this Law; people who know that it is not in the spirit of the Law to do constant assignment of property without paying stamp duty, yet they would do it and the big profit which they receive from these transactions are pocketed and Government receives nothing from it. Those are the people that this Law and the proposed amendment of the Schedule intended to deal with, but not the poor people. The poor people of these Islands respect these Laws and respect the Government and they are not going to make any attempt to deprive Government of its rightful share in anything.

Mr. President, I recommend the Bill.

MR. PRESIDENT:

Since no other Member seems to wish to catch my eye, I will invite the Honourable mover to exercise his right of reply if he wishes.

HON. THOMAS C. JEFFERSON:

Mr. President, I rise to thank Honourable Members for their support; noting the reservations on a few items.

One area which seems to have caused the greatest confusion appears to be clause 8 and perhaps the manner in which the drafting is done may have caused it, Mr. President. However, if we look at the Bill, clause 8(b) and we move further down where it says "for the first line of the item headed "ASSIGNMENT"" we are to "substitute assignment of any rights on an agreement or memorandum of agreement for the purchase of any lands, strata title or other immovable property\$100". If we delete the line assignment, Mr. President, it reads on "of a debt, policy or life assurance or other thing in action where no other duty is set aside under any other head of charge\$6". Therefore, Mr. President,

HON. THOMAS C. JEFFERSON (CONTINUING): there is no change in the stamp duty on the assignment of any debt or insurance policy. It remains at \$0. The \$100 relates to the assignment of land, strata title or immovable property.

Mr. President, this Bill which we debated very keenly in March was withdrawn because of representations made to Government. We have examined those representations, Mr. President, and our conclusions are what we see in the Bill before us. Those interest rates that are called exorbitant, Mr. President, it may surprise us, are rates suggested from some of those representations. These are the people who are developing property along Seven Mile Beach. It was the suggestion of how to get persons to stamp their documents and pay Government the stamp duty which is rightly due it.

Some comment was made, Mr. President, about discrimination in terms of section 26 (1)(a) of the principle Law, but, Mr. President, section 26 (1)(a) is being related to section 28 and is being inserted into that section. Section 26(1)(a) reads: "Whoever with intention to defraud fails to issue a receipt in respect of money paid to him or fails to stamp any instrument upon which duty is payable under this Law, it being his duty so to do", commits an offence. When inserted into section 28 which has been there since 1973, that section still reads: "Whoever being an attorney-at-law, banker or trust company or any officer of a banker or trust company, or an accountant, agent, broker or estate agent authorised by any law to practise or do business as such in the Islands is convicted of an offence contrary to paragraphs (e), (f) or (g) of section 26.....". Section 26(1)(e) deals with being entrusted with money for the purpose of stamping an instrument; (f) deals with forging any stamp or die; (g) deals with making any false statement, and basically all we are adding to it, Mr. President, is that if he attempts to defraud Government by failing to stamp any instrument.

It reads on in relation to section 26: "May at the discretion of the Governor and in addition to any other punishment imposed have his licence or authorisation to practise or to do business terminated or suspended for such time as the Governor may order and upon such conditions as the Governor may describe.". Therefore, Mr. President, there is no discrimination. We want all of the people who operate in this particular phase of business in this country to be equal - no discrimination.

The assignment, Mr. President, is an attempt to charge on any document where a person forms an agreement to purchase land, and that agreement has a condition that the agreement is assignable. Each time the agreement is assigned, Mr. President, there is \$100 charge. In relation to an agreement where the person pays the stamp duty up front, some legal persons will argue that when the sale takes place or that is when the agreement is assigned for \$50,000 in addition to the original sum, the stamping has to be upgraded to that \$50,000, because an agreement is not registerable, Mr. President.

I thank all Honourable Members for their support of the Bill.

MR. PRESIDENT:

The question before the House is that a Bill entitled A Bill for a Law to amend the Stamp Duty Law, 1973, be given a second reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Bills - Second Readings on the Order Paper, item 3(v)(1) - the Penal Code (Amendment) Bill, 1985.

SECOND READING

THE PENAL CODE (AMENDMENT) BILL, 1985

CLERK: THE PENAL CODE (AMENDMENT) BILL, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move the Second Reading of a Bill shortly entitled the Penal Code (Amendment) Bill, 1985.

I apologise to Honourable Members for the rough quality of my voice and if things get sufficiently bad I may call upon the professional assistance of the Elected Member for North Side - for some lozenges.

Mr. President, Sir, as Honourable Members of this House know, our Penal Code was a codification made some ten years ago of more than some 24 enactments, some dating from the middle of the nineteenth century. That Code brought together in one Law 10 years ago the punishments and the offences over a wide range of subjects that had been contained in a number of scattered laws. Today, in this amendment Bill that we have before us, apart from updating one cross-reference, there are five major fields of the Penal Code that are dealt with. The first is in relation to partially suspended sentences. The second is in relation to enforcement of fines distress. The third provides for imprisonment in default of fines. The fourth deals with forfeiture of recognizance and the fifth deals with community service orders. I think it is appropriate to note, Mr. President, Sir, that in the 11 parts of the Penal Code, all these are concerned with Part II relating to punishments; and as such it is also very significant to note, Mr. President, that they come and are brought by this Government for this Honourable House at the same Meeting at which Honourable Members will also be considering two other Bills which reflect on the punishment of prisoners and the matter of dealing with prisoners for certain offences and generally, namely the amendments to the Misuse of Drugs Law and the Rehabilitation of Offenders Law.

These amendments which are before you in the Penal Code are part of a comprehensive reassessment, both of the method of dealing with prisoners to ensure, as other Members have at earlier stages of this Meeting pointed out, that our prisons are not unnecessarily overcrowded and as a corollary of that to ensure that the Law, when it inflicts a punishment for an offence, is an effective weapon in the hands of law and order to make sure that the punishment fits the crime and that it is adequate to deal with it.

If I may turn, Mr. President, Sir, to the first main topic which is partially suspended sentences. As Honourable Members of the House are no doubt aware, in 1975 there was one mention in section 23 of the Penal Code which dealt with imprisonment, and very simply there provided a person may be imprisoned for certain terms. In 1979, thought on the concept of penology having developed, there was brought in very briefly the concept of the ability to suspend sentences. So instead of being sentenced to two years imprisonment, the court could sentence a person to the two years suspended, which meant that unless a person committed another offence within two years he did not in fact go to prison for that.

HON. MICHAEL J. BRADLEY (CONTINUING): Those concepts of suspended sentences were enlarged and brought up to date and made more effective in 1983. But whilst there were provisions for wholly suspended sentences; there are not as yet in the Penal Code any provisions enabling a court to partially suspend a sentence and partially inflict a sentence. It is now, Mr. President, Sir, the aim of clause 3 of the Bill before you, to close that gap.

If passed, clause 3 will provide a new section 23D in the Penal Code which will have the effect of enabling a court which passes on an offender who is not less than eighteen year of age, a sentence of imprisonment of not less than six months and not more than two years to order that after part of that sentence has been served in prison, the remainder of it shall be held in suspense.

This, Mr. President, Sir, will enable the court to give to offenders a short, sharp lesson of imprisonment, to suspend the remainder of sentences which are under two years, but to have the effect of deterrent of saying to the person, "You have served part of your sentence; if you do not behave, you will go back and serve the rest." The only limitation on that is that the part to be held in suspense shall not be more than three quarters and not less than one quarter of the full period of the sentence.

If an offender is unfortunate enough, within the time limit, to commit another offence he is brought back before the court and it would be normal practise for the court to order that the remainder of the sentence be served. However, in accordance with the policy of this Government in giving to the courts whom we respect, whom we revere and in whom we have confidence the maximum discretion to deal with offenders as they think fit, the court, if it is of the opinion in all the circumstances that have arisen that it would be unjust to restore the part of the sentence held in suspense, may either restore a lesser part or give the reasons why it makes no order.

There are certain provisions in the new proposed section which state that the power partially to suspend sentences will not be applicable to a number of offences, and as proposed in the Bill those offences in which it will not be possible for the court partially to suspend a sentence is 167 of the Penal Code which relates to manslaughter, which is the second category of any offence under the Misuse of Drugs Law (Revised). I may say that speaking for myself, and I may add hastily that I am not and have not consulted my colleagues in this, that we may wish at Committee Stage to consider this provision and see whether we should consider that we should allow the concept of partially suspended sentences to be extended to offences under the Misuse of Drugs Law as well. The third category that it does not apply to is offences under the Traffic Law which says that there is power to partially suspend sentences in relation to speeding offences, careless driving offences, documentary offences and certain other miscellaneous offences.

The second main subject that this amending Bill deals with, Mr. President, is the power to enforce fines by distress. At present the courts impose a fine and they provide that if that fine is not paid, that the person shall in default of payment go to prison for a particular period of time. Those default provisions I shall be dealing with in my next category, but it was considered by your Government, Mr. President, Sir, that in the circumstances that apply in the Cayman Islands a much more effective sanction, a much more effective way of enforcing the Law of recovering penalties, of seeking not to overcrowd our prison and

HON. MICHAEL J. BRADLEY (CONTINUING): to provide a sufficient deterrent would be for the Penal Code to give the courts the power when a fine is imposed, either in addition to or in default of a sentence of imprisonment, and such a fine is not paid that the courts would have power to issue a warrant to levy on the property, either movable or immovable, of such person a warrant for the levying of the sum in respect of the fine.

Very briefly, Mr. President, Sir, if you are fined a very substantial amount, and in this day and age regrettably there are offences for which very large fines are suitable (drug offences, fraud offences and many other offences) that if you are given a very large sentence of imprisonment, instead of being at a great cost to the country incarcerated in prison for a period in default thereof or if the person decides it is worth it to serve his three months or six months and not pay the pay fine, they will not have that option. There will be the ability for the court to order, in the same way as in a civil judgment there is power to order, that a warrant will issue that the court bailiffs will go and summons the person and issue a warrant against, by distress, the property of that person to make sure that the fine is paid.

This, Mr. President, Sir, I think will be a very healthy weapon to have in the hands of our courts. It will make criminals who are fined substantial amounts or who know they are going to be fined substantial amounts if they are convicted, think much longer and much harder before they commit those offences.

The third category, Mr. President, that this amendment to the Penal Code deals with is the subject, as I mentioned briefly just a few minutes ago, of the concept of imprisonment in default of a fine. Now, Mr. President, Sir, the Law applicable to that at present is contained in section 25 of the Penal Code, and it provides that where a fine is ordered to be paid by the court, the court when it is imposing that fine can provide for a term of imprisonment relative to the amount of the fine. But, I am afraid that in 1975 the relationship between the amount of the fine and the maximum period was out of date and if it was out of date ten years ago, it is even more so out of date now because it says, and I quote, Mr. President: "In the absence of express provisions in any law relating thereto the term of imprisonment ordered by a court in respect of the non-payment of any sum adjudged to be paid for costs under section 28 or compensation under section 28 or in respect of the non-payment of a fine or of any sum adjudged to be paid under the provisions of any law shall be such term as in the opinion of the court will satisfy the justice of the case, but shall not exceed in any case the maximum fixed by the following scale:

	Amount	Maximum period
Not exceeding	\$ 10	1 month
	50	2 months
	100	4 months
Exceeding	100	6 months".

Mr. President, Sir, nowadays there are very few offences that do not rate a fine of close to \$100. It is proposed therefore to substitute - as is set out in clause 5 of the Bill and I will read what the section would be if the amendment is passed - that if a fine does not exceed \$100 the maximum period of imprisonment in default would be one month; that if the fine does not exceed \$500 the maximum period would be two months; that if the fine does not exceed \$1000 the maximum period would be four months; but if the fine exceeded \$1000 it is presently provided in the Bill that there would be power for a default imprisonment of up to five years.

HON. MICHAEL J. BRADLEY (CONTINUING): I will say at this stage, Mr. President, that this particular provision making this maximum up to five years was incorporated in the draft at a time when we had not come to a determination to proceed to the concept of enforcement of distress warrant of fines. In Committee I will consider, with Honourable Members, that perhaps that five years could usefully be reduced to a more realistic figure of 6 months or one year, because I consider that when we have the much more effective sanction of the distress warrant that perhaps this very long default period would not be necessary.

We are now also providing, Mr. President, in this part of the amending Bill that relates to imprisonment of default of fine, the concept that where a fine or other sum has been partly paid the term of imprisonment imposed shall abate and be reduced by the ratio that the amount of the part payment bears to the amount of the fine or such other sum. This was, I feel, a gap and an inconsistency in the Law at present: that if you were fined \$1000 with 6 months default, that even if you paid \$900 or even now if there is levy by warrant of \$900 and there was \$100 outstanding that there was no ability to release you from prison until the total amount had been paid. This I think is a much fairer and more equitable provision so that if a person is fined and distress levies upon him if most of the money has been recovered, that he still will not have to serve the amount of the default sentence in full.

The fourth of the five sections which is dealt with in this Bill, Mr. President, is in relation to forfeitures of recognizance. This provision has been put in to spell out in detail what hitherto has been very brief mentions in our laws of the concept of recognizance. A recognizance is a bond that the court requires you to enter into in certain circumstances and what this new section 31 seeks to do is to make provision that if you enter into a bond and bind yourself to appear or to be of good behaviour or whatever other way you are bound for your recognizance, that if it is forfeited the court may adjudge the person bound by it and any sureties there to pay the sum in respect of which they were bound.

Again, in accordance with our principles and our policy of giving our courts the widest discretion possible, there is provision here which allows the court declaring the recognizance forfeited to at any time, instead of adjudging the person, pay the whole sum in which he is bound because of extenuating circumstances remit the whole or any part thereof.

As I have said, Mr. President, Sir, there are five areas that are being dealt with in this Bill. The fifth, Mr. President, is one that since we are concerned with the treatment of prisoners and the methods of rehabilitation of prisoners is of equally great importance to anything else being debated in this House at this meeting.

As you know, Mr. President, some two years ago, following meetings of Select Committees, a number of amendments were made to our Misuse of Drugs Law, and one of the provisions inserted in there was to bring into that Law the concept of the ability of the court to make community service orders. At that time they were placed only in that Law so that the court could make community service orders, if it thought fit, only in relation to offences which were drug offences. It is now considered timely and appropriate by the Government that the concept of community service orders will be extended, not only to offences against the Misuse of Drugs Law, but, to all offences. And, in case, Mr. President, any member of the public or any Members here who have read this Bill

HON. MICHAEL J. BRADLEY (CONTINUING): and have misread it and think that community service orders are now being excluded from drug offences by virtue of the proposed new section 35A(8), let me make it quite clear to Honourable Members that the reason why that exclusion takes place in this amendment to the Penal Code is because that whole concept of community service orders and also of attendance orders is set out fully in relation to drug offences in the Misuse of Drugs Law.

The principles of community service orders which are contained in this Bill before Members of this House are similar to those at present in the Misuse of Drugs Law; namely that where a person who is of or over seventeen years of age is convicted of any offence other than an offence in respect of which the punishment is death or forfeiture, the court before whom he is convicted may, with his consent and subject to the limitations in these sections, in addition or instead of dealing with him in any other way make a community service order. A community service order, if it is made under these provisions, requires the convicted person to perform unpaid work for a specified number of hours which cannot be less than 40 nor more than 240, and the community service order that is made to perform that unpaid work has got the concept that that work has to be performed within 12 months from the date of the order, that it is performed under the instructions of a relevant officer so that the convict is responsible to one person who supervises him; and, Mr. President, Sir, in order that there may be no thought that anything done in a community service order in any way would offend the religious susceptibilities of persons in the community in relation to making convicts do things that are against their own religious beliefs, there is a specific provision that the instructions given by the relevant officer shall, so far as practicable, avoid any conflict with the convicted person's religious beliefs and shall not interfere with the times, if any, at which the convicted person normally works or attends a school or attends any other educational establishment.

The further provisions for community service orders which will extend and be capable of being imposed, in relation to any offence, are similar to the ones which Members, I am sure, are familiar with in the Misuse of Drugs Law. There are provisions relating to probation officers obtaining a report about the circumstances of the person, the person's working in the relevant area and the provisions both to amend a community service order and what happens if a community service order is breached. In relation to that there is power, if there is a breach of the community service order, for the person to be brought back before the court and the court may either fine the person for breaching the order if it is a minor breach or it may revoke the order if it is convinced that the person is totally disregarding the community service order and impose, in substitution, any penalty, including imprisonment, which it could have imposed at the time that the original community service order was made.

The intention of community service orders, Mr. President, Sir, is to give an alternative to incarceration in prison; to provide that offenders can expiate and can be seen to do so their debt to the community; to provide that there shall be a system of community service orders which as well as helping the community is also helping the prisoner himself.

Mr. President, Sir, I commend all the five major terms of this Bill to Honourable Members.

MR. PRESIDENT: The question before the House is that a Bill entitled A Bill for a Law to Amend the Penal Code be given a Second Reading.

The motion will be open for debate, but I think before opening it I will suspend proceedings for approximately 10 minutes.

AT 3:32 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:48 P.M.

MR. PRESIDENT: Please be seated.
The motion is open for debate. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, the Bill before the House highlights confusion that exists in the minds of the Government; confusion that seems to become more rampant each day. This confusion starts with the amendment to the suspended sentences. The amendment which is proposed would defeat the very purpose of the suspended sentence. It is my understanding that a suspended sentence is simply given as a penalty in lieu of the person serving time in prison, and is naturally given in special circumstances where you may have a youthful offender or a first offender, or perhaps even a very old offender, or, in instances where the crime is not considered to be grave. It has worked ever since it has been in the Law. The judges have used their discretion and handed down certain suspended sentences and said to the person, "You are guilty; you have been convicted - I sentence you to one year in prison, but you will serve a suspended sentence." In other words the person does not actually go to jail unless the person later commits another offence within the time of the sentence.

If we change this and say that instead of giving the person a full suspended sentence (we will send the person to jail for three months and suspend the other 15 months of an 18 month sentence), we have defeated the very purpose of the suspended sentence because the person will go to jail for three months and he may as well have gone for 18 months. He is branded as a person who has gone to jail. So we should not have any partly suspended sentences. We should either have the sentence suspended or not suspended. A partly suspended sentence is just as bad to the image of the person as if he had served the full time. So I do not agree with the court handing a partly suspended sentence. The court should either suspend the sentence for the entire length of the sentence which is handed down or the court should not suspend the sentence. One cannot suspend half of the sentence or a part of the sentence unless one puts the same stigma on the person so that we could not interfere with the suspended sentences.

The confusion that I spoke about continues throughout this Bill in that the attitude of the new Government is now, and has been declared, that they want to get away from minimum sentences. The Honourable Second Official Member mentioned that we will be dealing with the Misuse of Drugs Law later on, and everyone knows that in the Misuse of Drugs Law we will be removing the minimum sentences which exist. Yet, in their confused state, the Government has brought forward in this Bill minimum sentences again,

MR. G. HAIG BODDEN (CONTINUING): and that is with regard to the suspended sentence because it says in clause 3, in the new section 23D(2), the part to be held in suspense shall be not more than three-quarters and not less than one-quarter. So they have given the judge here the restriction in which he must impose a minimum sentence during the period of the suspension - the part to be held in suspense shall be not more than three-quarters and not less than one-quarter of the whole period of the sentence. So it is a minimum sentence when say "not less than". And, if we look at 23D(3) in clause 3 again, we see it mentioned again.

In some other part of the Bill dealing with the community service orders, or perhaps in another Bill, the same thing appears that they must serve not less than 40 hours nor more than 240. So there is utter confusion in the Government. They are trying to do away with minimum sentences in the Misuse of Drugs Law and putting in minimum sentences for community service orders and minimum sentences for suspension of sentences. So there is utter confusion. I read about not less than six, not less than one-quarter and I do not know where the confusion is going to end.

I am also totally against distress warrants. It is my understanding that the distress warrant could be enforced so as to sell a man's dwelling house; and if a person is convicted - or the procedure had been before this that when a person is convicted of a criminal offence he could be fined, or imprisoned, or both and he might also be imprisoned in lieu of paying a fine. But, what the distress warrant would do is to allow the court to compel the man to pay the fine rather than to go to jail, and this could be abused. There may be good reason why the convicted person would not want to pay the fine and would prefer to go to jail. It may be some person with a strong religious belief who would rather be a martyr and be imprisoned than to pay the fine. I think this has happened here before. There could also be cases of a political nature where the person would prefer to go to jail rather than pay the fine. And, there may be cases where out of hardship the man may decide that he is better off going to jail than taking the cash out of the bank that he would need for his family; and if we put in this distress warrant the court could say, "You must pay the fine. You cannot serve the time in jail. If not, we will issue a warrant and we will sell your house, we will sell your business and then when you come out of jail you will really need to be a criminal because you will have nothing to start from, you will have nothing to feed your family, you will have no job and we will really cure you of your criminal record."

So, a distress warrant is an evil thing for cases which would come under the Penal Code and we must not allow this to be put in because it could be abused and it is my belief it would be abused.

Under clause 4, in the new section 24A(3) dealing with the warrant, it says, "A warrant shall not, if it states that the sum has been so adjudged to be paid, be held void by reason of any defect in the warrant." What a strange provision! I know of many cases where warrants, not distress warrants, but other warrants, have not been considered valid because there were inaccuracies; and here we are making it so that no matter how grave the defect in the warrant, it can be executed. Suppose for argument's sake the warrant had the name of the wrong person, will it be said that the warrant is valid and that John Brown's house must be sold when it really applied to his sister Mary Brown? This has to be the height of nonsense. I do not believe that a person should escape because the warrant is deficient. The warrant should be corrected, but here it does not say that - it says that the warrant must be executed, regardless of any defects in it. This has to be wrong.

MR. G. HAIG BODDEN (CONTINUING): A warrant shall not, if it states that the sum has been so adjudged to be paid, be held void by reason of any defect in the warrant. This cannot be right. If the warrant is wrong, the warrant should be corrected. A warrant cannot be executed if it has a defect in it.

I understand from the Honourable Member introducing this Bill that he will be seeking, at Committee Stage, to amend clause 5 to change the time of five years to six months. I agree with this change. The original Law, the Penal Code, had a time of six months and I think it should remain because this six months is the time that would be served in lieu of paying a fine which might exceed \$1000; and five years was naturally too high. I must compliment the Honourable Member on this amendment. I will not bother to tell you the notes I had made before I heard of this change.

I am totally dissatisfied with clause 6 which deals with the forfeiture of recognisances. I understand, and I see from the Bill, that the recognisances mentioned in this Bill are limited in nature and apply only to sections 30 and 31, and does not apply to bail bonds generally. However, just looking at section 31 would be sufficient to show why the recognisances should not be refunded if they have been forfeited. Section 31 reads: "When a person is convicted of any offence not punishable with death the court may, instead of passing sentence, discharge the offender upon his entering upon his own recognisance, with or without sureties, in such sum as the court thinks fit, conditioned that he shall appear and receive judgment at some future sitting of the court or when called upon."

If the person is let off upon the understanding that he must appear in court or that he must do something, he should fulfill the terms of that recognisance. But, here again we see the utter confusion in the Government because they are defeating the very purpose of the recognisance. If one puts up a bond to cover something and the person does not fulfill the terms of the bond, he loses his bond money. Here this new-fangled Bill says that it is alright - it will refund the total amount despite the fact that one has not complied with the terms that had been set out, or a part will be refunded. I think this is wrong. We do not need this. If a person is bonded; if a person enters into a recognisance and he agrees with the court that he will do certain things or pay certain monies, and what is even worse is if other people agree to put up the bond money, they should lose the money if the person fails in doing what is expected of him. I can see this being very useful in the cases of say drug offenders where they could easily put up any bond, any cash, and then when they fail to do whatever was in that bond they would only have to go to a judge who was favourably disposed to them and say, "We have not done what we were supposed to do, but we will make application to get our money back." I could see this putting no end of work upon the courts, and here again it shows the confusion in the minds of the Government because we dealt, only this morning, with the Clerk of Courts Bill which is intended to ease the workload of the courts by letting junior officers do some of the administrative work; and here we are putting in a provision which is bound to increase the workload because everyone failing to perform under his recognisance would immediately make application to the court to get his money back.

I dealt with the minimum sentences put in for the suspended sentences, where the judge's hands would be tied in relation to the amount to be suspended, and he would be compelled to suspend in accordance with a fixed formula in the Law. And, in

MR. G. HAIG BODDEN (CONTINUING): clause 7 of the Bill we see the same minimum penalties being put in. Under the proposed new subsection 35A(2) it reads: "A community service order made under subsection (1) shall require the convicted person to perform unpaid work in accordance with section 35B for a specified number of hours (being in the aggregate not less than forty nor more than two hundred and forty)". So a minimum sentence is imposed with regard to the community service orders. The judge could not send a person to do four hours work; he must give him a minimum order of forty hours - and all I hear is that we are giving discretion to the court, and we are taking out the minimum sentences. Throughout this new Bill there is nothing but minimum sentences, minimum provisions whatever one wants to call them. The judge's hand is tied, so there is utter confusion in the minds of the Government. They do not know whether they want to get rid of minimum hours or minimum years, or minimum fines, or whether they want more of them because they take them out in one place and put them back in two places. Maybe that eases their conscience.

The community service orders have been enforced for some time and it is encouraging to see that under the new Bill the probation officers will be carrying out certain functions. But, this is wishful thinking because in the March Meeting of the House, in the Finance Committee, I was unable to get one probation officer to serve the three eastern districts. And here it is expected that the probation officers will carry out the provisions of this Law with regard to the supervision of those people who are doing community service orders under the Penal Code - that is contained in clause 7, new section 35A (5), of the new Bill: "A community service order shall specify the area in which the convicted person will reside; and the functions conferred by sections 35B, 35C and 35D on the relevant officer shall be discharged by a probation officer." There is a lot of work involved in this because the probation officer would have to see the person, probably, on a daily basis. He would have to report to him at regular hours. I expect the probation officer would have to oversee the work he was doing or inspect the work that he had done and would have general supervision. I would like to know how we are going to do this practically when we could not get, in March, one new probation officer to serve North Side, East End and Bodden Town.

There must be utter confusion in the minds of the Government because all we could get for Social Services, if I remember correctly, was one clerical officer and here we are talking about hundreds, literally hundreds of probation officers. We are told day after day that one reason why the prisoners cannot work outside the prison is because we lack the staff to supervise them; and here we are going to take a convicted person and expect the probation office to deal and to take on these new responsibilities. So the confusion thickens. Further, this probation officer has such sweeping powers and has to monitor the behaviour because the court and the officer, together, must make certain that the work which is being done does not interfere with the person's religious beliefs; must not interfere with the time that he attends a school or other educational establishment and so on. All of these things must be supervised by the probation officer - the judge of the court is certainly not going to go out to see if this is happening. I would like to know how it can be done when we were told that we could not get one probation officer or one social worker for the three eastern districts.

What is even worse and what adds to the continued confusion is clause 7 - 35C here on page 6. This, if one reads it in its entirety, shows that the Government itself has no faith at all in the community service orders.

MR. G. HAIG BODDEN (CONTINUING): If one looks at 35C (2) it says: "If it is proved to the satisfaction of the court that the convicted person has failed without reasonable excuse to comply with any of the requirements of section 35B, it may, without prejudice to the continuance of the order, impose on him a fine not exceeding one hundred dollars or may revoke the order and impose in substitution therefor, in addition to any other sentence either by way of fine or imprisonment, or both, which may have already been imposed at the time of the conviction a further fine or a further term of imprisonment, or both," This clearly shows that the Government has no faith in the orders.

In clause 7 - 35D, the community service order can be amended, but it appears only in one direction which is unfair. It says: "Where a community service order is in force in respect of a convicted person and, on his application or that of the relevant officer, it appears to the court that made the order that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice to do so the court may extend the order for a further period of twelve months." It does not say that he can reduce the order if this would also be in the interests of justice. There are many instances that come to mind. For example, suppose the person serving the order had become sick, had become blind, had suffered in any physically and it would be necessary to shorten the period; here this section seems to make provision only for making the period longer and this has to be unfair. It should read, "may extend or reduce the order".

I did not bother to speak on the increases in the fines under the same section that I spoke about where it is being sought to reduce the time spent in lieu of paying the fine, where the fines exceed \$1000 the convicted person will spend five years; and that is to be reduced to six months. But, I would like to mention that I consider the fines excessive. They have been increased something like ten-fold, from \$10 to \$100; \$50 to \$500 and \$100 to \$1000. And of course the times correspond.

HON. MICHAEL J. BRADLEY:

Mr. President, Sir, on a point of information.

MR. PRESIDENT:

Are you prepared to give way?

(The Member sat down)

HON. MICHAEL J. BRADLEY:

I thank the Honourable Member for giving way to me on this point of information.

It may be the drafting at fault, Mr. President, Sir, that the intention and the effect is not clear. What previously was the position was that if a person was fined respectively \$10, \$20, \$50 and \$100, in lieu of that he could be imprisoned in default for one, two, four or six months. What this amendment seeks to do is something that I thought the Second Elected Member for Bodden Town would approve of, and that is to increase dramatically the amount that the fine must be before the equivalent sentences of imprisonment bit upon it; so that you would have to be fined \$500 before you could be sentenced in default of four months.

MR. G. HAIG BODDEN:

Mr. President, I understand that. What I am saying is that it does seem that these increases in the money will allow greater penalties in the law where one could only be fined \$10. I think this deals with penalties where there are no special provisions in any law, does it not? Yes, I am correct. It says in section 25(1) of the principle Law: "In the absence of express provisions in any law relating thereto the term of imprisonment ordered by a court... will be as set out below. So I disagree with the changes.

MR. G. HAIG BODDEN (CONTINUING): Let me read the whole section 25(1): "In the absence of express provisions in any law relating thereto the term of imprisonment ordered by a court in respect of the non-payment of any sum adjudged to be paid for costs under section 29 or compensation under section 28 or in respect of the non-payment of a fine or of any sum adjudged to be paid under the provisions of any law shall be such term as in the opinion of the court will satisfy the justice of the case, but shall not exceed in any case the maximum fixed by the following scale:" The scale is:-

	Amount	Maximum Period
Not exceeding	\$ 10	1 month
		(now it will be not exceeding \$100 - 1 month)
	\$ 50	2 months
		(that \$50 will change to \$500)
	\$100	4 months
		(which will change to \$1000 - 4 months)
Exceeding	\$100	6 months
		(the proposal is 5 years)

So I am not happy with any part of this Bill. I cannot find any area of this that is satisfactory and I cannot see why Government would bring such a Bill at a time when apparently there is no justification for bringing it.

A very good job was done by the Honourable Member in explaining the details of the Bill, and this has helped for a better understanding of it, but I am not convinced that the reasons set out in the Memorandum, or the remarks of the Honourable Member have satisfied me that this Bill is necessary at all. I see it as interference with a system that has worked well, interference with a system that needs no correction or changes, and I would trust that the Members on this side of the House will seek to vote against it although we seem to be sadly out-numbered today. Nevertheless, Mr. President, I cannot support this Bill.

MR. PRESIDENT: I would be doubtful about inviting any other Member to speak when we only have about two minutes before the moment of interruption, so I suggest that I advance my watch slightly and invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this Honourable House until 10:00 o'clock, Monday morning.

MR. PRESIDENT: The motion before the House is that this House do now adjourn until 10:00 o'clock, Monday morning.

I think before putting the question, it may be convenient and courteous to Members if I mention my understanding that the Government Members, who have made representations to me on the point, would prefer that we meet only on the morning of Monday because there is a visitor coming here whose visit was arranged some time ago at a time when it was hoped that this Meeting might have been completed.

MR. PRESIDENT (CONTINUING): by midday Monday, with whom they have undertaken to meet on Monday afternoon; so we will adjourn until Monday morning, but in the expectation that on Monday we would adjourn at lunchtime if that is agreeable to Members.

So I am putting the question that we adjourn until 10:00 o'clock on Monday morning.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., MONDAY, 27TH MAY, 1985.

SECOND MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

MONDAY
27TH MAY, 1985

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LLB SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MRS DAPHNE L ORRETT THIRD ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

APOLOGIES

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

ORDER PAPER

MONDAY

27TH MAY, 1985

1. QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 78: WOULD THE MEMBER STATE HOW LONG AN INDIVIDUAL GRANTED CAYMANIAN STATUS UNDER SECTION 14(1)(e) OF THE CAYMANIAN PROTECTION LAW (LAW 24 OF 1984) MUST SPEND IN THE TERRITORY ANNUALLY IN ORDER NOT TO LOSE IT?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 79: WOULD THE MEMBER STATE WHETHER ANY WORK HAS BEEN DONE ON THE SPORTING COMPLEX SINCE 1ST MARCH, 1985, AND IF SO WHAT WORK HAS BEEN DONE?

NO. 80: WOULD THE MEMBER STATE WHETHER ANYONE HAS BEEN EMPLOYED AS SPORTS COORDINATOR FOR THE SPORTING COMPLEX AND IF SO THE TERMS OF HIS/HER EMPLOYMENT?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 81: WOULD THE MEMBER STATE WHY PRIVATE MEMBERS' MOTIONS NUMBERS 1 TO 7 AND THE DEBATE THEREON WERE NOT BROADCAST ON RADIO CAYMAN?

NO. 82: WOULD THE MEMBER STATE WHEN THE PRESENT TEMPORARY SENIOR INFORMATION OFFICER WILL BE REPLACED?

2. GOVERNMENT BUSINESS

BILLS:-

(i) SECOND READINGS

- (1) THE PENAL CODE (AMENDMENT) BILL, 1985 (CONTINUATION OF SECOND READING DEBATE)
- (2) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (3) THE REHABILITATION OF OFFENDERS BILL, 1985

(iii) COMMITTEE STAGE

- (1) THE STAMP DUTY (AMENDMENT) BILL, 1985
- (2) THE PENAL CODE (AMENDMENT) BILL, 1985
- (3) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (4) THE REHABILITATION OF OFFENDERS BILL, 1985

(iv)

REPORTS THEREON

- (1) THE STAMP DUTY (AMENDMENT) BILL, 1985
- (2) THE PENAL CODE (AMENDMENT) BILL, 1985
- (3) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (4) THE REHABILITATION OF OFFENDERS BILL, 1985

(v)

THIRD READINGS

- (1) THE STAMP DUTY (AMENDMENT) BILL, 1985
- (2) THE PENAL CODE (AMENDMENT) BILL, 1985
- (3) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (4) THE REHABILITATION OF OFFENDERS BILL, 1985

3. OTHER BUSINESS

MOTIONS:-

PRIVATE MEMBERS' MOTIONS

- (a) PRIVATE MEMBER'S MOTION NO. 12/85 -
LIQUOR LICENSING LAW
- (b) PRIVATE MEMBER'S MOTION NO. 13/85 -
PROHIBITION OF LIQUOR AND CIGARETTE ADVERTISING
IN THE CAYMAN ISLANDS

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MONDAY

27TH MAY, 1985

10.00 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Questions: The Second Elected Member

for George Town.

QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 78:

Would the Member state how long an individual granted Caymanian status under Section 14(1)(e) of the Caymanian Protection Law (Law 24 of 1984) must spend in the territory annually in order not to lose it?

ANSWER:

No time. The grant of Caymanian status is set out in Section 21(1) of the Caymanian Protection Law, 1984, which at paragraph (b) provides for loss of reason of residence outside the Islands only where the grant of status is as by the Board.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON:

Supplementary, Mr. President. Would the Member state whether in Section 14(1)(e) the Caymanian Protection Board has any prerogative to exercise over Section 14(1)(e) of the Caymanian Protection Law?

HON. DENNIS H. FOSTER:

The answer is no, Sir.

MR. LINFORD A. PIERSON:

Supplementary, Mr. President. Would the Member give the names of any individuals who have so far been granted status within this category, and how many of those individuals are now resident of the Cayman Islands?

MR. PRESIDENT:

I think that if the Member wants information of that kind, it really should be put down as a substantive question. It is not really a supplementary. If the Honourable First Official Member can undertake to provide and circulate copies of a list I will agree to that.

MR. LINFORD A. PIERSON:

Mr. President, just to comment on that, perhaps the Honourable First Official Member could state whether or not he has this information available?

HON. DENNIS H. FOSTER:

Yes, Sir, I have it.

MR. PRESIDENT:

Well, if you want to provide it then...

HON. DENNIS H. FOSTER:

Moody. Alright. Mr. Wilton Hercules. Judge

MR. PRESIDENT:

I think that the Member is relying on memory. He has not really got it available and researched, and I think that it had better be researched to be sure that it is accurate. If the Member would like to undertake to circulate....

HON. DENNIS H. FOSTER: I will, Sir.

MR. PRESIDENT: It is a list of those who have been granted it and whether they are still resident. Am I right that that was what you were seeking?

MR. LINFORD A. PIERSON: Yes, Mr. President, for clarity I think that I should mention that Section 14(1)(e) refers only to those people granted status by yourself as Governor of the Cayman Islands and not by the Caymanian Protection Board. I am seeking to get a list of those people who have so far been granted status and those who are still residents of the Cayman Islands or perhaps who have left to reside in other countries.

MR. PRESIDENT: Are you in fact asking who has been granted it under Section 14(1)(e) of Law 24 of 1984, or who has been granted it under both the previous, now repealed Protection Law, and the present one? I suspect that it is the latter but you did not actually say that.

MR. LINFORD A. PIERSON: Yes, Sir, the Law 24 of 1984 came into effect I believe on 27th March, 1985.

MR. PRESIDENT: So, it is the earlier Law you are after as well. I am not even sure whether it is Section 14(1)(e) in the earlier Law.

If there is no further supplementary, I will invite the Second Elected Member for George Town to ask Question No. 79.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 79: Would the Member state whether any work has been done on the sporting complex since 1st March, 1985, and if so, what work has been done?

ANSWER: Since 1st March, 1985, the following has been carried out at the sports complex:

- (1) Contracts have been prepared and signed
- (2) Cistern and septic tank have been constructed
- (3) All plumbing and electrical conduit under slab have been completed in preparation for pouring floor slab
- (4) The pump room floor slab and footings have been cast, block walls completed, and roof constructed. (This part of the building has been accelerated to allow pump equipment for the pool to be installed by the Lions).

On the track and field:

- (1) Trenching for French drains has been 90 per cent completed
- (2) Topsoil to field has been sterilized in preparation for seeding.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Would the Member state what is the estimated time scheduled for the completion of the sporting complex?

HON. BENSON O. EBANKS: Mr. President, there is no schedule at the moment for completion, since insufficient funds have been voted this year to complete it.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. Would the Member state whether this project, the sporting complex, is regarded as a priority within his Portfolio?

HON. BENSON O. EBANKS: Mr. President, it is regarded as important, but I cannot say that it has priority status.

MR. PRESIDENT: If there is no further supplementary,
Question No. 80.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 80: Would the Member state whether anyone has been employed as sports co-ordinator for the sporting complex and if so the terms of his/her employment?

ANSWER: No person has been employed as sports co-ordinator for the sporting complex.

MR. LINFORD A. PIERSON: Mr. President, on a point of clarity for the supplementary would the Member state if anyone in the position of a supervisor has been employed for the sporting complex or is being paid?

HON. BENSON O. EBANKS: The answer, Mr. President, is no.

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Would the Member state whether any consideration has been given to employing somebody in that position?

HON. BENSON O. EBANKS: Mr. President, I believe that the Member is referring to the post of co-ordinator referred to in the original question. The answer is that that post was considered for inclusion in the 1985 estimates. However, when it became known that the complex would not be completed, the post was not put in the estimates.

MR. LINFORD A. PIERSON: On further clarity, Mr. President, a supplementary. Would the Member advise whether any assistance in the way of a co-ordinator has been received from Dade County in Florida?

HON. BENSON O. EBANKS: Mr. President, we have had the services of a consultant from Dade County.

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Would the Member give the name of the consultant and whether he has been paid by this Government?

HON. BENSON O. EBANKS: The name, Mr. President, is Mr. Olsen and he has been paid by the Government on a time spent basis.

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Could the Member state a ball park figure of how much has been paid to date to Mr. Olsen?

HON. BENSON O. EBANKS: Mr. President, I am not in a position to state that figure.

MR. LINFORD A. PIERSON: Mr. President, would the Member give the undertaking to supply me with this information?

HON. BENSON O. EBANKS: Yes, Mr. President.

MR. PRESIDENT: If there is no further supplementary, Question No. 81. The Elected Member for North Side.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 81: Would the Member state why Private Members' Motions Numbers 1 to 7 and the debate thereon were not broadcast on Radio Cayman?

ANSWER: Authority to broadcast the Private Members' motions was not included in the original Government Motion No. 2, "Broadcasting of Parliamentary Debates Paper" and when the station was advised of the authority to broadcast same on 25th March, no recording of the motions except the Legislative Assembly copies were available, which were at a non-standard/professional speed of 1 7/8" per second and to try to re-record the Legislative Assembly tapes to standard speed would have been a massive exercise with quality of tapes running below professional quality.

Members will recall that the last sitting of the Legislative Assembly lasted for nearly one month and thus Radio Cayman was broadcasting every night during that period.

The unfortunate error is regretted.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Would the Member give us an undertaking that in future all these professional things which need to be done so that we can have our motions broadcast, will be done?

HON. DENNIS H. FOSTER: Yes, Mr. President, since that we have our own recording machine in there so it is not dependent on the Legislative Assembly ones.

MR. D. EZZARD MILLER: Supplementary, Mr. President, I do not have Government Motion No. 2/85 in my briefcase with me, but my recollection was that authority was given for Private Members' motions to be broadcast?

HON. DENNIS H. FOSTER: Mr. President, latterly, Sir. However, the first document which was circulated to Members did not have it on, and the second one which was a correction did have it on.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Which motion did we pass then?

HON. DENNIS H. FOSTER: The latter one. The correct one.

MR. W. McKEEVA BUSH: If that is....I guess that he already answered the question which I was going to ask.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Can the Member give us the undertaking to have those motions broadcast at this time?

HON. DENNIS H. FOSTER: I really do not think that it would make sense broadcasting now, Sir, when they were for a Meeting in March. I do not see that it makes sense now.

MR. W. McKEEVA BUSH: Mr. President, if you would allow. It is not a supplementary but those....

MR. PRESIDENT: I can only allow supplementaries, I am afraid. If you can find an ingenious way of turning what it is you want to say into a supplementary, I will certainly allow it. However, you must do so.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Would the Member state whether it was a no sense reason why they were not broadcast in the first instance, since it is a no sense reason why they are not going to be broadcast now?

HON. DENNIS H. FOSTER: No, Sir, I gave the Member the reply that we did not record those, Sir. It would be quite difficult to do them now from the Legislative Assembly's tapes. It is a different type of machinery completely. It was just an error. That is all.

MR. PRESIDENT: Question No. 82.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

NO. 82: Would the Member state when the present temporary Senior Information Officer will be replaced?

MR. D. EZZARD MILLER: Mr. President, with your permission, Sir, I wish to withdraw Question No. 82 in light of a press release which appeared in Friday's paper, which has pre-empted the answer, Sir.

MR. PRESIDENT: I cannot find the Standing Order which entitles you to withdraw a question, but I am quite certain that you do not have to ask one if you do not want to.

MR. W. McKEEVA BUSH: I do not see any there.

MR. PRESIDENT: Sorry?

MR. W. McKEEVA BUSH: I looked at the Standing Orders too, Sir, but I did not see any to withdraw.

MR. PRESIDENT: I shall take it that it has escaped our notice but that it exists, and you can withdraw. You are not obliged to ask a question if you do not wish.

Item 2. Bills. Second Readings. The continuation of the debate on the Penal Code (Amendment) Bill, 1985. My recollection is that the Second Elected Member for Bodden Town had finished speaking and the motion was open for debate if any other Member wished to speak. The Second Elected Member for George Town.

GOVERNMENT BUSINESS

BILLS

THE PENAL CODE (AMENDMENT) BILL, 1985

DEBATE ON SECOND READING

MR. LINFORD A. PIERSON: Mr. President, The Penal Code (Amendment) Bill, 1985 has a number of important amendments. It provides a number of very, very important changes to the primary Law.

I must congratulate the mover of this Bill for a very, very good presentation. Of concern, Mr. President, as stated in respect to the other Bills is that in my opinion sufficient time is not given to the public, and even to Members of the Legislative Assembly to study these Bills, or indeed to consult with members of their constituencies.

Also, it has been brought to my attention that even individuals within the legal field are not made privy to any of these Bills before they are brought to this House. In discussing it even with members of the Government Legal Department it is also my understanding that they have not been consulted. I am stating, Sir, that this is my understanding. I am not stating this as a fact.

Clause 3 of the Memorandum and Objects and Reasons in the Bill seeks to have the sentence of imprisonment partly suspended. It states under Section 23D.(1):-

"Notwithstanding subsection (3) of section 23, a court which passes on an offender who is not less than eighteen years of age a sentence of imprisonment for a term of not less than six months and not exceeding two years may order that, after he had served part of the sentence in prison, the remainder of it shall be held in suspense."

Subsection (2) of this section states:-

"The part to be held in suspense shall be not more than three-quarters and not less than one-quarter of the whole period of the sentence, and the offender shall not be required to serve that part unless it is restored under subsection (3);"

Mr. President, I have heard a number of debates in this Assembly during the Session on various Bills, but I am still to see any amendments or changes made regardless of how important the matters dealt with were, or regardless of the points raised from across the House.

MR. LINFORD A. PIERSON (CONTINUING): I believe, Sir, that it is an exercise in futility if we are going to stand here in this Honourable House for the sake of having ourselves heard. I have even been told by Members from the Government Bench that areas raised from this side of the House were most important, but yet nothing was done to take these points into consideration.

Also matters raised in Committee Stage are given the same level of consideration, which is none at all. However, be this as it may, Mr. President, I feel that I have, like many of my colleagues, a responsibility to the people. In this respect I say God bless Radio Cayman. For had it not been for Radio Cayman, some of our people would wonder indeed what we are doing in this House.

I see, Mr. President, where there are a number of important and timely changes in this Bill. I also see a connection between this Bill and the Rehabilitation of Offenders Bill which will be complementary to such a Bill. We have not yet debated that Bill.

There are certain points, Mr. President, which I feel will require some clarification. One of those points is whether the rehabilitation period will be calculated on the full term of the original imprisonment, or on the minimum period left after suspension.

I move, Mr. President, to Clause 4 which seeks to make provision for a warrant of distress. This is to be issued when there has been default in the payment of a fine or other sum ordered to be paid by the court.

Mr. President, in this respect I cannot help but refer to a remark made by the mover of this Bill, which in my opinion seemed somewhat out of line. It states:-

"This will enable the courts to give offenders a short sharp lesson of imprisonment."

I wonder, Sir, if this suspension, and I will go back to the point of suspension; if the intention is to rehabilitate an individual or is it to give our people a sharp lesson of imprisonment? What is the purpose, Mr. President? Why does it say under Clause 4 that an individual will still not have the right of opting for imprisonment if he so cares to spend a vacation in Northward Prison, rather than having a policeman walk into his home and take out his television; take out his sofa set; take out his material things and tell him that if he does not pay the fine then a warrant of distress will be levied on him.

I am asking questions, Mr. President, which the Honourable Second Official Member will have his opportunity to answer when he is summing up.

Mr. President, I am also happy that some amount of sanity was eventually brought into this Bill, because initially under Section 5 of the Bill which seeks to amend Section 25 of the primary Law, there are a number of important changes being proposed. I think that some of these changes are very good indeed because under the old Law, the amount charged was not in equity to the amount of the sentence imposed under the Law. On fines exceeding \$1,000 the period was six months, but in the Bill it was changed to five years. However, I am happy, Mr. President, that in Committee Stage the mover of the Bill will be attempting to bring back sanity to this Bill by asking that the court be in a position to impose a maximum of six months' imprisonment rather than the five years which was initially in here.

MR. LINFORD A. PIERSON (CONTINUING): Also interesting, Mr. President, and I must congratulate the mover of this Bill because I feel sure that it originated with him, is the section he placed in Section 3(2) in the last paragraph, which says that the court will explain to the offender in ordinary language. So often, Mr. President, I hear people coming out of the court not knowing what they have been sentenced for because the language went way above their heads.

Another important section of this Bill, Mr. President, has to do with enforcement, as I said by distress warrant. This is very dangerous, Mr. President, and it could be abused if not properly handled. I would ask that this matter be looked into very carefully.

Mr. President, Section 6 of this Bill seeks to make provision for forfeiture of recognizance, and it reads, Mr. President:-

"31A. (1) Where a recognizance has been entered into before a court under sections 30 or 31,"

and for the sake of the public, Mr. President, I should mention here that Sections 30 and 31 deal with the security for keeping the peace, and Section 31 the security for coming up for judgement. Section 30 of the primary Law states, that is Law 12 of 1975 states:-

"A person convicted of an offence not punishable with death may, instead of, or in addition to, any punishment to which he is liable, be ordered to enter into his own recognizances, with or without sureties, in such amount as the court thinks fit, that he shall keep the peace and be of good behaviour for a time to be fixed by the court, and may be ordered to be imprisoned until such recognizance, with sureties if so directed, is entered into; but so that the imprisonment for not entering into the recognizance shall not extend for a period longer than one year, and shall not together with the fixed term of imprisonment if any, extend for a term longer than the longest term for which he might be sentenced to be imprisoned without fine."

Section 31 states:-

"When a person is convicted of any offence not punishable with death the court may, instead of passing sentence, discharge the offender upon his entering upon his own recognizance, with or without sureties, in such sum as the court thinks fit, conditioned that he shall appear and receive judgement at some future sitting of the court or when called upon."

Mr. President, if this is not carefully considered by this House we will find difficulties in individuals obtaining any form of security, because those entering into these securities will be very, very afraid indeed, not understanding what this all means.

Under Clause 6(5) it states:-

"Where any person has entered into a recognizance under section 31 and in breach of that recognizance fails to appear and receive judgement at such future sitting of the court or when called upon, the court may without prejudice to its power to declare the recognizance to be forfeited, issue a warrant for his arrest."

MR. LINFORD A. PIERSON (CONTINUING): We have to be also very careful with this, Mr. President. It could be a situation where an individual is not available for many, many reasons, and I feel that the court and the law officers should be most careful in considering whether or not to arrest such an individual.

The insertion of new sections to this Law, Sections 35A to 35D, I feel have been long, long overdue. Section 35A of the Bill, Mr. President, deals with the community service orders, and I think that this is a very important section, even though provision is already made under the Misuse of Drugs Law:-

"Where a person of or over the age of seventeen years is convicted of any offence (other than an offence in respect of which the punishment is death or forfeiture), the court before whom he is convicted may with his consent and subject to sections 35B to 35D (inclusive), in addition to or instead of dealing with him in any other way, make a community service order."

We have seen here, Mr. President, that a community service order made under Section 1 shall require the convicted person to perform unpaid work in accordance with Section 35B, which will not be in aggregate less than one week or forty hours, or more than 240 hours or approximately six weeks.

One question, Mr. President, is the criteria for setting these limits. Why one week, Mr. President? Why six weeks? I trust that the mover of this Bill will clarify this point.

Another important section of this Bill, Mr. President, is Section 7(3) which states:-

"A court shall not make a community service order in respect of a person convicted of an offence unless the court -

(a) has been notified by the Governor in Council that arrangements exist for work to be performed under such orders;"

Mr. President, I am not quite clear of the relevance of subsection (3)(a). I can understand subsection (3)(b) with regard to a probation officer, because this is the natural course of events. However, I do not see the necessity for the Executive of this country to be involved in this decision. Perhaps this will also be clarified.

It should also be important to state instances when this would be necessary for the Governor in Council to have to be involved.

Mr. President, I see the community service order as a form of rehabilitation for prisoners. I do not see this as major punishment to prisoners, and I say this on the basis of reports I have heard with my own two ears from prisoners at the Northward Prison. They are crying out for something to do rather than rotting away in the prison. They are not as concerned about letting the public see them in their prison uniforms as many of us may think. They want to be involved in something constructive rather than being locked in for 20 hours at a time in the prison.

It is important too, Mr. President, that the option is left for the convicted person to help to rehabilitate himself.

MR. LINFORD A. PIERSON (CONTINUING): Section 35C. deals with the breach of community service order, and in subsection (2) it states *inter alia*:-

"it may, without prejudice to the continuance of the order, impose on him a fine not exceeding one hundred dollars or may revoke the order and impose in substitution therefor,"

Section 35D. which deals with the amendment of community service orders states *inter alia* that if:-

"it appears to the court that made the order that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice to do so the court may extend the order for a further period of twelve months."

Here again, Mr. President, I trust that much care will be taken in imposing any additional fines on inmates in the prison. I feel that such circumstances which would lead to this happening should be taken in accordance with the magnitude and nature of the breach of the community order.

Mr. President, as I stated I congratulate the mover of this Bill for the clarity in the presentation of the Bill. However, I also express my reservations, Sir, that many times I feel that standing here on this side of the House is an exercise in futility, except for the exposure which is received on Radio Cayman and in the newspapers.

I trust, Sir, that suggestions made by this House will not just be considered stupidity and hogwash, but that they will in fact be listened to, and that we will not be pampered; we will not be considered to have had our rights. "Let them speak. Let them get it off their chest". It is an insult, Mr. President, to the Elected Representatives of this country to be treated in such manner.

Thank you, Mr. President.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. MCKEEVA BUSH:

Mr. President, I rise in support of some of the amendments in this Bill. I cannot support it in its entirety. There are some provisions in it which I welcome, and as has just been said, are long overdue. However, there is a suggested amendment to Section 24 which causes grave concern.

Mr. President, I know, Sir, that I am the least trained of all the Members in this Honourable House, and I hold a great fear of warrants to levy. I can foresee the proposed amendment to Section 24 causing great distress and hardship to our people for certain minor infractions of the law. Under this Section 24 where default is made in payment of a fine or other sum imposed to be paid under any law on a conviction or order of any court, the court may issue a warrant for the levy of such fine or other sum on the movable and immovable property of the offender.

As I said, Sir, the words as contained in this section are not something which I can support. It says for sums imposed to be paid under any law, and the words movable and immovable property. My understanding is, Mr. President, that this means that if a person is caught riding a bicycle without a light and he is taken to court and charged a fine, but he cannot pay it, his bicycle can be taken away from him.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, I may be wrong, and if I am wrong I will give way to the Honourable mover and he can explain. He is laughing. I do not know whether it is a joke or not, but anyway it means in my opinion also that if a young boy is caught with a stick of ganja as we know it in this country and is fined \$1,000 but he cannot pay it, his car which he worked hard to buy can be taken away from him. Let us not fool ourselves, Mr. President, to believe that those people who might smoke a stick of ganja do not have cars. Mr. President, smoking a stick of ganja touches practically every household in this country. Let them laugh at that one.

I cannot, Sir, in all honesty to my people support this Section 24, and I feel that it should be withdrawn and re-drafted. I must say, Mr. President, that these last three Bills which we have on the Order Paper, I do not know who drafted them, Mr. President, but there is some bad drafting, very bad. We had one man called Boogy in West Bay, and I believe that he could have done just as well. However, Mr. President, I will have more to say when this Bill reaches Committee Stage, otherwise I can give my support to this Bill.

I am particularly happy about the proposed amendment to Section 23 empowering the court to suspend a part of a prison sentence once the convicted person has served at least a quarter of the sentence. I think, Sir, that this will go a long way in relieving some of the overcrowding in our prison. Coupled with this, Sir, are the amendments to Section 35 authorising the court, with the consent of the convicted person, to impose a period of community service instead of a period of imprisonment. I am aware, Sir, like I said, that this Bill is drafted badly, as the last three are, but I can understand some of it that this latter amendment is conditional upon Government providing the proper facilities for the enforcement of these community orders. However, I trust that Government will not drag its feet on this, Mr. President, because this is I believe, as I said, the cure to some of the ills at Northward Prison where we have incarcerated practically a high school. As I said before, Mr. President, that little stick, where we heard some laughter from the Official side of the Government Bench, touches a lot of homes in this country. It is not a joke and I do not know what they are trying to laugh about this morning.

This community service order, I believe, will work well, or can work well in our society. There is a lot of work in my opinion which needs to be done. Mr. President, right now I know of at least two houses which are ready to be built but, Sir, the poor people after struggling to buy the material with the help of the social services in this country, do not have the wherewithal to get labour at this time. So, as I say, Government must move expeditiously on this thing called the community service order. I trust that it will not be like the hospital where they tell us that they are supportive but they cannot support the motion. I hope that we will see some action on this, Mr. President, before long since I believe that this Bill is going to pass this House today. I trust that it gets the assent of Her Majesty's Representative before long so that we can move quickly on this situation.

I am satisfied with and proud of these amendments and feel sure that they will prove to be a giant step forward in the administration of justice in this country, Mr. President, which for so long has worn leaden shoes. They will allow persons who have transgressed against our laws to pay their debt to society without imposing undue hardship on their dependents and on themselves.

MR. W. McKEEVA BUSH (CONTINUING): Sir, I would like to see subsection (8) of the proposed amendment to Section 35A amended to allow the provisions to apply to those persons convicted under the Misuse of Drugs Law of possession where that possession appears to be solely for self-consumption.

HON. MICHAEL J. BRADLEY: On a point of information, Mr. President, Sir, if the Honourable Member wishes to give way.

MR. W. McKEEVA BUSH: I have given way.

HON. MICHAEL J. BRADLEY: Mr. President, I am always reluctant to interrupt the flow of other Members' thoughts, but I tried to get it clear in my opening moving of this Second Reading that the reason why there is a subclause in this Bill to provide that community service orders made generally under the Penal Code do not apply to convictions under the Misuse of Drugs Law, is because there are already contained in the Misuse of Drugs Law specific provisions both in relation to attendance orders and to community service orders. The full part making community service orders has already been in the Statute Book in relation to drug offences for this last year or two.

MR. W. McKEEVA BUSH: Well, Mr. President, the Honourable Member did just that. He interrupted my train of thought.

HON. MICHAEL J. BRADLEY: For which I apologise.

MR. W. McKEEVA BUSH: Mr. President, I thank the Honourable Second Official Member for his explanation and I am looking forward to hearing his winding up, and further to that when we get in Committee Stage. However, Mr. President, as I said in the first instance, I did not quite understand. There have been so many amendments to this little Bill that it has got us confused. I am not the only one. I hear practically every Member saying how they have been confused by this Bill.

So, to get on with what I was saying, Mr. President, about this subsection (8) of the proposed amendment to Section 35A. I trust that we can include it in the Penal Code to apply to those persons convicted under the Misuse of Drugs Law for possession.

The Bill, Mr. President, as I said is long overdue. I guess, Mr. President, that I have provoked the wrath of the Official side again. I probably will be due some blows. However, they must remember that there are similar Bills coming forward with similar debate, and this time I will be ready.

I support the Bill, Mr. President. It is long overdue, and I do thank Government for bringing the Bill at this stage. I trust, as I said, that they will move faster and faster and faster, and get the things done which we need done right now, and not next year.

Thank you, Mr. President.

MR. PRESIDENT: The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I support this Bill. I believe that law must be based on reason and equity. I find this Bill for a Law to amend the Penal Code to be fair and reasonable; fair as to the powers of the court and fair as to the rights of the individual being charged.

HON. W. NORMAN BODDEN (CONTINUING): When applied, I believe that it can be considered a form of rehabilitation of a certain type of offender in our community, a need for which we have all expressed concern from time to time.

Among several other provisions, this Bill deals with partially suspended sentences and community service orders. I know that it may be a bit repetitious, but these two sections I find such good news that to me it deserves repeating. My understanding is that when a court has passed sentence for a short term, not less than six months nor more than two years, the court may order that after serving a part of the term the remainder may be held in suspense. It goes on to state that the suspended portion cannot be more than three-quarters of the term, nor less than one-quarter. During the suspended sentence the offender must be of good behaviour, because as it states, if any other offence which is punishable by imprisonment is committed during the time that he is serving the portion of the suspended sentence, then the court shall restore the corresponding portion of the suspended sentence and order the offender to serve it.

In the first instance it said that the court may order. In this instance it says that it shall order, which in my opinion emphasises the need for the person who has been given the benefit of a suspended sentence, to be on absolutely good behaviour.

Other provisions are made for the court to exercise its discretionary powers based on other conditions of the case. As has been pointed out by the mover, suspended sentences do not apply to convictions for manslaughter and certain serious violations of the Traffic Law. The mover has also indicated his intentions to move an amendment at Committee Stage which would allow suspended sentences to be extended to the Misuse of Drugs Law. I support this. I am happy to hear this, especially in the case of first offenders.

Provision is also made for default in the payment of a fine and sets out the procedure by which the court shall deal with this matter. As I have said before it must be fair to the court and to the individual because we cannot expect our courts to exercise and follow certain procedures if they are left totally powerless.

The Bill increases the dollar amounts payable in the scale but has left the maximum period of time to be served in default the same as exists in the present Law.

This Bill goes on to make reasonable provisions dealing with partial payments or fines on a pro rata basis, which to my mind is also fair and reasonable.

The other section of great interest is community service orders. A person convicted of any offence except an offence punishable by death, the court may with the person's consent, it has to be with the person's consent and even in this respect the rights of the individual are protected, make a community service order in addition to or instead of any other sentence. This is unpaid work to the community of not less than 40 hours nor more than 240 hours over a twelve month period. I envisage that this would allow service to the National Council for Social Services, to hospitals and to other charitable organisations, to be carried out by those persons serving under a community service order. Before making such an order the court must be notified by the Governor in Council that arrangements are in place for community work to be performed. This is a necessary procedure because unless the proper arrangements are in place it is natural that this work cannot be carried out and be as effective as it should be.

HON. W. NORMAN BODDEN (CONTINUING): The probation officer must confirm that the person is a suitable person to perform such work. This Bill also sets out obligations and procedures to be followed by the person serving under a community service order. So, it is not everyone who will be considered as suitable to serve such an order.

This Bill does not interfere with an individual's religious beliefs. It does not interfere with his normal working hours nor with his schooling or any education which the person may be attempting to obtain at that time. It states that the order can be extended for an additional twelve months if the interests of justice will be served by so doing. I see this as fair and reasonable because there are conditions; there are developments which can take place which would necessitate an extension. It can be recalled that this is an order which applies to sentences not exceeding two years in any case.

Mr. President, this provides an alternative to full time at Northward Prison, or an alternative to a totally suspended sentence, which I believe will prove more effective. This has been successfully done in other countries and I believe that it can have similar effects in our country. As far as I am concerned, if ever a Bill dealing with punishments suitable to crimes could be considered fair and reasonable, this is it.

This, Mr. President, is not designed to protect nor encourage the hardened criminal nor the habitual offender, but it is intended to help that type of individual who makes the mistake of committing a not too serious, or minor offence. This gives him a chance to pay his debt to society in a meaningful and useful way rather than a wasteful way, which has been the case many times in the past. It gives him or her an opportunity to prove to society that they still hold good intentions and want to become a part of the law abiding community once again.

Mr. President, many of our young people, especially our first time offenders deserve such an opportunity. Northward is not always the answer, and the overcrowding there tells us at a glance that we must take a careful look at our system. The prison population at Northward is extremely high in comparison to other countries, and it is high even in spite of a reduction in serious crimes committed in the Cayman Islands during 1984.

Crime must be punished. Respect for law and order must be maintained and the public interests must be protected at all times. At the same time, Mr. President, I believe that every possible means to help offenders get back on the right track must be explored and adopted by this Government to help them to return to society and make the contribution to our country which many of them are capable of doing.

I somehow believe, Mr. President, that this Bill will help accomplish this. We must not be seen as a country which seeks to solve its problems merely by expanding its prison accommodation. We must explore other areas and we have good examples to follow of tested and tried systems and procedures which can be useful to this country.

I support the Bill, Mr. President, and I look forward to the Law being fully enforced in the very near future.
Thank you.

MR. PRESIDENT: I think perhaps that it may be convenient if we take our customary morning break. I will suspend proceedings for approximately ten minutes.

HOUSE RESUMED AT 11.40 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The Second Reading of the Penal Code

(Amendment) Bill, 1985. The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, I wish to support the Bill now before us. I find no confusion or contradiction in the Bill Mr. President. I think that it seeks to do what the mover said and that is to show that the Government is moving towards an enlightened approach to punishment and sentences generally.

I will just touch, Mr. President, on some of the matters raised, because time is getting on and no doubt we will have further discussion in Committee Stage. While I agree, Mr. President, that if time permitted it would be nice to have these Bills for months in advance, it up to now has not proved possible to do this. I would just like to make the point that we are in fact meeting the stipulations under Standing Orders in this regard.

I do not accept that the comments from across the aisle are not paid attention to. When those comments are reasonable and worthy of incorporation into legislation I certainly am open to accepting the suggestions. However, if the suggestions are never carried through to the point of where they are put into the form of a motion, then Government has little hope or little chance of accepting them.

The first section of this Bill, Mr. President, of significance is Clause 3 which deals with the partly suspended sentence. This was looked upon by some Members who spoke before me as being unreasonable because it meant that a convicted person would have to wear the stigma of having been imprisoned in any event. I think that Members should realise that the Penal Code at the moment provides for total suspension of the sentence, and this amendment now is making provision for partial suspension of the sentence. Whether the Second Elected Member for George Town was reading from the paper or not, I think that the papers must have confused the sections referred to by the mover when he talked about a short, sharp jolt of imprisonment, because it had to be dealing with this and not certainly with the distress order which the Member was speaking on at that time.

The mover of the Bill quite rightly, Mr. President, said that the Bill in its present form excludes the application of this part, that is the ability to partly suspend the sentence from the convictions under the Misuse of Drugs Law (Revised), but that if Members thought otherwise he would entertain an amendment in the Committee Stage to that effect. I think that that is the undertaking which he gave.

I questioned this exclusion, Mr. President, and I realise that it was excluded because the total suspension provision at the moment also excludes offences under the Misuse of Drugs Law (Revised). It would be my hope that if an amendment is passed here to make the partial suspension of sentences applicable, then we might find it possible to also make the total suspension of the sentence applicable as well.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, the part of this Bill which seemed to have caused quite a lot of concern was Clause 4 which dealt with the enforcement by distress warrants of fines, etcetera. If one had listened to the contributions on this, one would have got the impression that this was in fact something new within the Laws in this country. However, if we look at Section 24 of the Penal Code as it stands now, in subsection (c)(ii), it will be found that basically the same provisions exist, that is the provisions to issue a warrant against the immovable and movable property of an offender for the non-payment of a fine.

What Section 24(a) which is Clause 4 of this Bill does is to clarify how Section 24 will be implemented and refines it to put it beyond doubt as to how it operates. However, it is not in itself a new provision giving the right to take persons' property for failure to pay the fine.

Clause 5 of the Bill, Mr. President, seeking to amend Section 25 of the Penal Code is not an increase in penalty. In my opinion it is a move in mitigation of the convicted person, because all that has been changed is not the period of incarceration or period of imprisonment. What has been increased is the amount of fine for which the person can get the same length of sentence. So that really works to the benefit of the person convicted.

For example, where the person could get one month for a ten dollar fine previously, he can only get one month for a one hundred dollar fine at the moment. It should be made clear, Mr. President, that this is not really in respect of fines generally. It is basically in respect of costs adjudged against the person.

Section 6, Mr. President, dealing with the forfeiture of recognizances. This is as was pointed out in cases where people have given recognizance to be of good behaviour or to return for sentencing and if they have given their recognizance, Mr. President, in lieu of receiving some other punishment, then if they break the terms there is in my opinion no reason why they should not be called on to forfeit the recognizance.

The community services orders, Mr. President, are welcome in this Bill. As has been pointed out, the Misuse of Drugs Law makes provision for the community service orders, and that is why the offences under the Misuse of Drugs Law (Revised) are excluded from this section. The reason, Mr. President, why they were not combined in this section of the Bill is because under the Misuse of Drugs Law, in addition to the community service order, or as an alternative, the person might also be given an attendance order. This means that the person would be required to attend at a rehabilitation centre or clinic, or something of that sort.

Everyone, Mr. President, seemed to have welcomed the community service order and I think that it is a step in the right direction. However, the provisions of Section 35D under the community service order seem to have been misunderstood, because here again Members indicated that to have the order extended for a further period of twelve months was working against the interests of the convicted person. However, the contrary is true because Section 35D does not permit the number of hours to be increased. It is merely the period of time within which the number of hours of work to be done can be performed. In the first instance, the period of time given is twelve months, and Section 35D makes provision that if it appears just and reasonable to the court they can extend that twelve months for a further twelve months. An example would be, Mr. President, if maybe and this is an unlikely one although it is not impossible, there was no appropriate work for the person to complete within the twelve months.

HON. BENSON O. EBANKS (CONTINUING): However, a more likely case would be if the person became ill and could not in fact perform the work within the twelve months stipulated, then the court could in its wisdom extend the period for a further twelve months.

So, Mr. President, I support these amendments to the Penal Code. I believe that they are steps in the right direction and in my opinion, they update and improve the tools available to our courts in passing sentences on convicted persons.

I accept that the community service orders will put added stress or work on the probation officers but, Mr. President, I think that it would be better once these provisions are in place for us to spend money on additional officers, rather than to spend the money on additional prison cells and wardens to take care of our offenders at Northward Prison.

So, with those few remarks, Mr. President, I fully support the Bill to amend the Penal Code, Law 12 of 1975.

Thank you.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I would like to support a Bill for a Law to amend the Penal Code. Like the Honourable Second Elected Member of Executive Council I believe that it is fair and reasonable, and like the mover suggested it is an enlightened approach. However, I would hasten to add that I do not think that it is a soft or easy approach which might tend to detract from the severity of the offences.

Sir, I would support the mover's intention to amend Section 3(7) which will allow partly suspended sentences to be applied to certain offences under the Misuse of Drugs Law. I think, Sir, that like the other areas of this Bill, a partially suspended sentence in regard to certain minor offences such as possession with the obvious intent for consumption which is small quantities in one's possession, could be a useful means of rehabilitation in a partly suspended sentence.

The enforcement by distress warrant, Sir. I do not have any problem with this section of the Bill. Some Members and some people in the public, Sir, seem to use a prison sentence and refer to it as a "vacation at Northward". I think that a prison sentence, Sir, should be punishment for an offence committed and if we allow, even if they are short term sentences at prison, to be looked at in the light of a "vacation at Northward" because one is going to get three square meals a day and some free accommodation, I believe, Sir, that we are doing an injustice to society and we are not being fair to those people who need protection from offences in the Law.

I believe that certain people have abused this privilege of accepting imprisonment for that same reason, because they have heard that Northward Prison offers good meals and good accommodation, and in some cases the person is actually better off in Northward Prison than the circumstances under which he is living his everyday life. That is in terms of meals and accommodation.

I believe, Sir, that even if someone was abused or suffered under Section 4(3) where it says that:-

"A warrant shall not, if it states that the sum has been so adjudged to be paid, be held void by reason of any defect in the warrant."

MR. D. EZZARD MILLER (CONTINUING): I believe that if people are wrongly served by that section they can get justice under subsection (5) of the same section.

I also agree, Sir, with increasing the amount of the cash fine which one has to be fined before one can draw the corresponding term of imprisonment under Section 5. However, Sir, I would hope that the courts are not going to automatically adjust the fines upwards from ten dollars to one hundred dollars, or from fifty dollars to five hundred dollars as the case may be.

Under Section 6, Sir, forfeiture of recognisance, I support this section, Sir, again because I believe that it is fair and reasonable. I believe, Sir, that it is incumbent upon anyone who puts up a bond or whatever for themselves or someone else, to make sure that they understand what they are getting themselves into. I fully believe, Sir, that since the onus is on them to understand what they are getting themselves into, if they fail to comply with the order then, Sir, I think that they should lose or forfeit their recognisance.

With regard to the community service order, Sir, like other Members I feel that this is long overdue and I believe that it can go a long way in helping to rehabilitate offenders of the Law. However, Sir, I would hope that we are not going to have to wait an unduly long period of time for the Governor-in-Council to inform the court that arrangements have been put in place. Further, Sir, I hope that this is not going to entail the hiring of twenty to thirty more probation officers in case there is any problem with the allocation of work. I believe, Sir, that Government should give consideration under this section, in recognising the shortage of manpower which exists in the Social Services Department, to involving the established service clubs in the carrying out of these community service orders. Most of the service clubs have at any time ongoing projects which these people could probably work on. I believe, Sir, that the rehabilitation and the redirection which these people who are committed to community service could get in associating with members of the service clubs would be very valuable to the offenders.

I do not have any problem either, Sir, with the ability to extend the community service order. I believe, Sir, that we have to give adequate provision for the back-sliders, so to speak.

So, Mr. President, I support the Bill to amend the Penal Code.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

I rise in support of a Bill for a Law to amend the Penal Code. I have studied this Bill and in going through it, it seems to me that what is intended here is exactly what should be done. That is after a person has committed a crime we seek not only to punish him but to rehabilitate that individual. I feel that this Bill incorporates much which should go a long way in doing just that.

I support the Bill and there are a number of areas which have been touched on already and I do not know that I need to go over those. However, I feel sure that this is something which will be welcomed by the Caymanian public at large and I trust that other Members of the House will see fit to give this Bill their support.

MRS. DAPHNE L. ORRETT (CONTINUING): Again I say, I see this Bill doing exactly what we need to do with offenders in this country, and that is to seek not only to punish them which is what ought to happen if they have done something wrong, but in addition to that that our money will be spent rather than adding extra cells at Northward Prison, in seeking to rehabilitate the offender.

Mr. President, I support the Bill.

MR. PRESIDENT: If no other Member wishes to speak...
The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, the Bill now before this Honourable House, a Bill for a Law to amend the Penal Code, Law 12 of 1975, I rise to support. I feel that it is reasonable. It is just and its amendments are very necessary for the survival of the fittest here in the Cayman Islands.

I have given it very careful attention and at this time I would like to thank the Honourable Second Official Member for his able presentation in moving this Bill and also for personal explanations which he has given to me which have helped me to better understand.

There were some of my constituents who questioned the insertion of Section 23D which covers partial suspended sentences. Some on the outside got the opinion that what this was doing was eliminating suspended sentences and making them at least partial. It is my understanding that this is not the case. The suspended sentences as we know them will continue. It just gives the judge or the honourable magistrate the authority to suspend a part of it which shall not be more than three-quarters of the sentence, and not less than one-quarter. So, it is actually going to be beneficial to the person who is convicted. Maybe his crime is not of a severe enough nature for a long prison sentence but a short prison sentence is necessary to make him realise what he has done wrong.

So, therefore I support that section. Further, on the enforcement of distress warrants and fines, in comparing this with the old Law I do not see an awful lot of changes and I feel that the courts must have the power to collect the property of the criminal, whether it is movable or immovable if it is necessary. What we are trying to do is deter crime in this community and we must not make it easy on the criminal. We should not be unduly hard but we must make him know that he has been convicted of a crime which is against the Laws of the Cayman Islands, and he must suffer the consequences.

I think that the forfeiture of recognizance is fair. I would call to the attention of Members Section 31A, subsection (3) which says:-

"The court which declares a recognizance to be forfeited under subsection (1) may, at any time, instead of adjudging any person to pay the whole sum in which he is bound, remit the whole or any part thereof either absolutely or on such conditions as it thinks just."

Discretion is left in it and therefore I support that section.

I am very happy to see the community service order placed in the Penal Code. I had the privilege of supporting it in the last Session of the Legislature when it was put into the Misuse of Drugs Law and I look forward to seeing it implemented. I think that it is giving a second opportunity to the unfortunate who has been found guilty of a crime. It will give him an opportunity to pay his debt to society and probably still carry on a normal life.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): I am happy to see that it states that:-

"35B.(3) The instructions given by the relevant officer under this section shall, so far as practicable, avoid any conflict with the convicted person's religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment."

In other words, the community service order will work to the benefit of the convicted and the community, not to the disadvantage of either.

There are provisions for the breach of community service which I think is necessary. I thank the Honourable First Elected Member of Executive Council for his explanation on the further period of twelve months. I did not understand it that way and I am very grateful for the explanation. In view of his explanation I think that it is very just. It could be that because of school or some other reasons which I quoted earlier, he could not put the number of hours of his sentence into a period of twelve months, or six months originally, but it could be further extended.

Mr. President, I think that the most important task for these Islands at this time is to attempt to rehabilitate our unfortunate people who are convicted of crimes. I think that every effort should be made to try to rehabilitate them and teach them a trade. Let us not have repeats. Anyone can make a mistake once and if we help to rehabilitate him or her they may not repeat it. Therefore they will be able to take their rightful place in society and help build the Cayman Islands.

Mr. President, with these few words I support the Bill.

MR. PRESIDENT:

If no other Member wishes to speak, does the mover wish to exercise his right of reply?

HON. MICHAEL J. BRADLEY:

Yes, Mr. President.

Mr. President, Sir, I would like to thank all the Members who have supported this Bill presently before the House.

In a Bill of this kind dealing with five different types of provisions I would find it surprising if every Member had agreed with every particular provision in each of the five different matters dealt with. I was glad, however, to find, Mr. President, such a wide ranging agreement that the Bill will seek to remedy and to cure various ills in our society by making available to the courts a variety of methods wherewith those ills can be dealt with.

However, Mr. President, I should like briefly to touch upon particular points raised by Honourable Members opposite. The first speaker, if my memory serves me correctly, Mr. President, was the Second Elected Member for Bodden Town who seemed to believe that the Government was in a state of confusion because it adhered to the principle that the courts should be given discretion, and unfettered discretion in sentencing persons to terms of imprisonment but yet that they should not have unfettered discretion in relation to partially suspended sentences, or that they should not have full discretion in relation to other matters.

HON. MICHAEL J. BRADLEY (CONTINUING): I think that a clear distinction should be drawn between the two items. We believe that the court, having listened to the particular facts of the case should come to its own determination what, if any sentence is appropriate. However, I also think, Mr. President, that in relation to suspended sentences which are partially suspended, that the court should have the advantage of the wishes of the Legislature in seeking to set out the types of circumstances and the manner in which those are appropriate.

The Member I fear is in some doubt as to the integrity of our courts and I regret the statements which he made in his speech. He said that he was opposed to warrants of distress for non-payment of a fine because he said, and I quote, "It is my belief that it would be abused". Mr. President, in the Bill presently before this House there is an express provision that where default is made in payment of a fine, etoetera, the court may issue a warrant for the levy of such fine or other sum. That is discretionary, not mandatory. The court may issue a warrant. There is spelt out in detail in the next subsection of the newly to be inserted Section 24A that where a court has power to issue a warrant it may, if it thinks it expedient to do so, postpone the issue of the warrant until such time and on such conditions, if any, as it thinks just.

I think that the specific discretion set out there should, if understood, allay the fears of Members from the other side who seem to believe that undue hardship would take place if on payment of a fine that a person's property would automatically be seized. The courts may postpone the issue until such time and on such conditions, if any, as it thinks just.

In relation to distress warrants, a court when it has found a person guilty, in order that the rules of society may be observed seeks to apply sanctions on that person. The types of sanctions which are most commonly used are a fine or imprisonment. Imprisonment is an action taken against the body of the prisoner. A fine is an action taken against the property of the prisoner. I think that it would be a defeat of the intention of the legislative actions which are taken by this Assembly and by the courts if it was not possible to allow effectively in our Laws the carrying out of the intentions of the court by making sure that the person's property is attached to pay the fine which the court has seen fit and due.

Another objection which was raised by the Honourable Member was in relation to recognisance. He in contradistinction to other Members thought that these would not be effective because he thought that "the person would only have to go to the judge who was favourably disposed to him". Again, Mr. President, Sir, I regret the inference that there would be an ability to seek round for a particular judicial officer whom one would know or suspect would have favouritism in this respect. I think that our courts are above having slurs such as those placed upon them.

Mr. President, the Second Elected Member for George Town, when he commenced speaking on the Second Reading of this Bill said not only that sufficient time had not been given to the public for its comments upon it, but that it was his understanding that the lawyers in the community had not been consulted, and that even my staff in the Legal Department had not been consulted in this regard. Mr. President, the measures in the Bill presently before us came before the Governor-in-Council towards the end of last year. At that time it was Government's and my wish that a confidential input would be obtained from the members of the legal fraternity. So at that time, I wrote both

HON. MICHAEL J. BRADLEY (CONTINUING): to the Law Society as an official body and to another lawyer not in the Law Society, in the private sector, asking for their comments. I got a reply back from the Law Society saying that it had been passed for consideration to a committee of the Society. In April I asked for a progress report and was told that they had not been able to deal with the matter yet but they hoped to do so very shortly. No comments have in fact been received. I think, Mr. President, that when we as a Government are consulting the private sector, it is not unreasonable after an adequate space of time has elapsed to presume that the matters cannot have vexed the minds of the particular association so greatly that it has not replied after five months. The other lawyer in the private sector did reply; made several minor technical comments but basically said that from a lawyer's point of view that this was a matter of policy of Government, and if this was Government's policy then he had no objections as a lawyer to it.

In relation to my own Legal Department, apart from the members of the Law School there is a procedure administratively in my chambers that every professional member of staff sees or has the opportunity to see every piece of non-secret correspondence which goes out from those chambers. The drafting at all its stages is not a secret correspondence and there was an opportunity for members of my department, which I am sure they availed themselves of, to know the contents of this Bill in good time.

The Member also took me to task by saying that I was going too far outside my duties or responsibilities when I said that certain provisions in this Bill would enable the offender to be given a short sharp lesson of imprisonment. I said that, Mr. President, and I meant that. I was emphasising what I considered one of the better points in this legislation, namely that instead of heretofore the court having to decide whether to imprison or to suspend the sentence of imprisonment completely, that it could in order to show the offender that it meant business; to show the offender what prison was like, imprison them for a short period of time, so that having learnt that they would know effectively what would happen to them if the rest of the sentence which was suspended had to be reimposed.

He too was distressed about distress. He too thought that this was unfair that the luxuries of life should be taken away from the criminal who offends against the society which he is part of. He thought it unfair that a person can blatantly disregard the Laws of this land; can be convicted of an offence; can be sentenced to a term of imprisonment and should be able to ignore the courts and say, "Right I will go to Northward hotel but you are not going to touch my video or my satellite dish or my ill-begotten gains". I think that it is precisely for those people that these provisions are here. It is precisely to hit the criminal in the pocket. He may laugh; he may be a person to whom prison means nothing, but if the court says, "Right you have offended against society. You deserve to be punished not only in your person but in your pocket", that this is the way to do it.

Mr. President, Sir, I have no apologies for these provisions in this Bill. As I said, at Committee Stage there are several amendments which with the consent of the House I would propose to introduce. You know, Mr. President, there are not anywhere in Standing Orders any statements that there is a monopoly on the mover of the Bill or on the Government side to propose amendments. Honourable Members of this Chamber have had these Bills with them for two weeks. They have been able to consider these Bills. Members can exercise by two days' notice the right to move a Committee Stage amendment to any Bill.

HON. MICHAEL J. BRADLEY (CONTINUING): As Members of this House know well, in as far as it is within my capabilities, even though according to one Member the drafting of this Bill is the worst he has ever seen and his constituents could do it better, even despite that, Mr. President, I am willing to help and assist any Members with the small amount of technical drafting expertise which I am capable of. Members may not wish to use it. Members may wish to do their own amendments without my help or lack of it. However, what I am saying is that every Member in this House is equal. Every Member can move a Committee stage amendment. In fact, Mr. President, we have already had Committee stages of eight Bills and every one of the Committee stage amendments proposed by Members opposite have been accepted and passed.

I am sure that when we come to the Committee stage of this Bill and the Misuse of Drugs Bill and perhaps the Rehabilitation of Offenders Bill, Members may wish to make Committee stage amendments. I think that if a Member feels strongly enough about any particular proposal, it is not enough for him just generally to criticise in the Second Reading debate and then sit and wait for other people to act upon it. If he feels that there is a specific point he should either draft an amendment himself or ask Government would they not be prepared to draft an amendment.

Mr. President, Sir, Members have covered many, many different points in their wide ranging debate upon this Bill and I think that I have dealt with most of them. If there are any further particular points which Members are uneasy or unhappy about or require clarification on, I think as we go through in Committee Stage that we shall be able to deal with them.

May I just in closing and in commending this Bill to Members of this Honourable Assembly, reiterate what I said when I proposed the Second Reading, that what we as a Government are doing is, and this Bill is part of the exercise, to make the system of penology on criminal sanctions in this jurisdiction sufficiently flexible, sufficiently wide ranging and sufficiently imaginative and innovative that instead of having an overcrowded prison with persons who are bored there and who are being taught bad example by others, we will have a wide range of measures whereby the person can be fined, be imprisoned, be placed on probation, have sentences wholly or partially suspended, have community service orders made and have fines enforced by distress.

I think, Mr. President, that despite small doubts from one Member we have sufficient faith in our system of law and order and in our system of justice to realise that if we entrust our courts and confide in them the discretions that we are doing in this and other legislation, that our courts examining every case and every prisoner and every circumstance in minute detail and with first hand knowledge having heard the case, will act in the appropriate manner.

Mr. President, Sir, I commend this Bill to the Members of this House.

MR. PRESIDENT: The question before this House is that a Bill for a Law to amend the Penal Code be given a Second Reading.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH:
May we have a division?

May we have a division, Mr. President?

MR. PRESIDENT:

Very well. I will ask the Clerk.

DIVISION
NO. 32

AYES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Mr. W. McKeever Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

12

NOES

Mr. G. Haig Bodden

1

MR. PRESIDENT:

I declare the motion carried.

BILL GIVEN A SECOND READING.

MR. PRESIDENT:

Before inviting the Honourable First Official Member to move the adjournment, perhaps I should just make one point for the information of Members in view of the open invitation conveyed by the Honourable Second Official Member to everyone who so wishes to move Committee Stage amendments, I would ask Members to be aware or to remind themselves of the provisions of Standing Order 52(2). Those provisions call for notice of Committee Stage amendments to be given two days in advance in writing, but do provide for me to give leave for the moving of amendments of which notice has not been given. I have been as flexible as I can in giving such notice but it is at least a convenience for all Members of the House if any Committee Stage amendment could be reduced to writing so that it is available for circulation either at or immediately before the time it is moved. To try and draft verbally as one moves them is not the most convenient or the most efficacious of procedures.

The Honourable First Official Member.

ADJOURNMENT

HON. DENNIS H. FOSTER:

Mr. President, I move the adjournment of this House until 10 o'clock tomorrow morning.

MR. PRESIDENT:

The question is that this House do now adjourn until 10 o'clock tomorrow morning.

QUESTION PUT:

AGREED.

AT 12.32 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., TUESDAY, 28TH MAY, 1985.

SECOND MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

TUESDAY
28TH MAY, 1985

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LLB SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MRS DAPHNE L ORRETT THIRD ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

APOLOGIES

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

ORDER PAPER

TUESDAY

28TH MAY, 1985

1. PRESENTATION OF PAPERS AND REPORTS

BUSINESS COMMITTEE REPORT

TO BE TABLED BY THE HONOURABLE FIRST OFFICIAL MEMBER -
CHAIRMAN OF THE BUSINESS COMMITTEE.

2. QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL
SERVICES

NO. 83: WOULD THE MEMBER STATE WHETHER THE LOCAL ESTABLISHMENT
OF AN APPROVED SCHOOL FOR CAYMANIAN JUVENILE OFFENDERS
IS REGARDED BY GOVERNMENT AS A PRIORITY AND IF SO,
WHETHER WE CAN EXPECT TO SEE WORK COMMENCED ON THIS
FACILITY WITHIN THE NEXT TWELVE MONTHS?

3. GOVERNMENT BUSINESS

BILLS:-

(i) SECOND READINGS

- (1) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (2) THE REHABILITATION OF OFFENDERS BILL, 1985

(ii) COMMITTEE STAGE

- (1) THE STAMP DUTY (AMENDMENT) BILL, 1985
- (2) THE PENAL CODE (AMENDMENT) BILL, 1985
- (3) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (4) THE REHABILITATION OF OFFENDERS BILL, 1985

(iii) REPORTS THEREON

- (1) THE STAMP DUTY (AMENDMENT) BILL, 1985
- (2) THE PENAL CODE (AMENDMENT) BILL, 1985
- (3) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (4) THE REHABILITATION OF OFFENDERS BILL, 1985

(iv) THIRD READINGS

- (1) THE STAMP DUTY (AMENDMENT) BILL, 1985
- (2) THE PENAL CODE (AMENDMENT) BILL, 1985
- (3) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (4) THE REHABILITATION OF OFFENDERS BILL, 1985

4. OTHER BUSINESS

MOTIONS:-

PRIVATE MEMBERS' MOTIONS

(a) PRIVATE MEMBER'S MOTION NO. 12/85 -
LIQUOR LICENSING LAW

(b) PRIVATE MEMBER'S MOTION NO. 13/85 -
PROHIBITION OF LIQUOR AND CIGARETTE ADVERTISING
IN THE CAYMAN ISLANDS

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TUESDAY

28TH MAY, 1985

10.07 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Item 1. Presentation of Papers and Reports. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

BUSINESS COMMITTEE REPORT

HON. DENNIS H. FOSTER:

Mr. President, I beg to lay on the Table of this Honourable House the Report of the Business Committee.

MR. PRESIDENT:

So ordered.

Member for George Town.

Item 2. Questions. The Second Elected

QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 83:

Would the Member state whether the local establishment of an approved school for Caymanian juvenile offenders is regarded by Government as a priority and if so, whether we can expect to see work commenced on this facility within the next twelve months?

ANSWER:

This Portfolio views with great concern the increasing number of juveniles coming before the courts who require placements other than those which can be handled in our current local residential facilities. It is therefore planned that the review of the Juveniles Law which is to be initiated shortly will include a review of existing facilities as well as existing problems with respect to juveniles. This exercise should enable us to more clearly determine the needs of our community with regard to approved school-type facilities or any other similar facility.

It is felt necessary to take such an integrated approach in order to ensure that any additional local facilities constructed will be adequately covered within our juveniles legislation, and will therefore be utilised in the best possible manner.

Based on the foregoing, it is clearly not possible at this stage to give an undertaking that work may be expected to commence on an approved school within the next twelve months.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Mr. President, a supplementary arising from the answer. In view of the increasing number of juveniles coming before the court, I wonder if the Member would have information regarding the number of Caymanian juveniles in approved school in Jamaica at this point in time?

HON. BENSON O. EBANKS: The number, Mr. President, is thirteen.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. I wonder if the Member could state whether he received any information regarding the maltreatment of juveniles in approved school in Jamaica?

HON. BENSON O. EBANKS: No, Mr. President.

MR. PRESIDENT: Sorry, the Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Mr. President, I would like to ask the Honourable First Elected Member of Executive Council a supplementary. Would the Member be able to state whether or not there are visits by any officials from Social Services to approved schools in Jamaica, and if so how often?

HON. BENSON O. EBANKS: Mr. President, to the best of my knowledge visits are paid. I do not believe that it is on a scheduled basis. In fact the Director of Social Services has indicated to me that she personally intends to visit these schools in the very near future to get first hand information.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say when was the last visit to the schools in Jamaica?

HON. BENSON O. EBANKS: I am not in a position to answer that, Mr. President. Mr. President, I have been told early last year.

MR. JOHN B. McLEAN: Mr. President, a further supplementary. Would the Member say whether he will intercede to get more regular visits to approved schools in Jamaica?

HON. BENSON O. EBANKS: Mr. President, I think I stated earlier that the Director of Social Services would be visiting in the very near future, and based on her findings possibly a schedule of visitations would be set up.

MR. W. McKEEVA BUSH: Mr. President, some time ago Members of the House visited the prisons in Jamaica. I believe some delegation or other went. I wonder whether the same could happen with the approved schools in Jamaica?

HON. BENSON O. EBANKS: Mr. President, I am not quite sure what the Member is drifting after.

MR. PRESIDENT: I think that he was asking whether arrangements could be made for representatives of the House to visit approved schools in Jamaica. That was my understanding.

HON. BENSON O. EBANKS: Well, Mr. President, I would say that would depend on whether the House felt that it was necessary, and whether it would be money well spent.

HON. BENSON O. EBANKS (CONTINUING): I as the Member, for example, responsible for Social Services would be prepared in the first instance to accept the report given by the Director of Social Services. I personally give my undertaking that at the first opportunity when I am in Jamaica, I too will visit these schools.

MR. W. McKEEVA BUSH: Mr. President, I am not throwing any aspersions on anybody's capability but I do feel that it would be good for Members of this House, at least a small delegation - I know that I am not supposed to make a statement, Sir, but I am just going to turn it into a question by saying that the Member should look....

MR. PRESIDENT: I do not think that you are turning it yet.

MR. W. McKEEVA BUSH: The Member should look into allowing a delegation and I would ask him if he can look....

MR. PRESIDENT: If you are saying will the Member look into this, that is alright.

HON. BENSON O. EBANKS: Mr. President, this can be discussed with Members, Sir.

MR. LINFORD A. PIERSON: Mr. President, on a matter of clarification on asking supplementary questions. I think that the Standing Orders provide that a statement may be made with your permission, Sir, if such a statement would clarify what the question intends to seek; the information which the question intends to seek.

MR. PRESIDENT: Can you tell me the Standing Order which you are referring to?

MR. LINFORD A. PIERSON: I am referring to Section 22(1)(a), Sir, which states that questions "shall not include the names of persons, or any statements of fact, unless they are necessary to render the question intelligible".

MR. PRESIDENT: What you are asking is whether that Standing Order entitles Members to make statements when they are asking supplementaries?

MR. LINFORD A. PIERSON: What I am saying, Sir, is that we get the impression that statements cannot be made in this House during Question Time. However, under this Standing Order, with your permission, if the statement would make the question more intelligible, then there is nothing wrong with making the statement.

MR. PRESIDENT: I would not myself interpret Standing Order 22(1)(a) quite like that. My understanding of it is that it means that a question should not contain a statement unless the statement is necessary to render the question intelligible. That means that the statement must itself be an integral part of the question. One cannot make a long statement first and then at the end of it tack on a little question.

I am as liberal and flexible as I feel I properly can be in enabling Members to frame their supplementaries. However, unless the House wanted to amend Standing Orders to allow still greater flexibility, I do not really think that I should go any further than I now do. Indeed, I rather suspect that I go a little too far.

MR. LINFORD A. PIERSON: Thank you, Mr. President. I just felt that in the light and the meaning of Section 22(1)(a) that Members should know the difference which you have just explained there, because we have been led to believe, or the impression is that no statements should be made. In fact, if the statement would seek to make a question more intelligible, and it is relevant to the question, then there is really nothing wrong in making the statement.

MR. PRESIDENT: I think you may have gone a little bit further than my words were intended to, but I think we can leave it at that. Did the Third Elected Member for West Bay have a further supplementary?

MRS. DAPHNE L. ORRETT: Just to clarify here, Sir, that I think under Standing Order 22(1)(a) any such statement which the Second Elected Member for George Town is referring to would probably refer to the original question rather than supplementary questions. Any such statement, even with your permission, would probably refer to the original question.

MR. PRESIDENT: I have taken it that that particular paragraph of Standing Orders would cover supplementaries in addition to the original question, and that the rest of Standing Order 22 covers supplementaries as well as original questions, because there is not any other separate Standing Order which provides different rules in respect of supplementaries. Unless Standing Order 22 applies to them there would not be any rules governing supplementaries.

So I think that we can assume that Standing Order 22 does apply, but I would not like any Members to receive the impression that Standing Order 22 contains a kind of licence to make statements in the guise of supplementaries.

Perhaps we can pass on now to Item 3. in the Order Paper. Second Readings. The Misuse of Drugs (Amendment) Bill, 1985.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985

CLERK: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985

HON. BENSON O. EBANKS: Mr. President, I beg to move, Sir, the Second Reading of a Bill shortly entitled the Misuse of Drugs (Amendment) Bill, 1985.

Mr. President, this Bill seeks to make a number of amendments to the Misuse of Drugs Law (Revised). Honourable Members will have received in addition to the Bill, notice of two Committee Stage amendments which are proposed to the Bill. In my discussions on the Bill I will assume that the Committee Stage amendments will be incorporated into the Bill.

Clause 2 of the Bill, Mr. President, seeks to substitute an improved definition of the word "authorised", and also adds "dipipanone" to the definition of hard drugs.

HON. BENSON O. EBANKS (CONTINUING): Clause 3 seeks in paragraphs (a), (c), (d) and (e) to tidy up the present wording in the Law. Paragraph (d) seeks to create the specific offence of possession with intent to supply, and paragraph (f) seeks to introduce three new subsections into Section 3 of the principal Law in respect of defences and the burden of proof.

Clause 4, Mr. President, seeks to introduce a new Section 6A to the principal Law dealing with presumptions.

Clause 5 in paragraphs (a) to (d) seeks to delete references to minimum sentences, thereby doing away with a concept of minimum as opposed to maximum sentences. Mr. President, as far as I am concerned, Sir, this is the most important aspect of this Bill in that it puts the discretion for sentencing back into the hands of the court, where in my opinion and in the opinion of Government, it rightly belongs. We regard this Legislature as responsible for legislating the laws, and the courts for carrying them out. It does not in any way minimise Government's view of the seriousness of drug offences but as each case is probably different, it allows the court to decide in light of the circumstances what is a reasonable punishment.

Paragraphs (e) and (f) seek to clear up an anomaly by deleting an erroneous reference. Paragraph (g) seeks to improve the wording of subsection (8) in the interests of clarity.

By Clause 6 provision is sought to be made in the circumstances therein mentioned for the forfeiture of money or assets acquired due to or as a result of an offence against the principal Law. Mr. President, while this is a new concept in the Misuse of Drugs Law, that is the forfeiture of money or assets when it can be proved that that money or those assets were received by dealing in drugs, it is not an entirely new concept within the laws of the country. The Penal Code Law which we dealt with yesterday makes similar provisions in respect of money or assets acquired under certain circumstances in that Law. I would refer particularly to the abuse of office by public officials.

I think that this is reasonable, Mr. President, and there is a safeguard that if someone else claims to be the owner of those assets, they can make a claim and prove the validity of their claim to the courts.

Clause 7 and 8 of the Bill, Mr. President, again deal with the question of the removal of minimum sentences.

Clause 9 as originally printed would have repealed completely Section 25 of the principal Law, which, Mr. President, would have removed the option of trial by jury in certain circumstances. The amendment which has been circulated, if accepted, will restore this right in certain circumstances.

Clause 10, Mr. President, merely adds a section to state that the Law will not derogate from the provisions of the Rehabilitation of Offenders Bill, which it is hoped to pass into legislation later in this Meeting.

Clause 11 seeks to improve on the definition of "ganja", and Clause 12 seeks in subsection (a) to tidy up the wording of Part B. of the Second Schedule of the principal Law. Paragraph (b) again seeks to delete from that part all references to minimum sentences.

HON. BENSON O. EBANKS (CONTINUING): There are some technical parts to this Bill, Mr. President, particularly the defence which may be offered under subsection (f) of Section 3. However, I think that when the whole of subsection (f) is read, it will be seen that this is not an unreasonable position.

The other section which might be of some concern, Mr. President, is Section 4. That is the "presumptions of possession and knowledge of controlled drug". This is perhaps somewhat different from the normal criteria required in normal offences, but the offences relating to illicit drugs are considered so serious that it is universally accepted that special provisions have to be made to deal with them. I do not see anything in this section, Mr. President, which is unreasonable when it is considered that we are in fact dealing with illicit, hard drugs.

With those few remarks, Mr. President, I commend this Bill to Members for their favourable consideration.

MR. PRESIDENT:

The question before the House is that a Bill entitled a Bill for a Law to amend the Misuse of Drugs Law (Revised) be given a Second Reading. The motion is open for debate.

The Second Elected Member for Bodden

Town,

DEBATE ON SECOND READING

MR. G. HAIG BODDEN:

Mr. President, I see the Bill before the House as a part of the fulfilment of the new Government of their campaign promises to put an end to crime in the Cayman Islands. So far every action taken has been to encourage the drug trade. We have seen their attitude of giving sympathy to the convicted. The statistics show that on the 31st October, 1984 there were about 65 people in our prisons, and that during the six months from November until now the prison population rose to about 120 at one time. It almost doubled during the first six months of the new Government. I understand that the prison population has now declined and is much less than 120.

I find no real fault with the removal of the minimum sentences but this country is paying a very high price to have these minimum sentences removed if they accept the entire Bill. Now I know that what I am saying will not be reported in the press because the press has been well treated by the new Government. The Managing Director of one newspaper got his Caymanian status. Another newspaper got its road to its private apartments fixed, and I do not expect that the press will be reporting fairly or accurately unless it can whitewash the Government.

This country is paying a heavy price if we accept this Bill because it seeks to change the established system of justice in the Cayman Islands. Section 4 changes the onus of proof from the prosecution to the defence and this is contrary to the European Convention on Human Rights. I would like to read from the European Convention, Article 6, subsection (2), which says:-

"Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law."

Every criminal has the right to be presumed innocent until he is proved guilty according to law. What this section is doing is making every accused person guilty until he can prove his innocence, and this is a heavy price to pay for the removal of minimum sentences.

MR. G. HAIG BODDEN (CONTINUING): In Clause 4 of the Bill we read that it is the intention to insert in the Law a section known as 6A. (1) which says:-

"Without prejudice to any other provision of this Law -

(a) where it is proved that a person imported anything containing a controlled drug it shall be presumed, until the contrary is proved, that such person knew that such drug was contained in such thing;"

Before this the Law read that the accused person would be innocent until the prosecution could prove his guilt. Here the onus of proof has been shifted. This is completely wrong. I understand that this is the way that the law is framed in all Communist countries. I understand that this system has been adapted from the Napoleonic Code as against the Anglo Saxon laws which we follow.

Also under subsection (b) it says:-

"where it is proved that a person had in his possession or custody or under his control anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such person was in possession of such drug;"

The danger of this Bill is that it is so easy to frame people. Every person in these Islands would be caught up under it.

Subsection (c) says:-

"where it is proved that a person supplied to any other person anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such first-mentioned person knew that such drug was contained in such thing;"

Before this the prosecution had to go to court, and had to prove beyond a reasonable doubt that the accused person was guilty. With this new Bill, if I may portray the scenario which will take place, the prosecution will go to court and simply say, "I have brought my case. The accused person is guilty. Pass sentence on him". The defence would then have to say, "give me a moment to see if I can find out any reason why my client is not guilty just because he has been arrested and brought to court.

Subsection (d) says:-

"where it is proved that a person is in any way concerned,"

and I will be dealing at great length with the word "concerned" because that is a major change in this Law in another section. However, for right now I will just read it:-

"where it is proved that a person is in any way concerned in carrying, removing, harbouring, keeping, concealing, handling or dealing in any manner with anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such person knew that such drug was contained in such thing;"

This is wrong. It should be as it has always been, the duty of the prosecution to prove the guilt. Now the prosecution simply says that the man is guilty. It is not necessary to prove the guilt.

MR. G. HAIG BODDEN (CONTINUING): Subsection (e), which if it were not such a serious matter would be the laughing stock of our Legal Department, says:-

"where it is proved that a person had in his possession or custody or under his control any document of title relating to anything containing a controlled drug, it shall be presumed until the contrary is proved, that such person was in possession of such drug."

I wonder if the Legal Department understands what this subsection says. It simply says that if one holds the title to any property in which drugs are found, the holder of the title is guilty. That means that if one borrows one's friend's car and drives it down the street, and uses it to transport drugs, the owner of the car is guilty because he holds the title of the property in which the controlled drug was found. It also means that if one rents a house or an apartment to somebody, and after they have lived in it for three years the police come along and find drugs in it, it means that the holder of the title of that apartment is guilty under this Bill, because the holder of the title is the owner of the property and he holds the title. This Bill says that he is guilty.

If one receives the bill of lading for a shipment of goods and the man packing that container is working with the man unpacking that container, and goods are found in that container. The fact that one holds the title makes one automatically guilty. That is what the Bill says:-

"where it is proved that a person had in his possession or custody or under his control any document of title relating to anything containing a controlled drug,"

he is presumed to be guilty unless he can prove that he is not.

If I lend my car to someone how can I prove my innocence under this Bill. I would have to prove that I had not seen my own car in five years, or something like that to satisfy the court, because I hold the bill of sale for the car. If I lend it to a friend and the friend uses the car to transport drugs I would be automatically guilty because I hold the title. I do not think that this Bill would go through in Russia. One might as well go to their system where they simply take up a man and say he is guilty. They either kill him or put him away where they do not hear from him. There is no trial. If they go through a trial it is a mockery. This would make a mockery of our courts.

I was castigated yesterday because I mentioned something about the courts. My slurs are not on the courts. They are on our Legal Department and our Elected Members of Executive Council. They are bringing to this House laws which should not come in a democratic society; laws which should not come in a Colony of the United Kingdom. My fault is with them.

If a clerk in a store or a drug store for that matter, hid some drugs which are prohibited in the packages among the shelves, the owner of that store would be guilty because he has the lease title to the property, or maybe the ownership of it. Although he could not know what his subordinates had done he would be guilty. This can never be right.

It also goes on to say in subsection (e)(2) that not only the title document, but if one holds any other document or written or printed matter relating to anything containing a controlled drug, it shall be presumed until the contrary is proved, that such person was in possession of such drug.

MR. G. HAIG BODDEN (CONTINUING): One writer said, "If we desire respect for the law we must first make the law respectable". This is not a respectable Bill. Another writer said that "laws that do not embody public opinion can never be enforced". This Bill has no public opinion in it. I dealt with that matter a couple of days ago when I showed how these Bills had been kept out of the public's reach, and the Gazetted copies were not handed to us until after the Meeting started, when it was impossible for the public to see these Bills.

We have an example, and I will be dealing with that in greater particularity later on, when I come to the belated letter from the Chief Justice which seeks to correct another malicious action; another wilful taking away of the rights which the people of this country have enjoyed. That shows that even the Chief Justice did not have time to write to the Government and say, "Amend this Bill", until after it got on the Floor of the House. Yesterday morning that amendment was handed in. What would happen if we had dealt with this Bill on Tuesday of last week because it was on the Order Paper, I believe? What would have happened? It would have gone without that vital amendment. However, that will be the subject of another part of my debate.

Now, it seems that it was not enough to make a man guilty. They also go on to take away his only defence which again is contrary to the European Convention on Human Rights, because the same Article 6 which I read from, goes on in Section 3(c) to say that everyone charged with a criminal offence has the following minimum rights. Amongst those rights is the right to defend himself in person or through legal assistance of his own choosing. I maintain that that right is taken away because he cannot defend himself when this Bill closes the only defence he would have.

In Section 4(2) it says:-

"The presumptions provided by this section,"

Now, remember that these are presumptions of guilt. "The presumptions of guilt", it should read I imagine.

"The presumptions provided by this section shall not -

(a) be rebutted by proof that a person never had physical possession of the controlled drug;"

So, even if one can prove that he was off the Islands and had left his car with a friend for the six months that he was away, that alone could not save him, because his defence, his right to defend himself after they had made him guilty is even taken away by this Bill.

"The presumptions provided by this section shall not -

(a) be rebutted by proof that a person never had physical possession of the controlled drug;"

I wonder what is going to happen to all of these rent-a-car firms when drugs are found in a rent-a-car? What is going to happen to every person in this country who rents a hotel room or an apartment, or even a private dwelling house? What is going to happen if somebody wants to send them a package through the mail and they get the little slip from the Post Office which is their title document to claim that package? What is going to happen if somebody goes out there and throws a bit of ganja in someone else's yard.

MR. G. HAIG BODDEN (CONTINUING): This is serious business. I mean what they have done before, talking about spearguns and concha, etcetera. That is child's play. This is serious business and my God I never thought that I would live to see the day when I had to stand in this House and fight the destruction of the English system of jurisprudence which has made that country and its other satellites great. Are they going to have the courage to withdraw the Bill? We know that it was put forward in haste. We knew it had to come to satisfy the campaign promises.

The House only started on 21st May and since that time they have sent us two separate amendments to this Bill, all proof that the Bill was drawn in haste, conceived in haste and brought forward prematurely before the gestation period was complete.

Section 9 of this Bill would, but for a stroke of luck, have removed Section 25 from the Misuse of Drugs Law. Section 25 of the Misuse of Drugs Law was a section which allowed trials for drug offences which would result in imprisonment of upwards of fifteen years, to be tried under our Criminal Procedure Code as a category B offence. Now, everyone knows that in the Criminal Procedure Code the category B offences are offences which can be tried by a jury in the Grand Court. There are three methods of trial. One is a summary trial before the magistrate. Another is trial by indictment in the Grand Court, and the special provision in the Criminal Procedure Code and in Section 25 of the Misuse of Drugs Law would allow certain offences to be tried by jury rather than by the magistrate because of the gravity of the penalties.

This Bill which came to us would have wiped out trial by jury had not the Chief Justice managed to receive a copy and send a letter post haste to the powers that be recommending that they do not be so foolish as to take away the right of trial by jury. The explanation says:

"The effect of this is to remove any right of trial by jury, even though the maximum penalty may be thirty years."

This is considered by the Chief Justice to be too high a jurisdiction for the magistrate's court, something which I felt, and in fact long before yesterday I can assure you that I had the notes to make a recommendation that we leave this section as it is.

Why? Why should Executive Council have to wait for the Chief Justice to tell them that they should not take away the right to trial by jury for grave offences in this country? I do not want to lecture them, and I do not want to be hard on them, but the right to trial by jury is one of the fundamental rights of people who follow the British system. It is enshrined in the Magna Carta that a man has a right to be tried by his peers in serious criminal matters, and our all-loving Executive Council was going to deprive the people of this country of the right to trial by jury for grave offences had it not been for the quick action of the Chief Justice, who must be credited for taking this step to defend our rights when our elected politicians were going to take them away.

I was not surprised to see the section in the Bill, because I stood in this Chamber in 1973 or 1974 and fought the removal of the Coroner's jury from the Coroner's Law. However, two of the Members who are today the Members of Executive Council were the leaders of Executive Council back in the 1970s when they took out the Coroner's jury from the Coroner's Law. After the 1976 elections the Government of the day put back the use of the Coroner's jury into the Coroner's Law, and I do not need any lecture that the Coroner's jury is not a trial jury. It is a jury to decide if anyone should be charged. I know that. Nevertheless, the principle is the same.

MR. G. HAIG BODDEN (CONTINUING): I believe that had they got away with removing jury trial from this Law, the next step would be to take it out bit by bit from other Laws. Communism is not something which comes upon one like a cardiac arrest. It is not something which comes overnight. It is the pilfering away of the rights which we have enjoyed one by one; the taking away of our democratic rights bit by bit, as we have seen in all Bills brought here since November. This country is drifting to the Left under the present administration and I hope that the tides and the winds will slow the drift so that it does not go too far before the next elections.

Under Section 3 I promised to come back and talk about the phrase "is concerned" which has been put in the new Bill to replace the precise phraseology which existed in the old Law. Section 3(a) suggests that we amend the section by substituting the words "assists or is concerned in any of such matters" for what was there before "offers so to do or who causes, procures, solicits, entices, aids, abets, permits or suffers any other person so to do". Why? Why are they changing the precise phraseology of the Law and putting in words like "whoever is concerned is guilty"? Do they know the wide application of the verb to be? "Is concerned". If a child had been brought before the court would the parents not be concerned? Under this Bill the parents could be charged because they are concerned about the welfare of their children. We cannot use a vague word like "concerned" simply because we want to catch up everybody and charge everybody under this Bill.

I looked up in one small dictionary the meaning of the verb to be, and found out that the phraseology or the terminology "is concerned" had these many meanings, which would make anybody guilty if we accept that change in the Bill. "Is concerned", one could be anxious, disturbed, interestedly engaged, culpably involved, implicated, to sift together, to mingle, to be about, to bear on, to have an influence, involve, to be the business or distress of a person, engage, occupy, and I imagine the noun would have many other meanings as well.

These many variations and many meanings which would now creep into our Law if we put in a vague terminology that "whoever is concerned with the matter is guilty", because certainly if it involved a husband or wife, the spouse would be guilty under it, because they would have to be concerned with the matter.

Why are they changing a Law which has been on the books a long time? The present Law, I think was written in the 1970s. It was revised some years ago, but really the first Misuse of Drugs Law which had any teeth in it was the one written in the 1970s. It has worked well. There have been many convictions. Why are we changing it, and changing it in this matter?

We know that there was Open Line on the radio, the usual political baloney just dealing with the part which they want to be put forward, that of taking out the minimum sentences which nobody is disagreeing with anyhow. Yet, that had to be as I said yesterday and the day before, sugar coated and presented in capsule form so that we swallow every ingredient in the Bill.

This section in which these vague words are inserted is an important section of the Bill, dealing with a serious offence, and is also put into other areas. For example, apart from the amendment to Section 3 of the principal Law it is also in Section 12(g) where they are substituting "assisting or being concerned" for other words in the passage.

MR. G. HAIG BODDEN (CONTINUING): While some semblance of trial by jury has been retained. The draftsman and the Legal Department did not, in my opinion, comply with the wishes of the Chief Justice because they circumvented what he wanted to do by the amendment which they put forward. Had they put forward an amendment simply to restore the section it would have been well and good. However, I hope that Members will follow the amendment before the House and see what has been done. They are changing the penalties for a second offence under the selling or possessing of hard drugs. They are changing the maximum from twenty years to fifteen, and some people may believe that they are getting a good deal. However, what is happening is that by reducing the maximum from twenty to fifteen years, second offences can now be tried by the magistrate's court. So they have defeated the good wishes of the Chief Justice. Apparently, he wanted second offenders who would have got twenty years to be tried by jury in the Grand Court, by indictment in the Grand Court, and....

MR. PRESIDENT: Does the Member expect to be some substantial further time, or not?

MR. G. HAIG BODDEN: Yes, Sir, but I would not mind finishing this point.

MR. PRESIDENT: Alright.

MR. G. HAIG BODDEN: So the amendment here in Clause 12 of the Bill deletes the numerals "20" and replaces them with the numerals "15", which is applying to 15 years and 20 years. So, under the Misuse of Drugs Law a second offence of selling drugs will now carry a maximum sentence of 15 years rather than 20 years, and because it has a limit of 15 years, it can be tried in the magistrate's court, the very thing which the Chief Justice was trying to avoid, the trial of a serious, criminal offence by the magistrate's court.

Finally on this section I would say that we were admonished yesterday that we should bring amendments if we do not like the Bill. However, I know the treatment my amendments will get. I am not bringing any amendments because I can muster one, sometimes two and maybe even three votes. So I am not going to take up the time of the House with amendments. However, if amendments are brought to change the three sections I have dealt with so far, I would be obligated to support them, because I feel strongly that we should not change the presumption of guilt. We should not interfere with trial by jury and we should not put this vague terminology in the Bill which can catch up everybody.

Mr. President, I would prefer if you took the break now.

MR. PRESIDENT: Very well, I will suspend proceedings for approximately ten minutes.

AT 11.18 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.36 A.M.

MR. PRESIDENT:

Please be seated.
Continuation of Second Reading debate.
The Second Elected Member for Bodden

Town.

MR. G. HAIG BODDEN:

Mr. President, Section 6 of the new Bill deals with forfeiture and I realised before I debated the Penal Code (Amendment) Bill yesterday that there could be a link between the distress warrants and the Misuse of Drugs (Amendment) Bill. That is why I hammered it so hard, not because I lack confidence in the present officers of the court, but simply because those officers will not live for ever and the way is open.

There has always been a forfeiture provision in the Misuse of Drugs Law. The new amendment seems to go much further than the forfeiture under the old Law. The section reads:-

"14A. (1) Subject to subsection (2) where a person is convicted of an offence against this Law, and the court by or before which he is convicted is satisfied that any monies or any other thing relate to or have been acquired due to or as a result of the offence, the court shall order that such monies or other thing be forfeited to the Crown or dealt with in such other manner as it may direct."

This section has bred within itself the danger that other assets could easily be caught up in this forfeiture procedure, and of course again would probably be in violation of the human rights. So this section which is much broader, once the court is satisfied, they can take any monies or any other thing related to or having been acquired due to or as a result of the offence. The court shall order that such monies or other thing be forfeited to the Crown. In other words what is happening to the Law is that it has been broadened so that every person and everything can be caught up under it without any effort on the part of the prosecution to prove his case; without even a fair chance for the accused to defend himself since all of these rights have been restricted by one or more of the provisions of the Bill.

The removal of the minimum sentences will encourage the drug traffickers. I wonder what the Government is going to say later on this year when they face the United States and the United Kingdom to deal with the Narcotics Agreement. Are they going to tell them that they are making the penalties less severe or are they going to tell them that they have removed the minimum sentences?

It was my understanding that during the original negotiation for the Narcotic Agreement, that it was a foregone conclusion that this country would have its fifth Misuse of Drugs Law. So, are they going to tell the diplomats during this year's Narcotic Agreement that we have succeeded in removing the minimum penalties, and we have successfully reduced the maximum sentence for certain offences, one of them being reduced from twenty years to fifteen years?

MR. G. HAIG BODDEN (CONTINUING): To sum up what I have been saying, I am definitely against the presumption of guilt which has been brought into this Bill. I know that it is true that the onus to prove can be used in some ways and can be very useful, perhaps in proving where a person acquired certain assets. However, certainly it is not useful when the presumption of guilt takes away the inherent right of a person who is brought before the courts in the manner in which this Bill will do.

Therefore, I think that it is necessary for the Government to withdraw this Bill and bring back a Bill which deals with minimum sentences. This is what they campaigned upon. Not one of them in their campaign told the public that they were going to change the onus of proof and make a man guilty simply because he was arrested, as they do in Cuba and Russia. Not one of them campaigned on removing the right to trial by jury from this Law. So, if they have grown a bit exuberant in carrying out their campaign promises on the Misuse of Drugs Law, they should nevertheless stick to their promises and do what they promised to do without trampling the rights of human beings to be treated as innocent in accordance with Article 6(2) of the European Convention on Human Rights.

Whether Members realise it or not, we are a part of that Convention. The Convention was signed on the 4th November, 1950, and came into force on the 3rd September, 1953. The United Kingdom was one of the original signatories to this Convention. Since that time it has been extended to include all of the Colonies. So, we are a part of it and the United Kingdom is a part of it. This Bill would be in direct violation of Article 6. It is so important that I would like to read it again in closing:-

"Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law."

This is a serious matter. As badly as the Government has behaved since November, it is really the first time that we have come up against this. However, it shows how arrogant people can become when they know that they have the machinery to put through whatever they bring to the House. It shows how the human spirit can be emboldened and this is the danger where the freedoms which we boast about could disappear if the Government is allowed to get away with it this time.

So, I am calling on them, urging them in the interests of posterity, their children and their grandchildren, to withdraw this Bill which is contrary to the Human Rights Convention; contrary to English jurisprudence; contrary to the wishes of the people of the Cayman Islands.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?
The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I rise to support certain sections of this Bill to amend the Misuse of Drugs Law (Revised).

Mr. President, I will not pretend, Sir, to understand all of the legal jargon of this Bill. However, Sir, I believe that I am fair in assuming that Clauses 7 and 8 will in effect accomplish something which I promised my people I would try to accomplish. That is, Mr. President, put some discretion in the hands of the judge when dealing with offences under the Misuse of Drugs Law relating to the possession of drugs in what is obviously intended for personal use.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, Sir, in my opinion this has been the problem over the years, or one of the problems over the years with the Misuse of Drugs Law. There has been no distinction between possession for sale and possession solely for self consumption. Sir, a kid who has been tempted to experiment with drugs by taking a couple of puffs from a ganja cigarette cannot be said to be guilty of an offence as serious as a person who sets about to corrupt and destroy the lives of other people by selling them drugs. Now, Sir, I am well aware that it is difficult sometimes to make a distinction, but we in this Honourable House who were elected to represent the people; to look after the interests of the people; to see that justice is done, we must encourage in this Bill the courts to seek such a distinction.

In some cases it is obviously plain what the possession is all about. In other cases I know that it is not so easy. However, as I say, we must try to make a distinction. Mr. President, yes I have fought and I have been against these mandatory sentences, and I am very happy to know that the judges seem to be of the same opinion. I have no doubt that the Honourable Attorney-General himself must have come to the same conclusion that there should be a second look at the Laws dealing with mandatory sentences.

I believe that there was some emotionalism when these Laws were passed. Because of that, Sir, I know that the time has come when they should be reviewed. I have read from time to time of the judge himself making comments on the inability to treat cases as he would like to treat them. I have seen so many instances of our young people coming before the courts, and whereas the judge would like to treat the matter in a different light, he has always found himself helpless, unable to act according to his conscience. One thing I do know, and that is that there are those young people in our community, who if they had been given the opportunity, might have been rehabilitated in the first instance. That is not to say that there are those who cannot be rehabilitated. However, those who can be, having been sentenced to prison have become more hardened criminals than anything else. The result is that there is recidivism. We find so many of these persons going back and never being rehabilitated at all.

Mr. President, I have said so before and I repeat, the effect of one cigarette of ganja is not the worst crime committed in this society of ours. Mr. President, I am speaking to this House which will be carried on the airwaves in this country, and I am not saying anything in this Honourable House which I did not tell my people. Mr. President, I won by an overwhelming majority. The people were dissatisfied by this type of legislation and this Honourable House is doing the right thing when we are amending this Law here today. We are showing that we have some social conscience. Why jail young people for years when we jail a gangster three years for stealing cash or kind from a bank. How fair is this, Mr. President? What sort of society do we live in? Let us not delude ourselves. As I said before, the use of ganja in this country today, and I am referring specifically to ganja because our prisons are loaded down with young people who were put there for the use of a stick of ganja. The police only see them throw down a stick and they take them to court and they have to go to jail.

The use of ganja in this country touches practically every household and I say that, Mr. President, and I mean it. We in this House had better take cognisance of that fact because it is a fact. Let us not delude ourselves. Each one of us here has young children. Mine, Sir, are only five years old and eight years old. However, I am certain that there are many in this House who have those in the teenage bracket and those are the ones which worry me;

MR. W. McKEEVA BUSH (CONTINUING): not my own, Mr. President, I can control them, but what of those poor parents who after struggling to bring their children to the age, when they reach the teenage bracket they cannot control them. Those are the ones, Mr. President, which I am concerned with here. We in this House had better take cognisance of that fact. Let us not delude ourselves. Mandatory sentences have not helped our situation and we in this Honourable House are doing the right thing when we are doing away with them.

Mr. President, I believe that the people of my constituency and the entire country as well are well aware of my stand on hard drugs. Drug trafficking, in my opinion, is one of the most serious offences there is and it should be treated as such. However, drug addiction, Mr. President, on the other hand is a disease, a serious sickness and should be treated as such. One Member said that the Government, not that I support them in every section of this Bill because I think that parts of it need to be withdrawn or redrafted or whatever, but one Member did mention that we were fulfilling campaign pledges. Mr. President, if it is a campaign pledge or if it is a fulfillment of a campaign pledge, I am happy because I pledged to my people during the campaign last year to strive to have our drug laws amended or modified to reflect this view that we would do away with mandatory sentences.

So, as I said, not that they consulted me; the first time I saw the Bill or the first time I heard about it was when we got the white paper, but I am satisfied that with that particular issue they are doing the right thing.

I am not here, Mr. President, trying to over simplify what is a serious problem in this country. However, I do believe that the simpler we can make these things the more likely the average person on the streets will be able to understand what is required of them.

Mr. President, I might be bamboozled for this but I do have one suggestion for an amendment to Clause 6 when we get to Committee Stage. I know that the practice has been before to allow amendments in Committee Stage by word and not the written form which I am now hearing about. I would like to see the powers of the courts broadened where any property of a convicted drug trafficker can be forfeited to the Crown to be used in a drug rehabilitation programme, whether or not property including cash was or could have been acquired by the offence which is the subject of the conviction. If it can be proved that they derived their benefits from the sale of drugs to our children, then let it be used to put our people back on the right track again. As I said, this would be particularly so in cases where the convict cannot prove a legitimate source of income. If our society is going to suffer from these atrocities at least then let us put back into society some of what they took.

Mr. President, as I said in the beginning, I do not support the entire Bill. There are some things here which I do not like and which need to be carefully looked at. With regard to "Presumptions of possession and knowledge of controlled drug", Mr. President, I am looking forward to hearing from the Government Bench or the legal mind on the Government Bench what the situation is with this. However, on first looking at it, Mr. President, I cannot support it. I must say that this is a serious, serious section of the Bill. Citizens, Mr. President, of any country are innocent until they are proved by the courts of the land to be guilty. While I do not agree with everything spewed forth from the mouth of the Second Elected Member for Borden Town, he does have one point here, Mr. President, and that is that this section of the Bill is bad in every respect.

MR. W. McKEEVA BUSH (CONTINUING): However, Mr. President, we must not oppose for opposition's sake, just for the sake of being in opposition. The Bill has some bad sections but, Mr. President, the principal Law itself was a communistic Law because it gave the Government permission to come into a person's home without a warrant. The Second Elected Member for Bodden Town was a Government Member in 1983 when the principal Law was revised.

MR. G. HAIG BODDEN: Mr. President, I want to make an explanation at the end because....

MR. W. McKEEVA BUSH: No, Mr. President,....

MR. G. HAIG BODDEN:that section was put in the Law in the seventies.

MR. W. McKEEVA BUSH: Yes, Mr. President, he can make his explanation now. I give way.

MR. G. HAIG BODDEN: Mr. President, the section the Member is referring to in the Misuse of Drugs Law is the section which allows the police to break into and enter a person's property without a warrant. This was put into the Law in the seventies when a different Government was in power. It was between 1972 and 1976. It was not put in by a Government of which I was a part.

MR. W. McKEEVA BUSH: Mr. President, this Law which I hold now in my hand, Law 16 of 1983, the Misuse of Drugs Law (Revised) was a part of the administration of the previous Government. The Member who just spoke, the Second Elected Member for Bodden Town was then the Honourable Fourth Elected Member of Executive Council. If he was so interested about our people he would have then removed that communistic section which gave the police power to come into a person's home without a warrant. It is still bad and although the 1972 to 1976 Government did it, they were defeated in 1976 partly because of that kind of Law. The Member's Government was soundly defeated, Mr. President, because they only further compounded the problem. He was a part of the Government of 1983 and he did not do his duty to the people. However, I am with him on Section 4, but he must not stand here, Mr. President, and say that this administration is now encouraging crime. If we look at the statistics in this country from 1976 to 1984 we will see, Mr. President, that our young people took the plunge in those years simply because a Government was elected in 1976 which, Mr. President, did nothing to help our young people except to send them down the drain.

Mr. President, it was part of my campaign promises to help our young people and I am not ashamed of that. I am not encouraging crime. I would never do so but we do have a responsibility and we must not oppose for the sake of opposition. When I oppose the Government Bench I have my right to oppose, and it was well founded as they know.

Mr. President, if crime is on the increase I still say the only crime increasing is the continuous use by our young people of ganja. We must do something about that to help them. Justice must be tempered with mercy.

Mr. President, on taking away the powers of the courts; doing away with a jury, let us look back on history and see what the former Governments tried to do with the Law to amend the Prison Law, Law 14 of 1975 which was defeated in September, 1983.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, what did that do? It was retroactive. It sought to take away the powers of the court and the Member was a Member of Executive Council, the leading Government body in the country. However, I am with him on Section 4. I agree with him but he must not do things here in this Honourable House which say that the Government is encouraging crime. I cannot see that. There are things done here which I do not agree with and as long as I am here I will vote, Mr. President, according to my conscience. However, I have to tell the truth about them when the time comes.

Right now, Mr. President, some of this Bill needs to be withdrawn, redrafted or whatever. I am waiting to hear what the Honourable Second Official Member will tell us. However, Section 4 of the amending Bill is bad. Why? Mr. President, I am hoping that I am not taking anyone's punches here, but if someone could send the Queen's representative in this country a package they could send me a package loaded with dope. I would know nothing about it yet I would have to suffer the shame of going to court and proving that I was innocent. Mr. President, that is very serious and I do not know whether the draftsmen in this country were sleeping or whether they were wide awake, Mr. President, but it is serious and I do not intend to support it. So, I trust that we can get some good explanations here. It is bad drafting.

I am wondering, Mr. President, whether it was not set up for the Opposition to pound us into oblivion. Anyway, Mr. President, certain sections of the Bill have my support and I want to make it clear again that not because 1972 to 1976 we had a Government who did not remove a section which gave the police power to enter our private home and a man's home is his castle, that we must come here now and do the same thing all over again. I must say, Mr. President, that it is not good. Where are the human rights in this country?

Maybe I am drifting now, Mr. President, and I know that you will soon stop me. I want to hear some good explanation, Mr. President, and I must warn the Government Bench that they either withdraw this thing or it should be amended here and now so that we can say yes to this thing. I am no little boy. I am a grown man and a big one, a heavy one, and I want to see justice done, but justice all around.

Thank you very much, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? Oh, the Honourable Second Official Member I think perhaps caught my eye first.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, this Bill before this Honourable House relates to amendments to the Misuse of Drugs Law (Revised). Mr. President, it had been my intention since the Bill had not been presented by me, to listen to the comments of Members; to wait until the Committee Stage and then to explain to Members the various meanings of the provisions contained therein in case that there had been any wrong assumptions made about them. However, Mr. President, I realise that it is my duty to speak here and it is my responsibility to speak, because, Mr. President, words are going out from this Chamber, words spoken with magnificent oratory by the Second Elected Member for Bodden Town, but words which convey imputations; which convey meanings to this Bill which are completely remote from the intent, the meaning, the purpose or the actuality of it.

HON. MICHAEL J. BRADLEY (CONTINUING): Mr. President, if the people outside the House were listening to it they may be led astray, as one other Member following the eloquence of the Second Elected Member for Bodden Town is, I am afraid, being led astray by it.

There is no great evil in this Bill. The Bill is designed to improve our society, not to create a communist state. The purposes in this Bill, Mr. President, Sir, are to modernise our Law; to bring it into line with other countries; to improve it, not to make people guilty automatically. Mr. President, it is for that reason that I got up on to my feet now to speak briefly, and I hope calmly about the matters and the misinterpretations which have taken place in this Bill, Sir. I hope that I will be able to do so and be able to assure Members of the House that there is nothing here which they cannot be afraid to pass with a clear conscience.

The first matter which the House was addressed on, Mr. President, was a provision which sought to change Section 3 of our substantive Law in the end of subsection (1) of it. Now, Mr. President, our substantive Law at the moment says:-

"3. (1) Whoever without -

- (i) lawful excuse; or
- (ii) being authorised in that behalf,"

does a number of things or has:-

"any controlled drug, pipe, utensil or thing used in the preparation or consumption of any controlled drug, or who attempts or offers so to do or who causes, procures, solicits, entices, aids, abets, permits or suffers any other person so to do is guilty of an offence."

An amendment contained in this Bill seeks to cut out the words, "or offers so to do or who causes, procures, solicits, entices, aids, abets, permits or suffers any other person so to do", and to put in there in its place the shorter, simpler and clearer words, "assists or is concerned in any of such matters", so that it would read:-

"or whoever attempts or offers so to do or who assists or is concerned in any of such matters is guilty of an offence."

This simple amendment was castigated and we were told that these were the type of provisions which permitted loose drafting; that these were the type of provisions which would never ever have been permitted by the mother country by the legislation of the United Kingdom.

Mr. President, Sir, let me read to you Section 4(2) and (3) of the United Kingdom Misuse of Drugs Act, 1971. Subsection (2) reads:-

"Subject to Section 28 of this Act it is an offence for a person to be concerned in the production of such a drug in contravention of that subsection by another."

Subsection (3), Mr. President:-

"Subject to Section 28 of this Act it is an offence for a person to be concerned in the supplying of such a drug to another in contravention of that subsection."

HON. MICHAEL J. BRADLEY (CONTINUING):

Subject to Section 28 of this Act it is an offence for a person to be concerned in the making to another in contravention of that subsection an offer to supply such a drug."

There, Mr. President, Sir, in the legislation of the mother country in two short subsections the phrase which we are seeking to introduce once now has been used not once, not twice, but three times. That was passed fourteen years ago in 1971. I, Mr. President, had not the honour to be a Member of this House when the original Misuse of Drugs Law was passed here in 1973. If I had been I would have said at that time that we should more appropriately have followed the words of the mother country in this legislation. We did not do so then. We are seeking to do so now. If, Mr. President, for fourteen years in the United Kingdom those words have been enshrined and contained in their Misuse of Drugs legislation, then I think that it is appropriate and suitable that we should use the same words, and use the same phraseology.

I will not attempt to cover all the points in this Bill, all the amendments which are sought to be made in it. I will not attempt to cover the policy question of whether mandatory minimum sentences should remain or not. What I will attempt to do hopefully, Mr. President, in this short speech, is to remove any misapprehension which may have been put in the minds of the public by reason of this speech which was previously made and which I have mentioned.

Mr. President, great play was made with the proposed new Clause 6A, the margin note of which reads, "Presumption of possession and knowledge of controlled drug". Let me read it out in full so that nobody is under any misapprehension as to what is being said here; so that nobody is under any misapprehension that a person is being deemed to be guilty until he proves himself innocent. Mr. President, it says:-

"6A (1) Without prejudice to any other provision of this Law -

- (a) where it is proved that a person imported anything containing a controlled drug it shall be presumed, until the contrary is proved, that such person knew that such drug was contained in such thing.
- (b) where it is proved that a person had in his possession or custody or under his control anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such person was in possession of such drug;
- (c) where it is proved that a person supplied to any other person anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such first-mentioned person knew that such drug was contained in such thing;
- (d) where it is proved that a person is in any way concerned in carrying, removing, harbouring, keeping, concealing, handling or dealing in any manner with anything containing a controlled drug, it shall be presumed until the contrary is proved, that such person knew that such drug was contained in such thing.

HON. MICHAEL J. BRADLEY (CONTINUING):

- (e) where it is proved that a person had in his possession or custody or under his control any document of title relating to anything containing a controlled drug or any other document or thing or printed matter relating to anything containing a controlled drug, it shall be presumed until the contrary is proved, that such person was in possession of such drug."

Mr. President, that is the first subsection. A Member has invited me to read subsection (2) and I shall be pleased to do so.

(2) The presumptions provided by this section shall not -

- (a) be rebutted by proof that a person never had physical possession of the controlled drug;
- (b) be construed as requiring the prosecution to prove any fact which, by virtue of any other provision of this Law, it does not have to prove."

In each of these provisions, Mr. President, Sir, the onus is on the prosecution, in presenting the case, to prove that the person imported or had in his possession or custody or supplied something which in fact contained a controlled drug. When it is proved that they had imported it; that they had in their possession something which in actual fact contained a controlled drug, then the presumption and the burden of proof passes to the accused to show the court that he did not know that such drug was contained in the thing. This, Mr. President, is a change in the presumption after a burden of proof has been discharged by the prosecution and deals with the case where I have a container in my possession; where I have a suitcase in my possession and it is proved that I had it; that I was found with it; that it was imported by me or that it was in my possession, and it is to enable the Law to bite so that I cannot turn round, wave my hands in the air and say, "Oh I did not know that it was there". The prosecution has to prove not only that I had it in my possession, this container, but also that I knew exactly what was in the container.

It is because of this, Mr. President, that this clause as to presumption is being put in here. Members have mentioned also the question of having a document of title or other written document. Mr. President, let me deal with that in a moment when I mention that this is not an ingenious Machiavellican clause dreamt up here only in the Cayman Islands. Provisions very similar to this are contained in legislation of other Dependent Territories which, Mr. President, was legislation which like our own legislation has to be assented to by the Queen's representative and which, like our legislation can be disallowed by the United Kingdom Government if it feels in any way that such legislation should not become part of the Law of that Dependent Territory.

Perhaps, Mr. President, the subsection (e) would have been made clearer if we had spelt out, and if Members wish I will do so and propose it at Committee Stage, a rather fuller clause, which as another jurisdiction says:-

HON. MICHAEL J. BRADLEY (CONTINUING):

"where it is proved that a person had in his possession or custody or under his control, any other document or written or printed matter including a dock warrant, a warehouse warrant or order, a baggage receipt, a baggage claim relating to anything containing a controlled drug."

There are cases which happen in this jurisdiction where, Mr. President, people are found entering the country at airports. There is suspicion that they are concerned with the importation of controlled drugs. They are searched. They are found with baggage tags in their possession. If a baggage tag is found in the person's possession, then under this presumption, the person having been found with this document relating to the bag which has got in it a controlled drug shall have the burden of proof shifted on him to show that he did not know that the drugs were there.

I consider, Mr. President, that this presumption which is contained in legislation in other jurisdictions, other Dependent Territories and which does not come as a surprise to the judiciary of this country because the matter was discussed with them by me, and there is approval for such a presumption going in because it is thought that in the circumstances of this country such a provision, which is contained in other legislation in other places, is equally necessary.

Mr. President, another matter which was spoken about with the proposed new Section 14A which provides for forfeiture of acquired assets, Mr. President, the provisions regarding forfeiture which were heretofore contained in our legislation, related principally to the forfeiture of any vessel which was used in connection with a drug offence. However, all over the world it is realised that we must seek to discourage drug trafficking by making the trafficking unprofitable. In this respect, Mr. President, Sir, we are seeking to do this by going on to say that when a person is convicted of an offence, and the court by which he is convicted is satisfied that any monies or other things which relate to him have been acquired due or as a result of the offence, the court will order that such money or other things be forfeited to the Crown. In that connection, Mr. President, perhaps it might be relevant to say that we are even in advance of the mother country, because the mother country is intending to bring in legislation to this effect, an amendment to their Control of Misuse of Drugs Law.

If I may, Mr. President, quote from a speech made by the United Kingdom's Home Secretary in December, 1983 to the London Diplomatic Association. In that speech he considered the whole problem of tackling drug abuse. He said that he is now awaiting the report of a Committee which is considering general questions of forfeiture and compensation, and that he will seek to introduce legislation during the life of the United Kingdom Parliament to provide for the confiscation of the proceeds of crime. This, Mr. President, is what this Clause 6 which seeks a new Section 14A seeks to do. However, even it when seeking to confiscate the profits made out of narcotics crimes contains a safeguard, because that safeguard is contained in subsection (2) that:-

"The court shall not order any monies or other thing to be forfeited or dealt with under subsection (1) where a person claiming to be the owner of or otherwise interested therein applies to be the owner and can be heard by the court."

HON. MICHAEL J. BRADLEY (CONTINUING): The United Kingdom have got in relation to known narcotics offences most of these powers which we are seeking in the Criminal Compensation Act of 1983 of the United Kingdom. There is in another Dependent Territory, in this case Gibraltar, in their 1973 Misuse of Drugs Law, a similar provision. Again, Mr. President, this forfeiture is not something which the Cayman Islands is seeking to do without any rationale; without any basis. It is part of a worldwide concept which is particularly applicable in the United States where there are widespread and draconian powers of forfeiture of the illegal proceeds and the illegal profits of narcotics matters.

Mr. President, one further matter was raised and agitated about by the Honourable Second Elected Member for Bodden Town. That was the fact that whilst initially we were seeking to remove Section 25 of the principal Law, that we now in a Committee Stage amendment which was circulated under my signature, are seeking to put in a provision giving the right of trial in certain cases.

May I, Mr. President, try and bring Honourable Members through the history of this particular clause, and why it is necessary to amend it, or repeal it or substitute it now. Mr. President, an amendment made in the early eighties to our Misuse of Drugs Law put in Section 25 of the Law as it presently is. That Section 25 now reads:-

"Notwithstanding the provisions of any other section, where a person is charged with any offence contrary to this Law and such person is liable upon conviction to be sentenced to a term of imprisonment exceeding fifteen years then such offence shall be deemed for the purpose of determining the mode of trial, a category B offence in accordance with section 5 of the Criminal Procedure Code."

May I explain to Honourable Members that a category B offence is an offence which can be tried either summarily, or upon indictment. A category B offence means that either the prosecution or the accused person has the right to ask for the jury trial. However, Mr. President, there are grave difficulties which that section being put in the Law created, because in the Law, Mr. President, there are certain maximum penalties contained in the Schedule in respect of second or subsequent convictions where the maximum imposable is more than the fifteen years. This, Mr. President, led to a great difficulty because if, for example, the magistrate is about to try a person for the offence of possessing more than two ounces of a hard drug, how is he to know before he begins the trial whether he has jurisdiction as a matter of course because it is a first offence, or whether it is a category B offence where there is an option to elect for jury trial by reason of the fact that if the accused is convicted, it will be a second or subsequent conviction?

We have a principle in our Law and in the British common Law that the judge or the judge and jury when hearing and trying an offence, shall not have any knowledge as to whether the person, the accused has any previous convictions, because such knowledge beforehand would or could prejudice the court or the jury against that person.

If the person were charged as a second offender because of the fact that the penalties which could be imposed were more than fifteen years, then it would bring to the notice of the magistrate or to the court, to the judge and jury, the earlier conviction which is undesirable.

HON. MICHAEL J. BRADLEY (CONTINUING): On the other hand, if it was not brought to the notice of the magistrate and he proceeded with the trial and convicted, and then it turned out that it is a second or subsequent conviction, then there would be great doubts as to whether or not that trial had been a proper trial, because the person could have opted to go for trial by jury.

It was because, Mr. President, Sir, of these technical and procedural difficulties that at first it was thought, following representations from our judiciary, that the simplest method of dealing with this insuperable procedural problem was to make all offences contained in the Misuse of Drugs Law triable only by the magistrate which, Mr. President, was the position from 1972 until 1982 when this amendment and this new Section 25 was brought into the Law. It was for that purpose that this Bill originally sought to remove and repeal Section 25.

However, on reflection and after consultation I, Mr. President, circulated to Members with the consent of my colleagues what I propose to move in its place. That is, Mr. President, Sir, in the one case of an offence of buying or consuming where the penalty for a second or subsequent conviction could be a maximum of twenty years, to reduce that to the level of fifteen years and make it a summary trial, but for the other and more serious offences of selling, dealing, distributing, supplying, dispensing and storing hard drugs, that rather than reduce the maximum penalties for second or subsequent convictions, to extend to persons charged with those offences even though they are first offenders and previously had not the right to jury trial, such a right. So that in all cases that a person was charged with the offence in relation to hard drugs of selling or dealing or distributing, the pushers, that they should have the right to elect trial by jury if they so wish.

It was for that reason, Mr. President, that I sought to make this Committee Stage amendment. Now, Mr. President, there have been several other points mentioned by the Members, and as a number of Members still wish to speak, no doubt there will be more matters raised. As I said, Mr. President, I had not intended to speak before the Committee Stage, but I thought that it was my duty to do so; my duty to explain that each and every one of the provisions which were being attacked so viciously, were not designed to turn us into a communist state; were not designed to make everybody guilty, but were carefully thought out amendments, which were made not uniquely here but on the basis of comparison with the legislation of other jurisdictions. They were made on the basis of recommendations and consultations from the persons dealing with such narcotics offences in our courts, and were matters which like other amendments to other Laws, seek to create fairness and equity not only to the accused, but to the society and the peace of the society in which the accused is misbehaving.

Mr. President, Sir, I am quite happy to discuss with Members at Committee Stage any improvements which they can see to the provisions of this Bill. What I have attempted to do in relation to certain parts of it is to explain why they were there and the good which they will serve.

Mr. President, Sir, thank you.

MR. PRESIDENT:
approximately 2.15 p.m.

I will now suspend proceedings until

HOUSE RESUMED AT 2.24 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The Second Reading debate on a Bill to amend the Misuse of Drugs Law (Revised). The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President. I rise, Sir, in support of the Bill for a Law to amend the Misuse of Drugs Law (Revised).

There was not too much in this that really bothered me and having heard the explanation from the Honourable Second Official Member, I certainly was able to get a lot more light on the subject. However, before I go any further I would like to assure the Honourable Members of Government that I in no way question their ability, nor their integrity, nor their honesty, nor their concern regarding any Bill which is brought before this House. Like all of us we are subject to mistakes, even if only minor. However, I can assure the Members that I would never sit here to believe that any on the Government side would bring a Bill to this House which was not intended to be for the good of our people. I would like them to know that as far as I am concerned, in this country today there may be some who are equally as capable as the Honourable Members. However, in my estimation there are none more capable than the Honourable Members. Also, not being a lawyer myself, rather than tear this thing apart I would much rather get some information from those who are legal experts. I am not a legal expert but it would seem to me that the certain sections here which are causing somewhat of a problem, for instance Section 3, I questioned this at first and then one reads it over a number of times and one can actually get what is meant here.

It not only states that "it shall be a defence for an accused person to prove", etcetera, etcetera but in the last two lines there we can see where it is stated, "which it is necessary for the prosecution to prove if he is to be convicted". Now, unless he is convicted there is absolutely nothing there which apparently should cause any question in that particular subsection.

Then in Section 4.6A(a) we see that every time here it is preceded by the words "where it is proved". Now it is not saying that this person is going to stand there and have to prove something or to prove that he is not guilty unless such had been proved against him for whatever matter. It says here, "where it is proved that a person imported anything containing a controlled drug". That particular aspect of it had been proved. Now the contrary must be proved in order that this person can avoid paying the penalty as stated under the Law.

Now it goes on, and in subsection (b) it is preceded by the words "where it is proved". Subsections (c) (d) and (e) all say, "until the contrary is proved".

Now we go to Section 6. 14A. It says:-

"Subject to subsection (2) where a person is convicted of an offence against this Law, and the court by or before which he is convicted is satisfied...."

MRS. DAPHNE L. ORRETT (CONTINUING): Now, this does not sound like some flimsy thing on the part of a person going up and standing in front of the court, and simply saying, "Well, I found it in your boat so you are guilty". It says, "before which he is convicted is satisfied", the court is satisfied, alright.

Then it says here that although the court can take any monies or anything relating to or acquired due to or as a result of that offence, it shall order such monies or other thing to be forfeited to the Crown or dealt with in such manner as it may direct. Again I do not think that we have any fly-by-nights sitting on the bench of the court. I feel that any learned judge there would look at both sides of the story.

Now, "where a person claiming to be the owner of or otherwise interested therein applies to be heard by the court within fourteen days of the conviction, unless an opportunity has been given to him to show cause why the order should not be made"; that particular section about taking people's property, it would seem here that if the owner can prove that he is in no way connected with the crime, then this section permits the court to look at this in a completely different light. The owner of the vessel or the car or whatever it might be can claim his property. At least that is what I understand it to be.

Now, Mr. President, why I like this Bill is because for years I have been concerned that the people who really get caught and put behind bars at Northward Prison are not necessarily the only ones involved in this. In fact they are not really the people who benefit from it. It is that "guy" who uses the little one to sell and to distribute it while he pockets his money and builds one, two and three houses, and buys expensive cars and television dishes. You name what he has and yet if someone sees the job he is doing they have to question how on earth in this day and age with the cost of living, can an individual get so much in so short a time.

Mr. President, I see many instances here where the hands of the court were tied in being able to convict a person who was involved in such a way. I feel that this particular Bill will go a long way in helping to cure those ills. I feel that it is not just the "guy" who smokes a stick of ganja or two; it is not only he who is involved, in fact he is least involved in it. It is the person who is using it to make money while he destroys other people's lives.

As I said, I am not a legal draftsman. Nor am I an expert in legal affairs but I have been studying this Bill and from the six years which I spent in working with people in the legal profession I can see here that this Bill is not something which has within it any ulterior motives to deprive our people of anything which is justly and rightfully theirs, not even to leave it to someone to prove that he is innocent by the court proving him guilty before the trial has been heard. It is all preceded here with "where it is proved".

Mr. President, I would like to say from this Honourable House that I am not here as some puppet, or as was commonly used as an extension cord. However, to stand here and to just talk and talk and talk, and to continually oppose what the Government is doing is not my business. I have a few things which I am not happy about. However, I will mention those later and I will not do it by trying to let the public believe that we have over on the other side of this House a bunch of people who do not know what they are doing. That is not my intention at all.

MRS. DAPHNE L. ORRETT (CONTINUING): I wish to repeat that I have every confidence in this Government. I cannot think of when we have had one which is better, and I would like someone to prove that to me. I stand here knowing that whatever is done is done for the good of this country. When we find out that they have made a simple mistake in the drafting of a Bill it is our business, seeing that two heads are always better than one, to bring this to their attention. However, to stand here and to discredit them for just a few minor infractions or typographical errors in some instances, I do not go for that.

I feel that we are here to work together to keep these Islands going in the right direction, and I would commend this Bill to this House because I feel that this is a step in the right direction. I commend the mover of the Bill and those involved in its drafting, and I trust that it will go a long way in putting behind bars, or whatever might be necessary for that "big shot" of a pusher or a salesman, or a dealer in drugs. If he needs to lose his house or whatever it is just so he may be stopped in time from destroying any more of our young people on these Islands, that should happen.

The love of money is the root of all evil, but in our country today there are more ways than one of getting it. I feel that anything where it is seen that we can be helped to bring the drug dealer before the courts should be done and I am trusting that this Bill will go a long way in seeing that done

Mr. President, thank you for the opportunity and I support the Bill.

MR. PRESIDENT:

Does any other Member wish to speak?
The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, unfortunately I must say that I feel slightly different from the last speaker. Legislating harsh Laws, Mr. President, surely is not the answer to the drug problem we experience in these Islands.

Mr. President, I am certain that the records of the court will bear me out that the Law as it is presently drafted is a very harsh one. It has led to the conviction of many and honestly, Mr. President, at this stage I cannot see the necessity of this amending Bill.

Mr. President, as has been brought out here, normally the problems experienced are among the youth of this country. It is unfortunate and I honestly believe that the money spent on drafting and printing, and the time spent by us as legislators to debate this Bill could have much better been spent had we brought in social workers to work among our people. I feel that it is education we need to pass on the evils of this monster, drugs.

Mr. President, I am presently arranging a committee in my District which I hope can work, not only in my District but throughout the Districts to try and assist in curtailing the drug problem.

I feel today, Mr. President, as I have expressed in this Chamber many times, I am totally opposed to drugs. However, at the same time, Sir, let us face it. Those involved in drugs are less fortunate people, they are not animals, and let us face it, if we as Legislators and responsible people do not try besides filling our prisons and other means to curtail this well, Sir, I feel that we are fighting a losing battle.

MR. JOHN B. McLEAN (CONTINUING): Mr. President, the Honourable Second Official Member of Government has endeavoured to go into this Bill thoroughly and to try to explain to us exactly its meaning. However, I must say, Sir, that on certain sections of this Bill he has not been successful in converting me.

I have heard many times, Mr. President, legislation in other Dependent Territories and legislation in the mother country, why should it not be adopted in our Islands. I am really and truly fed up with this, Sir, because in most cases let us face it, the habits and conditions are completely different. I feel that the time has come for us to put that aside and to deal with legislation which is essential and beneficial to the people of these Islands and the country as a whole.

Mr. President, I must agree with previous speakers who have expressed concern over Section 3(e) and the words, "assists or is concerned in any of such matters" for "or offers so to do or who causes," etcetera. I think that this is a very, very serious clause. Mr. President, I am presently in the business of automobile rentals. It is impossible for me to know exactly the condition of each of my automobiles. However, Mr. President, at the same time I am fully concerned about my vehicles. Unless I am interpreting what is in this Bill incorrectly and I do not think that I am, as I see it here, Sir, I would be the concerned party and there is no reason why one of my vehicles could not have been rented to an individual, returned to my premises and hidden somewhere inside it could have been some amounts of this illegal drug. Therefore, Mr. President, I would be the concerned party involved. How could I under this present Bill prove my innocence? I cannot say that the vehicle is not mine because the record would indicate that I am the whole owner of that vehicle.

Mr. President, I should hope that in Committee Stage either the mover of this Bill or the Honourable Second Official Member would endeavour to have sections such as this one removed and cast aside.

I move on, Mr. President, to Clause 4 of this amending Bill. Again, like others I am very concerned about this clause, the presumptions clause. As the Second Elected Member for Bodden Town mentioned I was in the presence of qualified lawyers who thought as we do that this section of this Bill should never have been brought before this Honourable House. I do not intend to go into the European Convention on Human Rights, Mr. President, but it is a fact that if this Bill passes in its present stage it must infringe on the rights of the people of this country. Automatically, Mr. President, one is guilty until he or she proves themselves innocent. In some cases here I fail to see where the individual will ever be able to prove himself innocent. Again, I am not a lawyer and I hope that if there is somebody who feels that my interpretation is wrong, they will try and prove it, not only to me but to other Members of this House who are very concerned.

Mr. President, I was most happy to receive the amendment which was circulated from the Chief Justice, which dealt with Section 25 of the old Law. Again I do not intend to go into this in detail but, Mr. President, it surely worries me to know that should we have dealt with this Law earlier in this Meeting of the House, what we could have really placed on the shoulders of the people in these Islands. My honest opinion, Mr. President, taking just that into consideration, should give Government every reason to withdraw this Bill and to study it again clause by clause, and to bring it back at a later stage.

MR. JOHN B. McLEAN (CONTINUING): In its present state, Mr. President, I find it impossible to support. I would like to make it abundantly clear that as has been said here many times today, I am not opposing for opposing's sake because I do not believe in it. I criticise when I feel that criticism is due. If the Government Bench brings something, Mr. President, which I feel will benefit this country, I will support it first thing. The record will indicate that I have taken that stand many times.

So, Mr. President, without further debate, once again I trust that those on the other side who are concerned with this Bill and who have seen to its presentation, will reconsider and have the Bill withdrawn.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak?
The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support a Bill for a Law to amend the Misuse of Drugs Law (Revised). Mr. President, the previous speaker said that he considered the Bill to be a harsh one and that he would like the Bill to be withdrawn. I do not agree, Sir, that it is a harsh Bill and I do not see why it should be withdrawn.

The Bill is, in my opinion, in the best interests of the people of this country, and it is seeking to stop mandatory sentences which have been made in the court. The discretion will now go back to the judge who has not got to send first offenders to jail. I think that this is a big step forward in the right direction.

I believe that the Bill makes it quite clear in Clause 3 that "whoever, without lawful excuse or without being authorised", and this, Sir, is done throughout the Bill and "with intent", and then a person who "without lawful excuse or without being authorised". It goes on, Sir, in the Bill and it states emphatically in the section "Presumptions of possession and knowledge of controlled drug", and makes it quite clear with the first four words in each sentence, "where it is proved".

This Bill does not shift the onus of proof to the accused. I have no difficulty, Sir, with the Bill as it is and I feel that if any Member here has problems with it they should offer amendments. I have been in this House for eight years and at no time do I recall an amendment by the other side of the House being rejected. It has always been considered and the President has always allowed it in spite of the fact that two days notice is required for an amendment. So if any Member on the other side of the House has an amendment to bring forward, I am sure that the Honourable Second Official Member will be delighted to help him. If we consider it as a proper amendment he may depend that we will correct whatever mistakes or errors which are shown to us.

I feel, Mr. President, that this is a just Bill. It is not one which has been taken out of a hat. There are other territories and our mother country which have similar legislation and it has worked well. I know that our Attorney-General has been through this quite thoroughly and I am sure that he would not have permitted such a Bill if it was so unjust and so bad for this country. I am sure then that he would not have allowed it to come forward. As he said in his debate, other territories had similar Laws which were assented to and they were not disallowed.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): We will have to go the same route and if we make a mistake here there are two other channels. Members will not assent to it or secondly it will be disallowed if it is not in keeping with international Law. We are obligated even though we are not a member of the International Law Society or whatever it is called. However, we are under the United Kingdom and whatever they have to comply with, it is mandatory that we follow.

Mr. President, I think that the forfeiture of acquired assets is just. I think that if it can be proved that people have used drug money or other criminal money to purchase a house; to purchase a ship; to purchase a television dish or whatever they may use that money for, that it should be confiscated.

The repeal of Section 9, Sir, and the new amendment is quite clear. I think that it has restored to the Bill in the principal Law what the Members had been thinking that it had withdrawn, that is it has put back into the Bill the right of a trial by jury. Mr. President, I do not think that the Chief Justice of this country would have recommended these amendments to our Attorney-General had he not seen fit to do so. I have no problem whatsoever in supporting this Bill.

MR. PRESIDENT:
Executive Council.

The Honourable Fourth Elected Member of

HON. VASSEL G. JOHNSON: Mr. President, I rise to support this Bill, a Bill to amend the Misuse of Drugs Law (Revised). Mr. President, when I heard the Opposition on their rampage again, criticising this Bill and indicating that it was another communistic move by this Government, I thought at one time that when I examined this Bill in Executive Council or when the Bill was passing through Executive Council I had fallen asleep, or that I had missed the point there. Mr. President, I am not going to sit in Executive Council or in this Chamber and agree to something which, in my opinion, would be detrimental to the people of these Islands. I am here to do what is, in my opinion, in the best interests of all concerned.

Mr. President, I am satisfied in my mind that the Section 4 which has so heatedly been debated and criticised is not conveying the sentiment expressed by the Opposition, and that is that as the section is proposed, that it will deprive individuals of their right under the British Law system, whereby a person who is charged or accused of a criminal offence is innocent until proved guilty. Mr. President, the basic concept of British Law that a person is innocent until proved guilty is enshrined in Section 4 of this amendment Bill, because the very opening words of each subparagraph suggest that where it is proved that a person is implicated.

Mr. President, I know that on the outside there are people who have perhaps missed this point as well. No doubt they had been convinced by the Opposition here that the section of this Bill which is being criticised, that is Section 4, is a detriment to the legal system of these Islands. Mr. President, the problems in our courts have been very long and worrying ones to the law enforcement agencies of this country, the courts, the police and the prosecutors because, Mr. President, one of the things which is very difficult for those agencies is to get to the root of drug operation here in these Islands. We usually catch the traffickers and the users of a cigarette or two, and they are all sent to prison under this famous mandatory minimum sentence, and fined under this Law by the past Government.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, what is of concern to us today is that these minor offences are sending people to crowd our prisons and that is of much concern to the Government of the day, while, of course the trade continues as strongly as ever. The dealers or the "big boys" as we call them are always able to slip through the nets. They are able to employ the cream of the legal profession in these Islands who very often find a technical point of Law to send them out through the front door again.

Mr. President, these are the ills, whether they be of the legal system or of the ability of the prosecutors or whatever. However, they are going to be continuing problems in this country if the law enforcement agencies are not able to prosecute them successfully. I believe, Mr. President, that these simple amendments to this Law, as we see it in Section 4, may be a way to assist in this troubled area.

Mr. President, we heard that later this year when this Government goes on to renegotiate the Narcotic Agreement, we may have to tell the Americans that we have successfully reduced the sentence for narcotic offences in these Islands. Well, I am sure that the Opposition will not lose any opportunity of finding something to throw at us. However, Mr. President, the Americans have never yet questioned the penalty aspect of our Laws and I do not think that they would at any time question the legal system of this country. In fact, that is not what the Americans are seeking here. They are seeking means and ways of bringing these narcotic criminals to justice, and by the quickest possible route. Whether we send people to jail here, or we sentence them, or we reduce the sentence, that has nothing to do with the Narcotic Agreement renegotiation, Mr. President. They should know that. They have been involved in this last year.

Mr. President, I should not doubt that there may be suggestions for amendment to certain areas of Section 4, for instance Section 4. 6A. (1)(e). There has been some concern over that subparagraph, and also over Section 4(2). However, Mr. President, I will abide by the Honourable Second Official Member who is quite capable of advising us on any of those proposed amendments. We do not expect, Mr. President, that every Bill which is presented here must be railroaded through without amendment. It is the prerogative of the Honourable Members of this Legislative Assembly to examine all Bills coming before them and to be satisfied with the provisions as recommended before they give their consent to approval.

So, Mr. President, I would not be surprised if recommendations are made for minor amendments. However, Mr. President, as far as the principles in Section 4 are concerned, I have no difficulty in accepting the recommendations as put forward there.

Mr. President, the Honourable Second Official Member has already given the explanation for the recommendations of this Bill in much detail, and also the Honourable Member moving the Bill so I do not think that it needs any further explanation.

So, I will again indicate my support of the Bill and I hope that Honourable Members will give it their support as well.

Thank you, Mr. President.

MR. PRESIDENT:
Town.

The Second Elected Member for George

MR. LINFORD A. PIERSON: Mr. President, the Bill before us known as the Misuse of Drugs (Amendment) Bill, 1985, seeks to make a number of amendments to the Misuse of Drugs Law (Revised). Before dealing with the content of this Bill, Mr. President, I think that I should make it abundantly clear that it is not my intention at any point in my debate to be derogatory to any Honourable Member of the Government Bench. At the same time, Mr. President, while my views are objective and not in any way intended to pass personal aspersions or subjective ones, I am not, Mr. President, a believer in blind loyalty.

Mr. President, as I stated in my Budget debate, in order for a Law to receive the respect which it should, it must be a good Law and one which is capable of being respected by the majority of the people. If we desire respect for the Law we must first make the Law respectable. Again, Mr. President, it raises the point that Laws which do not embody public opinion can never be enforced.

Mr. President, luckily for our Government the Constitution does in fact embody Section 9(2) with regard to collective responsibility. Before leaving these Chambers for lunch, I would have thought that the Honourable Second Official Member would have had a hard job indeed in even convincing the Elected Members of Executive Council but alas, Mr. President, an hour can make a lot of difference in the minds of people.

In defence, Mr. President, of the Elected Member for East End I would point out that my understanding of what he said was that, and I quote, "I could not support the Bill in its present form and hope that it would be withdrawn and studied further, and presented at a later date". It was not my understanding, Mr. President, that it was the intention of the Elected Member for East End not to support the Bill at all.

Mr. President, a great deal was made of "proof", so in my attempt to enlighten myself on this magic word I got a dictionary and I looked up the meaning of the word "proof". It states, Mr. President, that it means to test the genuineness, to ascertain, to establish or ascertain and so on and so forth. Nowhere in that dictionary, Mr. President, does "proof" extend to knowledge. It is "proof", Mr. President, of possession. It has nothing to do with the "proof" of the knowledge of possessing any controlled drug or other substance. I think that is a very technical point, Mr. President, that should not be ignored. We are not here, Mr. President, talking about proof of finding ganja in someone's car; of proof of finding cocaine in someone's car. If it is there, it is there and if the police find it in someone's car, the fact that it is in his car is proof enough that it is in his car. What we are concerned about is the proof of knowledge that he knew that it was in his car. Knowingly, he knew that it was in his car.

Mr. President, we have to be extremely careful with some of these Laws which we are hurriedly passing through this House. I would have thought that it would have been a much better arrangement if a legal committee comprised of members of the Law Society, members of the Legal Department and members of the Judiciary, perhaps six or eight people could examine these Bills before they come to this House and make suggestions.

The European Convention on Human Rights, Mr. President, comes out strongly against unlawful detention. It says, Mr. President, that the lawful detention of a person should be done only after conviction. It also states, Mr. President, that everyone charged with a criminal offence shall be presumed innocent until proved guilty according to the Law.

MR. LINFORD A. PIERSON (CONTINUING): What we have here, Mr. President, is a change in the burden of proof. The Bill is seeking to prove someone guilty before he can even establish a case. However, I must congratulate the Honourable Second Official Member. I think that he did a very good job in changing the minds of some of the Members who intended to speak on this Bill. Regardless, Mr. President, of the emphasis which he placed on the magic word "proved", it still does not change the impact and intent of those phrases in the Bill.

Mr. President, a man's home is his castle. I think that we have to be very, very careful indeed about how we tamper with this. The Honourable Second Official Member, Mr. President, also made a great deal about the magic word "concerned" as it appears in the United Kingdom Law. Mr. President, I would like to make it quite clear here that while we as a Dependent Territory will want to remain as such for as long as possible, we do not necessarily have to accept every statute or Law on the books of the United Kingdom Government, it is only if those Laws are appropriate to the Cayman Islands and to the people of this country. The United Kingdom Law was concerned with specific matters. It was concerned with production. It was concerned with the supply of drugs. It was concerned with the making of drugs. It stated specifically. Perhaps it is not the intention in Committee Stage to make that section a bit clearer, but right now it seems to have an unlimited meaning.

Mr. President, I am also pleased to see that in the wisdom of our Chief Justice Section 25 was amended. I will not go into the details of this because I feel that it has been given sufficient debate. However, suffice it to say, it only highlights the point that more input should be received and solicited from the Judiciary and the Legal Society in this country.

Yesterday, Mr. President, in the debate of the Penal Code amendment remarks were made about the concern of Members of this House with regard to warrants of distress and other matters. Mr. President, I wish that we were in a position as Members, or as Representatives of the people to take these matters as lightly as they seem to be taken by certain Members. However, we have a responsibility to our people. I am not concerned, Mr. President, whether any Member of the Opposition or any Member of the Government Bench is pleased with what I say. This is immaterial to me. I am here to represent my people because they have told me to keep myself healthy and that they will do their part to see that I am here for years and years to come. So, I am not concerned with the Official Members of the Government Bench or the Elected Members. I am concerned with good representation for my people.

Mr. President, amendments should not be made for the sake of amendments. They should be timely and necessary. Take for instance the Maintenance Law. We came here and made one amendment to increase the payment from \$20 to \$50 but yet there are so many inconsistencies in that Law. While I am not debating that Law it highlights the point which I am making that more thought and time needs to be put into the amendments brought forward to this House. Under that Law for instance, a child ceases to be entitled to maintenance from the lawful father after fourteen years of age. Yet if he was an illegitimate child he could get maintenance up to seventeen years of age. The inconsistencies, Mr. President, and this is why we need a serious study of our Laws before we bring them here and have them amended in an ad hoc manner.

MR. LINFORD A. PIERSON (CONTINUING): Where are these amendments originating from? Are we following other territories because it exists in those territories? Or is the tail wagging the dog? We hear about this obtaining from 1972 to 1976. Mr. President, are we suggesting to the people of this country that we are content to be consistently wrong? Was this the reason why we were put into this House by the people, for us to stand up here and say that if previous Governments had made the mistakes then it was good enough for us to continue making them? That is not the reason, Mr. President. We are here to better and improve the situation. It is not enough defence for us to state here that because the Government was wrong eight years ago, it is justification enough for us to be wrong.

Mr. President, I am afraid that I cannot share the euphoria of the Honourable Second Official Member. He said that he is very pleased with the Bill. Well, he presented the Bill so this is understandable. The Honourable First Elected Member of Executive Council, rather, presented the Bill but the Honourable Second Official Member did say that he was very pleased with the Bill as the architect of the Bill. He has taken by those remarks, Mr. President, the direct responsibility for this Bill.

Mr. President, I try not to deal with matters which I do not understand because unlike some people I appreciate that a little learning is a dangerous thing. "Drink deep or taste not the Perian springs where shallow draughts intoxicate the brain and drinking largely sobers us again". Mr. President, I am not going to stand here and say that something is good just because I do not understand it. I try to understand the details of these Bills and I am not going to stand here and say that it is good because the Honourable Second Official Member who is a man of integrity presents it. I must feel that it is good before I am going to say that it is good, and if I feel that it is not good I think that I have enough intelligence to make my own decision on the matter.

Mr. President, my biggest worry with this Bill is the presumption of possession of knowledge of controlled drugs. Regardless of the magic little word truth I still see here, Mr. President in subsection (5) of Section 3 where it states *inter alia*:-

"The accused person -

- (a) shall not be acquitted by reason only of proving that he neither knew, suspected nor had reason to suspect that such substance or product was the particular controlled drug alleged;"

This is no case. This is no defence to say that one did not know. Mr. President, there is a lot that is wrong with this. There are some parts which are good but there is a lot wrong with this Bill. On a parts benefit analysis, Mr. President, the negative parts would outweigh the positive.

Section 6A.(1)(a) states:-

"where it is proved that a person imported anything containing a controlled drug,"

"It is proved". What does that mean? "Proof". Of course it can be proved. If someone has received a letter or a package in the mail and he has the receipt of having received it and it is in his name. Of course if it is opened and there is cocaine in it, it is proved that it is his.

MR. LINFORD A. PIERSON (CONTINUING): How can he get out of that? It has got to be with his knowledge. He knew that it was coming to him. What is to stop some chap who wants to throw the Second Elected Member for George Town out of politics from posting to him a package of ganja? How do I say that I knew nothing about it? When will I be given the privilege to prove my innocence or will I be whisked off to Northward Prison until some clever lawyer can get me out?

Section 6A.(1)(a):-

The Bill continues to state under

"it shall be presumed, until the contrary is proved, that such person knew that such drug was contained in such thing;

(b) where it is proved that a person had in his possession or custody or under his control anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such person was in possession of such drug;"

What happens, Mr. President, if in one's good nature one sees somebody walking on the road and he gives him a lift, and he drops a stick of ganja in his car? That is possession. It is in his car. It would be presumed that he was guilty until he could prove otherwise.

MR. PRESIDENT: I wonder whether this would be a convenient moment to take our customary afternoon break? If the Member has very nearly finished speaking and would prefer to complete his speech....? I may take the break? Alright, well then let us suspend proceedings for approximately ten minutes.

AT 3.30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.45 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Town.

The Second Elected Member for George

MR. LINFORD A. PIERSON:

Mr. President, at the time of taking the break, when it was necessary for us to refresh ourselves and cool down a little, I was dealing with Section 3, subsection (5). As I stated, this is a very dangerous and serious situation under this section. The onus rests with the accused instead of with his accuser. It states:-

"the accused person -

(a) shall not be acquitted by reason only of proving that he,"

had no knowledge of the situation which deals with the possession of the controlled drug.

MR. LINFORD A. PIERSON (CONTINUING): If one, Mr. President, cannot be acquitted by proof of not having knowledge of the possession then I ask, Mr. President, how can he indeed be acquitted.

Section 3, subsection (5)(b) states that he:-

"shall be acquitted if he proves that he neither believed, suspected nor had reason to suspect that the substance or product was a controlled drug."

Mr. President, how does one prove to an individual the state of one's mind at a particular point in time, whether one believes something or whether one does not? Mr. President, on presumption of possession it brings to mind a story I heard from a lawyer yesterday when we were discussing this Bill. This was where a known ganja dealer, a man from the republic of West Bay was coming in from Jamaica with his supply of ganja. He had it in a radio, Mr. President, together with other grips and suitcases which he was carrying. So he passed it to a high legal official. Somebody mentioned an ex-Attorney-General. I did not say that. That man out of the goodness of his heart decided to help this poor man and take his radio through. When he was outside the man took the radio back and it was found out later that it was filled with ganja.

What would have happened to this legal official if there had been a dog at the airport which sniffed this radio and found him in possession? What would happen to our good Attorney-General, our present Attorney-General if that had happened to him out of the goodness of his heart? What would happen if the owner of the radio, when he was accosted, said that he knew nothing of the radio? He did not know what the Attorney-General was talking about. It had to be his. It would be a sticky situation, Mr. President, to get out of.

Mr. President, on the same section, if it is the understanding that the prosecution must prove that the accused is guilty beyond doubt, then I would have no problem with this Bill and I trust that the presenter and the mover of this Bill will make this abundantly clear from the detail and clauses in this Bill.

Mr. President, the Honourable Second Official Member took quite a lot of time in explaining Section 6A.(1), but Section 6A.(2) states:-

"The presumptions provided by this section shall not -

- (a) be rebutted by proof that a person never had physical possession of the controlled drug;
- (b) be construed as requiring the prosecution to prove any fact which, by virtue of any other provision of this Law, it does not have to prove."

Mr. President, what are we thinking about in this country?

"Forfeiture of acquired assets". Mr. President, if I felt that this Bill would assist in bringing the big people in the drug trade before the courts I would be the happiest person in the Cayman Islands. I understand, Mr. President, that this is the intent of this Bill but it must be hidden somewhere where I cannot see it.

MR. LINFORD A. PIERSON (CONTINUING): This section about forfeiture, Mr. President is a very, very dangerous section. How does one prove that 50 per cent of the man's bank account was from drugs and the other 50 per cent from his substantive trade. I leave this question, Mr. President, to the presenter of the Bill. I understand that he is trying to answer it now.

I am not suggesting that this is not a good procedure. I am suggesting that we have to be very, very careful how we deal with this. One will have to determine beyond any shadow of a doubt that the assets which are sought to be forfeited were in fact acquired from the proceeds of the controlled drug.

Mr. President, I will have no problem with this Bill if these areas are properly explained because, as I have stated in this Assembly, it is not my intention to oppose for opposition's sake. I am here to support the Government Bench on any issue which I feel is good for this country and our people. So, I will await the mover of the Bill for his explanation and his summing up before I make a decision. Otherwise, Mr. President, I would see no alternative but to have this Bill withdrawn in good common sense and in the interests of our people. However, I trust that this will not be necessary. Even if this was my desire, Mr. President, I knew that this would easily be defeated because of the majority situation in this House.

As I said, Mr. President, this Bill has some good points but some very, very bad points and so far from what I have seen of this Bill, the bad points outweigh the good points.

Thank you, Mr. President.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I have been having some problems getting the spirit of this Bill united with the body of this Bill. I have listened to the contribution to the debate by other Members and I have managed to put certain of the appendages on to the spirit. However, there are still some areas which I cannot reunite. I can support, Mr. President, the elevation of "dipipanone" to the definition of a hard drug. In fact, there are one or two other drugs which I would like to see added to the first and second schedule of the Misuse of Drugs Law.

It is not often, Mr. President, that I am going to agree with the motives of my vociferous colleague, the Second Elected Member for Dodden Town. Nor, Sir, can I fully agree with the suggestions that this Bill be sent to a Committee. I do not like the concept of committees dealing with things, Sir.

The spirit of this Bill before us, Sir, I can support. The intent of the removal of the minimum sentences I have no problems with. However, Sir, like other Members I am concerned about Section 4 of this Bill. While I appreciate and accept the explanations given by the Learned Honourable Second Official Member of Government, the problem I have, Sir, while I fully support and realise that we have an obligation to entrap or to provide the mechanisms for the conviction of drug pushers or traffickers, I think, Sir, that we should never in trying to make these provisions lose sight of the fact that we have an obligation to protect the innocent.

If I accept his explanation then the operative portion of Section 4 is "where it is proved". Now, Sir, if the prosecution has proved the fact that I have something in my possession, or I was involved in any of the other areas covered under this section; if they have established proof I find it very difficult for me to be able to prove the opposite.

MR. D. EZZARD MILLER (CONTINUING): That is where I have problems in reconciling my support for this Bill, Sir. If they have enough evidence to prove my presumptions of possession then I cannot conceive what defence I could muster to prove my innocence of possession. My great concern here, Sir, is the opportunity this section might provide for framing of an individual. If somebody sent me, Sir, a registered parcel in the mail and I accepted it, and the prosecution took the fact that I have in my possession the slip from the Post Office where I signed in receipt of this package as proof of the presumption that I am guilty then, Sir, I would have as I said difficulty in finding areas under which I could prove my innocence.

My concern, Sir, lies as I said in the unfortunate circumstance that some innocent individual could ever; that the possibility could exist under any Law that somebody could be successfully framed for a charge as serious as a drug offence, because such a charge, Sir, is not a stigma which is lightly cast aside. Even if one is successful after it is presumed that he is guilty, in proving his innocence, it is like the old saying, Sir, "I would rather go to jail for killing a man because when I come out they can only say I killed a man, rather than calling me a thief for the rest of my life".

If the mover of this Bill, Sir, cannot demonstrate in his summing up how it is possible and assure me that the innocent individuals will not suffer and that there is absolutely no possibility of any kind of framing occurring under this Bill, I might find ways to support it.

Under the forfeiture of acquired assets, Sir, I support that section wholeheartedly. I believe, Sir, that it is fairly easy to determine when someone has got means illegally from the sale of drugs or whatever, because under normal circumstances of earning a living, etcetera, one usually has the debts at the bank to cover one's assets which he is enjoying in life. However, if someone has huge cash deposits at the bank, hundreds of thousands of dollars which have been acquired over relatively short periods of time, I believe, Sir, that the onus should be on that individual to prove that they were not acquired by illicit means.

So, in trying to offer my support for this Bill, Sir, as I said my concern is that while I support the spirit, that all must be done to stop the abuse and the illicit trafficking of drugs, I think that we should never lose sight that we have an obligation to protect the innocent in our society.

Thank you, Sir.

MR. PRESIDENT: If no other Member wishes to speak...? The First Elected Member for the Lesser Islands? Yes.

CAPT. MABRY S. KIRKCONNELL: Mr. President, the Bill before the House has been thoroughly debated. Much has been said pro and con. I support a Bill for a Law to amend the Misuse of Drugs Law (Revised). I had the privilege of voting for the Misuse of Drugs Law, Law 16 of 1983, which I think has helped. If we find now that certain amendments are necessary to that, I have given it very serious thought and have listened very carefully and asked many questions.

I did have considerable concern for Section 4 which is a new section to this Law, which amends and inserts subsection 6A into the principal Law. I think that I now understand it and I look forward in Committee Stage to a further explanation on the presumptions of possession and knowledge of a controlled drug.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): I agree wholeheartedly with the forfeiture of assets which it can be proved were acquired through drug trafficking or the sale of drugs. I feel that we do have some of this in our community and if this can be eliminated, I feel that the person who is really benefiting from drugs is the one who we need to punish. The small offenders as other Members have spoken of here, need to be corrected and rehabilitated. However, those who are benefiting most are the ones whom we really need to control.

I agree with the removal of the minimum sentences and the amendment of Section 20, and also of Section 23; also the institution of a new Clause 25 which will allow certain crimes of serious natures to be handled in the higher court and by jury. I feel that giving back discretion to our learned magistrates will help to alleviate some of the problems which we have had with overcrowding at Northward Prison. It will also give him the opportunity to assess each case individually, and in his learned knowledge apply what he thinks best.

Mr. President, with these few words, as I said I look forward to further explanation in the Committee Stage, but with them I support the Bill.

MR. PRESIDENT: Unless any other Member wishes to speak I will invite the mover to reply if he wishes.

HON. BENSON O. EBANKS: Mr. President, I wish to thank those Members who have supported this Bill, either totally or in part, and I thank especially the Honourable Second Official Member for the elaboration and explanations which he gave to the more technical parts of the Bill.

I have heard a lot of different interpretations put to the various sections of the Bill and honestly, Mr. President, it is difficult for me to understand how some of the interpretations can be arrived at, or how some of the opposition to certain parts can be defended.

The Second Elected Member for Bodden Town said that in his opinion this Bill is the fulfillment of campaign promises. The only thing which was incorrect about what he said about that was that he went on to say that the Government had promised to put an end to crime in the Cayman Islands. I do not believe that anyone in their campaign promised that. However, we certainly, most of us, Mr. President, promised to remove the minimum, mandatory sentences from the Misuse of Drugs Law. To the extent that that is a campaign promise I have no apologies to make.

Statistics will prove that from the time that the minimum mandatory sentences were put in the Misuse of Drugs Law it had no effect whatever on reducing the number of persons convicted. In fact, it sent the number imprisoned sky-rocketing. As one earlier speaker said, we have heard or at least read on occasions when the judiciary have lamented the fact that their hands have been tied by those mandatory, minimum sentences.

I believe that much of the opposition and many of the red herrings which have been drawn across this Bill arise from the very fact that at last we are getting around to removing the minimum mandatory sentences from the Misuse of Drugs Law.

The main thrust of this Bill, Mr. President, is the removal of those mandatory sentences. The rest of the Bill really comes as basically the result of negotiations which have been taking place between the judiciary and the Legal Department.

HON. BENSON O. EBANKS (CONTINUING): Now, some people have made much of the fact that one of the amendments proposed for the Committee Stage carries a notation on it which says something to the effect that the Chief Justice considered that Section 25 as was being proposed in the Bill was too high a jurisdiction for the magistrate's court. They went on to say that had the Chief Justice not seen this Bill in the nick of time, it would have been passed as originally printed and that that was as a result of a lack of consultation. However, Mr. President, I believe that the consultation was an ongoing one. The consultation started and took place long before the amendment before us was drafted. In fact, I would suggest that the Chief Justice was not in the Islands between the date of the white copy of the Bill being published and the date of this amendment.

So, Mr. President, Bills are not drafted in any ad hoc or careless manner. There are times when it is difficult to reach common language and so on, as between departments and different lawyers. However, eventually a happy medium is reached and I can assure Members that no legislation is done without due consideration or in any ad hoc fashion.

Mr. President, the thing which I would like to make very clear is that this Bill, as far as I am concerned, if we exclude the removal of the mandatory, minimum sentence has nothing in it which would really apply to what we call the small man or the user as such. One Member talked about this being a harsh Bill and it not being the answer to our problems. Mr. President, I have argued for years that long prison sentences were not the answer to the majority of our problems. I still agree with that. However, nothing in this Bill really affects the little chap who is usually sent to Northward Prison. These provisions which have been requested, chiefly by the judiciary, are provisions which are found in other Laws, as has been said in the mother country and other Commonwealth countries, and they would plug some of the loopholes which obviously the judiciary feels that the pushers in particular could use to escape punishment.

Mr. President, Members have made a lot of Section 4 with "presumptions". They are worried that if somebody puts some ganja in their car they would have to go to court to prove their innocence. Mr. President, that is exactly the case with the Law as it is now. If someone is found in possession of a drug, and it says "who without lawful excuse or being authorised in that behalf" and goes on to enumerate the offences, so that if someone is found with ganja or any drug in his car at the moment, he will have to explain to the satisfaction of the court that he was innocent of it being there. So, however the onus might be placed he has to go to court and he has to prove his innocence as the case may be.

The section which seems to be giving most trouble in Clause 4 is subsection (2). This is the one which Members seem to have found so obnoxious. That is that:-

"The presumptions provided by this section shall not -

- (a) be rebutted by proof that a person never had physical possession of the controlled drug;"

Mr. President, if the first subsection is going to work, it is my opinion that this subsection has to be in, because this in my opinion applies to what we would call the king-pin or the godfather of the operations.

HON. BENSON O. EBANKS (CONTINUING): Without this subsection, Mr. President, in my opinion a big drug dealer could stay in his home and organise all of the arrangements necessary to procure, transport, import and distribute, let us say cocaine or ganja in this country, and he would never have to touch it. The only thing which would concern him is that the money reached his bank account. This gets us back to that other objectionable section about being concerned with. I believe again that this is where the relationship comes in, because certainly the dealer whom I have spoken about would be concerned with all of the offences which that section refers to.

Mr. President, that is not the little person. I have enough confidence in the legal, judicial and law enforcement agencies of this country to believe that the Law will not be abused. The Misuse of Drugs Law is a peculiar Law regardless of where it is found. Because of its very nature it has peculiar provisions which might not be found in other Laws.

However, as far as this Bill opening up or facilitating framing certainly, Mr. President, that is nothing new. It is not a new charge in this country. How often have Members not heard of people who were apprehended for the possession of ganja or cocaine say, "the policeman stuffed it in my pocket". He still had to go to court and defend himself.

Mr. President, I consider that most of the opposition to the Bill has really made a mountain out of a molehill. We have heard Members talking about Government using the radio to sugar coat pills and saying that the press would give favourable coverage to Government regardless of what happened. Mr. President, to the best of my knowledge, Government has taken no action to give any slanted version, or any version over the radio, of this Bill.

One Member said that he wondered how Government would be able to face the negotiation table and say that we are making penalties less for drugs. Mr. President, this Bill does not seek to make the penalties less for the misuse of drugs. What it seeks to do is to take away the mandatory minimum sentence. The maximum sentence is intact except in the one case where it is my belief that the new Section 25 could not have worked unless we were prepared to reduce the sentence in that particular case, and it is in a special case. However, Mr. President, fifteen years is still a long sentence for that offence. So I do not think that we have anything to worry about with saying that we are becoming soft on drugs.

It was also said that the removal of the minimum sentences will increase the use of drugs. I do not believe that, Mr. President. The bite is still in the Bill.

Clause 6.14A, is the forfeiture clause, Mr. President. I do not know how we can satisfy the Second Elected Member for George Town's demands for writing Laws, because in the other ones he objects to the use of the word "proved" and in this one he objects to the court being satisfied. The money is not forfeited just because someone makes a charge. The court has to be satisfied, which taken to its ultimate conclusion would be the language which I understand the Member to like; to be proved beyond the shadow of a doubt.

Once it can be proved that assets have been acquired by illicit trading in drugs I cannot see why anyone should object to those assets being forfeited to the Crown.

One last area which I would like to mention, Mr. President, which seems to have been of great concern was subsection (f) of Clause 3, amending Section 3 of the principal Law, and subsection (s).

HON. BENSON O. EBANKS (CONTINUING): Mr. President, I would prefer to take subsections (4) and (5) because I think that subsection (4) is very important, because it makes it "a defence for an accused person to prove that he neither knew, suspected nor had reason to suspect the existence of some fact alleged by the prosecution which it is necessary for the prosecution to prove if he is to be convicted".

Subsection (5) is the one which seems to have given a lot of trouble. This reads:-

"Where in a prosecution under this section it is necessary, if the accused person is to be convicted, for the prosecution to prove that some substance or product involved in the alleged offence was the controlled drug which the prosecution alleges it to have been, and it is proved that such substance or product was that controlled drug, the accused person -

- (a) shall not be acquitted by reason only of proving that he neither knew, suspected nor had reason to suspect that such substance or product was the particular controlled drug alleged; but
- (b) shall be acquitted if he proves that he neither believed, suspected nor had reason to suspect that the substance or product was a controlled drug."

To me, Mr. President, what this merely says is that if the prosecution alleges that a person has a controlled drug and it is found that he did possess it or deal in it, or whatever the charge might have been, that he cannot claim innocence or acquittal merely by saying that he did not have reason to believe or know that it was that particular drug. What he has to establish is that he knew that he was not dealing in any kind of controlled drug. In other words people cannot play with semantics, because maybe a drug has different names. It is even known by different names. So what those people have to prove is that they are not guilty of the act of dealing in any controlled drug.

Mr. President, except to say that this Bill is brought in all good faith, and that it is not a communistic Bill; that the technical aspects of the Bill are brought to plug what are considered loopholes, or to correct anomalies in the Law as seen by the judiciary, I can only say that this Bill is a good Bill because it fulfils the requirement of removing the minimum mandatory sentence from the Misuse of Drugs Law. Whether that was a campaign promise or not it is, in my opinion, the right thing to do. It is something I have been fighting for for a long time. The fact that other amendments which are necessary come with it does not detract from the fact that we are removing the minimum mandatory sentences.

I am satisfied, Mr. President, that the Honourable Second Official Member will be able in the Committee Stages to satisfy the few remaining doubts which might exist in some Members' minds about any area of this Bill. I am sure that his good intentions as regards this Bill were demonstrated during his contribution when he indicated that he would not oppose a further elaboration on subsection (e)(ii) of Section 4 concerning the documents which he would elaborate on about that, to show exactly what is meant.

With those few remarks, Mr. President, I commend this Bill to the favour of Members.

MR. PRESIDENT: *The question is that a Bill entitled a Bill for a Law to amend the Misuse of Drugs Law (Revised) be given a Second Reading.*

QUESTION PUT: AYES AND NOES:

MR. W. McKEEVA BUSH: *May we have a division, Mr. President?*

MR. PRESIDENT: *Very well.*

DIVISION
NO. 33

AYES

NOES

ABSTENTIONS

<i>Hon. Dennis H. Foster</i>	<i>Mr. G. Haig Bodden</i>	<i>Mr. Linford A. Pierson</i>
<i>Hon. Michael J. Bradley</i>		<i>Mr. D. Ezzard Miller</i>
<i>Hon. Thomas C. Jefferson</i>		<i>Mr. John B. McLean</i>
<i>Hon. Benson O. Ebanke</i>		
<i>Hon. W. Norman Bodden</i>		
<i>Hon. Capt. Charles L. Kirkconnell</i>		
<i>Hon. Vassel G. Johnson</i>		
<i>Mr. W. McKeeva Bush</i>		
<i>Mrs. Daphne L. Orrett</i>		
<i>Capt. Mabry S. Kirkconnell</i>		

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MR. PRESIDENT: *I declare the motion carried.*

BILL GIVEN A SECOND READING.

MR. PRESIDENT: *The adjournment?*

ADJOURNMENT

HON. DENNIS H. FOSTER: *Mr. President, I move the adjournment of this House until 10 o'clock tomorrow morning.*

MR. PRESIDENT: *The question is that this House do now adjourn until 10 o'clock tomorrow morning.*

QUESTION PUT: AGREED.

MR. PRESIDENT: *Does anybody want a division? (LAUGHTER).*

MR. W. McKEEVA BUSH: *That is the only thing we agree on, Sir.*

AT 4.37 P.M. THE HOUSE ADJOURNED UNTIL
10.00 A.M., WEDNESDAY, 29TH MAY, 1985.

SECOND MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY
29TH MAY, 1985

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LLB SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND
TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS
AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MRS DAPHNE L ORRETT THIRD ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

APOLOGIES

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

ORDER PAPER

WEDNESDAY

29TH MAY, 1985

1. GOVERNMENT BUSINESS

BILLS:

(i) SECOND READING

(1) THE REHABILITATION OF OFFENDERS BILL, 1985

(ii) COMMITTEE STAGE

- (1) THE STAMP DUTY (AMENDMENT) BILL, 1985
- (2) THE PENAL CODE (AMENDMENT) BILL, 1985
- (3) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (4) THE REHABILITATION OF OFFENDERS BILL, 1985

(iii) REPORTS THEREON

- (1) THE STAMP DUTY (AMENDMENT) BILL, 1985
- (2) THE PENAL CODE (AMENDMENT) BILL, 1985
- (3) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (4) THE REHABILITATION OF OFFENDERS BILL, 1985

(iv) THIRD READINGS

- (1) THE STAMP DUTY (AMENDMENT) BILL, 1985
- (2) THE PENAL CODE (AMENDMENT) BILL, 1985
- (3) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (4) THE REHABILITATION OF OFFENDERS BILL, 1985

2. OTHER BUSINESS

MOTIONS:-

PRIVATE MEMBERS' MOTIONS

- (a) PRIVATE MEMBER'S MOTION NO.12/85 - LIQUOR LICENSING LAW
- (b) PRIVATE MEMBER'S MOTION NO.13/85 - PROHIBITION OF LIQUOR AND CIGARETTE ADVERTISING IN THE CAYMAN ISLANDS

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WEDNESDAY

29TH MAY, 1985

10.04 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

Item 1. Government Business. Bills.

Second Readings. The Rehabilitation of Offenders Bill, 1985.

GOVERNMENT BUSINESS

BILLS

THE REHABILITATION OF OFFENDERS BILL, 1985

SECOND READING

CLERK: THE REHABILITATION OF OFFENDERS BILL, 1985.

HON. BENSON O. EBANKS: Mr. President, I beg to move the Second Reading of a Bill shortly entitled The Rehabilitation of Offenders Bill, 1985.

The Memorandum of Objects and Reasons, Mr. President. This Bill which is modelled on the corresponding provisions in the United Kingdom seeks to make comprehensive provisions for certain criminal convictions to become spent after a period of time and to penalise the unauthorised disclosure of any such convictions. Mr. President, this Bill I hope will be non-controversial. It breaks new ground but it seeks to remedy a problem which has existed in this country for some time. I describe it as a problem, Mr. President, because in addition to rehabilitating offenders, in the Cayman Islands where we have the waiver of a United States visa system in operation, it has in many instances wrought undue hardships on people. As is commonly known, people have to get a police clearance to get the waiver and very often a small family squabble which has taken place ten, fifteen or twenty years ago is recorded on the record, and has often resulted in people not being able to get waivers.

The Bill which is divided into several clauses, Mr. President, provided basically for the mechanics of the working of the Law when it is enacted. However, Clause 4 gives basically the effect of this Bill when it becomes Law. I would like to read this section, or part of it for the benefit of Members to bring it to their attention:-

"4. (1) Subject to sections 7 and 8, a person who has become a rehabilitated person for the purposes of this Law in respect of a conviction shall be created for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of, or sentenced for the offence which was the subject of that conviction; and notwithstanding the provisions of any other law to the contrary but subject as aforesaid -

- (a) no evidence shall be admissible in any proceedings before a judicial authority exercising its jurisdiction, or functions in the Islands to prove that any such person has committed, been charged with, prosecuted for, convicted of or sentenced for the offence which was the subject of a spent conviction; and

HON. BENSON O. EBANKS (CONTINUING):

- (b) a person shall not, in any such proceedings, be asked and, if asked, shall not be required to answer any question relating to his past which cannot be answered without acknowledging or referring to a spent conviction or spent convictions of that person or any circumstances ancillary thereto."

The Bill also make provision, Mr. President, as was said early in the Memorandum of Objects and Reasons for the imposition of fines for making publication of offences once the person has been treated as a rehabilitated person.

Mr. President, in the interests of time I do not intend to say any more on the Bill at this time. I am sure that Members have read it and I beg for their full support of this Bill, so that we may get this on our Statute Book and give the benefit to persons who will benefit under the Law.

Thank you.

MR. PRESIDENT:

The motion is that a Bill entitled a Bill for a Law to Rehabilitate Offenders who have not been reconvicted of any serious offence for periods of years to penalise the unauthorised disclosures of their previous convictions, to amend the Law of Defamation and for purposes connected therewith be given a Second Reading.

The motion is open for debate. If no Member wishes to speak I shall put the question. Very well then, I will put the question that a Bill shortly entitled the Rehabilitation of Offenders Bill, 1985 be given a Second Reading. The Second Elected Member for West Bay.

DEBATE ON SECOND READING

MR. W. McKEEVA BUSH:

Mr. President, I will speak on the motion. I do not care at this time to play any waiting game with anybody. I think it is a good Bill.

I rise to welcome and support this Bill in principle. However, again I am left to wondering, Mr. President, if the Legal Department cannot couch these Bills in simpler and more forthright language. I sometimes wonder if our Law drafters might not consider the Ten Commandments given by the great Law-maker Himself for their simplicity. In any event, it would be good for them to consider that some if not all of the legislators in this Honourable House are short on letters behind their names while they are long on curiosity. At least, Mr. President, that is the case with the Second Elected Member for West Bay.

Sir, as I understand it, the purpose of this Bill is to make provision for the cleaning of the slate as it were in relation to certain minor offences, after the lapse of a specified time if there are no further offences during that time. Mr. President, I can easily support that as a means of giving an offender a chance to rehabilitate himself from the lifetime stigma and consequences of some minor indiscretions. These, Mr. President, are the kind of Laws which one would expect to find on the Law Books of a caring society. However, Sir, I would have liked to have seen a shorter rehabilitation period, especially for a period of imprisonment of less than six months. Seven years, Mr. President, is a very long time.

MR. W. McKEEVA BUSH (CONTINUING): I would prefer to see this reduced to three years in the Committee Stage. Again, Mr. President, I have not tabled an amendment but I am trusting that God would change their minds about the written amendment and when we come to the Committee Stage we can deal with it. As I said, I would like to see this period reduced to three years. Mr. President, if we take for instance a young boy just out of school, just turned seventeen and he gets convicted of some minor offence which might be attributable to the natural recklessness of youth, which gets him six months, he is out of prison before his eighteenth birthday with a record which probably bars him from entering many schools of higher learning and from many jobs, and as was said perhaps from obtaining a visa waiver to travel to the United States. Mr. President, if he has to wait seven years to have this record cleared are we really helping him? What is going to happen to him in those seven years?

I feel that this seven year period is too long. The relief comes too late for him to gain maximum benefits from it and I feel that we need to change it. I look forward to the youth of this country who get into trouble during their immature years benefiting from this Bill. However, if they have to wait until they are too old to benefit from it then its usefulness is diminished.

Mr. President, I support this Bill. I do not have very much to say. I support the Bill hoping that those things I mentioned will be taken into consideration when we get to Committee Stage.

Seeing that this is the last Government Bill to be dealt with I would like to say in closing, Mr. President, that in this Meeting we have dealt with some very serious Bills. Some of us here agreed. Others chose to say no or to abstain, and that is their right. That is an inherent right. I would like to say, Mr. President, that it is one thing to oppose for the sake of opposition and another thing to work to effect the economic and social reconstructions which are so greatly needed in the Cayman Islands today.

Sir, regardless of how Members may think of me, or for that matter how ugly I may be to others, or for that matter regardless of whether some people feel that I am here to destroy as has been said before, I have pledged to my people that I will face the challenges of my time; that I will struggle unceasingly to change those things both in our economic and in our social life which have denied to the masses of our people over the years their proper place in the brotherhood of man.

History, Mr. President, will judge whether I am a man.... I am coming to a close, Mr. President, and I ask you to bear with me. History will judge whether I am a man of deeds and not of words. However, on my shoulders rests the finality of decision and action. I love my people. That is why I speak out so strongly, Mr. President, and I believe as Antheus of old that I will draw strength from the courage of the people; that I will draw strength from this land; that I will draw strength from the feel of their hand; that I will draw strength from the sound of their feet. The thing which keeps me going, Sir, is that I will draw strength from the love of their hearts. I pray, Sir, that God will bless this little land of ours and bless each one of us as we strive to do what our conscience leads us to do.

Thank you, Mr. President, for bearing with me. I support the Bill and I trust that all Honourable Members will do the same.

MR. PRESIDENT:

I should be the last to wish to stop the Honourable Member from speaking, but I shall be grateful if he will try to speak on the question which we are debating.

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, it was not my intention to speak on this Bill but I have been somewhat inspired by the Second Elected Member for West Bay. Mr. President, many times Members including myself rise in this Chamber and hopefully our criticism is constructive as I hope mine is when things are not quite right. I feel also, Mr. President, that it is only just and proper that we should give praise and compliments where they are due.

In this connection, Mr. President, I wish to congratulate the mover of this Bill for a Bill which I think is most timely, and also I would congratulate the architects who put the Bill together. This Bill, Mr. President, we are told is modelled on the corresponding provisions in the United Kingdom. It is new to this country but I feel that it is a Bill which should have been on our Statute Book long ago. It seeks to make comprehensive provisions for certain criminal convictions to become spent after a period of time and to penalise the unauthorised disclosure of any such convictions. Mr. President, this is a very positive step forward because it gives the offender a chance to properly rehabilitate himself and to be brought back properly into society.

I would not regard any area of this Bill as bad for our people. However, maybe the mover of the Bill could in his summary explain why there is no schedule of offences in the Bill. We have under the schedule the sentence and the rehabilitation period but there would seem to be a major omission in not having a schedule of offences.

Mr. President, the effect of rehabilitation would seem to put the rehabilitated individual in a very, very good position indeed. "Subject to Section 7 and 8 a person who has become a rehabilitated person for the purposes of this Law in respect of a conviction shall be created for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of, or sentenced for the offence". I agree, Mr. President, with the Second Elected Member for West Bay that if someone has spent his time he should not have this hanging over his head for the rest of his life. Every opportunity should be given to have the individual rehabilitated. Perhaps as he said the rehabilitation period is somewhat excessive.

On the other side of the coin, Mr. President, subsection (4) of Clause 4 of the Bill reads:-

"A conviction which has become spent or any circumstances ancillary thereto, or any failure to disclose a spent conviction or any such circumstances, shall not be a proper ground for dismissing or excluding a person from any office, profession, occupation or employment, or for prejudicing him in any way in any occupation or employment."

Mr. President, we need to be very careful with this subsection because we can have professionals who through professional negligence or otherwise may be incarcerated and sentenced for periods coming back into our society not being properly reformed or rehabilitated, and being placed back into their original and substantive position or profession.

MR. LINFORD A. PIERSON (CONTINUING): While I think it is good that this subsection would make provision to assist people to rehabilitate themselves and to also be placed back into society, I feel that we have to be very, very careful indeed. I think that we have in this country living examples where this situation could occur.

Mr. President, as I said, I feel that this is a good Bill. With the exception of the reservations which I have voiced I wish to give this Bill my full support.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak?
The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support a Bill for a Law to rehabilitate Offenders who have not been reconvicted of any serious offence for periods of years to penalise the unauthorised disclosures of their previous convictions, to amend the Law of Defamation and for purposes connected therewith.

Mr. President, the Objects and Reasons are quite clear in this Bill. First of all, in the Objects and Reasons it is stated that it is modelled on corresponding provisions of the United Kingdom. Secondly, the Bill seeks to make comprehensive provisions for certain criminal convictions to be spent after a period of time, and thirdly to penalise the unauthorised disclosure of any such convictions.

The Bill for a Law to rehabilitate Offenders seeks to express the new Government's intention or policy as accurately as possible. I hope that this Bill will not be interpreted in any other way as has been attempted with other Bills which have come before this House in this Meeting. The policy of the new Government should leave little doubt in the minds of our people that we have recognised the errors of the past administration in dealing with various criminal offences and in particular the misuse of drugs, and that we are attempting to solve our problems in a more humanitarian manner.

We are, Sir, in no way encouraging those who trade in drugs or who have committed other offences against our society. In one of the earlier debates on another Bill a Member stated that our action would encourage people to trade in drugs and thus transgress against society. Under the past administration sentences were made mandatory which only served to fill our prisons and create problems, problems which were hitherto unknown. We have in this Meeting attempted to remove the mandatory sentences and are seeking to help our people who have committed offences by first making them aware of their wrong-doings and secondly giving them a second chance.

This Bill further seeks to strengthen our intention to help our people return to live normal lives and take their rightful place in society. We are trying a fresh approach to our present problems and instead of driving and hardening those who have committed offences against the laws of our Islands, we are through this Bill and other Bills seeking ways and means to lead them back into society in a loving and caring way.

The greatest book on earth tells us that we should love our neighbours as ourselves and that we should do unto others as we would have others do unto us. Mr. President, the Bill is quite clear and I have just stated Government's intentions and policy, and I ask Members to give this Bill their full support.

I thank you, Mr. President.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President. I rise to support this Bill for a Law to rehabilitate Offenders who have not been reconvicted of any serious offence for periods of years to penalise the unauthorised disclosures of their previous convictions, to amend the Law of Defamation, and for purposes connected therewith.

Mr. President, I wish to congratulate the mover of this Bill. I find it very easy to understand. In fact, I think that the public should welcome this for more reasons than one. Subsection (4) of Section 4 is certainly very, very commendable because I have known of cases when very bright individuals have just been tempted into maybe stealing for once in their life or for some other infraction of the Law and it has been held against them for so long. I feel that when it is felt that a person has been rehabilitated this should certainly be a welcome change in our society.

I also notice here that although there is no list of offences covered here which applies to the sentences, it does state in Section 5(1) that there are certain sentences excluded. So, once we see what has been excluded it should not be too difficult to understand exactly what would be included. Excluded would be a sentence of imprisonment for life, a sentence of imprisonment for a term exceeding thirty months, a sentence of detention during the Governor's pleasure, and any other sentence is a sentence subject to rehabilitation under this Bill.

I also notice in Section 8 that:-

- (a) consecutive terms of imprisonment and terms which are wholly or partly concurrent (being terms of imprisonment imposed in respect of offences of which a person was convicted in the same proceedings) shall be treated as a single term;"

I think that that is very commendable. Also I notice that in Section 8(e):-

"a sentence imposed by a court outside the Islands which is substantially the same as a sentence of any description mentioned in this section shall be treated as the sentence so described in this section."

I feel that this will be a welcome change in our society. This Bill does not seek, as we will go on and see under Section 6, subsections (2) and (3) and further on down, to give anyone leave to think that they will be considered rehabilitated and then they will be able to go out and commit something continuously and this will still apply.

However, I think that it is a very good Bill. I welcome it. I congratulate the mover. I congratulate the legal draftsman and I commend it to the House.

Thank you, Mr. President.

MR. PRESIDENT:

If no other Member wishes to speak I will again try and put the question that....

HON. BENSON O. EBANKS:

I would just like to make....

MR. PRESIDENT:

Oh, I am so sorry. You are quite right. At the earlier time you did not have anything to reply to. You now do. I invite the Honourable First Elected Member of Executive Council to exercise his right of reply. My apologies.

HON. BENSON O. EBANKS: Thank you, Mr. President, and I assure you that I will not be very long. I would just like to thank those Members who supported the Bill either by speaking to it or by not opposing it.

Mr. President, I would just like to touch on two points made by speakers. The first is the point made by the Second Elected Member for West Bay about the length of time which is required to elapse before a person is considered a rehabilitated person. I too, Mr. President, thought that these periods of time were a bit excessive. However, when one realises that the onus is on the person to first prove that he has in fact rehabilitated himself and the Bill merely gives sanction or status to that rehabilitation, then it is not unreasonable to have a fairly long period there before the person can be considered rehabilitated for purposes of the Bill.

The other one is the question raised on why the offences were not listed in a schedule. Clause 5, Mr. President, states the sentences which are excluded under this Bill:-

- "(a) a sentence of imprisonment for life;
- (b) a sentence of imprisonment for a term exceeding thirty months;
- (c) a sentence of detention during the Governor's pleasure,"

The offences for which such sentences can be passed will be found in the Criminal Code. However, one can see that certainly in the case of subsections (a) and (c) the sentences are of a serious nature. As far as subsection (b) is concerned, Mr. President, I wondered about that term as well. I think that we may find in practice that this is a bit on the short side but I would prefer to move cautiously with this Bill, Mr. President. If it is found that that provision is working hardship, well it will be no big job to bring an amendment to the Bill and change it. However, in light of other actions which have been taken in this Meeting particularly with the removing of minimum mandatory sentences and so on, I believe that this Bill will work well as it is presently fashioned and I would certainly recommend that we give it a try with the terms as presently expressed. As I said, if we find that we have not met our objective we can always amend the offending section.

Thank you, Mr. President.

MR. W. MCKEEVA BUSH: So the Member is not going to entertain a....

MR. PRESIDENT: Order, order.

The question before the House is that a Bill shortly entitled The Rehabilitation of Offenders Bill, 1985, be given a Second Reading.

QUESTION PUT: AGREED.

DIVISION
NO. 34

AYES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeever Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Ezzard Miller
Mr. John B. McLean

14

NOES

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MR. PRESIDENT:

I declare the motion carried.

BILL GIVEN A SECOND READING.

MR. PRESIDENT:

The House will now go into Committee to study a Bill entitled The Stamp Duty (Amendment) Bill, 1985 and other Bills.

THE STAMP DUTY (AMENDMENT) BILL, 1985

COMMITTEE THEREON

MR. CHAIRMAN:

The House is now in Committee. A Bill for a Law to amend the Stamp Duty Law, 1973. Before we embark on this and the other Bills, perhaps I could have Committee's confirmation that Members will again be agreeable to following the usual procedure whereby instead of identifying typing, printing and that kind of mistake, we authorise the Honourable Second Official Member to correct them even though they have not been explicitly mentioned during the Committee Stage of the Meeting. Is that agreeable?

HON. MICHAEL J. BRADLEY:

Yes.

MR. CHAIRMAN:

Secondly, it may be convenient for Members if as we come to each Bill I inform the Committee of the amendments of which I have been given notice in respect of the Bill concerned, so that Members are forewarned that those amendments will be moved when we come to the particular clause. In the case of a Bill for a Law to amend the Stamp Duty Law, 1973 I have been given notice of two amendments, one by the Honourable Third Official Member affecting Clause 8 and the second by the Second Elected Member for George Town, also affecting Clause 8. So when we come to Clause 8 we will take those amendments.

HON. MICHAEL J. BRADLEY: Could I take it, Sir, that you would also indicate any amendments of which short notice has been given, because I understand that Members have drafted and circulated, or are doing so, amendments which will require the leave of the Chair.

MR. CHAIRMAN: Yes, indeed. I was hoping to read out to the House as it were, or forewarn the House of all amendments of which I have been given notice. Where the notice has been shorter than Standing Orders provide I was going to indicate that I was going to allow leave. With the two in respect of this Bill I think that we were given sufficient notice. Two days' notice I think one has to be given, and I think that two days' notice was given with both of these two. Now we can turn to the Bill.

HON. MICHAEL J. BRADLEY: Without delaying proceedings, Mr. Chairman, there is just one very minor technical point which arises partially in the notices of amendment to this Bill and partially in a further notice of amendment to the Misuse of Drugs Law amendment Bill. That is that a notice of amendment was given based upon the white copy circulated to Members. If the notice of amendment is read with the green copy, because of the different layout of it, there is a very technical minor difference. For instance the notices of amendment by the Honourable Third Official Member describe a deletion in the last five lines of paragraph (a). It was five lines in the white copy but it is only three lines in the green copy. However, I take it that you would not raise any objection to this.

MR. PRESIDENT: Well, no I think we will deal with that when we come to Clause 8. Otherwise we will... However, thank you for drawing my attention to that. I had noticed that in one or two cases I think, not just in this Bill alone but in the case of other Bills, amendments have been drafted in a way which refers to the white copy rather than to the green copy. However, I think that we can sort that out as we come to them.

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 12 OF LAW 5 OF 1973.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 20.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: Mr. Chairman, may I have a division please?

DIVISION
NO. 35

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Plerson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

Mr. G. Haig Bodden

13

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MR. CHAIRMAN:
3 stands part of the Bill.

I declare the motion carried. Clause

CLAUSE 3 PASSED BY MAJORITY.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 23.

MR. CHAIRMAN:
part of the Bill. The question is that Clause 4 do stand

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. AMENDMENT OF SECTION 26.

MR. CHAIRMAN:
part of the Bill. The question is that Clause 5 do stand

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. AMENDMENT OF SECTION 27.

MR. CHAIRMAN:
part of the Bill. The question is that Clause 6 do stand

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: May I have a division please?

DIVISION
NO. 36

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks

DIVISION
NO. 36
(CONTINUED)

AYES

NOES

Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

Mr. G. Haig Bodden

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MR. CHAIRMAN:
6 stands part of the Bill.

I declare the motion carried. Clause

CLAUSE 6 PASSED BY MAJORITY.

CLERK: CLAUSE 7. AMENDMENT OF SECTION 28.

MR. CHAIRMAN: The question is that Clause 7 do stand part of the Bill. I will put the question.

QUESTION PUT: AYES AND NOES:

MR. G. HAIG BODDEN: Mr. Chairman, may I have a divion please?

DIVISION
NO. 37

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

Mr. G. Haig Bodden

13

1

MR. CHAIRMAN:
7 stands part of the Bill.

I declare the motion carried. Clause

CLAUSE 7 PASSED BY MAJORITY.

CLERK: CLAUSE 8. AMENDMENT OF SCHEDULE.

MR. CHAIRMAN: The question is that Clause 8 do stand part of the Bill. At this stage I should repeat that I have been given notices of two amendments to be made to Clause 8. I think that it would be best if we take them in turn and we take first the one that comes in the earlier part of Clause 8. That is the one by the Honourable Third Official Member of Executive Council and it is the one in respect of which the Honourable Second Official Member explained that it has been drafted with reference to the white rather than the green copy. After we have disposed of that amendment I would propose to turn to the amendment which has been put down by the Second Elected Member for George Town. On reflection I see that his amendment was actually dated the 28th May, so for the avoidance of any doubt I confirm that I give him leave to move it even if he has not, and he may not have done, given the necessary amount of time of notice, so that there will be no doubt about its being properly moved.

However, first would the Honourable Third Official Member wish to confirm that he is moving the amendment which stands in his name?

HON. THOMAS C. JEFFERSON: Yes, Mr. Chairman.

MR. CHAIRMAN: I did seem to get two rather different copies of it. Neither of them are actually dated but I take it that the one which we are discussing is one that....

HON. THOMAS C. JEFFERSON: Perhaps I should....

MR. CHAIRMAN: Perhaps you should read it out and then we will be quite sure.

HON. THOMAS C. JEFFERSON: I move that Clause 8 of the Bill be amended by deleting:-

"other immovable property which provides that rights under it are not assignable or transferable by any party thereto."

MR. CHAIRMAN: So, the amendment is that Clause 8 of the Bill be amended by deleting the words:-

"other immovable property which provides that rights under it are not assignable or transferable by any party thereto."

Those words appear in the white copy in the last five lines and in the green copy in the last three lines of paragraph (a) of a proposed new item to be headed "Agreement or Memorandum of Agreement".

HON. VASSEL G. JOHNSON: Mr. Chairman, the little "or" at the beginning of the second line on the green copy should be transferred and placed between "land" and "strata" in the first line, I think.

MR. CHAIRMAN: I had wondered about that. I think that it probably is right. Would the Honourable Second Official Member like to guide us?

HON. MICHAEL J. BRADLEY: The Honourable Third Official Member and the Honourable Second Official Member were both having a private discussion over the wording of his amendment and I did not catch the actual query.

MR. CHAIRMAN: If we strike out the words which his amendment deletes, then (a) reads:-

"for the sale or purchase of any land, strata title
or \$20.00"

The suggestion is that the word "or" should be moved to come between land and strata title.

HON. MICHAEL J. BRADLEY: I was just querying with the Honourable Third Official Member, Mr. Chairman, why he was cutting out the words "or other immovable property".

HON. THOMAS C. JEFFERSON: It is basically because the agreement is dealing with the purchase of land and strata title, and not referring to other items.

I think, Mr. Chairman, subject to the advice of the Honourable Second Official Member, the "or" reads on and includes (b) further down.

MR. CHAIRMAN: Well, it could except it did not do that before, did it?

HON. THOMAS C. JEFFERSON: The \$20 relates to the... Sorry.

MR. CHAIRMAN: No, no what I mean is that as the paragraph was originally worded it was "strata title or other immovable property". There was not a word "or" at the end of (a). If there had not originally been a need for the word "or" at the end of (a) I wonder whether there is a need for the word "or" at the end of (a) now. It seems to me that it is more likely that the word "or" should come between the words "land" and "strata title" as the Honourable Fourth Elected Member of Executive Council has suggested. However, I was seeking guidance from the Honourable Second Official Member on the point.

HON. MICHAEL J. BRADLEY: Yes.

MR. CHAIRMAN: In which case would you care to as it were adjust your proposed amendment, or could we agree that really that is a kind of a tidying up operation that the Honourable Second Official Member could be empowered to carry out if the Committee votes in favour of the amendment and then of the clause as amended?

So let us take the amendment as it is originally moved and note the point that the Honourable Fourth Elected Member has made for a tidying up operation afterwards.

Does any Member wish to speak to the amendment? If not I will put the question that the clause be amended as proposed by the Honourable Third Official Member.

QUESTION PUT: AGREED BY MAJORITY. AMENDMENT I PASSED.

MR. CHAIRMAN: You are voting against the amendment, not merely against the clause?

MR. G. HAIG BODDEN: Yes.

MR. CHAIRMAN: Secondly, there is an amendment proposed by the Second Elected Member for George Town and I will invite him to read out his amendment.

MR. LINFORD A. PIERSON: Mr. Chairman, I move that Clause 8 of the Bill be amended by the deletion of the numerals "\$100" as they appear at the end of subparagraph (a) of paragraph (b) under the title "Assignment", and the substitution therefor of -

"for the first assignment \$100

for any subsequent assignments at 7 1/2 per cent of the consideration".

The reason for this, Mr. Chairman, is that this amendment seeks to block any possible loopholes in the Bill which could be abused by persons seeking to assign land or other immovable property indefinitely without accounting for the 7 1/2 per cent stamp duty. The idea here, Mr. Chairman, is to try to avoid any speculation or profits being made through these assignments and that any profits being made should be subject to 7 1/2 per cent stamp duty.

HON. THOMAS C. JEFFERSON: Mr. Chairman, the mover did acquaint me with his thought of moving this amendment and more or less in hindsight I think that I would become a bit more comfortable now with it if the amendment read:-

"for the first two assignments \$100

for any subsequent assignments at 7 1/2 per cent of the consideration".

This is one of the areas which created some difficulty with the Bill in March and I think that normally the condominium development in particular, if we put the amendment through as it is presently worded, I do not to run the risk of perhaps a project not commencing because of it. I think that if the mover would be willing to accept an amendment to his amendment where it would read:-

"for the first two assignments \$100

for any subsequent assignments at 7 1/2 per cent of the consideration".

I would feel a lot more comfortable.

HON. MICHAEL J. BRADLEY: May I just mention a technical point to that. I would be happier if the word "each" was added before the \$100, otherwise there is an ambiguity as to whether the duty of \$100 is payable on the totality of the first two assignments. I want to make it clear that it is on each of the first two.

MR. CHAIRMAN: Does the "each" come after the \$100 or before?

HON. MICHAEL J. BRADLEY: It would then read, Mr. Chairman:-

"for the first two assignments each \$100".

MR. CHAIRMAN: Is the Honourable Third Official Member planning to move an amendment to an amendment himself, which I think he can do under Standing Order 27(1), or is he inviting the Second Elected Member for George Town to consider amending his own amendment?

HON. THOMAS C. JEFFERSON: I am inviting him to amend it, Mr. Chairman.

MR. CHAIRMAN: Would the Second Elected Member for George Town care to comment on that?

MR. LINFORD A. PIERSON: Mr. Chairman, I would be very happy with the amendment to this proposed amendment, for the amendment to read:-

"for the first two assignments each \$100
for any subsequent assignments at 7 1/2 per cent
of the consideration".

That would be fine, Sir.

MR. CHAIRMAN: I think that I am allowed to permit you to alter the wording of your amendment. We had this with a motion the other day did we not? We found that I was empowered to allow somebody who had moved a motion to amend it. So it seems to me reasonable that I can let you. However, let me just look at Standing Orders carefully.

HON. MICHAEL J. BRADLEY: I think that the relevant Standing Order is 24(7) which we referred to before.

MR. CHAIRMAN: Yes, I think that that is applicable is it not?

HON. MICHAEL J. BRADLEY: In any case Standing Order 27(1) is relevant that:-

"An amendment to an amendment may be moved and seconded at any time".

MR. CHAIRMAN: I think that really the way we have worked it is more a variation rather than an amendment to an amendment. If the Honourable Third Official Member had been moving it it would have been an amendment to an amendment. However, in your case it is a variation. It seems to me that I can properly accept the variation.

So the question now is that Clause 8 shall be amended by deleting the numerals \$100 as they appear at the end of subparagraph (a) of paragraph (b) under the title "Assignment", and the substitution therefor of -

"for the first two assignments each \$100
for any subsequent assignments at 7 1/2 per cent
of the consideration".

MR. LINFORD A. PIERSON: Yes, Sir.

MR. CHAIRMAN: Does any Member wish to speak further to that? Then I will put that question that Clause 8 of the Bill be amended as proposed by the Second Elected Member for George Town.

QUESTION PUT: AGREED BY MAJORITY. AMENDMENT II PASSED.

MR. CHAIRMAN: I do not have notice of any further amendments. The question therefore is that Clause 8 as twice amended do stand part of the Bill. I will put that question.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: Mr. Chairman, may I have a division please?

DIVISION
NO. 38

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster	Mr. G. Haig Bodden	Mr. W. McKeeva Bush
Hon. Michael J. Bradley	Mr. D. Ezzard Miller	
Hon. Thomas C. Jefferson		
Hon. Benson O. Ebanks		
Hon. W. Norman Bodden		
Hon. Capt. Charles L. Kirkconnell		
Hon. Vassel G. Johnson		
Mrs. Daphne L. Orrett		
Mr. Linford A. Pierson		
Capt. Mabry S. Kirkconnell		
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MR. CHAIRMAN: I declare the motion carried. Clause 8 as twice amended stands part of the Bill.

CLAUSE 8 AS TWICE AMENDED PASSED BY MAJORITY.

CLERK: A BILL FOR A LAW TO AMEND THE STAMP DUTY LAW, 1973.

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: I suggest that before we turn to the Committee Stage of the Penal Code (Amendment) Bill, 1985, we might take our customary morning break. I do not see any procedural reason why we should not take it straight from Committee and resume straight in Committee. So let us do that. I will suspend proceedings for approximately ten minutes.

AT 11.15 A.M. THE COMMITTEE SUSPENDED

COMMITTEE RESUMED AT 11.36 A.M.

MR. CHAIRMAN:

Please be seated.

The next Bill on the Order Paper is the Penal Code (Amendment) Bill, 1985. I am told that as a result of the Second Reading debate on that Bill the Honourable Second Official Member is preparing one additional Committee Stage amendment which will be circulated, if leave is granted, shortly. In the meanwhile on the 21st May notice was given of four Committee Stage amendments. It was a single notice which incorporated three amendments to Clause 3 and one amendment to Clause 5. Apart from the amendment currently under preparation which I referred to a moment ago, those are the only amendments of which I have been given notice so far.

What I suggest is that we start on the Bill including the amendments of which we have been given notice, and when the further amendment is available and is circulated we can come back to it.

THE PENAL CODE (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN:

The question is that Clause 1 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 23 OF LAW 12 OF 1975.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. Chairman, since this is the first of the clauses which the amendments under preparation....

MR. CHAIRMAN:

Clause 2? I see.

HON. MICHAEL J. BRADLEY: Not yet. Before Members relate to them perhaps I could explain my thoughts upon this amendment.

In a Meeting of the House, I think it was last year or 1983, we provided for the concept of wholly suspended sentences which elaborated on the original 1979 provision of wholly suspended sentences. In both this Bill which in Clause 3 goes on to do with partly suspended sentences and the part of our present substantive Law dealing with wholly suspended sentences, there is presently a provision which excludes from the court's power to wholly or partially suspend any offence under the Misuse of Drugs Law. Now, I had it that it was the feeling of Members during the debate that the courts should be able if they thought fit and proper, to partially or wholly suspend a sentence which was being given under the Misuse of Drugs Law. It is to give effect to that power that the amendment which is presently being distributed relates.

MR. CHAIRMAN:

Does that affect Clause 2?

HON. MICHAEL J. BRADLEY: Yes, because Clause 2 of the Bill presently deals with an amendment to Section 23 of the Penal Code. Section 23, subsection (5) of the Penal Code states:-

"The power to suspend a sentence conferred by subsection (4) may not be exercised in respect of a sentence for any offence against -

- (a) section 167;
- (b) the Misuse of Drugs Law, 1973;"

So that is why we would be seeking to amend, if it were the wish of the House, Clause 2 of the Bill.

At the moment the position is that a court cannot wholly suspend a sentence if it is for an offence against the Misuse of Drugs Law. That has been the position since the Penal Code (Amendment) Law, 1979.

MR. CHAIRMAN: I see. I have just been given now, and I hope all other Members have been given a copy of the additional Committee Stage amendments, one to Clause 2 and one to Clause 3, which you are seeking leave to introduce. In terms of Standing Order 52(2) I grant leave for these amendments to be moved without the normal notice. I wonder whether you would like formally to move the amendment to Clause 2, the purpose of which you have just explained.

HON. MICHAEL J. BRADLEY: Yes, Mr. Chairman. Thank you for leave having been granted. I would now move that Clause 2 of the Bill be amended by adding:-

", and is further amended in subsection (5) by -

- (a) adding "or" at the end of paragraph (a);
- (b) deleting paragraph (b); and
- (c) relettering paragraph (c) as paragraph (b)".

That, Mr. Chairman, on its own is delightfully enigmatic but the effect of it is that if we pass this proposed amendment to Clause 2, that it will enable the courts, if they think fit, to provide and impose wholly suspended sentences in relation to misuse of drugs offences, which is a power which they presently do not have.

MR. LINFORD A. PIERSON: Mr. Chairman, I wonder if the Honourable Second Official Member could explain this a little further, because I have been looking in the substantive Law here and Section 23 has three subsections, (1), (2) and (3). I am wondering whether the subsection (5) which he is referring to is in respect of Section 23 or Section 23(d)?

HON. MICHAEL J. BRADLEY: Mr. Chairman, in 1979 by Law No. 19 of 1979, which was entitled the Penal Code (Amendment) Law, Section 2 of that amending Law added to Section 23 of the main Law two more subsections which are subsection (4) and subsection (5). Subsection (5) says :-

"The power to suspend a sentence may not be exercised in respect of a sentence for any offence against -

- (b) the Misuse of Drugs Law, 1973;"

HON. MICHAEL J. BRADLEY (CONTINUING): We are seeking to delete that subsection "(b) the Misuse of Drugs Law, 1973", so that the court, if it wished, could wholly suspend a sentence in relation to a drugs offence.

MR. D. EZZARD MILLER: Mr. Chairman, could the Honourable Second Official Member explain why he thinks that it is necessary for subsection (c) to remain? That is subsection (5)(c) offences against the Traffic Law. Or does that have to do with manslaughter, or what? Or murder?

HON. MICHAEL J. BRADLEY: Perhaps the Clerk would be kind enough to pass me a copy of the Traffic Law and I will endeavour to answer that. Or perhaps the Members who were Members of this House when they passed this Law in 1979 could enlighten me?

MR. CHAIRMAN: It is certain sections of the Traffic Law.

MR. D. EZZARD MILLER: Yes, Sections 63, 66, 68 and 79. I cannot see an offence....

MR. CHAIRMAN: There are mandatory prison sentences for certain offences under the Traffic Law, I think, like driving while disqualified and it may be that this was put in to stop the courts from suspending an otherwise mandatory sentence. I am speculating but that is possible.

HON. MICHAEL J. BRADLEY: As it presently stands it says that the only offence for which a wholly suspended sentence can be applied under the Traffic Law is an offence for obtaining a licence or driving while disqualified, or offences relating to documents. Any other offence under the Traffic Law, one cannot impose a wholly suspended sentence. At present the power to wholly suspend a sentence is not applicable to Section 167 of the Penal Code which is manslaughter, to Misuse of Drugs Law offences and to all Traffic Law offences except the two which I have mentioned.

I really have no idea why it was passed in that form in 1979, Sir.

MR. D. EZZARD MILLER: Mr. Chairman, I really cannot see an offence such as one of those offences under the Traffic Law being regarded as more serious than offences under the Misuse of Drugs Law. Since the manslaughter charge is already exempted under the Penal Code I would like to move a further amendment that subsection (c) be deleted.

MR. CHAIRMAN: Can you explain again what it is in respect of Traffic Law offences which cannot now be the subject of a suspended sentence?

HON. MICHAEL J. BRADLEY: Mr. Chairman, it says that the power to suspend a sentence may not be exercised for any offence against the Traffic Law save for offences contravening Sections 69(1) or 79. This means that the court has only power in relation to traffic offences to suspend a sentence when it is a sentence for an offence contrary to the section for obtaining a licence or driving while disqualified, or Section....

MR. CHAIRMAN: Contrary to driving while disqualified?

HON. MICHAEL J. BRADLEY: Yes. For some reason the Law at present provides that the court can suspend a sentence which is mandatory under the Law of driving while disqualified.

MR. D. EZZARD MILLER: Then it cannot suspend....

MR. CHAIRMAN: It sounds like it has got it the wrong way round.

HON. MICHAEL J. BRADLEY: I suspect that in 1979 the House may have got it the wrong way round at that time.

MR. D. EZZARD MILLER: It does not make sense to me, Sir. That is why I think that it should be dropped.

HON. MICHAEL J. BRADLEY: It may have been the intention of the House to make only those two offences....

MR. CHAIRMAN: What is the second?

HON. MICHAEL J. BRADLEY: The second offence in respect of which at present the court can wholly suspend a sentence is Section 79 of the Traffic Law which says:-

"Whoever - with intent to deceive any person -

- (a) alters, uses, lends, or allows to be used, or
- (b) makes or has in his possession anything resembling,"

which is good wide language:

" or

- (c) makes any false statement or withholds information in order to obtain, or
- (d) issues without belief in its authenticity or veracity, any certificate, coupon, licence, plate or other document, is guilty of an offence and is punishable upon summary conviction with a fine not exceeding \$200 or with imprisonment for a term not exceeding three months or both, or upon indictment, with a fine not exceeding \$500 or with imprisonment for a term not exceeding two years or both."

I see no merit in retaining the restriction on the court's freedom in relation to the Traffic Law personally.

HON. W. NORMAN BODDEN: Mr. Chairman, maybe I am misunderstanding this but when I read this I got the impression that it was differentiating between minor traffic offences and more serious traffic offences. I think that we should be careful that we do not allow very serious traffic offences to be included in this section.

MR. CHAIRMAN: Yes, I think that the trouble is that the Law as at present worded is allowing the courts to suspend sentences which are otherwise mandatory, because maybe the House made a mistake when it enacted the legislation back in 1979, or whenever it was. I think that it is going to be difficult to sort this out and get it straight.

MR. D. EZZARD MILLER: I think that the best thing to do is to just drop it and forget about it, Sir. While I realise that the history of offences in this country has been that the two worst offences one could ever commit were either against the Misuse of Drugs Law or against the Traffic Law, everything else was looked at in a different light. I think that it is time to restore the traffic offences to their rightful misdemeanour stands and not....

MR. CHAIRMAN: Are most of the more serious type of traffic offences like causing death by dangerous driving or driving while intoxicated offences under the Traffic Law or under the Penal Code or something else?

HON. MICHAEL J. BRADLEY: The Traffic Law, Mr. Chairman, Causing death by dangerous or reckless driving, reckless and dangerous driving, careless driving, driving while intoxicated are all in the Traffic Law as offences which one cannot give suspended sentences for. The only ones which one can give suspended sentences for are the two which I mentioned, forging documents and driving while disqualified.

MR. D. EZZARD MILLER: Which carry mandatory sentences?

HON. MICHAEL J. BRADLEY: In respect of the second offence, driving while disqualified it is a mandatory sentence. Whoever drives while disqualified is guilty of an offence and shall on summary conviction be imprisoned with hard labour for a term not exceeding one year, and in addition to such punishment shall be disqualified from driving any vehicle for a period of two years.

MR. CHAIRMAN: However, as the Law now stands the court could impose that mandatory sentence and then suspend it? Whereas it could not impose a suspended sentence in respect of careless driving.

MR. D. EZZARD MILLER: Nor for speeding either. Not even for speeding, Sir.

MR. CHAIRMAN: Not even for speeding.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. Chairman, rather than come to a hasty decision on it, if we just let the matter of the Traffic Law suspended sentences lie in abeyance, I will undertake for the House to take up the matter with the Traffic Department, and see if I can ascertain whether there is any good reason why the Law is so framed.

MR. D. EZZARD MILLER: They are going to agree with it because they framed it.

HON. DENNIS H. FOSTER: Not only that, Sir, but I think that it is the intention of the Member to go through that Traffic Law with a view to a new one later on this year.

MR. CHAIRMAN: I certainly believe it is true that the whole of the Traffic Law is under review. I would be a little reluctant to amend the Law in ways the full effect of which we may not wholly see now, particularly when we do not really understand why the present Law says what it does and are not in a position to find out. I think that it might be wisest to accept the undertaking that the matter will be looked at and that legislation will be brought in to put it straight if it would appear to need putting straight. However, it is just a question of what exactly it would be wisest to do.

MR. D. EZZARD MILLER:

I will accept that, Sir.

HON. MICHAEL J. BRADLEY:
as originally....

Then, Mr. Chairman, perhaps my motion

MR. CHAIRMAN:

That is right.

MR. D. EZZARD MILLER:

I will withdraw the amendment.

MR. CHAIRMAN:

Yes, so the question now before the Committee is that Clause 2 shall be amended by, and perhaps I had better read it again, by adding -

" , and is further amended in subsection (5) by -

(a) adding "or" at the end of paragraph (a);

(b) deleting paragraph (b); and

(c) relettering paragraph (c) as paragraph (b)".

The effect of that has I think been fully explained to Members.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN:

I have not noticed any further amendment to Clause 2 so the next question is that Clause 2 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: CLAUSE 3. INSERTION OF NEW SECTION 23D.

MR. CHAIRMAN:

The question is that Clause 3 do stand part of the Bill and in respect of Clause 3 there were three amendments notified earlier by the Honourable Second Official Member in a note which went round on the 21st May, and there is another amendment which is on the same sheet of paper as the amendment to Clause 2 which we have just discussed. Of the various amendments, one is to subsection (3) of the newly inserted 23D, one is to subsection (6), one is to subsection (7) and another is to subsection (8). So, I will take them in turn if I may. That is to say I will take first the amendment which is to subsection (3) of the proposed new Section 23D. Maybe the Honourable Second Official Member would be kind enough to move that one?

HON. MICHAEL J. BRADLEY:

Yes, Mr. Chairman. I beg to move that Clause 3 be amended by the deletion in the sixth line of subsection (3) of the newly to be inserted Section 23D, of the word "may" and the substitution therefor of the word "shall".

This is a very minor technical amendment which makes it clear that the normal procedure is that the court shall not to restore a suspended sentence unless it exercises its option for reasons under the next following subsection 23D(4). It just strengthens slightly the meaning of the words in the subsection. It will then read:-

"a competent court, as defined in subsection (9), shall restore part of the sentence held in suspense and order him to serve it."

This is subject to its rights or special reasons not to do so in the following subsection.

MR. CHAIRMAN: On a very minor point in case it confused any Member, the paper which went round a week or more ago giving notice of the amendment, said that Clause 3 should be amended by the deletion in the fifth line of subsection (3). That must have referred to the white copy. You read out the sixth line today because it is the sixth line on the green copy.

Does anybody wish to speak to that amendment?

HON. BENSON O. EBANKS: What I am not quite clear on, Mr. Chairman, is whether the Honourable Second Official Member is saying that the amendment includes the last words of his just concluded statement. That is, "subject to the provisions of subsection (4)" or whatever? The notice I have does not have that on it.

MR. D. EZZARD MILLER: If it does not have that on it....

HON. MICHAEL J. BRADLEY: No, it was just my explanation of what happens in the machinery of the court's procedures.

MR. CHAIRMAN: It is not necessary to add it because subsection (4) of the clause as printed provides for the point.

MR. D. EZZARD MILLER: Mr. Chairman, in changing the word "may" to "shall" does not the word "shall" restored take away the prerogative of discretion of using subsection (4), if it says that it "shall" restore rather than "may" restore.

HON. MICHAEL J. BRADLEY: The point is that the wording of it was not as tight as it should be in the green Bill, because it says at present if at any time the offender commits another offence, "then subject to subsection (4), a competent court, as defined in subsection (9), may restore part of the sentence". However, then, subsection (4) goes on to say:-

"If the court, considering the offender's case," is of the opinion that, in view of all the circumstances which have arisen since the order was made, "it would be unjust to restore the part of the sentence held in suspense, it shall either restore a lesser part or declare, with reasons stated, its decision to make no order under the subsection".

What the substitution of "shall" for "may" there does is to make it clear that the normal course is to restore the sentence, but the amendment which I am seeking to make in no way derogates from the court's right under subsection (4) for sufficient reasons to partially or wholly fail to restore it.

MR. D. EZZARD MILLER: As long as it does not take away that discretion I am happy with it.

HON. MICHAEL J. BRADLEY: No, it does not.

MR. CHAIRMAN: No, it was in fact, I think I am right in saying, the judiciary which suggested the amendment.

HON. MICHAEL J. BRADLEY: Yes, and one of the advantages or disadvantages which we have is that our puisne judge also is a skilled legal draftsman.

MR. CHAIRMAN: So, I will put that question that Clause 3 be amended in the proposed new subsection (3).

QUESTION PUT: AGREED. AMENDMENT I PASSED.

HON. MICHAEL J. BRADLEY: May I now move, Mr. Chairman, that Clause 3 be amended by the deletion, in the first line of paragraph (a) of subsection (6) of the newly to be inserted Section 23D, of the word "to" and the substitution therefor of the word "in".

At present it says that the Grand Court may:-

"if it thinks fit, commit him to custody or on bail".

The more correct wording is:-

"commit him in custody or on bail".

I could have almost have got it in as a typographical error but I thought....

MR. CHAIRMAN: It is a very technical, legal point.
(LAUGHTER).

I will put the question that Clause 3 be amended in the manner just outlined.

QUESTION PUT: AGREED. AMENDMENT II PASSED.

HON. MICHAEL J. BRADLEY: Subsection (7). I would wish to move, Mr. Chairman, that Clause 3 be amended by the deletion, in the penultimate line of subsection (7) of the newly to be inserted section 23D, of the word "initially" and the substitution therefor of the word "originally".

At present, it says:-

"For the purposes of this section, a sentence of imprisonment passed on an offender on appeal with an order under subsection (1) shall be treated as having been passed (with such an order) by the court by which he was initially sentenced."

Again, it has been suggested by the judiciary that the technically better word would be to put "by which he was originally sentenced" instead of "initially" sentenced.

MR. CHAIRMAN: I will put that question.

QUESTION PUT: AGREED. AMENDMENT III PASSED.

MR. CHAIRMAN: We move now to the amendment to Clause 3 which was included on this morning's sheet.

HON. MICHAEL J. BRADLEY: I would ask leave of the Chair to move without sufficient notice.

MR. CHAIRMAN: Yes, I granted that earlier.

HON. MICHAEL J. BRADLEY: I beg to move, Mr. Chairman, that Clause 3 of the Bill be amended, in subsection (8) by -

- (a) deleting paragraph (b); and
- (b) relettering paragraph (a) as paragraph (b).

HON. MICHAEL J. BRADLEY (CONTINUING): Mr. Chairman, if I may explain that at present as it is on the green Bill there is no power partially to suspend a sentence under the Misuse of Drugs Law (Revised). The object of this amendment at Committee Stage is to delete the non-applicability of partially suspended sentences to offences under the Misuse of Drugs Law in the same manner as the amendment to Clause 2 did it to wholly suspended sentences.

MR. CHAIRMAN: Would it be fair to say that the undertaking which you gave to the Committee to look into the question of amending the present statutory provisions regarding the applicability of offences under the Traffic Law to wholly suspended sentences would bite in respect of partially suspended sentences too? In other words even though we retain the proposed new paragraph (b) of the proposed subsection (8) and thereby exclude most traffic offences, you will look into the question of whether...

HON. MICHAEL J. BRADLEY: I am happy to give that undertaking, Mr. Chairman, in relation to partially suspended sentences as well.

MR. CHAIRMAN: The question, therefore, is that Clause 3 be amended in subsection (8) as explained by the Honourable Second Official Member. Unless anyone wishes to speak I will put that question.

QUESTION PUT: AGREED. AMENDMENT IV PASSED.

MR. CHAIRMAN: The question now, therefore, is that Clause 3 as amended in the four separate ways which the Committee has agreed, should stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 AS FOUR TIMES AMENDED PASSED.

CLERK: CLAUSE 4. INSERTION OF NEW SECTION 24A.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill. I will put the question.

MR. W. McKEEVA BUSH: Mr. Chairman, in my debate, Sir, I did mention that Clause 4 was something which I could not support. Yes, I think it was Clause 4. This deals with the enforcement by distress warrant of fines.

Mr. Chairman, for the record I just want it noted that I am opposing this section because it talks about where it can for instance take away a boy's bicycle. I am just using simple language here so that everybody understands what I am talking about. If a person is caught riding a bicycle without a light, he is charged a fine and cannot pay it, his bicycle could be taken away from him. It is very simple, Mr. Chairman, but it could extend further. Therefore, if it is not changed I cannot support it.

MR. G. HAIG BODDEN: Mr. Chairman, it is even worse than the Member has described because they could sell his house.

HON. MICHAEL J. BRADLEY: And if it was a drug dealer they should.

MR. W. McKEEVA BUSH: You are talking about drug dealers but what about if somebody is caught with one stick of ganja smoking it, and cannot pay the fine if it is taken to court?

HON. MICHAEL J. BRADLEY: May I remind Honourable Members that the provisions here state that when default is made the court may issue a warrant for the levy of such fine or other sum on the movable or immovable property by distress and sale, and it goes on to say that the court which has power to issue the warrant may, if it thinks expedient to do so, postpone the issue of the warrant until such time and on such conditions, if any, as it thinks just. The conditions could be that the court could say, "Right we shall let you pay it by instalments. We shall postpone it until you are back at work and able to pay". It is not automatic and mandatory that distress shall be the method of enforcement. It is up to the court.

MR. W. McKEEVA BUSH: Mr. Chairman, I am not throwing any aspersions on our good judges in this land. However, we must look at the future, Sir, and what could happen. We could get someone here and when it says "may", they might just do it for a stick of ganja, or for riding without lights on a bicycle.

HON. BENSON O. EBANKS: Mr. Chairman, I would further point out that in the existing Section 24 of the Penal Code, subsection (c)(ii), it is already possible to levy against the person's assets, Sir. This is only refining it and giving the procedure as to how it will be done but the provision is already there as I see it.

MR. W. McKEEVA BUSH: To further point out, Mr. Chairman, not because it is in the Penal Code I am asking now and saying that it should be redrafted. That section should be taken out because I do not agree with it. It is wide, let us face it, very wide.

MR. CHAIRMAN: What the Member is saying is that it is in the Law already.

MR. LINFORD A. PIERSON: Mr. Chairman, I believe that the Honourable First Elected Member of Executive Council omitted to read on in Section 24(c)(ii) because it does go on to say:-

"Provided that if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such person has undergone the whole of such imprisonment in default, no court shall issue a distress warrant unless for special reasons".

HON. BENSON O. EBANKS: That does not alter what I said.

MR. LINFORD A. PIERSON: Mr. Chairman, I may have misunderstood the Member but I think that he was really suggesting here that the distress warrant would be issued in lieu of payment of a fine. However, that Section 24(c)(ii) states that there could be imprisonment in lieu of a fine.

HON. MICHAEL J. BRADLEY: Mr. Chairman, if I may say, my understanding of the present Section 24(c)(ii) is that the proviso says that if you have served your imprisonment then you cannot be doubly punished by having the distress warrant as well issued against your property. If I am fined \$1,000 with in default three months' imprisonment and I have been in prison for the three months, then there is no power further to distress for the \$1,000.

MR. LINFORD A. PIERSON: Mr. Chairman, this is exactly the point I am making. I feel that it is somewhat unreasonable for this section to impose on an individual, to deprive him of his rights of being able, if he feels that he wants to spend the time in prison, why should he have his assets taken by distress warrant. To me, I think that this is a very dangerous clause in this Bill. As I said in my debate, I am afraid that I am not able to support it in its present form. I would like to see some amendments to it, even though I appreciate as the Honourable Second Official Member said that the court may issue a warrant in Clause 24A. (1) or in Clause 24A. (2), also as it may think fit. So, I have a lot of faith in the judiciary. I have no doubt that they will do what is right. However, it still seems to me somewhat unreasonable to deprive somebody fully of his rights.

HON. MICHAEL J. BRADLEY: I do not think really that convicted criminals in our land should be given the luxury of being within their determination as to how the sentence of the court shall be carried out.

MRS. DAPHNE L. ORRETT: Mr. Chairman, I agree with what the Honourable Second Official Member just said but I also think that we should look at Section 4.24A. (2). It states here that:-

"Where a court has power to issue a warrant under subsection (1) it may, if it thinks it expedient to do so, postpone the issue of the warrant until such time and on such conditions, if any, as it thinks just".

So this would seem to me that there is a wide area here, a wide range of powers. If the court sees that it is depriving a man of everything he has, certainly it can consider this under just reasons and postpone the issue of the warrant. Maybe they can allow the person, and I take it to mean this, extra time or decide on another form of payment or something of the sort.

MR. W. McKEEVA BUSH: Where does it say that? It does not say that in the Bill.

MR. LINFORD A. PIERSON: Mr. Chairman, I think that the Second Elected Member for West Bay is quite right.

MRS. DAPHNE L. ORRETT: Do you mean me?

MR. W. McKEEVA BUSH: It is me.

MR. LINFORD A. PIERSON: We may assume whatever we wish to build into this but specifically it is not stated there. I think that the point even though simplified by the Second Elected Member for West Bay of a child having his property taken away because he could not pay a fine, should not be taken too lightly, because that could really apply to an adult as well. I believe that we have to be very careful even though as I said there is this question under this Bill for the judiciary, I believe that we need to be very careful.

MR. W. McKEEVA BUSH: Mr. Chairman, I know that we are not going to get this removed so we might as well get on. Since I started it I just want to say that I think that it should be withdrawn. I cannot support it in all honesty to my people regardless of who might put in what they think.

MR. W. McKEEVA BUSH (CONTINUING): We cannot sit down here when the thing is in front of us and talk about thinking and what it might do from what it might not do. This tells us what it will do. I am not suggesting anything against our judges now but we have to look at the future. This is my concern today, not who we have now on the Bench; who we might get on the Bench.

MR. G. HAIG BODDEN: Mr. Chairman, if I may have one word. If the truth is told about this section, what it is doing is making it clear that the distress warrant is an alternative to sending the person to prison. This is what we do not want. It is clear. The Members on this side seem to understand it. It does not apply only to drugs. It could be simple offences like riding a bicycle without a light. If the person is fined \$10, not only the bicycle could be sold but his house could be sold. The section is that wide. I said in my debate yesterday or the day we dealt with this that it is a Communist act as far as I am concerned. I will not change that. I have other forums besides the Committee stage here.

MR. CHAIRMAN: In that case I will put the question. To remind Members, the question is that Clause 4 do stand part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH: May we have a division, Mr. Chairman?

DIVISION
NO. 39

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell

Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Mr. G. Haig Bodden
Mr. D. Essard Miller

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MR. W. McKEEVA BUSH: I knew that it would go, Mr. Chairman.

MR. CHAIRMAN: I declare the motion carried. Clause 4 stands part of the Bill.

CLAUSE 4 PASSED BY MAJORITY.

CLERK: CLAUSE 5. AMENDMENT OF SECTION 25.

MR. CHAIRMAN: Notice was given of one Committee Stage amendment to Clause 5 by the Honourable Second Official Member, and I will ask him to move his amendment now.

HON. MICHAEL J. BRADLEY: Mr. Chairman, I beg to move that Clause 5 be amended in paragraph (a), by the deletion of the words "5 years" in the last line thereof and the substitution therefor of the words "6 months".

Mr. Chairman, as I explained in my Second Reading speech proposing the Bill, in view of all the other provisions in the Bill I think that it is unnecessary to have a default period of such a large magnitude for fines exceeding \$1,000. I am happy to reduce it to what it was and is in the substantive Law, namely a maximum of "6 months" in default.

MR. CHAIRMAN: The question therefore is that Clause 5 be amended in the manner just outlined by the Honourable Second Official Member. I will put that question.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: The question now is that Clause 5 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 AS AMENDED PASSED.

CLERK: CLAUSE 6. INSERTION OF NEW SECTION 31A.

MR. CHAIRMAN: The question is that Clause 6 do stand part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: Mr. Chairman, may I have a division please?

DIVISION
NO. 40

AYES

NOES

- Hon. Dennis H. Foster
- Hon. Michael J. Bradley
- Hon. Thomas C. Jefferson
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeeva Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. D. Essard Miller

Mr. G. Haig Bodden

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MR. CHAIRMAN: stands part of the Bill.

I declare the motion carried. Clause 6

CLAUSE 6 PASSED BY MAJORITY.

CLERK: CLAUSE 7. INSERTION OF NEW SECTIONS 35A TO 35D.

MR. CHAIRMAN: The question is that Clause 7 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE PENAL CODE (LAW 12 OF 1975).

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: Next is a Bill for a Law to amend the Misuse of Drugs Law (Revised). In respect of it there are two lots of amendments, both to be moved by the Honourable Second Official Member, notice of which was given respectively on the 21st and the 23rd May. They affect Clauses 3 and 5, and 9 and 12 of the Bill. Since due notice has been given there is no need for special leave and we can take them as we come to them.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

MR. G. HAIG BODDEN: Chairman? May I have a division please, Mr.

MR. CHAIRMAN: On Clause 2?

MR. G. HAIG BODDEN: Yes.

MR. CHAIRMAN: Yes, certainly if you wish.

MR. G. HAIG BODDEN: Oh, I am sorry it is Clause 3 I want.

MR. CHAIRMAN: I thought that it was probably on Clause 2 that you wanted the division. So no division on Clause 2, is that right?

Clause 3, there is firstly notice of one amendment and I will invite the Honourable Second Official Member to move it.

HON. MICHAEL J. BRADLEY: Mr. Chairman, I beg to move that Clause 3 of the Bill be amended in paragraph (d) thereof by -

- (a) the deletion of the word "who" in the first line thereof; and
- (b) the deletion of the word "person" in the third line thereof and the substitution therefor of the word "if".

This again is a minor technical improvement in the language of the introductory part of this clause which has been suggested by the Puisane Judge.

MR. CHAIRMAN: The question then is that Clause 3 of the Bill be amended in the manner just moved by the Honourable Second Official Member. I will put that amendment.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: The question now is that Clause 3 as amended do stand part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: May I have a division, Mr. Chairman?

DIVISION
NO. 41

AYES

NOES

Hon. Dennis H. Foster
 Hon. Michael J. Bradley
 Hon. Thomas C. Jefferson
 Hon. Benson O. Ebanks
 Hon. W. Norman Bodden
 Hon. Capt. Charles L. Kirkconnell
 Hon. Vassel G. Johnson
 Mrs. Daphne L. Orrett
 Mr. Linford A. Pierson
 Capt. Mabry S. Kirkconnell

Mr. W. McKeever Bush
 Mr. G. Haig Bodden
 Mr. D. Essard Miller

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CLAUSE 3 AS AMENDED PASSED BY MAJORITY.

CLERK: CLAUSE 4. INSERTION OF NEW SECTION 6A.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill. However, I must apologise to the Committee because when I was mentioning the amendments due to be proposed to this Bill, I forgot to mention because I had obviously misplaced the piece of paper which I have now surfaced again, a Committee Stage amendment, or in fact several Committee Stage amendments all affecting Clause 4 which the Second Elected Member for George Town had sought permission to move. Firstly, I grant him leave to move them although the normal notice for which Standing Order 52(2) provides was not given. Secondly, I hope that I am right in taking it that other Members have had the advantage, as I have, of getting the written copies.

- MR. LINFORD A. PIERSON: Yes, Sir, they were passed around.
- MR. D. EZZARD MILLER: No, Sir.
- MR. CHAIRMAN: Some Members seem to have done. Some Members seem not to have done. If any Member does not have a copy perhaps the Clerk.
- MR. LINFORD A. PIERSON: They were passed around by the Sergeant-at-Arms.
- MR. CHAIRMAN: Yes, it may be that somebody has misplaced or lost one. I think that the Elected Member for North Side has lost his.
- HON. BENSON O. EBANKS: Did the Member see who threw away his amendments? (LAUGHTER).
- MR. D. EZZARD MILLER: Is the Member presuming we are going to support it, or what?
- MR. CHAIRMAN: Would the Member like formally to move his amendments now?
- MR. LINFORD A. PIERSON: Mr. Chairman, I move that Clause 4 of the Bill be amended by the addition, in each of the sub-paragraphs (a), (b), (c), (d) and (e) of Section 6A.(1), of the words, "beyond reasonable doubt", after the word "proved" as it appears in the first line of each sub-paragraph.
- MR. CHAIRMAN: Do you wish to speak explaining the amendment?
- MR. LINFORD A. PIERSON: Mr. Chairman, in my debate yesterday I expressed concern regarding paragraph 6A.(1) as it presently stands in the Bill. I think that I was quite explanatory in my presentation but I would again mention here that my understanding of these sub-paragraphs would not be sufficient in my opinion to cover beyond any reasonable doubt whether a person in fact had such a controlled drug in his possession. Under this section "Presumptions of possession and knowledge of controlled drug", I feel that it is most appropriate Sir, that the words "beyond reasonable doubt" should be added after proved in each of the sub-paragraphs.
- HON. DENNIS H. FOSTER: I cannot see that it adds anything to it all, Sir. Either it is proved or it is not proved, one of the two. It is not a matter of "beyond reasonable doubt" at all. It is either proved or it is not proved.
- HON. MICHAEL J. BRADLEY: I think, Mr. Chairman, that the advantage if there is an advantage in the amendment moved by the Honourable Second Elected Member for George Town is that it makes it quite clear that the standard of proof required from the prosecution is the one of criminal standard, which is beyond a reasonable doubt, in contradistinction to the balance of presumption which is the civil one on the balance of probabilities. I cannot speak for the Honourable mover of the Bill but I personally have no great objections to this amendment.
- HON. BENSON O. EBANKS: I do not have any objection either, Mr. Chairman.

MR. CHAIRMAN: It seems to me that it has perhaps presentational advantages, although I am not absolutely sure that it changes anything substantive. However, it will help to clarify and make the position certain.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I think that it strengthens the Bill and I think that it will satisfy other Members.

MR. CHAIRMAN: In that case I will put the amendment and I would propose subject to the agreement of the Committee, to treat it as one amendment. In fact, technically it is five or six to five or six different subsections. However, it has exactly an identical purpose in each case and since the mover has made it one amendment I think that we can put it as one.

The question then is that Clause 4 of the Bill be amended in the manner moved by the Second Elected Member for George Town.

QUESTION PUT: AYES AND NOES.

MR. LINFORD A. PIERSON: Mr. Chairman, may I have a division please?

DIVISION
NO. 42

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Michael J. Bradley	Mr. D. Essard Miller	Hon. Dennis H. Foster
Hon. Thomas C. Jefferson		Mr. G. Haig Bodden
Hon. Benson O. Ebanks		
Hon. W. Norman Bodden		
Hon. Capt. Charles L. Kirkconnell		
Hon. Vassel G. Johnson		
Mr. W. McKeeya Bush		
Mrs. Daphne L. Orrett		
Mr. Linford A. Pierson		
Capt. Mabry S. Kirkconnell		
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AMENDMENT I PASSED BY MAJORITY.

MR. CHAIRMAN: The question now....

MR. W. McKEEVA BUSH: Mr. Chairman, before we move from the clause, I want to say that I just voted for that amendment because it does, in my opinion, make it a little bit better than it was. Before it said, "where it is proved" and now it is going to say "proved beyond reasonable doubt". So it does make it a little bit better because, Mr. Chairman, the whole thing was bad. We are presuming somebody is guilty....

HON. DENNIS H. FOSTER: No, Sir, you have proved them guilty, Sir. It is proved.

MR. CHAIRMAN: We are now turning to Clause 4 as amended, so you will have a chance to vote on Clause 4 as amended. The fact that you voted for the amendment does not oblige you, if that is what you were enquiring, to vote for the clause as amended.

MR. W. McKEEVA BUSH: Yes, it does make it a little bit better anyway, so....

HON. MICHAEL J. BRADLEY: Well, perhaps, Mr. Chairman, again I have not consulted the Honourable mover of the Bill, but maybe we could try and make the Second Elected Member for West Bay a little bit happier again if I suggested a further amendment.

MR. W. McKEEVA BUSH: If it is good, yes, the Honourable Member will make me happy. However, if it is bad he might as well keep it to himself.

HON. MICHAEL J. BRADLEY: That is, Sir, that in the Second Reading debate Members expressed unease at the generality of the presumption referring to documents of title and other written documents.

At the moment it says:-

"(e) where it is proved that a person had in his possession or custody or under his control -

(i) any document of title relating to anything containing a controlled drug, or

(ii) any other document or written or printed matter relating to anything containing a controlled drug,

it shall be presumed, until the contrary is proved, that such person was in possession of such drug."

Although as I said in my Second Reading speech that these are provisions contained in other Laws in other jurisdictions, since there is unease on the part of Members, I personally would have no objection if instead of the small (i) or (ii) paragraphs there we put in a short list of particular types of documents. In this respect I was thinking of a dock warrant, a warehouse warrant or order, a baggage receipt or a baggage claim, which will have the disadvantage from the point of view of the presumption that it will make it applicable only to those strictly limited types of documents. However, I think it is those strictly limited types of documents which the main abuse occurs with.

If the Honourable Member moving the Bill indicated to me that he had no great objection to this I would try to formulate some words.

MR. CHAIRMAN: Well, I think we....

HON. BENSON O. EBANKS: What about a bill of lading?

HON. MICHAEL J. BRADLEY: Or a bill of lading, yes.

MR. CHAIRMAN: I think that we have in fact reached the time when normally we break for lunch.

MR. CHAIRMAN (CONTINUING): I should not wish to give leave for the introduction of an amendment which had not been reduced to writing and circulated because I have told other Members that their amendments should be in writing and circulated and I would not want to have....

MR. W. McKEEVA BUSH: Mr....

MR. CHAIRMAN: No, let me finish and you shall have your say. I would not wish to make one rule for one and another for another. I think that if we now suspend proceedings until 2.15 p.m. that may give an opportunity for a written amendment to be prepared, and Members can then consider and debate it.

So, I will now unless there is something which needs saying before we suspend proceedings... There will be further opportunity to debate this clause and any amendments to it after we resume.

MR. W. McKEEVA BUSH: No, Sir, I was just going to comment on what you were saying about the amendments. You have made yourself very clear, Sir, but in the last Meeting we had in March I know that there were a lot of amendments passed which were just moved and were not on written paper.

MR. CHAIRMAN: I know and....

MR. W. McKEEVA BUSH: If I can remember, I thought we had set a precedent and now we are stepping away from it.

MR. CHAIRMAN: I think that we are getting away from it because I came to the conclusion that it was really not fair to Members and making considerable difficulty for them if we did not at the very least sent something round in writing.

So, let us suspend proceedings until approximately 2.15 p.m.

AT 12.45 P.M. THE COMMITTEE SUSPENDED

COMMITTEE RESUMED AT 2.23 P.M.

MR. CHAIRMAN: Please be seated.

Proceedings are resumed.

I hope that all Members of the Committee are strong swimmers. We may be marooned by the end of the afternoon. (PAUSE). I am sorry to keep Members waiting. I think that all Members have probably now received copies of a further Committee Stage amendment which was mentioned just before we broke for lunch, and which the Honourable Second Official Member has now sought leave to move. I think I have probably indicated but I now confirm that I propose to grant him the necessary leave in accordance with the provisions of Standing Order 52(2), despite the fact that the normal two days notice of the amendment was not given.

I will invite him to move the amendment now.

HON. MICHAEL J. BRADLEY:

Thank you, Mr. Chairman.

Mr. Chairman, may I move that Clause 4 of the Bill before us which is the Misuse of Drugs (Amendment) Bill, 1985, be amended in paragraph (e) of subsection (1) of the proposed new Clause 6A, by -

- (a) deleting the hyphen at the end of the third line;
- (b) substituting "a dock warrant, warehouse warrant or order, baggage receipt or baggage claim, air way-bill, bill of lading or other similar document relating to anything containing a controlled drug," for the fourth to tenth lines.

Mr. Chairman, as I started to explain just before our lunch adjournment, as Members have expressed a certain amount of concern concerning what they believe to be the wideness of the previous provision which related to any document of title or to any other document or printed matter relating to anything containing a controlled drug, and since I was of the opinion that the evil which this particular presumption sought to remedy related mostly to items connected with baggage, luggage and freight being brought into the jurisdiction, that perhaps as an interim measure I would be happy to make this amendment considerably narrowing the type of document to which it relates, whilst at the same time reserving, if in fact it proves that the very narrowness of it makes it ineffective, at some time later if we are ever amending the Misuse of Drugs Law again to bring the matter before the House.

So, therefore, could I with the mover's permission, move this amendment to Clause 4?

MR. CHAIRMAN:

The question is that Clause 4 of the Bill be amended in the manner just moved by the Honourable Second Official Member. I will put that question.

QUESTION PUT: AGREED. AMENDMENT II PASSED.

MR. CHAIRMAN:

Clause 4 has now been amended twice, once in the manner proposed by the Second Elected Member for George Town, which was in fact a series of five, I think, separate but identical amendments to five paragraphs of a subsection, and once as just agreed in response to an amendment moved by the Honourable Second Official Member in respect of, I suppose it is sub-paragraph (i) of paragraph (e) of subsection (1) of the new Section 6A.

The next question, therefore, is whether Clause 4 as amended in these two respects shall stand part of the Bill. I will put that question.

QUESTION PUT: AYES AND NOES.

MR. D. EZZARD MILLER:

May we have a division, Sir?

MR. G. HAIG BODDEN:
Chairman.

May we have a division please, Mr.

HON. BENSON O. EBANKS:

Mr. Chairman, I wonder before the Clerk takes the division if I could just have a word with the Honourable Second Official Member.

MR. CHAIRMAN:

I am sure you could have a...

MR. D. EZZARD MILLER: already voted.

They have to vote now, Sir, they

MR. G. HAIG BODDEN: count their votes. (LAUGHTER).

In this case, Mr. Chairman, we need not

MR. D. EZZARD MILLER:

They have already committed themselves.

DIVISION
NO. 43

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell

Mr. W. McKeeva Bush
Mr. G. Haig Bodden
Mr. D. Ezzard Miller

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CLAUSE 4 AS TWICE AMENDED PASSED.

CLERK: CLAUSE 5. AMENDMENT OF SECTION 12.

MR. CHAIRMAN: The question is that Clause 5 do stand part of the Bill. However, notice was given of an amendment to Clause 5. It is a substitution of a complete new clause. The notice was given on the 21st May and was, I think, circulated to all Members by the Honourable Second Official Member. I will invite him to move the amendment now.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I beg to move that Clause 5 of the Bill be deleted and the following new Clause 5 substituted therefor -

"5. Section 12 of the principal Law is amended -

(a) by the deletion, in subsection (2), of the words "shall, on summary conviction, be imprisoned with hard labour for a term not exceeding seven years and in addition shall further be liable to a fine not exceeding \$20,000 and in the case of a second or subsequent conviction for any such offence shall be imprisoned with hard labour for a term of not less than two years nor more than ten years and in addition shall further be liable to a fine of not less than \$5,000 nor more than \$20,000.", and the substitution therefor of the words "shall, on summary conviction, be liable to a fine not exceeding twenty thousand dollars or to a term of imprisonment with hard labour not exceeding seven years or to both such fine and imprisonment and, in the case of a second or subsequent

HON. MICHAEL J. BRADLEY (CONTINUING):

conviction for any such offence, be liable to a fine not exceeding twenty thousand dollars or to a term of imprisonment with hard labour not exceeding ten years, or to both such fine and imprisonment.";

- (b) by the deletion, in subsection (3), of the words "shall, on summary conviction be imprisoned with hard labour for a term of not less than five months nor more than seven years and in addition shall further be liable to a fine not exceeding \$20,000 and in the case of a second or subsequent conviction for any such offence shall be imprisoned with hard labour for not less than two years nor more than 15 years and in addition shall further be liable to a fine of not less than \$5,000 and without limit as to amount.", and the substitution therefor of the words "shall, on summary conviction, be liable to a fine not exceeding twenty thousand dollars or to a term of imprisonment with hard labour not exceeding seven years and, in the case of a second or subsequent conviction for any such offence, be liable to a fine without limit as to amount or to a term of imprisonment with hard labour not exceeding fifteen years or to both such fine and imprisonment.";

I feel, Sir, that in the typing of it there is one essential phrase which may have been skipped out. That is that in the last set of quotes:-

"be liable to a fine", "or to a term of imprisonment",
"or to both such fine and imprisonment".

Also, Sir:-

"(c) by the deletion of subsection (8).".

which is over the page. My apologies. I have just been reminded.

MR. CHAIRMAN: So, the correction you said was to the last line of subsection (b)?

HON. MICHAEL J. BRADLEY: To the fifth last line. After "seven years" it should say, "or to both such fine and imprisonment".

As it does not seem to be absolutely clear that the last words of the page...

MR. CHAIRMAN: Which one are we in? Subsection (b)?

HON. MICHAEL J. BRADLEY: Subsection (b), yes.

MR. CHAIRMAN: And the fifth last line?

HON. MICHAEL J. BRADLEY:

"with hard labour not exceeding seven years or to both such fine and imprisonment".

What the purpose of this new Clause 5 is, Mr. Chairman, is that there was a policy decision on behalf of the Government that minimum mandatory fines and minimum mandatory imprisonment should be deleted from the provisions of the Misuse of Drugs Bill.

HON. MICHAEL J. BRADLEY (CONTINUING): The Bill in its green copy in the Clause 5 which this seeks to replace provided for the abolition of certain terms of mandatory minimum imprisonment, but still retained the residual provision that there had to be a mandatory term of imprisonment which could be as short as one day. It was on that basis, once it became clear to me as Attorney-General and I bear the responsibility for it, Sir, that the intention of Government was not even to retain the one day mandatory imprisonment but to give the complete discretion to the court, that this clause needed to be replaced by the present clause.

The present clause seeks by spelling out in full the words which were there and the words which will be replacing it, to make it clear what it was before and what it is now. In other words, the court in the first instance shall be able to fine up to \$20,000 or imprison up to seven years, or both. On the second offence the person will be liable to a \$20,000 fine or ten years or both, and similarly in subsection (b).

MR. CHAIRMAN: I would welcome guidance on a technical point. If we are deleting a clause and substituting another one for it do we treat it as an amendment and vote on the amendment and then the clause as amended, which seems rather nonsense, or do we treat it as a new clause which it really is not, in which case we have taken it out of turn.

HON. MICHAEL J. BRADLEY: I had thought of that, Sir, but if the Chair in its wisdom had not decided that it was a new clause....

MR. CHAIRMAN: Well, it does not seem to me to be a new clause really. A new clause is the replacement of a clause which is now in the Bill. I think that at the risk of being a little ridiculous we will have to vote on the amendment and then on the clause as amended which will really be voting on the same thing I am afraid on this occasion. However, I do not see a better way round it. It will give some Members a chance of two divisions if they like.

The question then is that the supposed amendment to Clause 5 of the Bill, which is in fact the substitution of a new Clause 5 should be accepted.

QUESTION PUT: AGREED BY MAJORITY. AMENDMENT PASSED.

MR. CHAIRMAN: I will now put as I just explained a moment ago the further question that Clause 5 as amended stand part of the Bill.

QUESTION PUT: AGREED BY MAJORITY. CLAUSE 5 AS AMENDED PASSED.

CLERK: CLAUSE 6. INSERTION OF NEW SECTION 14A.

MR. CHAIRMAN: The question is that Clause 6 stand part of the Bill. I think that there is quite a major printing error at the end of Section 14A. (2). Are some words not repeated unnecessarily? Or is it that I just do not understand it? It is the last three lines of that page where it says, "applies to be the owner of or otherwise interested therein", and then goes on "applies to be heard". I think that it repeats words twice but it is just a printing error which you can correct?

MR. CHAIRMAN (CONTINUING): There are not any amendments of which notice has been given in respect of Clause 6 so I will put the question that Clause 6 stands part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: Mr. Chairman, may I have a division?

DIVISION
NO. 44

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster	Mr. G. Haig Bodden	Mr. John B. McLeann
Hon. Michael J. Bradley		
Hon. Thomas C. Jefferson		
Hon. Benson O. Ebanks		
Hon. W. Norman Bodden		
Hon. Capt. Charles L. Kirkconnell		
Hon. Vassal G. Johnson		
Mr. W. McKeever Bush		
Mrs. Daphne L. Orrett		
Mr. Linford A. Pierson		
Capt. Mabry S. Kirkconnell		
Mr. D. Ezzard Miller		
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CLAUSE 6 PASSED BY MAJORITY.

HON. MICHAEL J. BRADLEY: Mr. Chairman, the point has occurred to me several times in the past but I thought that perhaps I would wait until a proper time to get a ruling from the Chair. Under Standing Order 35(5) it says that Members must be referred to by the names of the Electoral Districts for which they have been elected. Is it not strictly more proper that when a roll is taken it is taken by Members of Electoral Districts rather than by name?

MR. CHAIRMAN: Sometimes it has occurred to me that it would seem to be more proper. I believe that the practice has been of long standing and I did not question it. Maybe some of the older Members will know whether it has always been the practice in years past?

HON. BENSON O. EBANKS: I think that it is specific in the Standing Order dealing with a division. I am not sure but I believe that it is, that the name be referred to.

MR. D. EZZARD MILLER: We can change that in the Standing Orders.

HON. MICHAEL J. BRADLEY: Then of course it begs the question as to what the Official Members should be called.

MR. CHAIRMAN: Yes, names of Members or what? They call the names such as Mr. Smith do they?

CLERK: Yes, they call the names.

MR. CHAIRMAN:

Apparently, it was House of Commons practice.

HON. DENNIS H. FOSTER:

For the last nine years it has been the practice here.

HON. THOMAS C. JEFFERSON:

Mr. Chairman, I believe that under Standing Order 43(4)....

MR. CHAIRMAN:

That is quite right, Standing Order 13(4), "calling each Member's name". So it is perfectly correct. My lack of curiosity is vindicated.

CLERK: CLAUSE 7. AMENDMENT OF SECTION 20.

MR. CHAIRMAN:

The question is that Clause 7 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. AMENDMENT OF SECTION 23.

MR. CHAIRMAN:

The question is that Clause 8 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. REPEAL OF SECTION 25.

MR. CHAIRMAN:

Clause 9 is also the subject of a Committee Stage amendment of which notice was given by the Honourable Second Official Member some time ago in a note dated the 23rd May, which indicated that he proposed to move that Clause 9 as printed in the Bill be deleted and a different version of it substituted. In other words we have the same situation as we had a few minutes ago in respect of Clause 5. I will invite him to move the amendment.

HON. MICHAEL J. BRADLEY:

I beg to move that the Bill be amended by the deletion of Clause 9 thereof and the substitution therefor of the following new Clause 9 -

"9. Section 25 of the principal Law is repealed and replaced by the following new section 25 -

"Procedure 25. Notwithstanding the provisions of any other section of this Law, where a person is charged with any offence of selling, dealing in, distributing, supplying, dispensing, storing, issuing a prescription for, administering, importing, exporting, producing, attempting, contrary to section 3(1) which relates to a controlled drug that is a hard drug, then such offence shall be deemed, for the purpose of determining the mode of trial, a category B offence in accordance with section 5 of the Criminal Procedure Code."

As I attempted to explain, Mr. Chairman, in the Second Reading debate, the present Clause 9 in the Bill by simply seeking to repeal Section 25 of the substantive Law has the effect of making all offences' trial summarily.

HON. MICHAEL J. BRADLEY (CONTINUING): Despite the imaginative reconstruction which the Honourable Second-Elected Member for Bodden Town gave in his Second Reading speech about urgent signals dashing from the Chief Justice to the Legal Department just in time for a great wrong to be undone, the process in fact was somewhat calmer and less rushed than that. It was after discussion thought that perhaps a better way to deal with this great technical difficulty which we had about first and second convictions and the mode of dealing with them by trial, would be to make a right to opt for jury trial apply to the more serious offence whether it be first conviction or second conviction in the case of the offence of selling, dealing in, distributing, supplying, etcetera in relation to hard drugs where the offences can on conviction be dealt with by up to thirty years.

It is for this, to seek to give the option for jury trial to a person charged with those offences for which large penalties of imprisonment attract that this new Section 25 provides.

MR. D. EZZARD MILLER: Mr. Chairman, what exactly does the Honourable Second Official Member mean by "issuing a prescription for"? Is he referring to medical officers issuing prescriptions for controlled substances? If it is I do not see the relevance of it being in that clause.

HON. MICHAEL J. BRADLEY: Without lawful authority, yes. It deals with the bent doctor if there is such a thing.

MR. D. EZZARD MILLER: That is where I have the difficulty because the doctor is licensed under the Law to issue drugs. Once he is licensed how are we going to determine that he is a bent doctor by issuing a prescription for whatever?

HON. MICHAEL J. BRADLEY: Without going into too much detail, doctors could be struck off the Register and not registered to practice here. A person could purport to issue a prescription which could be filled. These are illegally issued prescriptions.

MR. D. EZZARD MILLER: Alright. As long as it covers those areas I am happy with it.

MR. CHAIRMAN: The question then is that, and I will take this as I took Clause 5 in the two stages albeit maybe we are voting on essentially the same thing each time, Clause 9 be amended in the manner proposed by the Honourable Second Official Member.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: The question now is that the amended Clause 9 stand part of the Bill.

HON. MICHAEL J. BRADLEY: May we have a count please?

MR. CHAIRMAN: We have not even voted yet. (LAUGHTER).

MR. D. EZZARD MILLER: Are you asking for a conscience vote, Sir?

QUESTION PUT: AYES. AND NOES.

MR. CHAIRMAN: Do you want a count? Yes, very well.

MR. D. EZZARD MILLER: As long as they are going after the doctor and not the pharmacist it is alright with me.

DIVISION
NO. 45

AYES

NOES

- Hon. Dennis H. Foster
- Hon. Michael J. Bradley
- Hon. Thomas C. Jefferson
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkeconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeever Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkeconnell
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller
- Mr. John B. McLean

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CLAUSE 9 AS AMENDED PASSED.

CLERK: CLAUSE 10. INSERTION OF NEW SECTION 26.

MR. CHAIRMAN: The question is that Clause 10 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

HON. MICHAEL J. BRADLEY: I think that the missing numerals can be treated as a typographical insertion. They could not be put in until we knew that we were going to pass it.

MR. D. EZZARD MILLER: Lack of confidence.

CLERK: CLAUSE 11. AMENDMENT OF FIRST SCHEDULE.

MR. CHAIRMAN: The question is that Clause 11 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

CLERK: CLAUSE 12. AMENDMENT OF SECOND SCHEDULE.

MR. CHAIRMAN: The question is that Clause 12 do stand part of the Bill. However, before that question is debated I draw to Members' attention that notice was given by the Honourable Second Official Member on the 23rd May in the same paper which gave notice of an amendment to Clause 9, that he intended to move an amendment to Clause 12 of the Bill. I will invite him to move that amendment now.

HON. MICHAEL J. BRADLEY: Mr. Chairman, I move that Clause 12 of the Bill be amended -

(a) by substituting"; and" for the fullstop at the end of paragraph (b) thereof; and

(b) by the addition, immediately after paragraph (b), of the following new paragraph -

"(c) by the deletion in the fourth sub-column (headed "Maximum") of the numerals "20" where that figure firstly occurs in respect of the offence of buying, consuming, possessing, attempting, etc., and the substitution therefor of the numerals "15"."

MR. CHAIRMAN: The question is that Clause 12 of the Bill shall be amended in the manner moved by the Honourable Second Official Member. I will put the question.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: The question now is that Clause 12 as amended stand part of the Bill. I will put that question.

QUESTION PUT: AGREED. CLAUSE 12 AS AMENDED PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE MISUSE OF DRUGS LAW (REVISED).

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: Our next item is the Committee Stage of the Rehabilitation of Offenders Bill, 1985. In respect of this Bill, so far as I can trace, I have only been given notice of one proposed Committee Stage amendment. That notice was given earlier today by the Second Elected Member for West Bay. It is an amendment to the Schedule. In accordance with the provisions of Standing Order 52(2) I confirm that I have granted leave to him to move the amendment when the time comes, despite the fact that he has not given the customary two days' notice. However, my understanding is that all Members have had a typed copy of his proposed amendment, and that therefore they have had that amount of notice of it.

THE REHABILITATION OF OFFENDERS BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. REHABILITATED PERSONS AND SPENT CONVICTIONS.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. EFFECT OF REHABILITATION.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. REHABILITATION PERIODS FOR PARTICULAR SENTENCES.

MR. CHAIRMAN: The question is that Clause 5 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. REHABILITATION PERIOD APPLICABLE TO A CONVICTION.

MR. CHAIRMAN: The question is that Clause 6 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. LIMITATIONS ON REHABILITATION.

MR. CHAIRMAN: The question is that Clause 7 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. DEFAMATION ACTIONS.

MR. CHAIRMAN: The question is that Clause 8 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. UNAUTHORISED DISCLOSURE OF SPENT CONVICTIONS.

MR. CHAIRMAN: The question is that Clause 9 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: A BILL FOR A LAW TO REHABILITATE....

HON. BENSON O. EBANKS: It should be the Schedule.

CLERK: SCHEDULE.

MR. CHAIRMAN: The question is that the Schedule do stand part of the Bill. As I mentioned earlier notice was given earlier today of a proposed amendment to the Schedule which I now invite the Second Elected Member for West Bay to move.

MR. W. McKEEVA BUSH: Mr. Chairman, I beg to move this amendment. I think it was made very clear.

MR. CHAIRMAN: Could you read the amendment out first for Members?

MR. W. McKEEVA BUSH: Yes, it is that the words....I beg to move an amendment to the Schedule, Section 5(2) that the words "seven years" as they appear in the seventh line of the Schedule be deleted and substituted therefor by the words "five years".

I think, Mr. Chairman, that I have made it very clear in my debate that I would like to see this amendment. Seven years is a long time for a young person and I have already given my reasons for wanting it and why I feel that it should be there. I do not propose to take up any more time. I will just ask for the vote.

MR. CHAIRMAN: I will put the question that the Schedule be amended in the manner proposed by the Second Elected Member for West Bay.

QUESTION PUT: AYES....

HON. BENSON O. EBANKS: Mr. Chairman, I thought that you were going to ask if there was any debate on it?

MR. CHAIRMAN: Oh, I am sorry. I looked around to see whether anybody wanted to debate.

MR. D. EZZARD MILLER: Perhaps I did not look in your direction. In that case....

MR. D. EZZARD MILLER: It is too late, the vote has gone.

MR. CHAIRMAN: I think that the voting has started. I can only apologise to the Member. I did not mean to do him out of his opportunity to speak. We have called for the ayes already.

QUESTION PUT: AYES AND NOES.

MR. D. EZZARD MILLER: May we have a division, Sir?

MR. CHAIRMAN: I think that we had better have a division because I would not like to say...

MR. D. EZZARD MILLER: We only had two ayes and one no.

HON. BENSON O. EBANKS: No, I voted.

MR. CHAIRMAN: I heard one aye and one no.

MR. D. EZZARD MILLER: Two ayes, Sir.

MR. CHAIRMAN:

Maybe there were a lot of abstentions.

DIVISION
NO. 46

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Mr. W. McKeeva Bush Mr. D. Ezzard Miller	Hon. Dennis H. Foster Hon. Michael J. Bradley Hon. Thomas C. Jefferson Hon. Benson O. Ebanks Hon. W. Norman Bodden Hon. Capt. Charles L. Kirkconnell Hon. Vassel G. Johnson Mr. Daphne L. Orrett Capt. Mabry S. Kirkconnell	Mr. Linford A. Pierson Mr. G. Haig Bodden Mr. John B. McLean
2	9	3

AMENDMENT TO SCHEDULE DEFEATED BY MAJORITY.

MR. CHAIRMAN:

We therefore revert to the Schedule unamended and I will look round very carefully to see if anybody wishes to speak to this before putting the question. I will put the question now.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH:

May I have a division, Sir?

DIVISION
NO. 47

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster Hon. Michael J. Bradley Hon. Thomas C. Jefferson Hon. Benson O. Ebanks Hon. W. Norman Bodden Hon. Capt. Charles L. Kirkconnell Hon. Vassel G. Johnson Mrs. Daphne L. Orrett Capt. Mabry S. Kirkconnell Mr. D. Ezzard Miller	Mr. W. McKeeva Bush	Mr. Linford A. Pierson Mr. G. Haig Bodden Mr. John B. McLean
10	1	3

SCHEDULE PASSED BY MAJORITY.

MR. W. McKEEVA BUSH:

I wonder if tomorrow morning we could have a statement from the Government Bench why they voted against the amendment?

MR. CHAIRMAN:

Order, order.

CLERK: A BILL FOR A LAW TO REHABILITATE OFFENDERS WHO HAVE NOT BEEN RECONVICTED OF ANY SERIOUS OFFENCE FOR PERIODS OF YEARS TO PENALISE THE UNAUTHORISED DISCLOSURES OF THEIR PREVIOUS CONVICTIONS, TO AMEND THE LAW OF DEFAMATION AND FOR PURPOSES CONNECTED THEREWITH.

MR. CHAIRMAN: The question is that the Title and Enacting Clause do start part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in....

MR. LINFORD A. PIERSON: Mr. Chairman, just before the conclusion of the Committee Stage, I wonder if the Honourable Second Official Member would clarify one matter which is still somewhat hazy. That is that under Section 6(2) of the Misuse of Drugs (Amendment) Bill, 1985 I think he mentioned that there was some matter in it which was incorrect and did not agree with the white paper. I wonder if we could get that clarified?

MR. CHAIRMAN: I am not sure that I fully understood you. Are you asking whether there was a printing error in something or....?

MR. LINFORD A. PIERSON: Yes, I think that it was something which he mentioned. If he could just put the matter right by clarifying it for the records that Section 6(2) in the green paper Bill reads the same as the white copy? I think that this is under....

MR. CHAIRMAN: We are talking about the Misuse of Drugs (Amendment) Bill?

MR. LINFORD A. PIERSON: Yes. I think that this was probably the printing error where there was a repetition of "applies".

HON. MICHAEL J. BRADLEY: At the bottom of the page in the newly inserted section 14A the words, "to be the owner of or otherwise interested therein applies", are repeated in the third and second last line and should be deleted. It is a typographical error. In the third last line delete everything from the word "to" to the word "applies" in the second last line.

MR. CHAIRMAN: I think it was I who mentioned it. It is in fact a typing error but it was a rather major typing error, and I thought that some Members might have noticed it and felt a bit puzzled.

MR. LINFORD A. PIERSON: Was it correct in the white copy?

MR. CHAIRMAN: No, I do not think so. No, I think that it was wrong in the white copy too. I have not checked but....

MR. LINFORD A. PIERSON: I wonder if we could just check that to see if it was. It is just for the records.

MR. CHAIRMAN: No, I think that the white copy is alright.

HON. MICHAEL J. BRADLEY: It is not the printers' fault. It is the Legal Department's fault. In the computer copy it is repeated.

MR. CHAIRMAN: So, that concludes proceedings in Committee on a Bill entitled the Stamp Duty (Amendment) Bill, 1985 and other Bills. The House will now resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.
I think that we might complete the Reports stages before breaking. So, Reports on Bills. The Stamp Duty (Amendment) Bill, 1985.

THE STAMP DUTY (AMENDMENT) BILL, 1985

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled the Stamp Duty (Amendment) Bill, 1985 has been considered by a Committee of the whole House and passed with two amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.
The Penal Code (Amendment) Bill, 1985.

THE PENAL CODE (AMENDMENT) BILL, 1985

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled "The Penal Code (Amendment) Bill, 1985" was considered by a Committee of the whole House and passed with six amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.
The Misuse of Drugs (Amendment) Bill, 1985.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985

REPORT THEREON

HON. BENSON O. EBANKS: Mr. President, I beg to report that a Bill shortly entitled "The Misuse of Drugs (Amendment) Bill, 1985" was considered by a Committee of the whole House and passed with five amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.
The Rehabilitation of Offenders Bill, 1985.

THE REHABILITATION OF OFFENDERS BILL, 1985

REPORT THEREON

HON. BENSON O. EBANKS: Mr. President, I have to report that a Bill shortly entitled "The Rehabilitation of Offenders Bill, 1985" was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

I think perhaps that we might take Third Readings too now. That will clear all the Bills.

THE STAMP DUTY (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Stamp Duty (Amendment) Bill, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled the Stamp Duty (Amendment) Bill, 1985 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled the Stamp Duty (Amendment) Bill, 1985 be given a Third Reading and passed. I will put the question.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: Mr. President, may I have a division please?

DIVISION
NO. 48

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell

Mr. G. Haig Bodden
Mr. D. Ezzard Miller

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AGREED BY MAJORITY. BILL GIVEN A THIRD READING AND PASSED.

THE PENAL CODE (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Penal Code (Amendment) Bill, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move that a Bill shortly entitled "The Penal Code (Amendment) Bill, 1985 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled "The Penal Code (Amendment) Bill, 1985 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: Mr. President, may I have a division please?

DIVISION
NO. 49

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. G. Haig Bodden

11

1

AGREED BY MAJORITY: BILL GIVEN A THIRD READING AND PASSED.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985

THIRD READING

CLERK: The Misuse of Drugs (Amendment) Bill, 1985.

HON. BENSON O. EBANKS: Mr. President, I beg to move, Sir, that a Bill shortly entitled "The Misuse of Drugs (Amendment) Bill, 1985 be read a Third time and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled "The Misuse of Drugs (Amendment) Bill, 1985 be given a Third Reading and passed. I will put the question.

QUESTION PUT: AYES AND NOES.

HON. MICHAEL J. BRADLEY: Mr. President, may we have a division?

DIVISION
NO. 50

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. G. Haig Bodden

11

1

AGREED BY MAJORITY: BILL GIVEN A THIRD READING AND PASSED.

THE REHABILITATION OF OFFENDERS BILL, 1985

THIRD READING

CLERK: *The Rehabilitation of Offenders Bill, 1985.*

HON. BENSON O. EBANKS: *Mr. President, I beg to move that a Bill shortly entitled "The Rehabilitation of Offenders Bill, 1985" be given a Third Reading and passed.*

MR. PRESIDENT: *The question is that a Bill shortly entitled "The Rehabilitation of Offenders Bill, 1985" be given a Third Reading and passed. I will put the question.*

QUESTION PUT: *AGREED. BILL GIVEN A THIRD READING AND PASSED.*

MR. PRESIDENT: *I am looking up Standing Orders to see whether the Presiding Officer has the right to call for a division but I am not sure if he has. It is discriminatory. I call the attention of the Select Committee on Standing Orders to this evidence of blatant discrimination against the President. (LAUGHTER).*

MR. D. EZZARD MILLER: *Mr. President, could we have the order that they call the votes rearranged, Sir? I keep getting the feeling that I am not going to get the opportunity to vote. (LAUGHTER).*

MR. PRESIDENT: *I think that perhaps we had better break off for approximately ten minutes.*

AT 3.21 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.39 P.M.

MR. PRESIDENT: *Please be seated.
Proceedings are resumed.
Private Members' Motions. Private
Member's Motion No. 12/85. The Third Elected Member for West
Bay.*

MOTIONS

PRIVATE MEMBER'S MOTION NO. 12/85

LIQUOR LICENSING LAW

MRS. DAPHNE L. ORRETT: *Thank you, Mr. President. I wish to move Private Member's Motion No. 12/85, which reads as follows:-*

MRS. DAPHNE L. ORRETT (CONTINUING):

"BE IT RESOLVED that Government take immediate steps to introduce the necessary legislation to amend the Liquor Licensing Law, so as to prevent the sale of all alcoholic beverages on Sunday, between the hours of 00.01 hours and 24.00 hours, local time."

CAPT. MABRY S. KIRKCONNELL: Mr. President, I beg to second the motion.

MR. PRESIDENT: Thank you.

MRS. DAPHNE L. ORRETT: Thank you. Mr. President, I am grateful to be able to speak to this Honourable House on a matter which weighs heavily on my mind. In fact if I were to be more specific it rests heavily on my very soul.

My reason for bringing this motion which has just been put before the House is mainly because I, like many others in this country, am very much aware of the destruction which is being waged within our society through the excessive use of hard drugs, not least of which is liquor. Liquor is perhaps one of, if not the greatest evil with which mankind has ever been plagued. This evil is fully licensed in our society and I am aware of that, as it is in nearly every society around the world. However, like a cancer the fact that it is there and one may never get rid of it, does not lessen one's desire nor efforts in trying to suppress and contain it, and to lessen its devastating effects.

The excuse that we have licensed liquor outlets on our Islands does not mean that we are to allow this hard drug to completely change our way of living; to deprive us of our closely guarded ideals, nor to let it master every faction of our society.

Mr. President, I am old enough to have known what life was like in the Cayman Islands before liquor was given so much latitude in our society. However, I am also young enough to try in whatever way I can to help eliminate this onslaught of evil. That is exactly what it is. It has been allowed to cater to the pockets of the few who benefit from the sale of this despicable monster. It is bad enough that it must be allowed to be sold in so many outlets. However, the fact that we have over the past several years allowed it to be sold on Sunday, our day of rest and worship, and more recently have tampered with the restricted quarter mile limit, again to cater to the pockets of those who being well aware of our Laws would go ahead and establish businesses to cater to the sale of liquor right in the dead centre of either a church, school or civic centre or all three, and then insist that this Honourable House change the Laws to suit them, is wrong.

Mr. President, I have to say it here and now that I was extremely disappointed that it was allowed to happen in this House during my absence in London that that quarter mile limit was tampered with. I want to say here and now that I was extremely disappointed. It need not have been touched. However, I will deal with that at a later stage.

Mr. President, I am aware that with progress, change must come. It inevitably must come. However, the responsibility of this Honourable House and indeed of all our people is to ensure that any change which is allowed to take place within these Islands must be seen, as far as possible, to help rather than to hinder the basic peace and tranquillity which our people have long been accustomed to.

MRS. DAPHNE L. ORRETT (CONTINUING): The fact that extra money can be derived from certain changes being made is not sufficient reason for doing so. The question must be asked whether such change is for the ultimate good of our people, both for the present time as well for future generations. Certainly in the case of the sale of liquor the prime consideration must be whether what we derive from the sale of it can compensate for the destruction and death caused in addition to the many social problems with which we are faced as a result of its use.

As much as I wish that a Law could be made to completely remove this evil from the face of this country, I am not so naive as to believe that I will see it happen, at least not yet. However, I wish to impress upon this Honourable House that many sorrows await us and our country unless we take drastic and immediate steps to halt the flow of this hard drug in our midst. I feel that it is time that we tell the world that these Islands are not for sale and that there are just certain basic principles which we are not about to have broken down just to cater to the outside world.

Mr. President, there has been strong argument that we are a tourist orientated society and therefore we cannot legislate for anything which would deprive the visitor here of finding at his fingertips anything which would suit his fancy. May I remind this Honourable House that when tourists started coming here we did not sell liquor on Sundays. In fact there were a lot of activities in which we were not involved on Sundays. I agree that where it can be found that certain changes do not interfere with our peace and tranquillity on the Lord's day, then we can look at those changes in a different light. However, this cannot be honestly said regarding the sale of liquor on a Sunday.

Mr. President, good people facing bad situations tend to say, "There is nothing I can do", or else they speak out their failure by saying, "Well I just did not wish to get involved. Perhaps we are more guilty of acting this way than speaking this way. The point which we must get quite clear in our minds is that silence in the face of grave social problems, public oppression or the abuse of the weak and helpless is wrong. If we are to be God's servants in this Honourable House; if we are to be our brothers' keepers we must speak out against the evil which is in our communities. Any other course is cowardly and wrong.

What we must never forget is that being a chosen people in this country carries a heavy responsibility. We who have received so many blessings forget that these carry a heavy burden of responsibility. We must make a conscious choice to do right. Our purpose here is to do good. Hate what is evil and love what is good. To love involves the active choice of the one loving. Hate involves a positive rejection of the thing hated.

To love the right means to choose to do the right. To hate the evil means to reject it. We have to make those choices; those conscious choices. It means more than just to do good and avoid evil. We must make our choice visible in concrete actions. Do we all agree here that this abuse of alcohol is an evil which is getting out of hand; that the desecration of Sunday is an evil? Then, if we are going to show our people that we are against these evils they must see it in our positive forthright action against it. Prayers and fasting, Mr. President, were not done in 1984 for vain and empty purposes. We offered hope to our people and they are expecting us not just to make a ripple, but to create a tidal wave if necessary to curtail some of the evil trends which have slowly crept into our society.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, many in this country are bound by this evil; bound by alcohol. We purport to be a free country and the function of freedom is to free somebody else. We in this Honourable House can go a long way in doing that. We dare not take a defeatist attitude. We dare not throw up our hands.

There is one thing which I want to leave with this Honourable House and I want them to get this clear in their minds, that many of us here claim to be God's children. Whatever work we are called on to do in this world we must do it with His glory and the good of mankind in mind. Anybody sitting in this Honourable House with any less intention and commitment should not be here.

What I want to say, Mr. President, is this. We cannot throw up our hands and say we cannot do anything about it because it has gone on too long. We see not only that it has gone on too long but it is getting worse and worse. When this country has come to the place where a special licence can be issued for a dance party on Seven Mile Beach on Sunday, and liquor to be sold at a fund raising effort for a social club, we are getting in a serious state of affairs.

On Sunday just about a year ago West Bay lost two of its finest citizens through a drunken driver as they walked across the street to go to a church. Now, Mr. President, what I am saying is this. I brought this to the attention of the Honourable Members of this House to say that more than that is going to happen. I know that six days a week exist when this thing can happen. However, do we mean under God's name, in the name of humanity that even on a Sunday we have to drive the streets with the fear of being destroyed by someone who is under the influence of liquor?

Mr. President, in the economy of God evil never goes unpunished. Furthermore, those of us who have been recipients of special blessings, as I mentioned earlier, shall also find ourselves recipients of special judgements. I wonder if we are not seeing some of that judgement right now in the form of the many social problems we are encountering here. Alcohol is legal but we should never forget that the power to do something does not necessarily make that thing right. It is wise to remember that every one of us are amongst those who can be fooled some of the time. However, once we have seen our folly it is our responsibility to make a correction.

Mr. President, we speak of our faith, but the tragedy is that often we do not really wish to apply our faith to life. We fail to recognise that many sins, particularly social sins are not unlawful. They are just wrong. We must all always seek to distinguish between what is legal and what God demands of us. It is quite easy to begin to believe that what one thinks is what God intends. No society will long endure which refuses to meet its social and ethical obligations. Not only must we not exploit the weak, but we must take steps to see that no one else exploits them. The abused, overworked wife; the abused, neglected children; the weak, falling drunkard, we are in this Honourable House and we must become defenders and helpers of those people. A special obligation is laid upon us to ensure the adequate care of the poor, the weak and the helpless. The point we must face is that we in this House have bought the opportunity and the responsibility to look after our people; to listen to them. To refuse to listen to what is said here because it is unpleasant or because we do not necessarily agree with it, does not make the message any less relevant.

MRS. DAPHNE L. ORRETT (CONTINUING): The point is that we as people elected to serve our country have a responsibility to listen to whatever affects our people and not just to what we want to hear.

Mr. President, I am aware that there are many people in our society who are very, very disappointed about the tampering with that quarter mile limit in March, I know that. I am also aware that for years people have been questioning why Sunday has been taken from us in the manner in which it has been, to cater to tourism. First, we heard that the hotels wanted to get the licence so that they would be able to serve liquor with their meals. Then it extended to the restaurants and so the little corner bar wondered why it could not be permitted to open on Sundays, and so it was extended a little further so that if they can put a few sandwiches on the corner of the shelf then they can sell liquor.

Mr. President, as far as tourism is concerned there are still tourist resorts in this world where on a Sunday everything is closed. In the Cayman Islands not even supermarkets which sell something as necessary as foodstuffs are open on a Sunday. Here of late we might hear of one but normally they are closed. All of the stores, businesses and offices are closed. Are not also banking, financial and tax haven facilities also important to Caymanians? However, are not those offices closed on Sunday? Am I being told that tourists coming here must have a drink? What are we catering to, a bunch of drunkards; a bunch of alcoholics? Am I being told that it is a necessity for a person to have a drink with his meal?

Mr. President, for at least ten years I have been asking people what are their feelings about the Cayman Islands? What do they like best about their Islands? What changes to they feel necessary? What changes are they not happy about? In so many words the answer is simple and plain. "Do not let anyone come in here and change what you have. Remember that the fast life, casinos, and the night life we can get where we come from. However, to get a place where you can feel safe, comfortable, welcome and where you can unwind from the pressures of a big city, your country offers what we want and this is why we come back time and time again". No, I have specifically asked what do people think of the sale of liquor on Sundays because I have happened to be very much involved with visitors to our Islands over the past ten years. The majority will tell us that if they need it they can just buy it. It is not necessary for a place to be open.

Mr. President, what I am saying is this. If the hotels and the restaurants have to be licensed then everywhere else has to be licensed. The little bar on the corner has to be licensed. In West Bay, and I do not speak for the other Districts but I feel that they encounter the same thing, coming from church now if one happens to be walking or driving one has to wend one's way sometimes in front of the drunks who are gathered in front of those liquor outlets. In West Bay we also have a situation where children walk from school, not on Sundays but from regular day school, and they have to pass by drunks sitting on the side of the road; little girls exposed to the evil mentality of people under the influence of liquor.

Mr. President, what I am wondering is whether we want to wait until this thing gets so much out of control that we cannot stop it, or do we want to address the problem now and at least for that one day to see a situation in our Islands where this evil drug, a hard drug, is not given freedom to do its harm? To see anyone who wants it, young and old alike, one should just take a walk around some of those liquor outlets in West Bay and one will see thirteen, fourteen and fifteen year olds drinking their beer and using their drink.

MRS. DAPHNE L. ORRETT (CONTINUING): If one goes up to North Sound one will see little children fishing from the pier, and there are all these drunks in their mess and with their bad language. Here are children on a Sunday exposed to a situation like this. Are we saying that with an example like that we hope to have a future generation who are not steeped in the depths of sin and degradation?

Mr. President, we can say what we will about the church. We may say that they have a "holier than thou" attitude or we may say they are religious fanatics, or we may say whatever we wish. However, the church in this country needs the help of the Honourable Members of this House. It is not a second class institution. It is an institution to be reckoned with. However, as I see it the church is pushed aside. The quarter mile limit has been tampered with. Sunday has been taken from us so the church to me is coming second class to those liquor outlets which are helping to destroy our people.

When we ask about a man who needs to sell liquor in order for his business to thrive, we should ask that abused wife who on Sunday night goes to her husband and he has nothing to offer her for Monday. Children go to school with nothing. We should ask her if she would not like one night on a weekend when she is not cursed and abused and bruised. We should ask those children if they would not like one night on a weekend when they can sleep without being awakened by a drunken, cursing father who has no idea what he is going on about. We should ask those parents if for one night on a weekend they would not like the opportunity of their son being able to stay home without being enticed to a liquor outlet to further go into destruction.

Who pays for those places? Often it is that abused wife who does without her money or that child who must go to the High School, Middle School or the Primary School not getting sufficient sleep while their drunken father who has spent his money comes in and keeps them awake. They are the ones who are paying for the liquor outlets in this country.

However, I hope that the conscience of everyone who would fight against this and who would sell liquor in spite of any efforts on the part of the church or anyone else, will prick them when they drop that money bag in the bank on Monday morning, because the people who paid for it are the little ones who are helpless to do anything about it.

Mr. President, checking with the Police Department on Sunday nights is when one finds more reports for domestic quarrels than any other night. Why, because Friday he goes out and spends his money. Saturday he goes out and spends his money and come Sunday night the last is gone and that wife who needs some money to use Monday morning perhaps to pay for the groceries she has got over the last week, and the children must do without it. This is prevalent in our country. There are women in this place today, not only from the low sections of society but women whose husbands sit behind desks and women whose husbands have good businesses, who will tell us that the greatest evil they say is alcohol which has destroyed their home. We should ask any woman today who is faced with a situation like that what we should do on Sunday. We should not just come in here and make Laws and decide because we want it. I am not responsible for a few people who want to get rich overnight. There are other ways and means of making money. Are we to be told that if we give them six days to sell liquor that they need seven? In fact, Mr. President, what I have been led to understand is that now the liquor outlets are complaining that they do not have sufficient time on Sundays. They need extra hours.

MRS. DAPHNE L. ORRETT (CONTINUING): They are being inconvenienced because on Sundays they have to open two or three hours later. They would seek that we are going to have to create an eighth day for them. There is no other business on these Islands which has such latitude as the places which sell liquor. Am I to understand that any right thinking tourist will not come to the Cayman Islands because we refuse to sell liquor on Sundays? I would think that most of them would say, "Congratulations for taking such a stand". There are places in the United States today where communities are getting up in arms and are saying that something has to be done. So we have what are called dry sections in certain States. We cannot buy liquor there at any time. I know one of the most prosperous, first class restaurants in these Islands is the Grand Old House. When it was under former management they neither opened nor sold liquor on Sunday, and they had an excellent business. To get into that place one had to make reservations early. Nobody complained that they could not get in there on a Sunday. However, here we have these people who say that in order for them to make their business work and to pay off, they have to be open on Sunday.

Mr. President, I would hope that liquor would be so highly taxed that to get one drink it would cost ten dollars, because I am saying that this is getting out of hand. Someone said to me, "Miss Daphne you cannot legislate morals you know". I know that we cannot legislate morals but let me ask this question. Just because we cannot legislate morals are we going to make it legal to be a prostitute? Just because we cannot legislate morals are we going to make it legal to be a thief? Just because we cannot legislate morals are we going to make it legal to use cocaine or to smoke ganja? No, what I am saying is this. We have to put our foot down some place. We cannot get rid of liquor altogether. It is just much too much established here. I know that. However, what I am saying is this. It does not have to be king of the road. We can put it in its rightful place.

As for me, one will never, ever see me serve it. Never, I hate the stuff. I know what it can do to a human being. I had an aunt in her early twenties, four and a half months pregnant with an eighteen month old child laying at her breast in her bed, and her young policeman husband came in drunk and hit her over her head with a police staff. She died two days later. Under the influence of drink.

I had an uncle twenty eight years old. In one of the shipping ports in Florida he got in an argument, a simple argument over which flag was better, the American flag or the English flag. After the argument the "guy" with whom he had argued left and a few minutes later when he walked out of that door that "guy" ran to him and sliced his abdomen open so badly that they could hardly get him to the hospital in one piece and he died a couple of hours later.

Mr. President, I have seen beauty queens come to nothing. I have seen intellectuals come to nothing. I have seen some of my best friends, one in particular, who when in a car accident one of his best friends was killed, not too long afterwards he committed suicide in a foreign port because of what it did to him.

Mr. President, I have seen liquor take wives who were beautiful and happy and they reach a situation where they are mentally ill; they are emotionally ill and everything else. It has caused more destruction in this country than anything else.

MRS. DAPHNE L. ORRETT (CONTINUING): However, what really bothers me, Mr. President, is the fact that years ago we would not see our young people drinking. If we take a walk on Seven Mile Beach on a Sunday, at some of these barbecues, etcetera, we will see fourteen and fifteen year old girls and boys drinking beer after beer. When we go to parties we will see young people there and wonder what on earth is happening to these Islands.

Statistics will prove, Mr. President, that liquor is causing more destruction in our land than anything else. We went to Northward Prison some days back and I found that I knew many of the young people who were there. Except for a very few every single one of them belonged to a man who was an alcoholic. I stood there and I thought to myself, "This is the result of the example set by a father who has been chained by alcohol". We ask the young people why they get involved in drugs? Why are they doing it? They say, "My father takes his liquor. I take my reefers. My father takes his drink. I take my cocaine". It is the same thing.

Mr. President, I am not here, and no-one should misunderstand me, to advocate the use of cocaine or marijuana. God forbid that I should do such a thing. However, can someone tell me how a father can admonish his child about using one hard drug when he has the other one snug to his breast? Can someone tell me how any parent can advise or admonish a child when that child can look at them and say, "You cannot say anything to me because you are doing the same thing yourself, only with something else"?

If we sit in Wholesome cafeteria it is a beautiful spot and we can look out over the water and see the scuba divers, the snorkellers and the beautiful passenger liners. However, if we bring our sight up a little closer along the wall we can see what alcohol can do to falling humanity. Yet just recently the Liquor Licensing Board saw to it that in addition to two outlets just a few hundred yards apart, another licence was given just down the road, not just a beer and wine licence, a retail licence. One can get anything there.

Mr. President, we seem to think that because we are a tourist oriented society that we have to sell out our souls. What I would like to say here is that this is our home and the home in which our children live. Are we going to let someone else come into our home and tell us how we must run our home? I can have someone in my home; serve him a delicious meal; tell him to rest himself in my hammock, or come down and enjoy my sea breeze. However, I am not going to tell anybody that whatever I do in this house will depend on what he has to say about it. We do not let any foreign people come in and tell us how we must run our country. That is the beauty in being able to govern our own country. We do what is best for that country.

Mr. President, what I would like to say here is that in Cayman today we should watch when anyone is sick; a tragedy takes place in a family, or somebody is terminally ill and facing death. We will hear people go to them and say, "Well, we commend you to the Lord. God will take care of you", and so on and so forth, and rightly so. However, do we think that if I can commit an action such as passing from this world to the next into the hands of God that I must doubt his ability to help me with things of lesser importance?

If we know that any action which we take in this Honourable House is pleasing to God, are we not right and sensible in believing that he will help us, not only to make the right choice, but he will see to it that we do not suffer for any money which we lose from liquor which is sold here on a Sunday?

MRS. DAPHNE L. ORRETT (CONTINUING): Someone mentioned to me about it providing work for people on Sunday. I have my people in West Bay complaining, "Miss Daphne, the thing about it is that you have got to work seven days a week. You cannot even get a day off". That is no excuse. That is puny. I do not even care to discuss that any longer.

On the other hand, Mr. President, they will come to me and I have had people who have told me that I had better not bring this subject to this House because I might become unpopular, and I may lose in 1988. Mr. President, that is the least of my worries in bringing this motion to this House about whether I win in 1988. I have got people out there who are suffering and if there is any one district where I see it, it is in West Bay. On Sunday when our young people should be in church and should be resting and should be taking time out to think on things of importance; where our families should be getting together, we have a liquor outlet.

Mr. President, I am not saying that the man who sells the liquor goes into the house and pulls the man out of the house. I am not saying that. However, when a person is addicted to something, the more it is available the more tempted he is to go and get it. Do we mean that six days a week is not enough to sell liquor? If it was ice cream six days would be long enough, but liquor?

Mr. President, there are no virtues in liquor. I do not know how much over time I am going but I would beg for this Honourable House to give me a few minutes here.

Mr. President, last year the Lions Club issued a war on drugs and, Mr. President, as Governor you said that Government has been committed for a long time, and the problem will not be solved without a real battle or without a general commitment to fight one. The Member responsible for Health Education and Social Services said that the Government fully endorses the aims and the price of failure is dreadful. The then Commissioner of Police said that drug trafficking is an evil which not only injures users but damages the economic and social structure of a country. The Chief Education Officer said that we should make no mistake. It is a war and our protection lies in ensuring that the whole community joins forces with the Lions Club and supports this programme. Mr. Richard Arch, the Chairman of the National Council of Social Services said that it is up to every responsible citizen not only to restrain from taking drugs themselves but to urge young people never to start, and endeavour to get users known to them to take treatment and counselling in order to break the addiction by which they are and will be enslaved.

Now we go further on in that same publication and it says that the reason for abusing a drug is to obtain a pleasurable feeling. That is what liquor does to us. To put it more simply, a person uses a drug to feel good. Now, Mr. President, in mentioning that there is one thing which I want to bring to this Honourable House's attention. When a man or woman are drinking their liquor, they are feeling good then. However, if we ask an abused wife or an ill treated child or a broken hearted parent how it works when that person gets into the house, that is the time when it causes problems and they are the ones who must suffer.

Mr. President, it goes on here and I would like to read further:-

MRS. DAPHNE L. ORRETT (CONTINUING):

"Alcohol is the number one abused drug in the Cayman Islands and most of the western world. Mention a drug addict and many people immediately visualise a degenerate with a hypodermic needle. In fact a staggering red eyed drunk is the more common type of drug addict. Alcoholics are drug dependent. Their drug is alcohol. This familiarity with alcohol seems to make most people consider it O.K. It is not. It is a drug. It is abused. It is a dangerous drug if not more so than other drugs and it is more commonly used. Euphoria, loss of coordination, impaired ability to concentrate or perform complex tasks, decline in motor ability, loss of judgement, personality changes, reddening of the alcoholic's eyes and distorted vision are some of alcohol's effects.

Its abuse can lead to physical dependence, inability to drive. You get liver, heart, brain and nervous system damage, nutritional deficiency, memory impairment and it has possible effects on the reproductive system causing congenital malformation in the offspring. The people who are physically and psychologically alcohol dependent cannot solve their problems alone.

The age limit for the legal consumption of alcohol in the Cayman Islands is eighteen years. The heaviest drinkers are young men between the ages of sixteen and twenty-four. It is also known that drinkers are more likely to use ganja and other drugs than non-drinking youths. 60 per cent of all violent crime, 50 per cent of all rapes, 50 to 60 per cent of all child, wife and sexual abuse is committed while offenders, most of them alcoholics, are under the influence of alcohol.

These are not the only frightening figures connected with alcohol. An increasing number of accidents occur at home and in the work place due to alcoholism. Drunk drivers are the most lethal on all roads. Often they are responsible for taking the lives of others. Alcoholics are not just a danger to themselves. They are a hazard to everyone."

Mr. President, Mr. Richard Arch had a full page advertisement in this supplement and his message to the Caymanian people was this:-

"Drug and alcohol abuse could only destroy the fabric of our country that generations of Caymanians have fought so hard to preserve. It is our wish and that of so many Caymanians that our generation of today will make every effort to preserve the future of Cayman by eliminating drug and alcohol abuse."

Mr. President, when I stand here, I am a woman in my early forties but I see a lot of children growing up here today. When I think that at my age with all that our forefathers left for us and when I can think of my parents and grandparents and what the social conditions were back when I was growing up, and to see that in our country we have children growing up in this type of a society, I shudder to think what their future will hold for them.

MRS. DAPHNE L. ORRETT (CONTINUING): In this nuclear age which we live in, are we sending our children out there with no real principles; no ideals; nothing whereby they can say, "We do not do this, or we do not do that"?

Mr. President, the Police Department had a big advertisement in there. They said, "All you have to do is say no". Well and good. That was a good message. However, let me say this, it is a little difficult to say no when something is right there for one to get so easily. If I am on a diet and somebody comes and starts eating a dish of ice cream right in front of me, I am tempted to take a little.

Mr. President, we are making it too easy for our young people to get on to this drug. It has been found out that many in the Middle School and in the High School are using drugs. Some few months ago I happened to be sitting near a group of young women some of whom came from nice homes and some, well it could be questionable. However, they were talking about a party which they had been to two nights before. Mr. President, out of those children I knew one child who was thirteen. I knew one who was twelve and the other three were between fourteen and sixteen. Their conversation was how drunk they had got. They did not know who had taken them to the car. One of them said, "Oh my goodness, I was so drunk I did not even get frightened when I got home and mummy asked me where I had been, and I told her to so-and-so's party".

So, I listened for a while and then I very gently said to them, "Do you mean that at your party you were serving liquor?". She said, "They had a lot of beer there".

Mr. President, what I am saying is this. We have a problem. We can face it. We can tackle it or we can wash our hands like Pilate and say that we will not have anything to do with it. However, it will not only remain but it will get worse. This Honourable House is in a position to do something about it, and I leave this motion with the Members of this House to consider, not what they have to answer to me, but what they are going to have to answer ten years from today when we may not be sitting here. I do not have any guarantee that I am going to get another four years in here. Some people seem to be sure of their seat but I am not sure of mine. However, while I am here I want to make an impact on this society for good.

This motion is presented not for any show of power on my part because let me say, a number of people said to me, "Daphne you know you should not bother with that. Leave that alone". Mr. President, there is not one single problem in this society today which looms in front of me any more frightfully than that which I have just tried to present to this House.

We have a problem. I am not asking for anything new. We should just be given back our Sunday. If we must give them six days, let them have it.

Mr. President, I am leaving the motion with the Honourable Members of this House.

MR. PRESIDENT:

According to my watch, it is now 4.30 p.m. I am not sure whether it will be the wish of Members to suspend, when I can find it, the relevant Standing Order, Standing Order 10(2) in order to enable this debate to begin and conceivably our business to be concluded today, or whether Members will prefer to break off now and meet again tomorrow morning.

SUSPENSION OF STANDING ORDER 10(2)

MR. D. EZZARD MILLER: I move that we suspend Standing Orders, Sir.

MR. PRESIDENT: If anyone cares to move that Standing Orders be suspended we can take a vote and that will probably be the fairest way to deal with the matter.

MR. LINFORD A. PIERSON: I second that motion.

MR. PRESIDENT: Well, I will take it that the motion is that in accordance with the provisions of Standing Order 82, Standing Order 10(2) shall be suspended in order to enable the business which is set down to be completed. Does any Member wish to speak to that? I will put the question.

QUESTION PUT: AGREED BY MAJORITY. STANDING ORDER 10(2) SUSPENDED TO ENABLE THE REMAINDER OF THE ORDER PAPER TO BE COMPLETED.

MR. PRESIDENT: We can continue with business and the motion before the House is Private Member's Motion No. 12/85 which has just been moved by the Third Elected Member for West Bay. That motion is now open for debate.

DEBATE ON PRIVATE MEMBER'S MOTION NO. 12/85

MR. W. McKEEVA BUSH: Mr. President, although I want to finish this afternoon I am not certain that we are going to be finished.

Mr. President, I rise in opposition to the motion. Sir, I oppose not because I am a strong advocate of the sale of alcohol because as I have said before in this Honourable House, whether we like it or not people who want to are going to use alcohol. However, I oppose the motion because I am here as a Legislator to regulate its sale and distribution. Sir, the regulations which are sought by the motion cannot and will not help our society.

Mr. President, the Honourable mover has told us that a lot of thought was given to this motion and in turn I have also given a lot of deep consideration to this. After looking and truly seeing the many ways in which this motion could be damaging to our society, I am left to wonder whether it was given as much thought as was said.

Firstly, Sir, are we justified? Are we fair in asking that the sale of liquor be prohibited on Sundays only? What about Saturdays? Mr. President, Saturday is as important a day to many people as Sunday is to me. So, why are we seeking here to stop it only on Sundays. As I said, it will not help. It will only encourage other things to take place in our society on that day on which we say we rest. I am of the firm belief that we can and we should as Legislators set a moral example. However, as has rightly been said, we cannot legislate morals. We should set the moral example. Yes, we must set an example. However, we cannot, and I will not be a hypocrite.

Mr. President, much has been said about our tourist industry but I am asking what is going to happen to our tourist industry if this motion is passed? It is good to look at it in one way but we should consider other areas as well.

MR. W. McKEEVA DUSH (CONTINUING): Whether we like it or not, whether the majority of this House likes it or not, the majority of those people coming to the Cayman Islands to vacation come to have a good time. Let us face the facts and that includes also on Sunday. We had better remember that this country today is not high on the tourist list because of the high cost and now it is being asked that they cannot even have a Sunday brunch if they want it.

Mr. President, with this motion, as someone said, the spirit is good but the body is sick. Another point is, Mr. President, and this is one which we had better realise, that if we close the liquor establishments on Sundays it will only increase the number of illegal sales of liquor. That is all that is going to happen. Now, I am talking about the speak-easies and we know what they are all about, speak-easies which the police may not know anything about.

Sir, as I have said before, along with these speak-easies go the illegal sale of harder drugs than alcohol. While the police can travel around the bars and the hotels where there might be the sale of drugs going on, and while they may not stop it they slow it down with their going around the bars. I am asking how can the police, however, slow down the sale of drugs under an almond tree somewhere in somebody's back yard if they do not know about it.

This is what this motion will create. It will create those illegal places and those illegal places, in my opinion, contribute most to our social problems in that they make alcohol available to anyone at any time irrespective of age, as long as they have the money to pay. Let us not fool ourselves, Mr. President, we have some now and if we stop the sale of alcohol on Sundays this is all that is going to happen. They are going to open up in the bush and sell and if they will be open in the bush, they will sell ganja and they will sell other drugs and the police will not know anything about it.

I cannot support it in all good conscience. Mr. President, if I had listened to some people I would not have spoken, and the vote would probably have been taken at 4.30. I have heard all kinds of reasons why I should not speak to this motion. They said that the churches would not support me if I kicked against it. Mr. President, I am here to represent all the people and to go according to where my conscience leads me. The churches know my position. When they prayed for me and helped to get me elected they knew that I am not a hypocrite. They know that I will fight for the rights. They know where Bush stands. If we want to do something, let us set the example. Let us when we go to cocktail parties and dinners not even look at liquor, even if it is only a glass of wine. Let us not be hypocrites.

Mr. President, prohibition did not work in the United States of America and it will not work in the Cayman Islands. It will only further compound the problems and help to destroy more. This is where destruction will come in. We heard some talk about destruction when we were dealing with the hospital. This is where the destruction will come in because if we stop the sale of liquor on Sundays we are going to cause more sale of hard drugs in this country with the springing up of those little places in someone's back yard. It is a fact.

The answer, Sir, is not found in this motion. It will not help. The answer is found in educating the populace to the dangers of these drugs and a more aggressive social service programme. That is where the answer is found.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, I must in all conscience reply to one point which the mover made. That is that she was extremely disappointed about the passage of the Liquor Licensing Law in the March Meeting. Mr. President, the Member knew that the Bill was coming up in the March Meeting and she knew what it contained. So she should not now try to make the people believe that we came and did something which she did not know about. She was well aware of it.

Mr. President, since that was brought up I want to say again that I only agreed to that section because under the Liquor Licensing Law the Board will have to meet in public now and it will have to hear representations from individuals or groups, which will include churches and other civic organisations. Mr. President, it would be impossible under the provisions of this new Liquor Licensing Law for an open barroom where loud boisterous music and voices could disturb church services. I would never have agreed to it, but that is why I voted for the Liquor Licensing Law in the March Meeting. The Member knew about it and she must not come here and let the people believe that she did not know that that Bill was coming and what the Bill contained.

Mr. President, if liquor was not on sale on Sundays they would buy it some other day to store up for Sunday so where is the purpose of the motion. If the purpose is to stop people from drinking it, it will fail miserably. It is a bad, bad motion. The spirit is good but the road to Hell was paved with good intentions. We are on the road to Hell worse than we are now if we pass this motion as it is. We will fail our people because we are encouraging other things to come, as we know that they will come if we pass the motion as it is.

Mr. President, I cannot sit in this House and be a hypocrite and decide that all is well when it comes to alcohol in our society. I am not a fool and most of all I am not a hypocrite. Our country is beset with problems. There are no quick answers or easy solutions but we must face them with courage and with a complete faith in the belief that they can be tackled with growing success, and we must do it together. A country divided against itself cannot create the dynamics to make the changes which are needed today. Much is at stake in this country but let us be free, free to think new things and seek new ways, but most of all free to renew our Christian belief in the brotherhood of man and to make that brotherhood real. Let us not be hypocrites, Mr. President. This motion will fail this country miserably and I oppose it, and the churches know that I oppose it. They also know that Bush stands for the right. So, I am not looking for any votes. I know what will happen, or what can happen. I am only going according to the dictates of my conscience.

I thank you very much, Mr. President.

MR. PRESIDENT:
Lesser Islands.

The First Elected Member for the

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise in support of this motion, not particularly because it will ban the sale of liquor on Sunday. However, I think that it is a step in the right direction. My concern is the lack of reverence for Sunday in this country. I was taught by my parents to observe Sunday as a special day, a day of rest and of reverence and I thank them sincerely for that, and I hope that I will die with that belief.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): I am not here to try to legislate morals but I am here to say that we are proud of our heritage as Caymanians. I have heard a lot said about our ability to build sailing schooners and the return of the "Goldfield" to preserve our heritage. Well I would say to all Honourable Members here today that a part of my heritage as a Caymanian is my respect for the Lord's day.

I feel as I said that this is a beginning. This is not the end. There is much which we need to do. I am not here to hit out at those who sell liquor or enjoy the benefits or pleasures which they think they get from it. I am here to say that as a God-fearing man I would like to have it said that I helped to preserve the reverence of God's day. I was taught to observe Sunday. I know that there are other religions which serve another day and that is their privilege. However, all of the business community except a few observe Sunday and I again say that I support this motion because I think that it is a step in the right direction, and a beginning to where we will again return reverence to God's day in the Cayman Islands.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak?
Does the mover wish to exercise her right of reply?

MRS. DAPHNE L. ORRETT:

Yes, thank you, Mr. President.

I am a little bit surprised and very much disappointed not to have had any more support from my colleague the Second Elected Member for West Bay, than I did. Not only did he think that it was a bad motion but apparently he felt that I perhaps did not give it much thought at all. However, the thought which I gave to that motion did not take place simply since November, 1984.

Mr. President, statistics from the National Institute on Alcohol abuse and Alcoholism give a few figures here. These statistics mention the reported deaths from selected alcohol related causes. In the United States and its Dependent Territories, number one on the list was the Virgin Islands, number two was Alaska and number three was Nevada. The United States Virgin Islands had 6.62 per cent as against Alaska with a 3.53 per cent total. The Virgin Islands had almost 100 per cent more deaths per capita from alcohol related diseases. Alcoholism, alcohol psychosis, cirrhosis of the liver, accidental poisoning by alcohol. Some time ago in a local publication it was stated that the Cayman Islands consumed more alcohol than any other Caribbean Island. Now, if the United States Virgin Islands has almost double the amount of deaths caused by it and that is a part of the Caribbean Islands, and we in the Cayman Islands are reputed to be the ones who drink the most, then it should be obvious where that places us. If there is a race then we are going to get first prize.

In addition to that, Mr. President, in this supplement from the Lions Club it states that over one million drinks per month are sold in this place. I am not sure whether that also includes the bottle which is bought from a liquor store or whether this includes what is bought to be consumed in the home. I do not know. However, Mr. President, that is the situation. Alcohol as I mentioned a while ago is with us. Mr. President, if I have cancer in a certain organ of my body and the doctor says to me that unless it is removed it will destroy the rest of me, I remove it. If he says to me that I have cancer in a certain spot but if we treat it with this certain drug we can at least contain it.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, alcohol is with us. The one who can handle it is one thing. The many who cannot are another. What I am saying is this. How can we sit here and count ourselves not guilty if we do not at least try to help suppress it; try to help hold down the onslaught which is going on in this place.

Mr. President, alcohol is absorbed in the bloodstream and transmitted to virtually all parts of the body. All people should limit their intake of alcohol. Increased tolerance to it may lead to physical dependence. Alcohol becomes part of a person's physical functioning. Alcoholism is a chronic progressive and potentially fatal disease. All direct or indirect consequences of the alcohol ingested are harmful. If one conducted a public health survey one would find that almost all communities would find that alcohol and alcohol related problems should be on a high priority list for action. The cost of these problems is only conservatively estimated at more than fifty billion dollars a year in the United States.

Mr. President, what I am saying here is that per capita we are consuming more according to the statistics which I read a while ago than even the United States. The mortality rate for alcoholics has been reported as 2.5 times greater than that expected. The total number of deaths directly related to alcohol, that is alcoholism, alcoholic psychosis, cirrhosis of the liver, etcetera was between 18,000 and 35,000 people. The total number of deaths where alcohol was a contributing factor such as accidents, homicide and suicide was between 43,000 and 65,000, Mr. President, in the United States. However, I only want us to remember per capita what is consumed in this place and we have not seen anything yet.

The economic cost of alcohol misuse and alcoholism in the United States lost production 19.64 billion dollars. That is people not showing up for work and people not being able to do the work, etcetera. Health and medical costs were 12.74 billion. Motor vehicle accidents cost 5.14 billion dollars. Violent crimes cost 2.86 billion dollars. Social responses cost 1.94 billion dollars. Fire losses were 0.43 billion dollars. The social implications of alcohol abuse are that between 35 and 64 per cent of drivers in fatal accidents had been drinking prior to the accident. Between 45 and 60 per cent of all fatal crashes with a young driver were alcohol related. Between 50 and 68 per cent of drowning victims had been drinking. Between 25 and 37 per cent of successful suicides involved alcohol. A divorce rate of 40 per cent occurs among families experiencing alcohol problems. Almost 26 per cent of adult fire deaths involve alcohol. Almost 45 per cent of deaths from falls involved alcohol. The estimates suggest that alcohol may play a role in as many as one third of all reported, and I would like to emphasize that word "reported", cases of child abuse.

It is estimated that between 3,000 and 8,000 births in the United States will evidence the full foetal alcohol syndrome which is characterised by mental retardation, slow growth rate, small head, distinctive facial features and heart and genital organ defects. Although there are no overall statistics linking alcohol use with spouse abuse, studies estimate that as much as 50 per cent of the cases of marital violence involve alcohol use. Now this does not include the many which are not reported.

Mr. President, regardless of what the Second Elected Member for West Bay wishes to state I stand here today not as a hypocrite because I am not one. Let me say that I stand here to represent that battered and abused wife, that battered and abused child out there who is crying out for somebody to do something about this destruction which renders them helpless in the hands of an alcoholic husband and father.

MRS. DAPHNE L. ORRETT (CONTINUING): I stand here to represent that parent who watches that child go from a promising intellectual down to the depths of disgrace. Mr. President, nobody should tell me what the churches in these Islands want. I stand here today to tell anyone that it was wrong to tamper with that quarter mile limit. I am saying this. The church needs all the help it can get from us. We must not stand here and make it harder for them. We know how deep family ties go in this country and yet I would be told that many people in churches out there would not refrain from signing some petition or standing up and saying something simply because they did not want to hurt their nephew's feelings, or their brother's feelings, or their husband's feelings, or whoever might want to establish a liquor business.

Mr. President, we made a mistake and I want these Islands to know this. I knew that that motion was coming to this House....

MR. PRESIDENT: I am afraid I have been liberal so far. However, I must draw the Member's attention to the fact that Standing Orders preclude raising again a matter which the House has already been discussing and deciding.

MRS. DAPHNE L. ORRETT: Very well, Mr. President, thank you very much. However, would you please, Sir, let me reply to something which is an outright untruth which was mentioned by the Second Elected Member for West Bay. I knew about the quarter mile limit.

MR. MICHAEL J. BRADLEY: Is it in order, Mr. President, for one Member to call the statement of another Member an untruth?

MRS. DAPHNE L. ORRETT: Again, I apologise....

MR. PRESIDENT: I think that it is unparliamentary language and that is what....

MRS. DAPHNE L. ORRETT: Mr. President, may I say that it is incorrect? Thank you.

I knew about the quarter mile limit and the motion which was coming up. Before I left I made it clear to Members that I did not want them to make any changes to that quarter mile limit. I was against it. I circulated photocopies of what I felt was most relevant on the statistics and the dangers of alcohol. I passed it around before I left to go to England. The Clerk of the House is there to confirm that I called and asked if the Bill had yet been dealt with. Mr. President, sorry if I made a mistake again.

MR. PRESIDENT: No, all I am saying is that I think that you have made your point. However, we cannot debate that Bill over again.

MRS. DAPHNE L. ORRETT: Sir, I should be sitting while you are speaking to me, I am sorry. While I am not debating it I must make this clear that I called from England to say that I would cancel five days vacation which I had planned if that Bill had not been dealt with, to come here and stand in this House and debate it and say what I felt about it. I arrived here and when I turned on the radio in my car the House had concluded its Meeting that day. I was unable to speak on that so no one can stand here and say that I knew about it and I did not do anything about it.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, for some reason it seemed that that Bill had to go through in a hurry. Enough on that.

Mr. President, as far as I am concerned this motion which I have brought before this House today is not in aid of a few people. It involves the majority of this country and if any of us here go out on the street and ask what the people think about this motion; is it a fair motion; is it a good motion or is it as my colleague here says a bad motion, we will find out the response we get. In fact, he has just told me, "horrible". I have got many calls although I did not make this public. I did not have it printed in the press. I did nothing of that sort. However, somehow it leaked out that I was going to bring this motion to the House and I received many calls from people who said, "Daphne, it is time something was done about that mess", or words to that effect. We talk about our going to have a lot of bootlegging. Perhaps we already do but that is what we have law and order for, and anybody who fails to carry it out will pay the penalty.

Talking about the tourist industry and tourists coming here to have a good time. Of course, but it depends on what a person calls a good time. If a person can relax and rest, that is a good time. Walking around drunk is not a good time. Somebody asked me what will happen with passengers going out from the airport? I ask again, what is wrong with going home sober?

Mr. President, we cannot take a defeatist attitude here. There are certain people in this House who claim that they know it all, who seem as if they have everything. However, Mr. President, nobody can have everything. We would not have anywhere to put it. That goes for intellect. We can learn from the simplest child.

I want to say this. It does not matter whether anyone calls it a bad motion, I am pleased that I brought it to this House. Perhaps I have left out a lot of what I had hoped to say but I can assure you, Mr. President, that whatever takes place here today, my people know that I am here to deal with not what only is in reference to an almighty dollar. That is all some people see. If we make Government bring a few odds and ends here to raise money in some other areas, we will hear a lot being said about what Government is doing and how they are taxing the people and everything else. With this motion, money is in it again, what Government is going to lose in revenue. I am not sure that Government is going to lose anything in revenue. However, if it does it will probably be made up with what we save on added social services. Mr. President, I wish to say here today that we have a choice to make....give me one second here. I will be right with you in a moment. We have a choice to make. We cannot evade it. We cannot be neutral about it. We say either, "Yes we will stay by it", or respond here today whether we consider this motion a good one, a bad one, a workable one or whatever. There is no neutral ground. We cannot wash our hands of standing up against this evil. We must make a clear choice.

I have presented here a situation which we cannot leave to others. We cannot ignore it. We dare not avoid it and we all can and must do something about it. I hear the Elected Member for North Side sounding as if he is having fun back there. I do not know what is laughable about this. However, we might....

MR. D. EZZARD MILLER:

On a point of order, Mr. President. Although I might have been chuckling I was not chuckling at the Member. I was chuckling about what was going on across the way on the Government Bench side.

MR. PRESIDENT: I am not sure that that was a point of order but, nevertheless, you have got away with it.

MRS. DAPHNE L. ORRETT: Anyway, Mr. President, I can assure you that in this Honourable House I do not behave myself in such a manner when Members of this House are speaking.

Mr. President, I would like to leave this motion with the Members of this House. I can assure them that they will have the backing of the majority of the Caymanian people. They might have the proprietors of a few liquor establishments down their backs but they do not make up the majority of the people whom we are here to represent.

In presenting this motion, Mr. President, that is exactly what I am doing. I am bringing to this House something which affects the majority of the people in the Cayman Islands today. We can do whatever we want to about worship and about church and about everything else. Everybody knows what he is, whether he is a hypocrite or not. I am not here to call people hypocrites. However, what I am saying is this. We have a responsibility to God and to our people to stand up against this evil. It is a drug. We are against hard drugs. We are in a war on drugs and, Mr. President, there is absolutely no substitute for victory in a war, and this is a step in that direction in my opinion.

I have spoken from my heart. Perhaps there are relevant points which I have omitted. However, I would ask for Members' serious consideration, not just for the mover of this Bill. We should not worry about that; she can stand on her own two feet. However, Members must consider their children and their grandchildren and the society in which they want them to grow up.

Mr. President, I thank you for the time that you have given to me this afternoon.

MR. PRESIDENT: The question before the House is:-

"BE IT RESOLVED that Government take immediate steps to introduce the necessary legislation to amend the Liquor Licensing Law, so as to prevent the sale of all alcoholic beverages on Sunday, between the hours of 00.01 hours and 24.00 hours, local time."

I will put the question.

QUESTION PUT: AYES AND NOES.

MR. D. EZZARD MILLER: May we have a division, Sir?

MR. W. McKEEVA BUSH: Would you give the Member her division?

MR. PRESIDENT: Yes.

DIVISION
NO. 51

AYES

Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell

2

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Boddin
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Mr. D. Essard Miller

10

PRIVATE MEMBER'S MOTION NO. 12/85 DEFEATED BY MAJORITY

MR. PRESIDENT: Private Member's Motion No. 13/85.
The Third Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 13/85

PROHIBITION OF LIQUOR AND CIGARETTE ADVERTISING IN THE CAYMAN ISLANDS

MRS. DAPHNE L. ORRETT: Mr. President, I wish to move Private Member's Motion No. 13/85 which reads as follows:-

"BE IT RESOLVED that the terms of reference of the Select Committee appointed by Private Member's Motion No. 11 of 1985 be enlarged to include the consideration by the Select Committee of advertising of intoxicating liquor and tobacco products in newspapers, magazines, cinemas, radio, televisions and all other ways in which such advertising is communicated to the public in the Cayman Islands".

MR. LINFORD A. PIERSON: Mr. President, I second the motion.

MR. PRESIDENT: Does the mover wish to speak on the motion or just to put it to the vote?

MRS. DAPHNE L. ORRETT: Mr. President, this may just be put to a vote because actually this is the same as what I spoke on a few days ago. Thank you, Sir.

MR. PRESIDENT: I think that technically anybody else may speak if they wish to. However, the matter was in effect debated and I think that most Members made their views clear the other day. Do you wish to speak?

DEBATE ON PRIVATE MEMBER'S MOTION NO. 13/85

MR. W. McKEEVA BUSH: Yes, Sir I promise the House that I will not be long. With respect to the motion just considered, the spirit of the motion was good. However, this one, while the spirit is good, I have termed it Private Member's Disaster.

MR. W. McKEEVA BUSH (CONTINUING): I know, Mr. President, from the previous debate on the other motion that I stand alone on this particular subject. However, I have been alone on many occasions and I expect that I will be alone on many more. Last week, Sir, we saw the introduction and agreement by the majority of a motion which has now in my opinion taken away \$20,000 per year from the balanced budget which Government presented to this Honourable House in March. Now today, Mr. President, we see the same motion coming back with, in my opinion, a very repulsive addition to it, which is in effect tampering with the press and in effect will inhibit free and private enterprise in this country.

Sir, I have always been an advocate of a free press. In fact, I have been sued before because I defended the press against repressive Laws of the previous administration. In my opinion this motion before this Honourable House is a form of censorship of the free press and a censorship of free enterprise, and we must be very careful not to destroy these bastions of a democratic society.

Mr. President, I am asking how far will this motion extend? Will it extend, Mr. President, to the Lions Club if they wanted to advertise a dance which says that drinks will be on sale? Will it extend to the Kiwanis Club if they wanted to do the same thing? Will it extend to the Rotarians if they wanted to do the same thing? I will not say the Lodge. However, Mr. President, I am asking how far is the motion going to extend? Will it extend to those publications imported into the country such as the Miami Herald, the Jamaica Gleaner, Newsweek and Time magazine? According to the motion nothing will be able to advertise in this country liquor and cigarettes.

MR. PRESIDENT: If the Member's questions are not particularly rhetorical it might be that somebody could interrupt him for a moment and answer, because I think that he may be under a misapprehension.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, on a point of information it is my understanding that all we are doing in this motion is referring more matters to a Select Committee who will then recommend to the House.

MR. PRESIDENT: All the questions that you are asking are for consideration by a Select Committee. No answer to any of them has yet been given.

MR. W. McKEEVA BUSH: Mr. President, I see that it is going to a Select Committee but I am certain that I can stand here and debate it, and it....

MR. PRESIDENT: I do not think that you can properly anticipate the conclusions which the Select Committee will reach. I do not think that that is allowed. I will have to look up my Standing Orders to find out but I think that it is wrong to do that.

HON. MICHAEL J. BRADLEY: I think that the Member can debate whether it should go to the Select Committee.

MR. PRESIDENT: Yes, I mean you can make representations and say that it is all wrong to do this or that. However, you cannot assume that the Select Committee is going to reach a particular conclusion.

MR. W. McKEEVA BUSH:

Mr. President, I thank you very much and I bow to your ruling. I guess it is unfair to anticipate but we know what will happen, Mr. President. I am not fooling myself or anyone else. However, I hope that I am allowed to say these few words.

A newspaper can only survive with the support of its readers. It walks hand in hand with the people it serves. It develops as they develop. It reflects the views, the hopes, the inspirations and the achievements, the good and the bad of the community.

Mr. President, I know that it is only going to a Select Committee. I will not support it. As I said it is a sort of censorship. If it is agreed by the Committee that newspapers will not be able to advertise I feel that it is a sort of censorship and it will inhibit free enterprise in this country, and I will not support it.

Mr. President, we are asking, and I might be a little bit wrong here because I am told that we cannot anticipate what they will say or what conclusion they will come to, the Committee to take away \$20,000 a year from Radio Cayman. I am wrong again, I guess. However, I will ask the Committee then to take this into consideration. They should leave the advertisements on the radio and take the \$20,000 a year which we would lose and put it towards the Housing Corporation. \$10,000 with the help of the community can build a lot of low income houses.

Thank you very much for your time, Mr. President, and I am sorry if I went off the track as far as the terms of the motion were concerned.

Mr. President, I just ask you to bear with me for one last subject. I have been told that I may have been unkind to the Chair at times and, Sir, whatever the impression I may have given I mean well when I stand in this House at all times. I do not mean to go against the Standing Orders of the House. It is only because I feel strongly about issues dealt with here in this House. Whatever the impression, I mean well at all times and if I may have insulted the Chair, the Chair does have my apologies. However, Mr. President, when I feel that I am right I will let the Chair know although I will abide by its ruling.

Thank you very much for allowing me these words, Mr. President. I oppose the motion.

MR. LINFORD A. PIERSON:

Mr. President....

MR. PRESIDENT:

Thank you. Oh I am sorry....

MR. LINFORD A. PIERSON:

Without wanting to keep us here any longer, I feel that I would be remiss in my duties if I did not briefly, and I state briefly as I am not going to deal with this for very long, comment on the remarks made by the Second Elected Member for West Bay. My only comment is that this motion has received the blessing of this House. This is in addition to the motion which has already been passed to expand the terms of reference of the Committee in Private Member's Motion No. 11/85. It is the Member's business, Mr. President, if he does not care to support this motion. However, I think that he is out of order to state that the Honourable Members of this House would be supporting a motion which would be repulsive to the people of the Cayman Islands. He is not the only person who can get up here and make statements, Mr. President. He might intimidate the lady Member for West Bay but he does not intimidate me. I am the seconder of this motion.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I stick by what I have supported here. I think that it is a good motion regardless of the \$20,000 which will be lost by Radio Cayman. If we feel that it is not a good thing for our country then we stop it. I am tired of hearing that Radio Cayman is going to lose \$20,000; that this place is going to lose \$50,000. If it is good for us, it is good for us. If it is not good then we do not do it. It is his private business as I said, Mr. President, whether he wants to support this or not. However, he is not going to push his views down anybody's throat. We should vote in a democratic manner. We can vote no if we care to vote no. Those people who want to vote yes will vote yes. Ravings that people are tampering with the press are wrong. Nobody is tampering with the press in this country. This is a free country with freedom of the press. However, because this Government believes that it is wrong to advertise alcohol and tobacco products, is that tampering with the press?

No, Mr. President, I support this motion 100 per cent.

MR. PRESIDENT: I do not wish to prolong the debate and I am sure that Members are anxious that the vote be taken. However, I do think that it might be helpful to the House if I did make one point which is that when there is a motion for the appointment of a Select Committee to examine something, all we are really debating are not the merits or demerits of the particular action which they will be examining. We are simply debating whether a Select Committee ought to examine that matter. It is only if the Member feels that the matter ought not to be examined by a Select Committee at all that he needs to speak or vote against the motion. If he thinks that it is not a matter which is worthy of the attention of a Select Committee, then of course he is at liberty and it may be his duty to oppose the motion. Otherwise, really it seems to me that it would be a little odd to vote against the motion. Arguments that a particular course of action should or should not be taken in relation to the matter which the Select Committee is to examine are of course arguments which the Select Committee itself should look into. That is really what I was trying to say when I was saying that it is wrong to assume that the Select Committee is necessarily going to come to particular conclusions and cut out all newspaper advertising or deny Radio Cayman revenue or anything else. The Select Committee has to look into all those things and to decide what is advisable.

Perhaps anyway I may now put the question.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH: May I have a division, Mr. President?

MR. PRESIDENT: Very well.

DIVISION
NO. 52

AYES

NOES

- Hon. Dennis H. Foster
- Hon. Michael J. Bradley
- Hon. Thomas C. Jefferson
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden

DIVISION
NO. 52
(CONTINUED)

<u>AYES</u>	<u>NOES</u>
Hon. Capt. Charles L. Kirkconnell	Mr. W. McKeever Bush
Hon. Vassel G. Johnson	Mr. D. Eazard Miller
Mrs. Daphne L. Orrett	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	
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10	2
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PRIVATE MEMBER'S MOTION NO. 13/85 PASSED BY MAJORITY.

MR. PRESIDENT: The adjournment.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until Tuesday, 3rd September, 1985.

MR. PRESIDENT: The motion before the House is that this House do now adjourn until Tuesday, 3rd September, 1985. Are you sure that it is Tuesday?

HON. DENNIS H. FOSTER: Yes.

MR. PRESIDENT: I beg your pardon, Tuesday.

QUESTION PUT: AGREED AT 5.33 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., TUESDAY, 3RD SEPTEMBER, 1985.